

Combating Human Trafficking: Achieving Zero Tolerance

**Statement of
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Subcommittee on Africa, Global Human Rights and International Operations**

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Chairman Smith and Members of the Committee:

Thank you for inviting me to participate in this hearing on efforts to combat human trafficking. My name is Sarah Mendelson, and I am senior fellow at the Center for Strategic and International Studies. It is an honor to be here.

My comments address the trafficking of women and girls for forced prostitution and links to peacekeeping operations. In 2004, the U.S. Department of Defense (DOD), the North Atlantic Treaty Organization (NATO), and the United Nations (UN) each took potentially dramatic steps to address the role of peacekeeping operations in human trafficking by adopting zero-tolerance policies. I focus today on what I see as potential obstacles to the full implementation of these policies. I do this by drawing on a number of findings and recommendations, some of which I am pleased to see included in the current draft of the Trafficking Victims Protection Reauthorization bill, and that follow from my research and that of others.

The bill proposes many potential remedies to a multitude of problems and issues relating to peacekeeping that have long been documented by activists, journalists and researchers. In my work, I have often heard concerned individuals remark that they had tried to raise awareness about the link between trafficking in women and girls and peacekeepers, and yet they felt frustrated and saddened by how little impact reports, even those laden with evidence, had on policy and behavior. With the provisions in this bill concerning peacekeeping, you can help us all have more of an effect.

I. Human Trafficking and Peacekeeping Operations

The majority of uniformed service people—both US and international—as well as civilian contractors who support peacekeeping operations do so honorably. They risk their lives to help repair the damage and destruction of war. Peacekeepers who serve with honor are being tainted by the minority who commit human rights violations and support criminal networks. Specifically, human rights and international organizations have documented a disturbing correlation: where one finds international peacekeeping deployments, one also sees a dramatic rise in the number of trafficked women and girls that follow these deployments. In the Balkans, peacekeeping operations have had the unintended consequence of providing the demand for trafficked females from Eastern Europe and Eurasia for forced prostitution. This phenomenon has been documented in other post-conflict regions. The studies that have been among the most

important on this issue include numerous reports by Human Rights Watch, Amnesty International, the International Organization for Migration as well as the United Nations and the Organization for Security and Cooperation in Europe. In short, this link is well documented.

The contribution of my research has been to explore how peacekeepers and policymakers understand the link so that these zero-tolerance policies might be fully implemented. In a recently published report entitled *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*, I document the prevalence of attitudes—including indifference, denial, misperception and even acceptance—that pose serious challenges to the comprehensive implementation of the anti-trafficking policies. To change the hearts and minds of uniformed personnel and civilian contractors on this issue will require a different style and depth of implementation than is underway. To create a taboo against human trafficking—whether for forced prostitution or other forms such as forced labor—will require significantly more resources than a few training modules and more senior leadership than these organizations have allocated.

Organizational attributes and attitudes shared to varying degrees by DOD, NATO and the UN have determined a weak response to human trafficking in the past. Each of these organizations has been reluctant to address:

- The security implications of misconduct by uniformed service members and civilian contractors, especially involving human rights abuses; and
- The role of organized crime in shaping the security environment of post-conflict regions.

I have confidence these organizations are capable of change and of implementing these new policies in a robust manner if they are given adequate resources and if they have committed leadership. My confidence is especially high concerning the DOD and NATO. Currently, however, attitudes and organizational cultures appear themselves to be obstacles and to drive the current low level of resources.

Central to adequate responses will likely be the recognition by senior personnel inside these organizations that human rights abuse and organized crime are among *the* fundamental security threats to peacekeeping missions. In other words, addressing human trafficking in peacekeeping missions and making sure that peacekeepers are not involved in criminal activity is not “mission creep” but part of the core mission of establishing the rule of law.

If those overseeing peace support operations grasped the security implications of peacekeeper involvement in human rights abuse and how this affects perceptions of the local community toward a mission, the resources for implementing anti-trafficking policies would be more forthcoming. If leadership inside these organizations addressed organized crime in post-conflict regions in a comprehensive, robust manner, it would be impossible to ignore human trafficking. Part of what we encounter when we assess slow or minimal implementation of these policies is not only attitudes toward women and girls that enable exploitation but also resistance to tackling the security challenges of human rights abuse and organized crime.

Let me speak for a moment about differences and similarities across these diverse organizations. I recognize these organizations have different cultures, and their history with trafficking has taken different forms. The policies are varied in terms of implementation, but all share a rhetorical commitment to ending the abuse by and corruption of those sent by the international community to help restore a safe and secure environment in post-conflict regions. Most strikingly, the policies all share a stark lack of resources.

Let me note also an important difference between those who work inside these organizations and those on the outside. Some inside these organizations perceive current efforts as adequate. To outside experts who are fully familiar with the links between trafficking and peacekeeping operations, and with whom I have had the pleasure of working, the efforts seem inadequate.

II. Looking for Leadership and Resources

Drawing on numerous interviews with officers, observations of the DOD Inspector General assessment of complicity in human trafficking, and access to internal memos from NATO and the UN, my report *Barracks and Brothels* documents the numerous attitudes that appear to impede the implementation of anti-trafficking policies adopted in 2004. The prevalence of such attitudes—including denial, invisibility, mistaking human trafficking for legalized prostitution, and, as a result, inaction by authorities—shapes organizational cultures and current responses.

Although Pentagon officials claim to have responded to a congressional request to address human trafficking in a thorough manner, few, if any, resources have been specifically allocated from its budget of over \$400 billion. Current efforts by DOD to implement the anti-trafficking

policy are in danger of being ineffective in addressing the plethora of impediments identified in my report. Without the allocation of resources and commitment by senior military leadership, efforts to create a taboo around trafficking are likely to fail. Training alone—the main effort we have seen to date—will not suffice.

At NATO, a handful of Nordic countries along with the US mission have led the charge. To date, other than the United States, no major troop contributing country at NATO has actively supported the policy. The NATO staff has been particularly open to working with outside experts, but they have been given few resources to support this work and are extremely overburdened. This perception is derived from research but also from a meeting I attended last week hosted by a non-NATO member country—Finland—on the issue of NATO's anti-trafficking policy.

At the meeting, there were some diplomats who argued that the NATO policy binds countries, including our own, and obliges them to make the policy real. My sense is that some at NATO share the conviction that this is a strong obligation while others perceive it as quite weak and unenforceable. Perhaps symptomatic of this unclear obligation and lack of resources, I noted that the subject-area experts on trafficking that worked alongside military representatives in creating the trafficking training modules for NATO defense colleges were either paid for by foundations, by the Norwegian and US missions to NATO or they were not compensated at all. In other words, efforts to date have been ad hoc.

The NATO policy, like that of the UN, is such that it shifts responsibility for implementation to individual nations. Both policies do so with little guarantee of transparency. Again, we are not seeing a lot of leadership on this issue beyond Nordic countries and the United States. Even within the United States government, the response has been uneven; my interviews and conversations suggest that we have some who are leading, but we have many—including inside the military—who are unconvinced of the importance of this issue.

To make implementation meaningful at NATO, we need political and military leadership inside member states. Individual nations need to commit resources and senior military officials need to become knowledgeable about and more actively engaged in combating trafficking. This applies most definitely to the United States, especially given the size of its defense budget compared to all other NATO countries combined. Military officers and those working with NATO from the military side at the meeting in Finland acknowledged the unfinished business specifically in terms of mobilizing commanders, institutionalizing transparent evaluation and reporting mechanisms as well as investigative and disciplinary measures. Given the political capital that the United States has devoted to this issue, the United States should lead by example. To date, we see little transparency.

The United Nations has an especially troubling track record of peacekeeper involvement in trafficking as well as other forms of sexual exploitation in conflict and post-conflict regions. To date, decision makers at the UN seem to fear that creating a taboo against trafficking for peacekeepers would negatively affect the UN's ability to attract peacekeepers. The stature of those policymakers advocating attention to both gender and human rights agendas within the UN system has made it impossible to ignore trafficking. Their influence has been insufficient,

however, to produce a comprehensive anti-trafficking effort among the multiple UN agencies responsible for peacekeeping around the world. A constant refrain has been that the UN—like NATO—lacks jurisdiction to discipline and prosecute those violating the zero-tolerance policy.

Given this institutional reluctance, the secretary-general and the under-secretary of peacekeeping will need to lead on this issue, and individual nations must also address the issue. While I welcome the comments as reported in the press by the under-secretary of peacekeeping that there will be an assessment of the missions in the coming weeks, I believe we need a transparent assessment of efforts by the UN (as well as by NATO and the DOD) to be conducted by outside groups adequately funded and by recognized experts. Recalcitrant nations, including the United States, have failed to prosecute and discipline their own nationals for involvement in trafficking. Recalcitrant organizations, such as the UN, have failed to provide transparent reporting on trafficking in persons and peacekeeper involvement.

Let me explain briefly what is at stake. First, peacekeeping missions have been gravely undermined by the human rights abuses committed by peacekeepers. These abuses prolonged deployments because they have helped institutionalize organized crime and undermined the rule of law.

Second, and more generally, organizations—including various ministries of defense—have helped create a culture of acceptance. The challenge now is to change that culture. The absence of awareness concerning the links between human trafficking and peacekeeping operations is pervasive. These organizations need not only to address the behavior of those peacekeepers actively engaged in or facilitating trafficking but the larger community of people who know nothing about this issue, who turn a blind eye, or misperceive what is going on.

While experts have extensively documented that trafficking follows deployments, most officials I meet deny or downplay the issue and not surprisingly, its relevance. That commands in Bosnia and Kosovo have tasked intelligence analysts to track trafficking in guns and drugs but not humans suggests the command climate has not been conducive to combating trafficking. There have been real consequences to inaction: not only have crimes against thousands of women and girls gone unpunished, criminal networks have acquired revenue and possibly weapons, and the missions of establishing safe and secure regional environments have been undermined.

Certainly I have spoken with many officers and policy advisors who fully recognize the threats of trafficking and who look forward to comprehensive implementation of the policy. However, the misperceptions of and reluctance to deal with human trafficking are intense enough that some argue the link between peacekeeping operations and human trafficking is simply a fact of life, about which nothing can be done. Others argue that peacekeepers purchasing sex is in the interest of the mission and a soldier's right. One US Army colonel billeted to NATO in Kosovo in 2000 described to me how soldiers and commanding officers would likely perceive such a situation:

It is irrelevant that these women are prisoners because [the soldiers] are thinking 'holy mackerel, here is a great opportunity.' ... The commanding officer may be thinking: ... 'this guy [his soldier] is happy and he is happier if he had a half hour with a beautiful 17

year old—whether he knows she is forced or not—he is happier—he will do his mission better’... the commander can be a great guy but maybe he will turn a blind eye—and think that boys will be boys.

These organizations faces an enormous challenge in tackling such attitudes and changing how officers and those they command understand and respond to trafficking victims.

III. Beyond Training Modules

The creation of a taboo against human trafficking will require nothing less than a shift in the current organizational cultures of the DOD, NATO and the UN. The goal for these organizations should be to develop a robust norm about what it means to be a professional, well-trained and effective peacekeeper. Such a norm would dictate that all contingents and civilian contractors know:

- How human trafficking relates to security, organized crime, and human rights;
- How to recognize human trafficking;
- How to report involvement in trafficking by service members or by contractors up the chain of command; and
- Which local organizations to contact if they see it.

They would also need to understand that:

- Purchasing sex is illegal in most post-conflict regions;
- Purchasing illegal sex creates conditions permissive to trafficking;
- Patronizing establishments with trafficked people breeds corruption as well as undermines the mission;
- Purchasing a human being as chattel is illegal;
- Trafficking is a grave human rights abuse and a serious crime; and
- National authorities will criminally prosecute and discipline troops and contractors engaging in trafficking.

Ultimately, prosecution of traffickers, as well as those who facilitate trafficking, may be the greatest deterrent. Organizations must be willing to penalize, whether at home or in the theatre of operation, any peacekeepers who are implicated. The culture of impunity must end or peacekeepers will continue to be engaged in criminal activity while on mission, and these organizations—the U.S. military, NATO and the UN—will be undermined and damaged.

Senior policymakers within the DOD, NATO, and the UN need to recognize that rhetoric must be accompanied by a concerted, widespread effort to change the knowledge, attitudes and behavior of all who serve, from U.S. uniformed service members to civilian contractors, from military officers in NATO member states to UN police officers. To have decisive impact, policymakers have to commit resources including staff to this effort. They must focus on accountability and, where merited, prosecute personnel. In the coming years, experts will judge organizations by whether they:

- Assign senior leadership to combat trafficking;
- Deploy the needed resources;
- Hire or develop in-house expertise;
- Consult routinely and effectively with outside experts;
- Develop substantive training materials;
- Address trafficking with transparency;
- Conduct thorough investigations of criminal behavior and prosecute those implicated.

In my remaining time, I want to focus on the recommendations in the report concerning the DOD because of its potential to lead globally on this issue. Given the extensive misperception and lack of awareness, the initial DOD effort, as it has been explained to me in numerous meetings and conversations, appears to be a minimal response, somewhat akin to trying to combat the spread of HIV through training on the internet.

Change in the uniformed service members' and contractors' behavior will require new social and cultural norms. To this end, DOD leadership should resist thinking that one or two fixes alone (e.g. long-distance training modules) will have the decisive impact in addressing the trafficking-peacekeeping link. Instead, the comprehensive implementation of the DOD policy will require ownership, leadership and organization.

Inside the DOD, rather than spreading assets throughout the building among already overburdened staff, and rather than tasking personnel who are not especially interested in combating trafficking, efforts should be centralized in an office, directed by an Assistant Secretary of Defense. This office would lead on combating human trafficking as related to military and peacekeeping deployments.

At a minimum, the tasks of such an office would be to oversee education and training, including the research and design of awareness campaigns specifically for U.S. personnel deployed overseas (drawing on focus groups and random sample surveys); develop training for all military and contract personnel; oversee training of CID and IG inspectors in how to investigate systematically and thoroughly all cases involving U.S. personnel (uniformed service members and civilian contractors). In post-conflict reconstruction and in peace support operations, this office would liaise with military planners. The office would work also with the General Counsel's office to make sure all legal instruments accessible to the DOD reflect anti-trafficking policies, including the Uniform Code of Military Justice and defense contracts. While DOD has proposed some revisions to the UCMJ, the language needs to clearly address the crime of trafficking in humans.

This office would also work with defense contractors and senior management to ensure that they are well educated on the dangers of human trafficking. Finally it would liaise with UN, NATO, and the relevant regional organizations such as the Organization for Security and Cooperation in Europe and serve as a central point for military-to-military contact programs on this issue.

The education and awareness of commanders, Special Operations Forces, intelligence officers, CID, and inspectors should be given high priority. Training should draw on case studies—not

hypothetical situations but the types of cases detailed in my report and others from relevant theatres of operation. Missions will need to develop a regional portrait of trafficking routes, revenue streams, and the modality of trafficking to understand the specific dangers in their neighborhoods. The political economy of trafficking needs to be spelled out so the participants understand the revenue streams. Training should be done soldier-to-soldier, with participation and consultation from nongovernmental anti-trafficking experts.

To counter the invisibility of trafficking, commanders should make human trafficking a “priority intelligence requirement” in regions where they already follow narcotics and arms trafficking.

The misperceptions documented in the CSIS report suggest that the DOD needs a concerted awareness campaign to combat trafficking. Toward this end, the DOD should fund large, random sample surveys across the services on attitudes toward trafficking and use these data to develop messages that are most likely to resonate with the target audience. The DOD should support tracking surveys after the campaign has been underway to test its effectiveness. These surveys would address knowledge, attitudes, and behavior.

U.S. government agencies need to work with contractors to end the crisis hiring that increases the chances of having poorly trained staff, with incomplete background checks, deployed overseas. Instead, government agencies should maintain standing rosters of qualified specialists for overseas work. When contractors deploy to areas known to be replete with victims of human trafficking, such as the Balkans, trafficking in persons should be a regular part of pre-theatre and in-theatre training. Managers and supervisors must be made aware that ad hoc arrangements with local law enforcement officials to pick up and release U.S. personnel found during brothel raids undermine both the rule of law and the mission itself; they are a form of corruption. Additionally, it is important that U.S. criminal jurisdiction be extended to all federal contractors serving abroad, and not just those under contact to the DOD.

Uniformed service members and contractors implicated in facilitating or engaging in trafficking should be investigated and criminally prosecuted. Those picked up in police raids should be made available to testify as witnesses in cases against traffickers.

The management and supervision of civilian contractors pose special problems and require particular attention. Institutions as varied as HRW and the DOD/IG have found U.S. contractors implicated in human trafficking. In Bosnia and Kosovo, contractors and uniformed service members had separate lines of command that did not overlap. Moreover, companies need to end rapid repatriation of contractors accused of involvement in trafficking and other criminal activity. The DOD should develop monitoring mechanisms that require companies to report to the DOD those employees alleged to have committed crimes in the field. Certainly commanders on the ground must be made aware rather than having these people whisked away in the middle of the night as is so often the case. Currently, contractors who have been rapidly repatriated can find employment again in post-conflict regions without penalty or prosecution. The DOD rather should penalize individuals who impede the implementation of DOD’s anti-trafficking policy. As is, companies unwittingly facilitate the lack of prosecutions.

Defense contractors should also take an active role in making sure their staff is educated on human trafficking, including input from NGO experts. Organizations such as the “Defense Industry Initiative on Business Ethics and Conduct” could arrange meetings with experts and DOD contractors to explain the problem and encourage compliance. Special attention should be devoted to helping defense contractors understand the implications of the DOD policy, the NATO policy, and the language of the Trafficking Victims Protection Reauthorization Act, which requires that certain U.S. government contracts can be terminated if contractors are found either to engage in human trafficking or to procure a commercial sex act while the contract is in force. The U.S. government should encourage and reward companies for transparency and independent monitoring.

With the issuance of its policies in 2004, the DOD, NATO and the UN have each taken an important first step in addressing the problem of combating human trafficking. My comments in no way detract from the leadership and courage of those who have fought hard inside these organizations to get these policies adopted and to begin implementation. My observations are meant to bolster their efforts but also to highlight how difficult it has been to get even the minimal response we have seen to date. A comprehensive response will require more than has been done so far in implementation. My hope is that the DOD can lead globally on addressing this important human rights and security issue and that the impact will be felt within NATO and the UN as well as inside ministries of defense around the world.

Thank you.