



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

MOBILIZING OUR FORCES FOR A COORDINATED ATTACK ON HUMAN TRAFFICKING: U. S. DEPARTMENT OF DEFENSE PLANS FOR COMBATING TRAFFICKING IN PERSONS

Remarks by Mr. Jerry Hansen, Deputy Inspector General for Inspections & Policy, Department of Defense, at the Conference on Human Trafficking: Security Implications, Marshall Center, Garmisch-Partenkirchen, Germany March 8, 2005.

Good morning, esteemed colleagues, ladies and gentleman.

I'm here this morning to tell you about some of the practical steps the Dept of Defense has taken in the last two years in response to Human Trafficking--a plague on humanity which we definitely consider a threat to national security--in addition to the many other reasons that this threat should alarm us as members of civilized societies.

I was happy to learn yesterday that this group needs no convincing of the security threats posed by Trafficking in Persons. A few of the previous speakers touched upon some of the reasons, which I will summarize:

- Contractors and security forces given favors and blackmailed for information or access to our facilities or sensitive information.
- Organized crime getting wealthy and using proceeds to gain power, undermine democratic governments and the rule of law, subsidize terrorists, and/or trade in drugs and weapons.
- Culture, family life, and moral fabric of societies undermined in all of our countries—whether the country is considered post-conflict, current conflict, or currently free of conflicts.

As a department (of defense), we are concerned with national security impacts as well as the humanitarian aspects. We are addressing the problem in cooperation with other U.S. agencies, following the lead of the State Dept, as well as with allied military and law enforcement organizations, such as in the implementation of the new NATO policy.

We are prepared and have begun to act in those areas in which there is a nexus between trafficking activities and U. S. military forces or military missions. We are concerned with both the supply and the demand sides of the equation, and with both military and civilian forces, including contractors --who are assuming an increasing portion of the military workload in areas such as training, construction, maintenance, and infrastructure support.

We are increasingly aware of changes required to ensure that the civilians and contractors, as well as the military, are held accountable for maintaining exemplary standards of conduct in support of national policy objectives.

We recognize that we don't have all the answers and that we can't combat the problem without regional and multi-national assistance. We appreciate that we are only one of many players—and all of you have a lot to offer in the way of intelligence and insights, as well as law enforcement, investigative, and prosecutorial capabilities.

We concluded, as have many of you, that in order to effectively counter the threat, we need both effective laws and policy, as well as an effective implementation plan—featuring education and awareness as well as law enforcement.

We recognize the need to collaborate with host nations (where US forces are located), other friendly nations, and non-governmental organizations (NGOs). In some areas of the world, we are finding that NGOs are no longer considered to be the humanitarian agencies we normally associate with the title and we are flexible about calling them Non-Governmental Humanitarian Agencies or some other title—if that is more responsive to cultural sensitivities. We must cooperate in areas of education, training, investigation, prosecution, and intelligence sharing.

Finally, we recognize the need to do periodic assessments of the effectiveness of our policies and that is a role that has been assigned within our department to the office of which I am a member, the Inspector General's office.

In addition to being concerned about human trafficking for humanitarian and security reasons, we are involved and resourced for another very important reason—our President has declared that the policy of the United States is one of “zero tolerance” for human trafficking—by both government employees, including the military, and contractor personnel representing the United States abroad¹. We cooperate with other governmental agencies because it is essential—and because we have been directed to do so by the President--our Commander-in-Chief.

In order to effect the national policy, the Deputy Secretary of Defense provided supplementary policy guidance on January 30, 2004, which indicates a four-pronged approach, calling for:

- Education of all service members and civilians on the human trafficking menace, national policy, legal aspects, and personal responsibilities consistent with military exemplary conduct standards, core values, and other DoD ethical standards.
- Guidance to Commanders and military police worldwide to ensure leaders do not “turn a blind eye” to indicators of trafficking, but rather enforce the “zero tolerance” policy in cooperation with host country authorities and others involved in the fight against transnational crime.

¹ National Security Presidential Directive, NSPD-22 (Dec. 16, 2002).

- Modifications to contracts which will hold contractor employees and the contractor organizations themselves accountable for activities which support or promote trafficking.
- A systematic method for evaluating efforts to combat TIP as part of ongoing evaluation and inspection programs of Inspector General organizations. Although the DoD IG is clearly involved in this effort, as are Service and other agency IG, the guidance is not exclusively for IGs—it extends to all oversight agencies in a position to assist.

The Secretary of Defense provided further guidance in a follow-up directive of September 16, 2004, where he provided special emphasis to two major trafficking concerns:

- Commercial sex exploitation in our overseas locations, and
- Involuntary servitude and/or debt bondage in civilian contract organizations or their subcontractors supporting DoD operations overseas.

A major way that we manage the use of questionable establishments by our military members is by placing them off-limits. Lists of off-limits areas are posted, updated frequently, and patrolled by military police². Since criminals are creative and respond quickly to new developments by shifting women, changing their names, and moving, we have to be equally as vigilant and creative in dealing with the menace they represent.

Three modules are under development.

1. The BASIC MODULE provides core awareness training for all military, DoD civilian, and contractor personnel serving overseas; it provides an understanding of the phenomenon, causes, victims, perpetrators, and legal consequences.

2. The COMMANDERS MODULE for leaders of both small and large military organizations.

3. The LAW ENFORCEMENT MODULE for investigators and other law enforcement professionals.

- Modules follow both DoD and NATO policy recommendations.
- The basic module is complete. A power point presentation and instructor notes have been provided to the field for military organizations worldwide. These have been in use for several months and many if not most units have received training.
- An online, interactive multimedia version of the basic module will be available soon on the internet.

² Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, Joint Regulation 190 (July 30, 1993)(this regulation outlines responsibilities of commanders of military installations for off installation enforcement actions (Chapter 1) and provides for designating off-limits areas (Chapter 2)).

- The other two modules are under development in cooperation with NATO.

At this point, I would like to pause to show you a few excerpts from the emerging online version³: first an introductory video to provide an overview of the insidious nature of the problem, then a specific example of how it might occur, in phases, with Phase 2 being the DECEIT phase and Phase 4 being the DEBT BONDAGE phase characteristic of both sexual as well as other forms of modern slavery.

We expect Commanders to augment the standard modules with theater-specific supplements to further educate our forces on threats specific to their area of operation.

Although we are only aware of a few cases in which contractor personnel have been guilty of complicity in human trafficking, we are concerned about ensuring contractors are not overlooked in our education programs or provided immunity from accountability. In accordance with national and departmental policies, we are requiring training and inserting TIP clauses in contracts, which will help ensure that contractor personnel comply with US and local laws. We are also requiring contractors to monitor their employees and holding the contractors as well as their employees accountable for non-compliance. In the case of the contractor, this could involve significant monetary fines or loss of contracts. In the case of the employees involved, this will hopefully involve investigation and prosecution—unlike cases in the past in which contractors may have been fired or returned to the United States, but not prosecuted, since the evidence needed to prosecute was not given adequate consideration in the process.

The responsibility also applies to subcontractors. The contractual clauses go into effect in July 2005⁴, although we would not wait until then to attempt to investigate or prosecute individual cases as we learn of them.

As a further aid to enforcement, the Department is incorporating a change to the Uniform Code of Military Justice which specifically prohibits patronizing prostitutes, since we realize there are areas of the world in which the majority of prostitutes may be victims of trafficking. The new change is expected to be implemented by late summer of this year⁵.

As an extra measure to combat offenses by DoD civilians or contractor personnel operating in support of military forces, Congress in 2000 enacted the Military Extraterritorial Jurisdiction Act (MEJA)⁶ which allows civilians to be prosecuted for offenses committed while supporting DoD overseas. Although the Act has not been used as effectively as expected in the intervening period, the 2005 Defense Authorization Act expanded the law to other federal agencies as well and we expect it to be enforced in new test cases soon--concurrently with additional implementing rules

³ The basic module is at <http://projects.aadlcolab.org/tip/>.

⁴ The Defense Federal Acquisition Regulation (DFAR) rule is with the Office of Information and Regulatory Affairs awaiting clearance for publication in the Federal Register.

⁵ The Federal Register review was completed in February 2005. The 2004 Executive Order package is being coordinated with Department of Justice prior to submission to OMB.

⁶ 18 U.S.C. §3261.

and regulations⁷ for the expanded authority. We realize now the importance of completing a proper investigation and gathering evidence necessary for prosecution before allowing the offending contractor or civilian to return to the United States.

In closing, a few words about our evaluation plans.

We began our first efforts at field visits to evaluate TIP problems in Korea in late 2002⁸. Today, the improvements in that theater are being publicized as best practices in other theaters. Representatives from US Forces Korea were in Helsinki last week to publicize their efforts.

Our efforts in subsequent reviews will assess the effectiveness of orientation and awareness programs, leadership involvement, and law enforcement efforts; and confirm the conduct by theater military headquarters in policing the problem and conducting periodic internal assessments of program effectiveness.

Summary

We consider TIP to be a worldwide criminal threat to security, civil rights, and stability—and a direct threat to our national foreign policy goals. We are participating and intend to remain an active player in both national and multi-national efforts to combat TIP.

Our multi-pronged approach aimed at both supply and demand sides of the problem, include:

- Training, education, and awareness initiatives,
- Expanded and enforced legal prohibitions,
- Focus on civilians and contractors as well as military,
- Evaluations of effectiveness (by Inspectors General and others), and
- Publicizing the problem and encouraging reporting with Defense Hotline posters specifically addressing Trafficking.

Instead of initiating a separate TIP Hotline, we have trained our current Defense Hotline operators in TIP issues and they are prepared to address complaints or indicators, either when reported directly or when evidence of TIP is indicated secondarily in other reports of misconduct.

⁷ On March 3, 2005, the DepSecDef approved and signed the proposed DoD Instruction implementing the Military Extraterritorial Jurisdiction Act. The new DoDI will soon be placed on the DoD website as DoD Instruction 5525.11.

⁸ DoD IG, Report on the Assessment of DoD Efforts to Combat Trafficking in Persons Phase I -- United States Forces Korea (July 10, 2003) (finding that the command took action and initiated a program to combat trafficking. Recommendations were made for improving the education and training program for TIP.).

Finally, we want to help you and we need your help in developing, refining, and executing our respective anti-TIP plans. I have been pleased not to have seen the attitudes here that one often encounters when mentioning the topic of Human Trafficking--that "they're just prostitutes" or "we can't expect to eliminate prostitution"--in other words, dehumanizing the crime. We must all confront such attitudes and educate others on what can be done, what must be done, and why. While appropriate laws are helpful, they must be enforced—and all of us can ensure that we execute the laws effectively, with appropriate policies, procedures, and other implementing directives and regulations.

Thank you for all that you are doing individually and collectively to combat this menace to society. I leave you with one thought--if we can work together in unity to solve this problem, perhaps we will have developed a model, methodology, and network of care to solve other serious problems plaguing our respective societies.