

*The Human Rights Brief's Legislative Watch reports on key legislation in the United States and other countries relevant to human rights and humanitarian law. This list is not meant to be comprehensive.*

## **S. 594, CLUSTER MUNITIONS CIVILIAN PROTECTION ACT**

**Sponsor:** Senator Dianne Feinstein (D — CA), 6 Co-sponsors

**Status:** Introduced in the Senate on February 14, 2007. Read twice and referred to the Committee on Foreign Relations.

**Substance:** The bill addresses the continuing threat posed by cluster munitions to innocent civilians across the world. Cluster bombs, designed to open in mid-air and disperse smaller submunitions, have a wide dispersal pattern, covering more than a half-mile radius. They are intended for attacking enemy troop formations and armor, but cluster bombs that do not explode — referred to as duds — pose a danger to civilians long after a conflict has ended. Senator Patrick Leahy (D-Vt.), a co-sponsor of the bill, believes that while civilian casualties are inevitable in war, restricting cluster munitions — weapons that are so disproportionately hazardous to civilians — is a moral issue. A Handicap International study of the effects of cluster bombs in 24 countries, including Afghanistan, Laos, and Lebanon, found that civilians make up 98 percent of those killed or injured by cluster bombs. International Committee for the Red Cross estimates between 9 and 27 million unexploded cluster bombs resulting from U.S. bombing campaigns in Laos in the 1960s and 1970s. Amnesty International researchers found three kinds of U.S.-made cluster bombs in Lebanon among the estimated one million cluster bombs in south Lebanon fired by Israeli forces.

The legislation aims to restrict the use, sale, and transfer of cluster munitions and limit any funds spent on cluster munitions that have a failure rate of more than one percent. An exception is made when the rules of engagement or agreement for the sale and transfer of the cluster munitions specifies that the cluster bombs will be used only against clearly defined military targets and not in civilian areas. The

legislation requires the President to submit a plan to Congress from either a federal agency of the U.S. government, or the government to which U.S. cluster munitions are sold or transferred, which outlines a strategy to clean up unexploded cluster bombs. The President can also waive the restriction on the use, sale, or transfer of cluster munitions with a dud rate of more than one percent if it is critical to protecting national security.

Supporters of the bill including Amnesty International have concerns about the national security waiver, particularly since the United States is no safer when it knowingly puts civilians at high risk during combat operations. Nonetheless, proponents are optimistic because the bill pushes the United States to take the lead among the world's major military powers in regulating cluster munitions.

On February 23, 2007, 46 countries met in Norway and agreed to push for a global treaty banning cluster bombs. While the United States, Russia, and China — who are among the key arms makers — did not attend the conference, the hope is that they will also abide by the cluster munitions treaty. The United States, Russia, and China were not involved in the land mine treaty, but they still adhere to that treaty.

## **H. RES. 121, JAPANESE COMFORT WOMEN RESOLUTION**

**Sponsor:** Representative Michael Honda (D — CA), 77 Co-sponsors

**Status:** Introduced in the House of Representatives on January 31, 2007. Referred to the House Committee on Foreign Affairs.

**Substance:** The legislation urges Japan to apologize to comfort women who were used as sex slaves by the Japanese military during World War II. Historians estimate that at least 200,000 comfort women, including Chinese, Korean, Indonesian, Taiwanese, and Filipino women, were sexually enslaved in Japanese army brothels from around 1932 to the end of World War II. The Japanese military has tried to justify the practice of comfort women by characterizing comfort stations as a preventative measure in combating the rape of local women and explaining that comfort stations boosted troop morale. In 1995 the Japanese government created the Asian Women's Fund

to compensate comfort women, but only 285 women have received compensation from the private fund because most women want formal compensation from the government.

The resolution calls for the Japanese government to reconcile with victims and neighboring nations; it suggests that the government of Japan formally acknowledge, apologize, and accept historical responsibility for its involvement in the comfort women system. The bill also suggests that the Prime Minister of Japan make an official apology; that the Japanese government clearly and publicly refute any claims that the comfort women system never occurred; and that the government educate current and future generations about the history of comfort women.

While the resolution is non-binding, the sponsor of the bill, Representative Michael Honda (D-Ca.), believes that reconciliation on the comfort women issue will provide for historical reconciliation and have a positive effect on relationships in the region. The strongest opposition has come from those who see the resolution as unnecessary and fear that the bill will negatively affect regional stability and strain U.S.-Japanese relations.

As of March 1, 2007 Prime Minister Shinzo Abe stated that there was no proof that the Japanese military or constituted authorities forced women into sexual slavery during World War II and that “[i]t was not as though military police broke into people's homes and took them away like kidnappers.” This recent statement is in sharp contrast from the 1993 Kono Statement when Japan conceded that its military sometimes coerced women to work in brothels. Japan's Foreign Minister Taro Aso stated that the U.S. resolution was based on bad information. Yet Japanese historians, using diaries, testimony of military officials, and official documents from the United States and other countries, have shown that the Japanese military coerced, deceived, lured, and even kidnapped young women to be used as comfort women. J. Thomas Schieffer, U.S. ambassador to Japan, believes that “the events speak for themselves” and hopes that the Japanese government will not back away from the 1993 declaration admitting that administrative and military personnel took part in the recruiting of comfort women.

**H.R. 270, TRAFFICKING VICTIMS  
PROTECTION REAUTHORIZATION ACT  
OF 2007**

**Sponsor:** Representative Christopher Smith (D — NJ), 3 Co-sponsors

**Status:** Introduced in the House of Representatives on January 5, 2007. Referred to House Committee on Foreign Affairs; Committees on the Judiciary, and Energy and Commerce on January 5, 2007; and later referred to the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law on February 2, 2007.

**Substance:** The purpose of the bill is to authorize appropriations for fiscal years 2008 through 2010 for the Trafficking Victims Protection Act of 2000 (TVPA) and to make amendments to the TVPA. The TVPA, signed into law on October 28, 2000, is the most comprehensive U.S. law to address trafficking in persons both domestically and internationally. The TVPA aims to combat trafficking by implementing measures to prevent trafficking, protect victims, and prosecute those responsible for trafficking. It applies only to severe forms of trafficking in persons, which include sex and labor trafficking that involves force, fraud, or coercion. To prevent trafficking, the TVPA requires the U.S. Department of State to prepare a report assessing the efforts of foreign nations in combating severe forms of trafficking. The TVPA also sets minimum standards that countries should follow to stop

trafficking, increases economic opportunities for potential trafficking victims, and promotes public awareness campaigns. For protection of trafficking victims, the TVPA treats trafficking victims as crime victims who may be eligible for certain benefits including a T-visa, which would allow a trafficking victim to adjust to permanent resident status. The TVPA prosecutes traffickers with new criminal charges that may result in life sentences. The Trafficking Victims Protection Reauthorization Act of 2003 amended the TVPA to provide the trafficking victim the right to file a civil suit, and the 2005 Reauthorization Act amended the TVPA to cover trafficking in persons that takes place within U.S. borders.

The Trafficking Victims Protection Reauthorization Act of 2007 (TVPRA 2007) makes some key amendments to the TVPA. To provide additional protections for victims, the TVPRA 2007 adds a provision allowing the Secretary of Health and Human Services to make victims under the age of 18 in the United States immediately eligible for interim assistance with no need to comply with a reasonable request for cooperation. The TVPRA 2007 also includes a provision that directs the Attorney General to prepare model legislation for state use to define and prohibit all acts relating to prostitution of children and trafficking in children for the purpose of labor or sexual exploitation.

Dr. Mohamed Mattar, executive director of The Protection Project at The Johns

Hopkins University Paul H. Nitze School of Advanced International Studies, a human rights research institute that focuses on trafficking issues, supports the Act's additional protections for victims and commitment to prosecute traffickers. Dr. Mattar would like to see a future amendment requiring an inquiry into whether the government of a foreign country takes the necessary measures to eliminate child pornography because there is a link in many cases between child trafficking and child pornography. Such an amendment would complete a comprehensive inquiry into the "four evils" of commercial sexual exploitation of children; child trafficking, child prostitution, child sex tourism, and child pornography. Dr. Mattar also recommends an amendment that would inquire whether governments cooperate with nongovernmental organizations (NGOs) and other civil society members in adopting preventive and protective measures to combat trafficking and protect victims of trafficking. Because NGOs provide services for victims of trafficking, assist with their repatriation and reintegration into society, and prevent their re-victimization after returning to their country of origin, they play an important role in addressing trafficking problems; unfortunately, some countries prohibit NGOs to operate freely without government intervention or restrictions. **HRB**

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