

*Report on Human Trafficking Issues
to the Annual Session
of the OSCE Parliamentary Assembly*

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by
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for the OSCE Parliamentary Assembly**

Mr. President, fellow parliamentarians, please accept the following report on my recent activities as the Special Representative on Human Trafficking Issues for the OSCE PA, as well as on regional progress toward implementation of trafficking commitments embodied in supplemental items to last year's Monaco Declaration.

Meetings

Since our last annual session, numerous parliamentarians and official delegations from around the world have joined me for discussions that include best practices to fight human trafficking. President Zeljko Komsic of Bosnia met with me for a dialogue that included next steps in Bosnia's fight against human trafficking. Similarly, high-level officials from Ukraine, including the Foreign Minister, the Deputy Foreign Minister, and the Deputy Minister of Social Policy, whose task it is to coordinate anti-trafficking efforts in Ukraine, have collaborated with me regarding plans to make advances in the fight against human trafficking a hallmark of Ukraine's Chairmanship. Members of European Parliament, law enforcement representatives from the Netherlands, legislators from South Korea, as well as a representative of the Holy See and the Secretary General of the United Nations also joined me for dialogue that highlighted the importance and methods of prioritizing the fight against human trafficking in their respective spheres.

While many trafficking victims come from within the OSCE region, we also need to be concerned about those trafficking victims who come from outside the OSCE region, including from African countries. Victims are knowingly or unknowingly smuggled into the OSCE region, only to be exploited upon arrival. Dealing with trafficking prevention in African countries will stop many of these tragedies from occurring. Over the course of my meetings this year, human trafficking was raised with Augustin Matata Ponyo Mapon, Prime Minister of the Democratic Republic of the Congo, Ellen Johnson Sirleaf, President of Liberia and Somaliland President Ahmed Mahamoud Silanyo. The Chairperson of the African Union Commission, the Foreign Ministers of Rwanda and Ethiopia, the Ambassadors of Mauritius, Mali, Ethiopia, Rwanda, and legislators from Mali and the Ivory Coast also conversed with me regarding best practices for preventing trafficking. Given the pattern of trafficking on the edge of military installations or by UN peacekeepers themselves, military leaders from more than a dozen African countries who

visited me in Washington, D.C., received updated trafficking information and encouragement to ensure that their troops and peacekeepers are trained to protect the human rights of local populations—and to remove from the field and sanction those troops and peacekeepers who exploit rather than protect women and girls. As per our OSCE commitments, each country must “ensure that any such cases are properly investigated and appropriately punished.”¹

Promoting Trafficking Victim Watchfulness

In June, the Chairman in Office Kozhara invited me to launch a new initiative for combating human trafficking in the transportation industry at the High-Level OSCE Conference in Kyiv, “Strengthening the OSCE Response to Trafficking in Human Beings,” June 2013. Experts estimate that 600,000–800,000 trafficking victims are moved across international borders each year, often on commercial airplanes, trains, and buses where they come into contact with transportation professionals. Traffickers can be stopped and victims rescued through highly effective, low-cost training of flight attendants and other airport personnel, such as that developed by Nancy Rivard, President of Airline Ambassadors International, and the U.S. Department of Homeland Security. I was pleased to present and promote these best practices at the High-Level OSCE conference along with Nancy Rivard. Hundreds of victims have been rescued already, with the potential for thousands more.

My supplementary item on this topic, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” was adopted at the OSCE PA annual session in Istanbul. The supplementary item calls on participating States to collaborate with commercial carriers, adopting legislation where necessary, in order to ensure that flight attendants, pilots, ground crew, train conductors, bus operators, and any other transportation professionals who are likely to come into contact with a trafficking victim are trained to identify the victim and respond according to a protocol established with law enforcement. The supplementary item also calls on participating States to collaborate with hotel and travel industry professionals, adopting legislation where necessary, to ensure the use of best practices for the prevention and identification of human trafficking in hotels and other travel accommodations. Finally, the supplementary item underscores the

¹Decision No.16/05, Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions (Ljubljana Ministerial Decision 2005).

importance of law enforcement coordination with transportation, hotel, and travel industry professionals in order to ensure appropriate intervention and referrals to care for suspected human trafficking victims.

Fortunately, several industry leaders have emerged and developed best practices in this area of trafficking victim watchfulness. Airlines such as Delta and American Airlines, British Airways and Virgin Atlantic, as well as train service providers, such as Amtrak, have begun human trafficking prevention activities. Hotel chains including Hilton Worldwide, Hyatt, Accor, Carlson, Hotelplan Suisse, Wyndham, Sabre Holdings Corporation, Kuoni Travel, and many others have committed to training their employees. Non-governmental organizations, such as Airline Ambassadors, ECPAT, and The Global Business Coalition Against Human Trafficking, are already developing anti-trafficking guidelines and providing resources to assist businesses with anti-trafficking measures. All the tools are available at very low cost, if any. With a little encouragement from their respective governments, OSCE participating States can transform transportation and hospitality industry standards such that anti-trafficking training is ubiquitous.

The “Trafficking Victim Watchfulness” supplementary item also proposes a new OSCE initiative—a single, unified hotline for trafficking tips to law enforcement. With a single trafficking hotline, travelers and transportation professionals can report suspected trafficking anytime, anywhere.

Over time—and as the pimps and exploiters get caught and jailed—the added positive consequence of trained flight attendants and others will have a profound chilling effect on the traffickers’ ability to move victims from one place to another. The current-day risk of a trafficker getting caught transporting a victim or victims is pathetically small—and traffickers know it. This “best practice” training initiative must be included, be prominent, and be thoroughly implemented in the OSCE annex to the Action Plan to Combat Trafficking in Human Beings. For the sake of the victims—and their grieving families left behind—the OSCE, and all of our governments, at all levels, can and must make this a priority.

Hearings and Briefings

As Chairman of the U.S. Commission on Security and Cooperation in Europe in 2012, I chaired numerous hearings and briefings highlighting human trafficking concerns in the OSCE region (<http://www.csce.gov/>). A significant portion of my work has been to urge the U.S. government to draw attention to the trafficking of persons in Egypt, including the abduction and forced marriage of minority women and girls. The needs of minority women and girls must be vigorously protected as a prerequisite to assistance to Egypt. In the 112th Congress, I chaired several hearings on Egypt, both in the Commission on Security and Cooperation in Europe,² and in the Subcommittee on Africa, Global Health, and Human Rights.³ Michele Clark, the former Head of the Anti-Trafficking Assistance Unit at the Organization for Security and Cooperation in Europe (OSCE), presented her landmark report on the abduction, forced conversion, and forced marriage of Coptic women and girls in Egypt. Coptic families who go to the police for assistance are usually turned away. In at least one case, the family found and retrieved their daughter on their own, only to have the police come to their house and forcibly return the girl to her captors. One witness at the most recent hearing shared her own horrific story of an attempted abduction. This is an issue of great concern and one that must be addressed as Egypt reopens and amends its constitution over the next few months.

As the Chairman of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, I held a hearing in April 2013 entitled “Tier Rankings and the Fight Against Human Trafficking,”⁴ specifically to address the records of six countries, including OSCE participating States, whose Tier rankings must, by law, change in this year’s Trafficking

² “Escalating Violence Against Coptic Women and Girls: Will the New Egypt Be More Dangerous than the Old?,” Commission on Security and Cooperation in Europe (July 18, 2012) http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=529&Region_id=0&Issue_id=0&ContentType=H,B&ContentRecordType=H&CFID=18778639&CFTOKEN=37165406; “Minority at Risk: Coptic Christians in Egypt,” Commission on Security and Cooperation in Europe (July 22, 2011) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=504&Region_id=0&Issue_id=0&ContentType=H,B&ContentRecordType=H&CFID=76145572&CFTOKEN=22825915; “From Arab Spring to Coptic Winter,” Commission on Security and Cooperation in Europe (November 15, 2011) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=513&ContentType=H,B&ContentRecordType=H&CFID=76600560&CFTOKEN=61885740.

³ “Prioritizing Religious Freedom in U.S. Foreign Policy,” Subcommittee on Africa, Global Health, and Human Rights, House Foreign Affairs Committee (June 3, 2011) <http://archives.republicans.foreignaffairs.house.gov/112/66782.pdf>.

⁴ “Tier Rankings and the Fight Against Human Trafficking,” Subcommittee on Africa, Global Health, and Human Rights, House Foreign Affairs Committee (April, 18, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-tier-rankings-fight-against-human-trafficking>.

in Persons Report. The TIP report, required by my Trafficking Victims Protection Act of 2000, is written annually by the U.S. Department of State and ranks 188 countries on their efforts to achieve the minimum standards for the elimination of human trafficking (prosecution, protection, and prevention). Since the TIP Report's inception, more than 130 countries have enacted anti-trafficking laws and many countries have taken other steps required to significantly raise their tier rankings—citing the TIP Report as a key factor in their increased anti-trafficking response.

Along with a narrative overview of each country's efforts for the previous year, including recommendations for improvement, this report ranks each country by Tier. Tier 1 countries fully meet the minimum standards. Tier 2 countries do not meet the minimum standards but are making significant effort to do so. Tier 3 countries do not meet the standards and are not making significant effort to do so. Along with the embarrassment of being listed on Tier 3, Tier 3 countries are open to sanction by the U.S. government.

In the 2003 Trafficking in Persons Reauthorization Act, my colleagues in Congress and I created the Tier 2 Watch List. This list was intended to encourage anti-trafficking progress in a country that took positive anti-trafficking steps late in the evaluation year—especially those countries that took last-minute measures to avoid a Tier 3 designation. However, some countries, including OSCE participating States, made a habit of last minute efforts and failed to follow through year after year, effectively gaming the system. Consequently, in 2008, the U.S. Congress created an “automatic downgrade” for any country that had been on the Tier 2 Watch List for two years but had not taken significant enough anti-trafficking measures to move to Tier 2. The President can waive a Tier 3 downgrade for two additional years if there is “credible evidence” that the country has a written and sufficiently resourced plan to meet the minimum standards.

This particular hearing was needed because Russia, Uzbekistan, Azerbaijan, China, Iraq, and the Republic of Congo had exhausted every possible year on the Tier 2 Watch List and would either be moved up to Tier 2 or down to Tier 3. The former U.S. Ambassador-at-Large to Monitor and Combat Human Trafficking, Mark Lagon, testified to the records of several of these countries, as well as to the tier ranking process in the State Department. My subcommittee also

heard from NGO experts who painted a dire picture of human trafficking in Uzbekistan and China, in particular. As you may know, victims from Russia and China are trafficked across the OSCE region, and victims from Uzbekistan are trafficked primarily within Uzbekistan, but also to surrounding OSCE participating States. I am pleased to report that the 2013 Trafficking in Persons Report appropriately downgraded Russia, Uzbekistan, and China to Tier 3 for their failures to take serious and sustained efforts to prosecute and prevent human trafficking, as well as protect victims.

Additionally, my subcommittee hearings raised trafficking in several other contexts, including: “Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue”⁵ which covered Vietnamese government involvement in human trafficking across the world, particularly for labor; “The Growing Crisis in Africa’s Sahel Region”⁶ where drug and weapons trafficking has merged with human trafficking, and trafficking victims too often end up in the OSCE region; and a hearing that raised sexual exploitation and human trafficking by UN peacekeepers stationed in the Democratic Republic of Congo.⁷

2013 Trafficking in Persons Report

In June 2013, the U.S. Department of State released the latest Trafficking in Persons (TIP) report (<http://www.state.gov/j/tip/rls/tiprpt/2012/>), as required by my legislation, the Trafficking Victims Protection Act of 2000. Along with a concise summary of a country’s progress on prevention, prosecution, and protection over the course of the last year, the report ranks countries according to the minimum standards. The minimum standards, as delineated by the Trafficking Victim’s Protection Act of 2000 and my reauthorizations of the act in 2003 and 2005, are very similar to the standards in the Protocol to Prevent, Suppress and Punish

⁵ “Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue,” Subcommittee on Africa, Global Health, and Human Rights, House Foreign Affairs Committee (April 11, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-highlighting-vietnamese-government-human-rights-violations-advance-us>.

⁶ “The Growing Crisis in Africa’s Sahel Region,” Subcommittee on Africa, Global Health, Global Human Rights, House Foreign Affairs Committee (May 21, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-growing-crisis-africas-sahel-region>.

⁷ “Explaining the Role of Rwanda in the DRC Insurgency,” Subcommittee on Africa, Global Health, and Human Rights, House Foreign Affairs Committee (September 19, 2012) <http://archives.republicans.foreignaffairs.house.gov/112/76030.pdf>.

Trafficking in Persons, especially Women and Children, which has been signed by most of the OSCE countries. The minimum standards are just that—minimum—and include the following:

- 1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- 2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- 3) For the knowing commission of an act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.⁸

The rankings in the report reflect whether the government of the country has in fact taken serious and sustained efforts to eliminate severe forms of trafficking in persons during the reporting year. Governments receive a Tier 2 Watch List ranking when the government does not fully comply with the minimum standards, but the government is making serious efforts to bring itself into compliance, and one of the following factors are present:

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- b) there is a failure to provide evidence of increasing efforts to combat trafficking in persons from the previous year or there is decreasing evidence of complicity by government officials; or
- c) the determination that a country is making significant efforts is based on commitments by the country to take additional steps over the next year.

⁸ The criteria for applying these standards can be found in the Trafficking Victim's Protection Act of 2000, Div. A of Pub. L. No. 106-386, §108, as amended by the Trafficking Victim's Protection Act of 2003, Pub. L. No. 108-193, and Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. 109-164.

Of particular note in the 2013 report, OSCE countries in Europe saw a slight drop in prosecutions, but a 13% increase in convictions (1,818) and a 17% increase in victims identified (11,905). Laudably, the region identified the most victims out of all regions of the world in 2012—for the second year in a row. Armenia moved to Tier 1 for the first time. Azerbaijan and Cyprus moved up to Tier 2. Albania, Belarus, Turkmenistan, Ukraine, Morocco, Tunisia, and Afghanistan were placed on the Tier 2 Watch List. Uzbekistan and Russia were placed on Tier 3 for the first time after exhausting the maximum allotted years on the Tier 2 Watch List. Worldwide, the Tier breakdown is as follows—

Tier 1: 30 countries (as compared with 33 in 2012)

Tier 2: 92 countries (as compared with 93 in 2012)

Tier 2 WL: 44 countries (as compared with 42 in 2012)

Tier 3: 20 countries (as compared with 17 in 2012).

Three OSCE participating states amended their trafficking laws. Specifically, Hungary amended its legislation covering assistance to victims to ensure that victims receive support, including access to shelter, regardless of whether they participate in a criminal case. Its legislation also expanded to protect every victim irrespective of their gender, race, or any particular status. Bosnia changed its law to enable trafficking victims in the country on a humanitarian visa to obtain employment. Bosnia also standardized the legal codes for all four prosecutorial jurisdictions, allowing them to better investigate and prosecute traffickers, as well as better protect the rights of victims. The Lithuanian government adopted new legislation to expand the definition of trafficking crimes, covering the users of forced labor and services and including more aggravating circumstances.

Implementation of 2012 OSCE PA Supplementary Item

At the last annual session in Monaco, the OSCE PA adopted my supplementary item on “Protecting Vulnerable Populations from Human Trafficking,” which called on participating and partner States to focus their victim response, both prevention and identification, on vulnerable populations most likely to become trafficking victims, such as the Roma population. The Roma population has been shown to be trafficked at disproportionately high rates and to have

disproportionately low access to services due to marginalization.⁹ Specifically, the supplementary item urged participating States to do the following: ensure that rehabilitative assistance and legal protection are available to probable trafficking victims; train law enforcement, including border enforcement, to identify and offer rehabilitative care and protection to trafficking victims, particularly those belonging to vulnerable populations; develop warning pamphlets in appropriate languages, including a trafficking hotline, for posting and disbursement by the government and non-governmental organizations (NGOs) to vulnerable populations; establish in major cities special, Roma-oriented task forces composed of Romani NGOs, Romani mediators and Romani community representatives, along with member state law enforcement, anti-trafficking authorities, and social services representatives.

The 2013 TIP report highlights some of the efforts to implement the supplementary item over the last year. For instance, Bosnia's national anti-trafficking coordinator provided bi-annual trainings on victim identification and referral for staff at day centers for Roma street children. Bulgaria held "trainings on trafficking for labor mediators, social workers, journalists, and Roma specialists working to prevent trafficking." The Czech Republic's Inter-Ministerial Group for Combating Trafficking added research on vulnerabilities in the Roma population into their national strategy to combat human trafficking. Montenegro "distributed flyers in schools informing youth about the risks of human trafficking and publicizing anti-trafficking resources and an educational brochure on forced early child marriage among ethnic Roma... communities in Montenegro."

The 2013 Trafficking in Persons Report also noted populations of Roma vulnerable to trafficking in Austria, Azerbaijan, Belgium, Finland, Germany, Greece, Hungary, Italy, Macedonia, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Switzerland, and Turkey. In keeping with the 2012 OSCE PA supplementary item, each of these countries should take special measures to prevent the trafficking of Roma and to ensure identification and assistance for victims.

⁹"ERRC research in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia during early 2010 indicated that Roma represent 50-80% of victims in Bulgaria, at least 40% in Hungary, 70% in Slovakia and up to 70% in parts of the Czech Republic," Breaking the Silence, Trafficking in Romani Communities, European Roma Rights Center, p. 11(May 2011) (<http://www.errc.org/article/breaking-the-silence-trafficking-in-romani-communities/3846>).

Every victim identified, rescued, and given assistance signifies multiple successes—the success of individuals on the frontlines of contact, in the transportation and hospitality sectors, or law enforcement, medicine, social work, education, or another field, who were trained to recognize the signs of trafficking. The success of law enforcement who responded to complete a rescue, and the success of targeted government funding and coordination with non-profit organizations to ensure that the victim receives the assistance he or she needs to become a survivor.

The fight against human trafficking always requires careful planning, consistency, and coordination between multiple sectors of society. In 2013, the OSCE region must increase both the size of its anti-trafficking coalitions as well its internal and external coordination to ensure that we will identify more victims than ever. I look forward to coordinating with all participating and partner States to implement the best practices that will move us closer toward the eradication of human trafficking.