

CHRISTOPHER H. SMITH
4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:
1540 Kuser Road, Suite A9
Hamilton, NJ 08619-3828
(609) 585-7878
TTY (609) 585-3650

108 Lacey Road, Suite 38A
Whiting, NJ 08759-1331
(732) 350-2300

2373 Rayburn House Office Building
Washington, DC 20515-3004
(202) 225-3765

<http://chrissmith.house.gov>



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Report of the OSCE PA Special Representative on Human Trafficking Issues
U.S. Representative Christopher Smith
Fall Meeting of the OSCE Parliamentary Assembly (OSCE PA)
Dubrovnik, Croatia
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Mr. President, Colleagues, I am pleased to inform you of my recent activities as Special Representative on Human Trafficking Issues.

In the recent months, I met with legislative and executive branch officials from Ireland, Guinea, Somaliland, the Holy See, and the European parliament. These meetings continue the series of meetings I had earlier in the year with parliamentarians and official delegations from around the world, including other members of European Parliament, the parliaments of Lithuania, Canada, Bosnia Herzegovina, and Ukrainian law enforcement. In these meetings I have advised on innovative methods to fight human trafficking in order to share best practices and to keep trafficking concerns in the forefront of political and diplomatic discourse.

Although the OSCE has remained at the forefront in the fight against trafficking in persons, it is still plagued by some disturbing trends. Trafficking for the purpose of labor and sexual exploitation still remains rampant in Eastern Europe and Central Asia. The annual Trafficking in Persons Report required my landmark legislation, the Trafficking Victim's Protection Act of 2000, ranks almost every country in the world based on their efforts and results in attaining the minimum standards for the elimination of trafficking in persons.

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 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.
- 4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.¹

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. This year's report revealed trouble in several OSCE countries. Belarus, Cyprus and Estonia were downgraded to the Tier 2 Watch List by our State Department Trafficking in Persons Report. Turkmenistan was downgraded to Tier 3, the worst possible grading a government can receive by those same standards. I was also disheartened by the continued presence of the governments of Azerbaijan, Uzbekistan, Malta and Russia on the Tier 2 Watch List. Governments receive a Tier 2 Watch List ranking when the government does not fully

¹ 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.

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.

Progress has also been carefully recorded by the annual Trafficking in Persons Report. According to the report, the OSCE region as a whole increased the number of trafficking prosecutions and convictions in 2010, with about 650 prosecutions above the 2009 number and about 200 additional convictions.

However, the number of labor trafficking prosecutions and convictions dropped by two-thirds, which is a disturbing trend. If OSCE countries are not enforcing laws against labor trafficking, traffickers are free to profit off of trafficking—and consumers unwittingly help them profit by buying food and products tainted with human trafficking. The Trafficking in Persons Report makes clear that in 2011, OSCE countries must redouble efforts to prosecute labor traffickers. OSCE countries have shown a clear will to prosecute traffickers; labor traffickers must be included.

Victim identification also slumped in most OSCE countries, with barely two thirds the number of victims identified this reporting cycle. In 2009, just over 15,000 victims were identified in the OSCE region. The number dropped to just over 9,000 in 2010. These statistics show that OSCE countries must make victim identification, including labor trafficking victims, a renewed focus for 2011. If OSCE countries are not finding and rescuing the victims, we are not

achieving our primary goal—to free the slaves. OSCE countries can and must replicate the previous success in victim identification.

In response to both the downturns in labor trafficking prosecutions and convictions, and the slump in victim identification, I worked with Vilija Abramikiene of Lithuania to offer a special trafficking supplementary item at the Annual Meeting in Belgrade. This supplementary item, which was adopted by the Parliamentary Assembly, urged member states to prosecute labor trafficking occurring within their borders, and to provide protection for labor trafficking victims rescued within their borders.

The resolution also called on member states to ensure that all goods procured by the government are free from raw materials and finished products produced by labor trafficking and encouraged transparent corporate policy regarding labor trafficking. In short, the resolution promotes accountability, both in government and the private sector. It encouraged member states to take action within their respective governments.

Earlier this summer, I gave a speech at the European Parliament on our “Duty to Protect the Weakest and Most Vulnerable” for the International Parliamentary Conference on Intergenerational Solidarity: Concept, Rights and Responsibilities. In this speech, I spoke at length on human trafficking, focusing in particular on the evolving roles of public-private partnerships—such as what we are seeing with airline and hotel initiatives—in the fight against human trafficking.

In the U.S. Congress, I continue to advance legislation aimed at strengthening and expanding our anti-trafficking efforts. I am pleased to announce that just last week, the Foreign Affairs Committee in the House of Representatives approved my Trafficking Victims Protection Reauthorization Act (H.R. 2830), and included in the legislation a provision that will require corporations with \$100 million or more in worldwide receipts to report on their websites what actions they have taken to combat human trafficking in their supply chains. Consumers, then, will be able to make an informed choice about what products they buy. They will not be unwilling collaborators in demand for goods made by trafficked human beings.

I continue to work on the reauthorization of the Trafficking Victims Protection Act of 2000, which will affect both the domestic and international anti-trafficking efforts of the United States. Like many OSCE countries, the U.S. continues to have a high number of domestic minor sex trafficking victims—about 100,000 with the average entry into sex work at 12 to 13 years of age. This is only the second year that the U.S. has been evaluated by the Trafficking in Persons Report, which has made recommendations on ways the U.S. can improve and in so doing, retain a Tier 1 status. The Act will also do the following:

- give the Secretary of State the authority to limit the validity of the passports of registered sex offenders to one year, or such period as the Secretary would deem appropriate;
- authorize assistance to be used to protect vulnerable populations at risk of severe forms of human trafficking in post-conflict situations and humanitarian emergencies, and increase monitoring of forced or child labor in the United States; and,
- expand the information to be included in the Attorney General's annual report to Congress to include any contracts terminated by a federal agency as a result of human trafficking by a contractor, and whether any employees have been disciplined, terminated or prosecuted for violating the zero-tolerance policy.

In July, I chaired a hearing on the abduction, forced marriage, and forced conversion of Coptic women and girls in Egypt where this egregious combination of human trafficking and the violation of the right to choose and practice one's own religion was a prominent theme. I have offered an amendment in the House of Representatives to our Foreign Relations Bill condemning this exploitation and abuse. Many of my fellow Representatives have asked me for more information on this practice, demonstrating the United States' resolve to engage such an issue. As an organization the Parliamentary Assembly should use our institutional knowledge in combating trafficking in persons to support the efforts of many of our neighboring Mediterranean Partner States who currently are undergoing serious transitions towards democracy. We cannot ignore that what affects our neighbors affects us. Trafficking in persons is a transnational problem that requires a transnational approach.

We've had great successes in the United States in combating trafficking in persons in the last 10 years since the passage of my Trafficking Victims Protection Act of 2000. But even as we close some gaps, traffickers find others. Today it is more profitable and less risky to sell a human being into slavery than it is to sell drugs or weapons. It is no wonder that more and more highly effective and organized criminal organizations are venturing off into the business of human slavery. Later this year I plan to host a hearing where we explore the nexus between the new forms of organized crime and human trafficking. The United States government recently unveiled its new Strategy to Combat Transnational Organized Crime in which human trafficking is a key issue. As a tireless advocate in the fight against modern day slavery I plan to ensure that this new strategy raises the profile of human trafficking to its highest level. No longer can we live in a world where human traffickers can get away with lighter sentences for selling a human life than for selling drugs and weapons.

I continue to lead the Congressional Human Trafficking Caucus, coordinating the efforts of this caucus to support domestic compliance with OSCE PA and other international commitments on trafficking. One of the primary functions of the caucus is to maintain legislative focus on trafficking concerns, and to ensure that legislators are educated in best practices. For instance, just last month, the Caucus hosted a briefing to share the stories of three survivors of human trafficking in the United States. One was an American honor-roll college student, another a vulnerable American child who had as a 14 year old been taken captive by a pimp; and another was a young Indonesian woman who had come to the United States legally but on false promises of her "employer." All three of these situations are addressed by the funding authorized by the Trafficking Victims Reauthorization Act of 2011 currently before the House of Representatives.

Ten years ago we would not have dared to imagine what we have achieved today in the fight against human trafficking—but major challenges remain. The Trafficking in Persons Report shows that the OSCE region has taken steps forward, but that some states require particular focus to improve their anti-trafficking response. It falls to each of us to focus our attention on victim identification and prosecution of both sex and labor trafficking in order to

ensure that our campaign against human trafficking will succeed. We must be vigilant and never complacent about our progress.

There is still much to be done—including the provision of special support for partner countries whose populations are vulnerable because of political instability. This is a time of transition and of great opportunity for advancing human rights related to human trafficking. I look forward to working with you, and to a year of extraordinary progress within the OSCE Participating States.