

*Report on Human Trafficking Issues
to the 2014 Winter Meeting
of the OSCE Parliamentary Assembly*

*Vienna, Austria
13–14 February, 2014*

by
Rep. Christopher H. Smith, U.S.A.

**Special Representative on Human Trafficking Issues
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.

Meetings

Since our last Winter Meeting, 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, collaborated with me to make advances in the fight against human trafficking a hallmark of Ukraine's Chairmanship. Just last week, I met with Swiss Ambassador Manual Sager to discuss trafficking priorities for the Swiss Chairmanship. Over the last year, Members of European Parliament as well as members of parliament from Bosnia and Romania, law enforcement representatives from the Netherlands, legislators from South Korea, as well as 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, I believe that 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 with African nations, human trafficking was raised with President Yoweri Kaguta Museveni of Uganda, President Hassan Sheikh Mohamud of Somalia, President Ellen Johnson Sirleaf of Liberia, Prime Minister Nicolas Tiangaye of Central African Republic, and Somaliland President Ahmed Mahamoud Silanyo. The Ministers of Foreign Affairs of South Sudan and Ethiopia, the Ambassadors of Mauritius, Mali, Burkina Faso and the Speaker of the Ugandan Parliament as well as the Speaker of the House of Representatives in Nigeria also conversed with me regarding best practices to prevent human trafficking. Given the pattern of trafficking on the edge of military installations or by UN peacekeepers themselves, fifty-five 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

Successful Collaboration with the OSCE to Promote Trafficking Victim Watchfulness

In December 2013, the OSCE Ministerial adopted the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings.² This Addendum updates the Plan of Action from 2005—and reflects the trafficking supplementary items I and my colleagues have sponsored over the last several years in the OSCE Parliamentary Assembly.

In particular, the Addendum 1) calls on corporations to ensure that their supply chains do not include trafficked labor,³ 2) focuses trafficking efforts on vulnerable groups,⁴ 3) calls for increased cooperation between law enforcement to prevent “sex tourism” involving the trafficking of minors,⁵ and 4) calls for anti-trafficking training for the transportation and hospitality industries,⁶ which has been my key initiative over the last few years.

In June, the Chairman in Office Kozhara invited me to launch the 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.” 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,

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

²Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/pc/109532>.

³2011 Belgrade Resolutions, <http://www.oscepa.org/publications/declarations/2011-belgrade-declaration>.

⁴2012 Monaco Declaration, <http://www.oscepa.org/publications/declarations/2012-monaco-declaration>.

⁵2009 Vilnius Declaration, <http://www.oscepa.org/publications/declarations/2009-vilnius-declaration>.

⁶2013 Istanbul Declaration, <http://www.oscepa.org/publications/declarations/2013-istanbul-declaration>.

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 2013 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 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.

Participating State Implementation of Istanbul Supplementary Item on “Trafficking Victim Watchfulness: Planes, Trains, Buses and Hotels”

Each participating State parliamentary representative who attended the Annual Session in Istanbul and each delegation secretary should have received a survey from me asking for information on any activity the participating State has taken to implement the Supplementary Item. I thank you for your responses.

Hungary, Ireland, and Canada have invited Airline Ambassadors to provide training in their airports. Finland reports trainings of transportation employees over the last several years—particularly those serving high risk routes. Belarus also replied that its large-scale commercial carriers are trained in victim identification. Montenegro reports training its national airline as well as raising awareness among the railway and ground transportation industries.

A number of countries, including Cyprus, reported ongoing efforts to place anti-trafficking posters and information in airports and other transportation hubs, in order to raise awareness about human trafficking in those locations as well as to warn potential trafficking victims and potential buyers. Latvia conducted an anti-trafficking event at a location where transportation industry employees would be able to participate.

Moldova and Slovenia indicated that although they do not currently train transportation industry employees, they have added the goal to their national discussions and may incorporate the goal in their upcoming national action plans to prevent and combat trafficking in persons.

As regards training for the hospitality industry, Slovenia reports incorporating the training into its 2014–15 national action plan. Montenegro also reports strong efforts in this area with its commitment to *The Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism* and its success with popularizing and implementing *The Code* among the travel and hospitality sectors. Andorra indicated closer oversight of their hotel industry.

The United States has taken several steps in line with the Trafficking Victims Watchfulness Supplementary Item as well as the new Addendum to the OSCE Action Plan. Specifically, the U.S. Department of Homeland Security (DHS) this year released the Blue Lightning program to train airline and airport personnel in trafficking victim identification and reporting. This training program follows a Congressional Summit, held in 2010, to bring together DHS, Airline Ambassadors, and airline representatives in order to discuss solutions to the problem of human trafficking on the airlines. DHS is currently working with the airlines to voluntarily implement the training.

In January, I held a hearing in the House Foreign Affairs Subcommittee I Chair on Africa, Global Health, Global Human Rights and International Organizations in order to examine to what extent airlines, trains, and hotels in the U.S. are implementing the trafficking strategy outlined in the Istanbul Supplementary Item and Addendum, particularly in areas of increased

vulnerability, such as major sporting events.⁷ Delta Airlines has adopted the Blue Lightning training created by DHS. Amtrak testified to the training it has provided to 20,000 train service employees, and also shared stories of rescued trafficking victims. ECPAT-USA shared the extensive work it has done over the last several months in preparation for the Super Bowl football sporting event to train hotels and motels in New Jersey and New York on how to spot and respond to potential trafficking victims. I am pleased to report that 45 pimps and their associates were arrested and 70 likely trafficking victims rescued in the concerted anti-trafficking efforts surrounding the Super Bowl.

Airline Ambassadors, ECPAT, and The Global Business Coalition Against Human Trafficking, have developed ready-made trainings for the employees of the transportation and hospitality industries. 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. One way to do this is by hosting a training in the airport or railway station in the district you represent—as several members of Congress did this year across the United States.

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.

Additional Hearings and Briefings

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 and the current Congress, I chaired several hearings on Egypt, both in the Commission on Security and Cooperation in Europe,⁸ and in my

⁷“Lessons Learned from Super Bowl Preparations: Preventing International Human Trafficking at Major Sporting Events,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (January 27, 2014) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-lessons-learned-super-bowl-preparations-preventing-international-human>.

⁸“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)

Subcommittee on Africa, Global Health, and Human Rights.⁹ 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 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,”¹⁰ specifically to address the records of six countries, including OSCE participating States, whose Tier rankings were required by law to change in the 2013 Trafficking in Persons (TIP) 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.

http://www.osce.org/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://osce.org/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://osce.org/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=513&ContentType=H,B&ContentRecordType=H&CFID=76600560&CFTOKEN=61885740.

⁹ “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>; “Human Rights Abuses in Egypt,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations and the Subcommittee on the Middle East and North Africa, House Foreign Affairs Committee (December 10, 2014) <http://foreignaffairs.house.gov/hearing/joint-subcommittee-hearing-human-rights-abuses-egypt>.

¹⁰ “Tier Rankings and the Fight Against Human Trafficking,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (April, 18, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-tier-rankings-fight-against-human-trafficking>.

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, or to protect victims.

After the recent typhoon in the Philippines, I held an emergency hearing in my Subcommittee entitled, “The U.S. Post-Typhoon Response in the Philippines: Health and Human Rights Issues,” in order to oversee U.S. anti-trafficking response in disaster assistance.¹¹ When typhoon Haiyan/Yolanda hit, human trafficking was my first concern as the devastated area is known for child sex trafficking. I quickly contacted USAID, the Department of Defense, and the State Department to ensure that emergency anti-trafficking measures were in place. In late November, as soon as the disaster area was stabilized by the U.S. military, I led a congressional delegation to the region, where I stressed in my meetings with both Filipino and U.S. officials as well as relief workers the importance of putting anti-trafficking measures in place before roads and ports were functioning again, as these otherwise would serve as access and egress points for traffickers and their victims.

¹¹“The U.S. Post-Typhoon Response in the Philippines: Health and Human Rights Issues,” Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, House Foreign Affairs Committee (December 3, 2013) <http://foreignaffairs.house.gov/subcommittees/africa-global-health-global-human-rights-and-international-organizations>.

In September of last year, I also held in my Subcommittee a hearing entitled “India’s Missing Girls”¹² in order to take a closer look at the intersections of gendercide, violence against women, and human trafficking. Women in India are confronted with a compounding crisis. By most estimates, there are tens of millions of women missing in India due to the devaluing of female life beginning in the womb. Sex-selective abortion and female infanticide have led to lopsided sex ratios. In parts of India, for example, 126 boys are born for every 100 girls. India reported after its census in 2011 that there are 37 million more men than women in India. This gender imbalance is born of devaluing women and leads to women’s further degradation in human trafficking—which is rampant in India. Addressing gendercide in various countries, as well as within cultural subgroups living in OSCE countries, will help to fight human trafficking.

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,”¹³ which covered Vietnamese government involvement in human trafficking across the world, particularly for labor, including in certain OSCE countries; and the “The Growing Crisis in Africa’s Sahel Region”¹⁴ where drug and weapons trafficking has merged with human trafficking and trafficking victims too often end up in the OSCE region.

Formal Trafficking Investigation Ordered in Netherlands

In my 2013 Winter Report,¹⁵ I highlighted a difficult trafficking case between the Netherlands and Turkey which I had previously covered in a briefing entitled, “Listening to

¹² “India’s Missing Girls,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (September 10, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-indias-missing-girls>.

¹³ “Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (April 11, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-highlighting-vietnamese-government-human-rights-violations-advance-us>.

¹⁴ “The Growing Crisis in Africa’s Sahel Region,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (May 21, 2013) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-growing-crisis-africas-sahel-region>.

¹⁵ Representative Christopher H. Smith, Special Representative on Human Trafficking, Report on Human Trafficking Issues to the Winter Meeting of the OSCE Parliamentary Assembly, Vienna, Austria (February 21–22, 2013) <http://www.oscepa.org/publications/reports/special-reports/human-trafficking-issues-reports/1885-2013-winter-meeting-report-of-the-sr-on-human-trafficking-issues/file>.

Victims of Child Sex Trafficking,”¹⁶ and on which I had introduced legislation.¹⁷ Serious allegations of child sex trafficking had been raised in the Netherlands by two Turkish men who had allegedly been raped as boys in Turkey by a senior official in the Dutch Ministry of Justice. The alleged victims had attempted several times to open a formal investigation through the Dutch legal system. Multiple Turkish government officials—including the Turkish security officer who allegedly brought one of the boys to the Dutch official for abuse—had come forward to offer evidence and testimony in support of the alleged victims’ stories. Yet the Government of the Netherlands repeatedly refused to conduct a formal investigation.

Just last month, however, the Dutch court in Arnhem overruled the government and ordered that a formal criminal investigation be opened. This investigation provides a critical opportunity for the facts to be presented and reviewed. The alleged victims, as well as the accused, deserve no less.

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 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.

¹⁶“Listening to the Victims of Child Sex Trafficking,” Commission on Security and Cooperation in Europe (October 4, 2012) http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=531&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=B&CFID=18778639&CFTOKEN=37165406.

¹⁷ H.Res. 62 (February 12, 2013) <http://www.gpo.gov/fdsys/pkg/BILLS-113hres62ih/pdf/BILLS-113hres62ih.pdf>.

- 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.¹⁸

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.

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

¹⁸ 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.

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.

Conclusion

The last year has seen positive steps forward in the OSCE region. The OSCE PA worked closely with the Ukrainian Chairmanship to solidify and systematize best practices to fight human trafficking as formulated in the OSCE PA. Implementation of these best practices, including anti-trafficking training for transportation and hospitality industry employees, is a task that equally belongs to the Parliamentary Assembly. Each parliamentarian can prioritize human trafficking measures and channel best practices to his or her home district—creating an exemplary zone of zero tolerance for human trafficking. In the U.S. Congress, I will soon be hosting an event to explain to fellow members of Congress how they can fight human trafficking

in their home districts—and I hope each OSCE PA parliamentarian will do the same. Please feel free to contact my office for details.