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Report of the OSCE PA Special Representative on Human Trafficking Issues
U.S. Representative Christopher H. Smith
Head of U.S. Delegation to the OSCE Parliamentary Assembly (OSCE PA)
Vienna, Austria
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President Efthymiou, Colleagues, I am pleased to inform you of my recent activities as Special Representative on Human Trafficking Issues.

On February 8, 2012 I met with the Chairman-in-Office of the OSCE, the Hon. Eamon Gilmore T.D., Tánaiste and Minister for Foreign Affairs and Trade, on the occasion his testimony before a hearing of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission), which I chair, so that we were able to discuss the Irish Chairmanship's plan-of-action on trafficking and other issues, and how, as Special Representative, I can cooperate with that plan. In recent months I have also met with legislative and executive branch officials from the European Parliament, Ireland, Norway, Guinea, Somaliland, Zimbabwe, Togo, Uganda, Kenya, Ethiopia and the Holy See. These meetings continue the series of meetings I had over the course of last year with government leaders, parliamentarians and official delegations from around the world, including the President and Vice Prime Minister of Georgia, members of the European Parliament, the parliaments of Lithuania, Canada, Bosnia-Herzegovina, as well as with 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 at the top of the political and diplomatic agenda.

Co-Chairman of: Alzheimer's Caucus • Bi-Partisan Coalition for Combating Anti-Semitism • Lyme Disease Caucus
Coalition on Autism Research and Education • Global Internet Freedom Caucus • Bi-Partisan Congressional Pro-Life Caucus
Spina Bifida Caucus • Vietnam Caucus • Poland Caucus • Bosnia Caucus
Ad Hoc Congressional Committee for Irish Affairs • Congressional Caucus on Human Trafficking

As Chairman of the U.S. Commission on Security and Cooperation in Europe, I have chaired numerous hearings highlighting human trafficking concerns in the OSCE region (<http://www.csce.gov/>). Just last week, I chaired a hearing on the Roma human rights issues,¹ which took up a new report from the European Roma Rights Center (ERRC)—the report documented the gross disproportion of Roma among trafficking victims. While the vulnerability of Roma to traffickers is rooted in larger issues of poverty, discrimination in education, social marginalization, and a variety of other challenges faced by the Romani community, yet there are other aspects of this tragic disproportion that can be and must be resolved directly by those of involved in the fight against trafficking. For example, the hearing highlighted a finding in the report that, when rescued, Roma do not have proper access to rehabilitative and reintegration services—which means that they are highly vulnerable to being re-trafficked. I know from the U.S. experience that, when domestic minor sex trafficking victims are not offered psychological services, basic necessities and assistance with education and/or job training, all too often they end up being trafficked again. Breaking the bonds of human trafficking means more than just rescue. We must make sure that all victims have access to the help they need to heal and begin a new life—and evidently we need to particularly consider how we can do so more effectively with Roma victims.

As a result of this hearing, I am developing a proposal for a new way to address the vulnerability of the Romani community to human trafficking—the establishment of special, Roma-oriented task forces in hotspots and major cities across the OSCE region. These task forces would be composed of Romani NGOs, Romani mediators and Romani community representatives, along with law enforcement, anti-trafficking authorities, and social services representatives. In the United States, we have successfully established similar task forces in 39 cities. The task forces help to ensure access and cooperation between the vulnerable, the victims, the government and civil society—aligning them against the traffickers, preventing human trafficking, and facilitating effective prosecutions.

¹The Escalation of Violence Against Roma in Europe (February 15, 2012)
http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=521&ContentType=H.B&ContentRecordType=H&CFID=76144649&CFTOKEN=58632706.

The issue of human trafficking surrounding NATO missions in the Balkans and zero-tolerance policies were at the center of another hearing, which I chaired in January of this year, on the western Balkans and the 2012 NATO Summit.² The U.S. zero-tolerance policy actually arose out of a hearing that I chaired 10 years ago, and in which I requested the U.S. Department of Defense Inspector General, Joseph Schmitz, to undertake a global assessment of the United States military's complicity in human trafficking. I had obtained reports—particularly from South Korea—of U.S. service members abusing Russian, Moldovan, Philippine, South Korean, and other women—many of whom had been trafficked—in brothels. A similar situation occurred in the Balkans with the UN Peacekeepers (UNMIK), and on this situation I chaired hearings on the complicity in trafficking of DynCorp police. Inspector General Schmitz wrote a devastating report regarding troop involvement in human trafficking. In response, then President Bush issued a zero-tolerance policy.

The next year I met with NATO leaders, top command leadership, and pushed a zero-tolerance policy. NATO later adopted a similar policy, as did the United Nations. However, there seems to be little information regarding how these policies are being implemented other than by training. For instance, we have little to no information regarding soldiers and contractors participating in NATO or UN peacekeeping missions who are removed from the field for violation of the zero tolerance policies. We do not know if they are prosecuted in their home countries or otherwise disciplined. Or, in the case of the OSCE, whether the contracts of contractors are terminated or offending employees prosecuted. We do not know if these individuals are removed permanently from the field or just sent somewhere else. The bottom line is that we need much more oversight of the zero-tolerance policies in order to ensure implementation and best practices.

The OSCE region has remained at the forefront in the fight against trafficking in persons. Bosnia, Croatia, and Macedonia have become Tier 1 nations in the annual Trafficking in Persons Report required by my legislation. As OSCE countries, we must ensure that soldiers

² The Western Balkans and the 2012 NATO Summit (January 19, 2012)
http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=517&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145530&CFTOKEN=83590937.

and peacekeepers and contractors are thoroughly trained in the zero-tolerance policy, and that those who choose to violate it are prosecuted and permanently removed from the field.

In the past year I have chaired several hearings on Egypt, both in the Commission on Security and Cooperation in Europe,³ and in the Subcommittee on Africa, Global Health, and Human Rights.⁴ Michele Clark, the former Head of the Anti-Trafficking Assistance Unit at the Organization for Security and Cooperation in Europe (OSCE), testified and presented her landmark report on Egypt, focusing on the abduction, forced conversion, and forced marriage of Coptic women and girls, who are thereby cut off from their families and communities. Coptic families who go to the police for assistance are turned away. In at least one case, the family found and retrieved their daughter only to have the police come to their house and forcibly return the girl to her captors. We know of no case where the Egyptian government brought charges for abduction and forced marriage. It is an issue of great concern and one that must be addressed as Egypt moves forward into a democratic state. In December of this year, I was able to tie improvements in the treatment of religious minorities to U.S. aid to Egypt.

In November, I chaired a hearing on Human Trafficking and Transnational Organized Crime, which featured Piero Bonadeo, Deputy Representative to the United Nations Office on Drugs and Crime (UNODC), New York.⁵

I have also addressed human trafficking in my hearings on Kazakhstan,⁶ Central Asia and the Arab Spring,⁷ Moldova,⁸ and labor trafficking in the United States.⁹ All of these hearings

³ Minority at Risk: Coptic Christians in Egypt (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 (November 15, 2011)

http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=513&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145572&CFTOKEN=22825915.

⁴ Prioritizing Religious Freedom in U.S. Foreign Policy (June 3, 2011)

http://foreignaffairs.house.gov/hearing_notice.asp?id=1306.

⁵ Human Trafficking and Transnational Organized Crime (November 2, 2011)

http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=511&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145572&CFTOKEN=22825915; see also Best Practices and Next Steps: A New Decade in the Fight Against Human Trafficking (June 13, 2011)

http://foreignaffairs.house.gov/hearing_notice.asp?id=1307.

and more can be found at www.csce.gov under the “Hearings” tab. In addition, I held several hearings in my Subcommittee on Human Rights, in which I raised human trafficking in Africa,¹⁰ China,¹¹ and other Asian countries.¹²

One of my most important baseline-setting actions in keeping the fight against trafficking on the U.S. diplomatic agenda is the review hearing¹³ I chair on the U.S. State Department’s annual Trafficking in Persons Report. The report is mandated by landmark legislation I authored, the Trafficking Victims Protection Act of 2000. In October, I took testimony from the U.S. Ambassador for the Office to Monitor and Combat Human Trafficking, Luis C. deBaca, as well as the Assistant Secretary for South and Central Asian Affairs, Robert Blake, and the Assistant Secretary for East Asian and Pacific Affairs, Mr. Joseph Yun, in order to review the report’s ranking of almost every country in the world based on their efforts and results in attaining the minimum standards for the eliminating trafficking in persons (the report can be found at (<http://www.state.gov/j/tip/rls/tiprpt/2011/>)).

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

⁶ Kazakhstan: As Stable as its Government Claims? (January 23, 2012) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=518&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145530&CFTOKEN=83590937.

⁷ Central Asia and the Arab Spring: Growing Pressure for Human Rights? (May 11, 2011) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=494&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145572&CFTOKEN=22825915.

⁸ Moldova: The Growing Pains of Democracy (January 31, 2012) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=519&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=B&CFID=76145530&CFTOKEN=83590937.

⁹ Labor Trafficking in Troubled Economic Times: Protecting American Jobs and Migrant Human Rights (May 23, 2011) http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=497&Region_id=0&Issue_id=0&ContentType=H.B&ContentRecordType=H&CFID=76145572&CFTOKEN=22825915.

¹⁰ Governance, Democracy, Human Rights, and the Millennium Challenge Corporation in Africa: The FY2012 Proposed Budget (May 10, 2011) http://hcfa.house.gov/hearing_notice.asp?id=1286; The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy (March 18, 2011) http://hcfa.house.gov/hearing_notice.asp?id=1221; USAID’s Long-Term Strategy for Addressing East African Emergencies (September 8, 2011) http://hcfa.house.gov/hearing_notice.asp?id=1347.

¹¹ China’s Latest Crackdown on Dissent (May 13, 2011) http://hcfa.house.gov/hearing_notice.asp?id=1292.

¹² Examining Ongoing Human Rights Abuses in Vietnam (January 24, 2012) http://hcfa.house.gov/hearing_notice.asp?id=1395; Human Rights in North Korea: Challenges and Opportunities (September 20, 2011) http://hcfa.house.gov/hearing_notice.asp?id=1351.

¹³ The Trafficking in Persons Report 2011: Truth, Trends, and Tier Rankings (October 27, 2011) http://foreignaffairs.house.gov/hearing_notice.asp?id=1369.

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. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.¹⁴

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 problems in several OSCE countries. Turkmenistan was downgraded to Tier 3, the lowest ranking. Belarus, Cyprus and Estonia were downgraded to the Tier 2 Watch List, and the governments of Azerbaijan, Uzbekistan, Malta and Russia remained on the Tier 2 Watch List. 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

¹⁴ 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.

- 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 documented by the report, according to which 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 this year, 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 this year. 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.

In the U.S. Congress, I continue to advance legislation aimed at strengthening and expanding our anti-trafficking efforts consistent with the OSCE PA resolutions. I am pleased to announce that last fall, the Foreign Affairs Committee in the House of Representatives approved my Trafficking Victims Protection Reauthorization Act, 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. The Act will also 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.

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, in the fall, 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." These situations are addressed by the funding authorized by the Trafficking Victims Reauthorization Act currently before the House of Representatives.

At the 2010 Annual Session, the Parliamentary Assembly adopted a resolution on fighting human trafficking in the travel industry—to identify victims in transit and at hotels. Several countries took the resolution to heart and began to work with their airlines to ensure that first line responders—the flight crew—knew what to do in cases of suspected human trafficking. I am happy to announce that the U.S. Department of Homeland Security has created a specialized training for airlines, along with several other initiatives under the title of Blue Campaign. I have folders detailing Blue Campaign Initiatives for each delegation—and I hope to bring DHS to an upcoming PA session in order to conduct an in-depth training for all interested delegations. I would be grateful if each delegation could contact my staff with a point of contact for human trafficking in each of the delegations.¹⁵

I thank the Chairman-in-Office for his attention to human trafficking concerns, and look forward to advancing the fight against human trafficking in 2012. This is a time of great challenge and of great opportunity. I look forward to working with all of you, and to a year of extraordinary progress within the OSCE Participating States.

¹⁵ ahollabaugh@mail.house.gov

