

*Report on Human Trafficking Issues
to the 2015 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.

Meetings

Since our last Annual Session, I have had the opportunity to raise human trafficking concerns and best practices with heads of state, foreign ministers, numerous parliamentarians, and official delegations from around the world, including the President of the UN General Assembly, Sam Kutesa. Serbian Foreign Minister Ivica Dacic and Serbian Ambassador Djerdj Matkovic were open to making the fight against human trafficking a priority for their Chairmanship. Over the last year, members of parliament from Romania, Hungary, the Netherlands, the Czech Republic, and Canada also joined me in the United States for dialogue that highlighted the importance and methods of fighting against human trafficking in their respective spheres. In addition, I met with Members of the European Parliament from Croatia, Slovakia, and Hungary to discuss implementation of recent trafficking supplementary items adopted by the OSCE PA. Finally, I met with Director of ODIHR Michael Link and Special Representative and Coordinator for Combating Trafficking in Human Beings Maria Jarbussynova in order to discuss priorities and coordination of efforts to combat human trafficking.

While human trafficking flows to the OSCE region from the Middle East and Africa are not new, economic and political tumult over the last year have increased the numbers of people engaging in irregular migration and vulnerable to human trafficking. While irregular migrants may have consented to being smuggled into the OSCE, participating States must be vigilant to identify and appropriately assist those who are exploited in trafficking upon arrival. Over the course of my meetings with African leaders during the last year, I raised human trafficking with President Paul Biya of Cameroon, President Yayi Boni of Benin, President Ibrahim Boubacar Keita of Mali, President Teodoro Obiang of Equatorial Guinea, and President Alpha Conde of Guinea. I also had the privilege of discussing ways to fight human trafficking with the Foreign Ministers of Sudan and Cameroon, as well as the Ambassadors of Egypt, Ghana, Nigeria, and South Sudan.

Regarding partner States, I met multiple times this year with Amb. Pisan Manawapat of Thailand, a country eager to become the regional leader in the fight against human trafficking. As I will discuss later in this report, Thailand, a partner State of the OSCE, is a prime destination for child sex tourists and needs the cooperation of OSCE participating States to prevent child sex tourism—an insidious form of human trafficking. Thailand has also been a country of concern for the United States and Europe this year because of labor trafficking in its fishing industry, the products of which are exported to the United States and Europe. Thailand is currently working on a new law to prevent labor trafficking in its fishing industry.

In my travels around the world to investigate human trafficking, I have been impressed repeatedly by the unique and powerful contributions made by people of faith to the healing and restoration of trafficking victims. It is critical that religious leaders be fully integrated into the effort to protect trafficking victims.

Supplementary Item: Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services

According to the International Labor Organization, human trafficking in the private economy generates US \$150 billion in illegal profits per year, predominantly in the sectors of construction, manufacturing, entertainment, domestic work, and agriculture. Some companies participate knowingly in human trafficking, others are willfully ignorant of where and how their inexpensive products are made, and still others would audit their supply chains if encouraged to do so—and might be shocked by what they find.

While participating States may not be ready or willing to require all businesses to audit their supply chains for human trafficking, it is reasonable and responsible for the OSCE as an institution and as participating States to 1) ensure that taxpayer dollars entrusted to the OSCE or governments are not going to businesses that enrich traffickers, and 2) to incentivize private businesses to voluntarily audit their own supply chains for human trafficking by awarding government contracts only to businesses that have established anti-trafficking policies and procedures.

Many corporations believe that they have to look the other way from trafficking abuses in their supply chains or lose money. Participating States and the OSCE as an institution can change that calculation by refusing government contracts to businesses without anti-trafficking policies. We can send the message that human trafficking in supply chains will have a significant cost for businesses.

At the 2013 Ministerial Session in Kiev, the OSCE agreed to the 2013 Addendum to the Action Plan to Combat Trafficking in Human Beings. The addendum calls on participating States to consider “including a zero-tolerance policy...in government procurement of good and services” as well as to promote “clear criteria...for the official registration of recruitment and placement agencies, and monitoring the activities of such agencies in an effort to prevent all forms of THB” and for considering the removal of recruitment fees.¹

The 2013 Addendum also calls on OSCE institutions to update internal regulations so that no activities of the OSCE executive structures, including contracts for goods and services, contribute to any form of trafficking in human beings.

At the 2015 Annual Session of the OSCE Parliamentary Assembly, I will offer a supplementary item on the “Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services,” which provides best practices to implement the 2013 Addendum, setting out simple, effective steps to prevent government and OSCE participation in human trafficking.

¹ Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/addendum?download=true>, Sec. III. 1.6 “Considering incorporating, or, as applicable, implementing, ‘zero – tolerance’ policies or other similar standards in government procurement of goods and services.”

Among other requirements, contractors and subcontractors wanting to do business with a participating State or the OSCE must have a plan in place to ensure that their employees do not participate in activities that contribute to or that constitute human trafficking. The OSCE and participating States should refuse to contract with or should terminate contracts with contractors, subcontractors and/or their employees who:

- purchase commercial sex;
- destroy, conceal, remove, confiscate, or otherwise deny an employee access to that employee's identity or immigration documents without the employee's consent;
- fail to abide by any contractual provision to pay return transportation costs upon the end of employment for the purpose of pressuring an employee into continued employment;
- solicit a person for the purpose of employment, or offers employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
- charge recruited employees unreasonable placement or recruitment fees, or any such fee that violates the laws of the country from which an employee is recruited;
- or provide or arrange housing that fails to meet host country housing and safety standards.

These requirements are the most basic and address the dangerous practices we have seen lead to trafficking in the United States. Business need to build on the basic foundation additional robust policies, audits, and reporting procedures to ensure that the goods and services they sell to participating States are free of products made, mined, or harvested by human trafficking victims.

The Supplementary Item also calls on the Special Representative and Coordinator for Combatting Trafficking in Human Beings, in consultation with Coordinator for Economic and Environmental Activities, to consult with participating States on a handbook of best practices for companies to prevent human trafficking in their supply chains.

The Parliamentary Assembly supported similar aims in my 2011 Belgrade "Resolution on Combatting Labour Trafficking in Supply Chains."² It is time for each participating State, and the OSCE as an institution, to make these best practices a reality. It is time to ensure that anti-trafficking policies are the new industry standard and basic requirement for any and every business participating in government contracts.

² OSCE Parliamentary Assembly, 20th Annual Session, Belgrade Resolutions, "Resolution on Combatting Labour Trafficking in Supply Chains"(July 6 – 10, 2011) <http://www.oscepa.org/publications/declarations/2011-belgrade-declaration/681-belgrade-resolutions-english/file>, "Urges participating States to ensure that all goods procured by the government are free from raw materials and finished products produced by labour trafficking."

Preventing Child Sex Trafficking by Known Sex Offenders: Legislation and Supplementary Item

This year's supplementary item on human trafficking also contains a paragraph³ on the unfinished business of the "Resolution on Prevention and Prosecution of Child Sex Trafficking," adopted last year in Baku,⁴ which called on OSCE participating States to facilitate appropriate law enforcement coordination and notification procedures between participating States, as well as with other destination States, so that States are aware in advance of travel by individuals previously convicted of serious sex crimes against children.

The International Labor Organization has estimated that 1.8 million children are victims of commercial sexual exploitation around the world each year. Child predators thrive on secrecy—a secrecy that allows them to commit heinous crimes against children with impunity. Child-sex tourists may travel overseas to commit sexual offenses against minors because of perceived anonymity; law enforcement in certain countries is perceived as being scarce, corrupt, or unsophisticated; perceived immunity from retaliation because the child-sex tourist is a United States citizen; the child-sex tourist has the financial ability to impress and influence the local population; the child-sex tourist can "disappear" after a brief stay; the child-sex tourist can target children meeting their desired preference; and there is no need to expend time and effort "grooming" the victim. Make no mistake, child-sex tourism is an insidious form of human trafficking.

The 2014 Trafficking in Persons report noted 36 countries from which sex tourists travel abroad, and 53 destination countries for exploitation, including OSCE partner States.⁵ Tragically, many of the sending countries are OSCE participating States, including the United States.

Law enforcement and media reports continue to document Americans—with known criminal backgrounds of sexual abuse against children in the U.S.—who are caught sexually exploiting children in East Asia, Europe, Central and South America. While U.S. "long-arm jurisdiction" laws are critical tools in the fight against human trafficking and allow us to prosecute sex trafficking crimes abroad once the perpetrator is back in the United States, by then

³ Specifically, the paragraph states, "Recalling that the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings calls on participating States to develop and implement policies and actions, including law enforcement cooperation between participating States, to prevent the tourism industry from being used for all forms of trafficking in human beings, in particular for sexual exploitation of children, and that the OSCE Parliamentary Assembly's Baku Declaration (2014) called on OSCE participating States to facilitate appropriate law enforcement coordination and notification procedures between participating States, as well as with other destination States, so that States are aware in advance of travel by individuals previously convicted of serious sex crimes against children;" Rep. Christopher Smith, Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services (June 2015).

⁴ OSCE Parliamentary Assembly, 23rd Annual Session, Baku Declaration and Resolutions, "Resolution on Prevention and Prosecution of Child Sex Trafficking" (June 28 – July 2, 2014)

<http://www.oscepa.org/publications/declarations/2014-baku-declaration/2547-2014-baku-declaration-eng-1/file>.

⁵ See Appendix: Source and Destination Countries for Child Sex Tourism per the 2014 U.S. Department of State Trafficking in Persons Report.

the harm has already been done. It is the same horror movie replayed over and over. We can and must do more to warn destination countries so that they can, in turn, protect their children from sex tourism.

I am pleased to report that in May of 2014 and then in January of 2015, the U.S. House of Representatives passed my legislation, the “International Megan’s Law to Prevent Demand for Child Sex Trafficking.”⁶ This new law would diminish child-sex tourism by alerting countries of destination about the travel plans of convicted pedophiles. I am now working closely with the Senate to ensure this bill becomes law as protecting children from violence and predatory behavior, including sexual exploitation and human trafficking, are among the highest duties and responsibilities of government.

The U.S. already has a small prototype program in place: The Department of Homeland Security’s Angel Watch program has been doing outstanding work in alerting countries about the problem of American sex offenders who travel abroad to sexually abuse trafficked children. In 2014, Angel Watch alerted 120 countries to the international travel of 2,300 individuals known to have a previous sex offense against a child. If my bill becomes law in the U.S., it will ensure that actionable information about child-sex offender travel gets to destination countries in time for those countries to assess the potential dangers and respond appropriately, whether that is to allow entry, deny entry or visa, monitor travel, restrict travel to certain cities, etc. Once notified, nations are empowered to take protective actions and better fulfill their responsibility to protect the most vulnerable among us, our children.

Efforts have begun in several countries. Just last month, the United States and the United Kingdom signed an agreement, believed to be the first of its kind, to provide each other with information on known international travel of individuals previously convicted of a sex crime against a child.⁷ The information is to be used to catch and investigate convicted child sex offenders, as well as to make informed decisions regarding their admittance to the respective countries.

In May 2014, the International Center for Missing and Exploited Children hosted a conference in Belgium that was attended by many OSCE participating States (Hungary, the Netherlands, Luxembourg, Poland, Norway, Belgium, Spain, Switzerland), Interpol, and other law enforcement to discuss how we can best work together—within our differing legal systems—to achieve the goal of advance notification of sex offender travel.

We have the information and technology at our disposal to determine who constitutes a child-sex offender and to ensure that appropriate government officials in destination countries

⁶ International Megan’s Law to Prevent Demand for Child Sex Trafficking, H.R. 4573, U.S. House of Representatives (May 20, 2014) <https://beta.congress.gov/113/bills/hr4573/BILLS-113hr4573eh.pdf>, and H.R. 515 (January 26, 2015) <https://www.congress.gov/114/bills/hr515/BILLS-114hr515rfs.pdf>.

⁷ “ICE, UK National Crime Agency enhance joint efforts to combat child exploitation” (June 26, 2015) <https://www.ice.gov/news/releases/ice-uk-national-crime-agency-enhance-joint-efforts-combat-child-exploitation>.

are alerted in a timely fashion—what we need is the political will to apply that information and technology on behalf of vulnerable children.

Hearings

As the Chairman of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, I held a hearing in May of 2015 entitled, “A Pathway to Freedom: Rescue and Refuge for Human Trafficking Victims,”⁸ in order to underscore that combating modern-day slavery is everybody’s business. Testifying at the hearing was Hon. Sean Reyes, Attorney General of the State of Utah, who described his first-hand experience participating in a sting operation to catch sex traffickers catering to sex tourists in Cartagena, Colombia. The operation was led by Operation Underground Railroad and resulted in the rescue of 120 children who were being offered to sex tourists

Mr. Tim Ballard, the Founder and Executive Director of Operation Underground Railroad, explained the high frequency of child exploitation in sex trafficking based on his personal observations as a federal law enforcement officer for many years. He described the mission of his organization to partner with and train foreign law enforcement in the apprehension and prosecution of individuals involved in child sex trafficking.

Ms. Karla Jacinto Romero, who herself is a radiant survivor of sex trafficking and an advocate for Commission United vs. Trafficking, described her ordeal as a teenager trafficked to sex tourists in Mexico. She also described her successful rescue and rehabilitation.

The Hon. Rosi Orozco, President of the Commission United vs. Human Trafficking and former Congresswoman in Mexico, discussed Mexico’s vulnerability to sex tourism and child pornography distribution, as well as recent legislative successes to increase Mexico’s anti-trafficking response. She also described her pioneering rehabilitation program for trafficking victims—and her efforts to rehabilitate former traffickers, many of whom she has counseled in prison. The hearing demonstrated that transnational cooperation and coordination are key to mitigating—and someday ending—the pervasive cruelty of human trafficking, especially sex tourism.

I raised human trafficking in Cuba’s tourism industry at my subcommittee hearing on “Human Rights in Cuba: A Squandered Opportunity.”⁹ Tragically, child prostitution has been a hallmark of Cuba’s tourism industry for more than a decade, drawing customers from the OSCE region.

⁸ “A Pathway to Freedom: Rescue and Refuge for Human Trafficking Victims,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (May 14, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-pathway-freedom-rescue-and-refuge-sex-trafficking-victims>.

⁹ “Human Rights in Cuba: A Squandered Opportunity,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (February 5, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-human-rights-cuba-squandered-opportunity>.

In addition, in April 2015 I chaired a hearing on, “Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking.”¹⁰ The annual Trafficking in Persons (TIP) Report, mandated by my Trafficking Victims Protection Act of 2000, is submitted annually to Congress by the U.S. Department of State and ranks nearly every country in the world on the country’s 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 improve their tier rankings—citing the TIP Report as a key factor driving their increased anti-trafficking effort. Public accountability is effective.

The April 2015 hearing addressed the records of several countries, including the OSCE partner State of Thailand, that were downgraded to Tier 3 status in 2014 or that would need a Presidential waiver to remain on the Tier 2 Watch List for another year (e.g. Burma).¹¹ It is of utmost importance that the TIP Report remain free of political, trade, or security bias.¹² The hearing helped to ensure that the TIP Report would reflect Congressional intent to hold countries accountable based on their respective records in the fight against human trafficking—and that the TIP Report would be a reliable and useful tool for everyone.

Tragically, the TIP Report sometimes gets Tier designations wrong, as I pointed out in the June 17, 2015 hearing on “Human Rights Abuses by Vietnamese Authorities.”¹³ Although the Vietnamese government has been implicated in trafficking its own citizens for labor in the OSCE region—especially in Russia—and has refused to assist Vietnamese citizens who report trafficking to their embassy and wish to return home, Vietnam has been repeatedly listed in the TIP Report as a Tier 2 country since 2011. I underscored the point that Vietnam should be a Tier 3 country, open to sanction for its failure to combat trafficking, at the recent House Foreign Affairs Committee Hearing on “Advancing U.S. Economic Interests in Asia.”¹⁴

¹⁰ “Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking,” Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, House Foreign Affairs Committee (April, 22, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-accountability-and-transformation-tier-rankings-fight-against-human>.

¹¹ Countries may only stay on the Special Watch List for two years unless they receive a waiver from the President, by which they can stay on the Watch List for up to two additional years. After four consecutive years, the countries must be moved down to Tier 3 unless they have funded and implemented a plan that meets the minimum standards for the elimination of human trafficking (22 U.S.C. 7101). Countries on Tier 3 may be subject to sanctions.

¹² A point I also underscored in my hearing with the U.S. Department of State Principal Deputy Assistant Secretary for African Affairs on “Developments in Rwanda,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (May 20, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-developments-rwanda>.

¹³ “Human Rights Abuses by Vietnamese Authorities,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (June 17, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-human-rights-abuses-vietnamese-authorities>.

¹⁴ “Advancing U.S. Economic Interests in Asia,” House Foreign Affairs Committee (May 14, 2015) <http://foreignaffairs.house.gov/hearing/hearing-advancing-us-economic-interests-asia>.

On September 10, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations to focus attention on “Genocidal Attacks Against Christians and Other Religious Minorities in Syria and Iraq.”¹⁵ The Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor at the U.S. Department of State testified to the appalling slave markets that have sprung up in ISIL controlled areas—thousands of women have been kidnapped from religious minority groups, many held as the spoils of war or sold as sex slaves. The UN confirms that trafficking has increased on Turkey’s southern border. OSCE participating and partner States should be particularly watchful for traffickers trading in victims of the tragedy in Iraq and Syria. Human trafficking is unacceptable at any time, including in war, and must be treated as a war crime for which perpetrators are held responsible. To that end, I have reintroduced my bill from last year calling for the Immediate Establishment of a Syria War Crimes Tribunal (H. Res. 269),¹⁶ which would hold accountable those members of ISIS and other groups who are trafficking in persons – particularly horrifying is the fate of Yazidi and Christian women and girls sold as “sex slaves.”

In February, I chaired a follow-up hearing, focusing in particular on “The Syrian Humanitarian Crisis: Four Years Later and No End in Sight,”¹⁷ including the population of women and children who have been so brutalized through sex trafficking and recruitment as child soldiers. The witnesses, who were representatives of the U.S. Department of State, indicated that they are coordinating relief efforts with the Office to Monitor and Combat Human Trafficking. I encouraged the State Department to integrate a faith-based response, Muslim or Christian, with best practices for psychological help, as one of the things I have learned being in trafficking shelters all over the world is that the healing process—the sense of personal reconciliation with the trauma and personal realization that you are not in any way responsible for the trauma—happens more effectively in a setting where faith and the best psychological practices are both utilized for healing of the whole person.

Some OSCE participating States, like the United States, include in their foreign assistance training for military and law enforcement in African countries. In July of 2014, I held a hearing entitled “Human Rights Vetting: Nigeria and Beyond”¹⁸ at my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in order to

¹⁵“Genocidal Attacks Against Christians and Other Religious Minorities in Syria and Iraq,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (September 10, 2014) <http://foreignaffairs.house.gov/hearing/joint-subcommittee-hearing-genocidal-attacks-against-christian-and-other-religious>.

¹⁶ H. Res. 269, Expressing the Sense of the House of Representatives regarding the need for investigation and prosecution of war crimes and crimes against humanity, whether committed by officials of the Government of Syria or other parties to the civil war in Syria... (May 15, 2015) [https://www.congress.gov/bill/114th-congress/house-resolution/269?q={%22search%22%3A\[%22chris+smith%22\]}.](https://www.congress.gov/bill/114th-congress/house-resolution/269?q={%22search%22%3A[%22chris+smith%22]})

¹⁷ “The Syrian Humanitarian Crisis: Four Years Later and No End in Sight,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (February 12, 2015) <http://foreignaffairs.house.gov/hearing/joint-subcommittee-hearing-syrian-humanitarian-crisis-four-years-later-and-no-end-sight>.

¹⁸“Human Rights Vetting: Nigeria and Beyond,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 10, 2014) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-human-rights-vetting-nigeria-and-beyond>.

evaluate the adequacy of United States efforts to pre-certify recipients of training and aid so that the United States is not inadvertently assisting bad actors. At this hearing, I pressed the U.S. government to include a review of an individual's or entity's history of human trafficking as part of the vetting process—and I urge other participating and partner States to do the same with their foreign aid to law enforcement and military. Vetting is a powerful way to underscore to our respective and foreign militaries the seriousness of human trafficking offenses by military and law enforcement personnel. I also urge the inclusion of anti-trafficking training in the aid that we offer to vetted individuals and entities.

Also in July 2014, I chaired a hearing on “The Growing Crisis of Africa’s Orphans,”¹⁹ which looked closely at what the United States is doing to mitigate the vulnerability of orphans in Africa, many of whom end up as trafficking victims. Ambassador Robert Jackson, Principal Deputy Assistant Secretary, Bureau of African Affairs, spoke extensively about the U.S. Action Plan for Children in Adversity, one of the main pillars of which is strengthening families so that children can remain with their families. He also discussed U.S. anti-trafficking efforts to provide shelter and care when children have already been victimized by human trafficking, which will help to mitigate their vulnerability to future trafficking within Africa or north into Europe.

Update on Training of Airline and Other Transportation Personnel to Fight Human Trafficking

In December 2013, the OSCE adopted the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings.²⁰ This Addendum updates the Plan of Action from 2005—and reflects the trafficking supplementary items that I and my colleagues have sponsored over the last several years in the OSCE Parliamentary Assembly—in particular for anti-trafficking training in the transportation and hospitality industries.

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 in Kyiv in 2013 along with Nancy Rivard. Hundreds of victims have been rescued already, with the potential for thousands more.

¹⁹ “The Growing Crisis of Africa’s Orphans,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 16, 2014) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-growing-crisis-africas-orphans>.

²⁰ Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/addendum?download=true>.

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.²¹ 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.

My report to the OSCE PA Winter Session in 2014 catalogues the successful implementation of this initiative by several participating States. In addition to the progress noted in that report, I would add that Hungary has scheduled an airline training for October 17, 2015, to celebrate Human Trafficking Awareness Day in Europe. In the United States, the Association for Flight Attendants in Nevada, the United Nations Foundation in DC and United Nations in New York, three airports in California, major airports in Arizona, Florida, Minnesota, Texas, and Illinois; and the international airport in my home state of New Jersey have all been the site of anti-trafficking trainings targeted at ensuring transportation personnel know how to identify and report potential victims.

Trafficking Budget Cuts Largely Restored in 2015

I am pleased to report that the OSCE’s anti-trafficking funds, drastically cut in the OSCE’s 2014 Budget, were largely restored in the 2015 Budget. As explained in the letter distributed to the Parliamentary Assembly Autumn Session, I was gravely concerned that OSCE Participating States were not providing adequate resources to the OSCE to carry out its mandate—particularly the task of fighting human trafficking.

The cuts were particularly ill-timed in that, in December 2013, our governments adopted a strong addendum to the OSCE Action Plan on combating trafficking—and the OSCE as an institution adopted new commitments to lead the way in the fight against human trafficking. Yet, as part of a last-minute deal to obtain agreement on the 2014 budget following almost six months of acrimonious negotiations, the OSCE’s resources to combat trafficking in persons were cut by almost half. Both of ODIHR’s contract positions to combat trafficking were diverted, causing ODIHR to announce its resignation from anti-trafficking efforts; and the OSCE Special Representative on Combating Trafficking in Human Beings became a seconded position, no longer paid out of the regular unified budget. The drastic cut does not seem to have been a considered policy decision, but rather an un-fortuitous outcome of the OSCE’s complex budget

²¹OSCE Parliamentary Assembly, 22nd Annual Session, Istanbul Declaration and Resolutions, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” (June 29 – July 3, 2013) <http://www.oscepa.org/publications/declarations/2013-istanbul-declaration/1826-istanbul-declaration-eng/file>.

negotiation process, and many in the OSCE institutions supported the restoration of funding in the 2015 negotiation.

Responding to the cuts in the 2014 budget, I repeatedly and strongly urged my own government to prioritize the restoration of the funding, and worked to mobilize fellow parliamentarians to do the same with their governments. With gratitude to my OSCE PA colleagues and others who joined me in this effort, I am pleased to report that the funding was substantially restored. In the 2015 OSCE budget, the OSCE Secretariat received the two previously diverted anti-trafficking contract positions, and ODIHR received enough funding to permit its critical participation in anti-trafficking efforts. The OSCE is now in a strong position to continue to make gains against human trafficking and to address vulnerability and trafficking concerns surrounding regional instability, displacement, and refugee flows.

Reforming the US Anti-Trafficking Framework

In 2014 and 2015, the House of Representatives adopted my reform legislation, “The Human Trafficking Prioritization Act”.²² This bill would take the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State, as created by my original Trafficking Victim’s Protection Act of 2000, and elevate it into a bureau—thereby building-on and magnifying its successes within the Department of State.

In addition, H.R. 514 prevents countries from gaming the tier ranking system used in the annual Trafficking in Persons Report—by limiting the time problem countries can use promises of action to avoid tier downgrade. Currently, a country can sit on the Tier 2 Watch List for up to four years with presidential waivers, effectively stringing the U.S. along with promises to take action, but never actually taking action. After 4 years, by law, the country must be automatically downgraded to Tier 3.

The law worked very well upon its first implementation in the 2013 reporting cycle. But we discovered a problem in 2014 when China was (prematurely) upgraded from Tier 3 to the Tier 2 Watch List. As the law is currently written, China can again game the system with promises and no action for 4 years. The Human Trafficking Prioritization Act will hold countries like China accountable by limiting to 1 year the amount of time a country can stay on the Tier 2 Watch List after the country was previously auto-downgraded to Tier 3. I am currently working with the Senate to turn this bill into law as we constantly seek to improve U.S. anti-trafficking laws and diplomatic efforts.

Netherlands-Turkey Trafficking Case

In my previous reports,²³ I have highlighted an alleged trafficking case between the

²² Human Trafficking Prioritization Act, H.R. 2283 (July 23, 2014) <https://www.congress.gov/113/bills/hr2283/BILLS-113hr2283eh.pdf>, and H.R. 514 (January 26, 2015) <https://www.congress.gov/114/bills/hr514/BILLS-114hr514rfs.pdf>.

²³ 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)

Netherlands and Turkey, which I also covered in a Helsinki Commission briefing entitled, “Listening to Victims of Child Sex Trafficking,”²⁴ and on which I had introduced legislation.²⁵ In short, serious allegations of child sex trafficking have been raised in the Netherlands by two Turkish men who claim to have been raped as boys in Turkey by a then senior official in the Dutch Ministry of Justice. The alleged victims have 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—have 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.

In January of 2014, the Dutch court in Arnhem overruled the government and ordered that a formal criminal investigation be opened—including a thorough investigation of the travel of the former Dutch official to Turkey and the interview of several witnesses in Turkey who claim to have seen the official there during the relevant time period and who claim knowledge of the sexual abuse. However, more than a year later, the investigation has not yet been completed as the Turkish government is reportedly refusing to allow the Turkish witnesses to participate in the Dutch investigation. 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.

Conclusion

Laws and policies are only as good as their implementation. It is not an overstatement to say that the OSCE institutions and many participating States are leading the world in the development and application of best practices to fight human trafficking—but it remains an open question whether we will continue the fight against human trafficking with a greater zeal than that of the traffickers. In 2015 we have a functionally restored budget and an Addendum to the Action Plan, adopted in December 2013, promoting the policies and laws that have been successful in our respective countries—including the best practices developed over the last five years in the Parliamentary Assembly. We have low-cost best practices to promote in the form of law enforcement coordination to prevent sex tourism, training for the transportation industry to spot trafficking, and incentives for businesses to purge their own supply chains of goods and components mined, harvested, or made by trafficking victims.

We can corner and impoverish traffickers. I urge my fellow parliamentarians to seize this moment and take the legislative steps necessary to make the anti-trafficking goals upon which we have agreed into a reality in each of our respective countries.

<http://www.oscepa.org/publications/reports/special-reports/human-trafficking-issues-reports/2030-2013-winter-meeting-report-by-the-special-representative-on-human-trafficking-issues/file>.

²⁴“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.

²⁵ H.Res. 62 (February 12, 2013) <http://www.gpo.gov/fdsys/pkg/BILLS-113hres62ih/pdf/BILLS-113hres62ih.pdf>.

APPENDIX

COUNTRIES OF ORIGIN/SOURCE OF ABUSERS (36 total with 16 participating States and 5 partner states)	COUNTRIES OF DESTINATION (53 total with 5 participating States and 3 partner States)
<i>Algeria</i>	Argentina
<i>Australia</i> (although they are taking great remedial steps—overseas jurisdiction, international alerts)	Azerbaijan
Austria (unclear from report)	Belize
Azerbaijan	Benin
Belgium	Bolivia
Canada (overseas jurisdiction in place, warnings with new passports)	Brazil (abusers from Europe and North America)
China	Burma (barred entry of 6 US and Europeans because of their criminal records)
Eritrea	Burundi
Finland (trying to educate travelers)	Cabo Verde
France (working with destination countries, 15 convictions, education efforts)	Cambodia (abusers from Asia, US, Europe)
Germany (weak on prosecutions)	Cameroon
Hong Kong	Colombia (abusers from North America, Europe, and Latin America)
India	Comoros
Indonesia	Costa Rica (abusers from US and Europe)
Iran	Croatia
Iraq	Cuba
<i>Israel</i>	Dominican Republic (denied entry to 39 visitors for previous sex crime convictions)

Italy	<i>Egypt</i>
<i>Japan</i> (traveling to Asian countries)	Eritrea
<i>South Korea</i> (restrict passports of those with sex tourism convictions, but usually fail to prosecute or convict; rampant)	Fiji
Lebanon	The Gambia (abusers from Europe)
Libya	Georgia
Luxembourg	Guatemala (abusers from North America and Western Europe)
New Zealand (working with foreign governments on sex tourist identification)	Guinea
Norway	Honduras (abusers from US and Canada)
Poland	India
Qatar	Indonesia
Saudi Arabia (abusing in Egypt, India, Jordan, Mauritania, Yemen, and Indonesia)	Jamaica
Singapore	Kenya
Spain	Kiribati
Sweden (law allows prosecution of crimes abroad)	Laos
Taiwan (law allows prosecution of crimes abroad)	Madagascar (French and Italian abusers)
Turkey	Malawi?
Ukraine	Mexico (abusers from US, Canada, Europe)
United Arab Emirates	Moldova (abusers from Norway, Italy, Germany, Sweden, Denmark, Thailand, Australia, Israel, and the United States)
United Kingdom	Mongolia (abusers from Japan and South Korea)
United States	<i>Morocco</i>
	Nicaragua (abusers US, Canada, Western Europe)

	Panama
	Paraguay
	Peru
	Philippines (abusers Australia, New Zealand, and countries in Northeast Asia, Europe, and North America)
	Senegal
	Seychelles
	Solomon Islands
	Sri Lanka
	Switzerland
	Tanzania
	Thailand (denied entry to 79 known foreign sex offenders and launched a public awareness campaign warning tourists of the strict penalties for engaging in sex with minors)
	Uganda
	Uruguay
	Uzbekistan (men from India)
	Vietnam (abusers from Japan, South Korea, China, Taiwan, the UK, Australia, Europe, and the United States)
	Yemen