

*Report on Human Trafficking Issues  
to the 2016 Winter Meeting  
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 activities since our last Winter Meeting as the Special Representative on Human Trafficking Issues for the OSCE PA.

## **Meetings**

Since our last Winter meeting, 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 then-President of the UN General Assembly, Sam Kutesa; Prime Minister Aleksander Vucic, Foreign Minister Ivica Dacic and Ambassador Djerdj Matkovic, all of Serbia; as well as Poland's Secretary of State, Jan Dziejczak, the Ambassador of Lithuania, Zygimantas Pavilionis, and the Deputy Secretary of State of Hungary, Mr. Gergely Prohle, and Ambassador of Hungary, Réka Szemerényi.

Over the last year, I have also been able to share new legislative anti-trafficking ideas with members of parliament from Germany, Romania, Hungary, the Netherlands, the Czech Republic, Macedonia, and Canada. 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. One of the issues discussed with Director Link and Amb. Jarbussynova was human trafficking stemming from the vulnerability of migrants from the Middle East and Africa. 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 or along the way—ensuring that the human rights of migrants are respected.

Regarding partner States, I had a series of meetings 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 has recently adopted several new laws and policies to prevent labor trafficking in its fishing industry. I also met with Major General Jaruvat Vaisaya, Deputy Commissioner for the Royal Thai Police to discuss implementation of these new laws, as well as to follow-up on Thailand's ongoing legal proceedings against officials and civilians believed to have been involved in human trafficking.

Over the course of my meetings with African leaders during the last year, I raised human trafficking with President Muhammadu Buhari of Nigeria, President Alpha Conde of Guinea, and Vice President James Wani Igga of South Sudan. I also had the privilege of discussing ways to fight human trafficking with Mrs. Jeanine Mabunda Lioko, Personal Representative of the Democratic Republic of Congo for the Fight Against Sexual Violence and Child Recruitment; Mr. Albert Puela, Democratic Republic of Congo National Assembly Member; Mr. Evode Imena, Rwanda's State Minister of Mining, and the Ambassadors of Egypt, Ghana, Nigeria, and South Sudan, Rwanda, Burundi, and Nauru.

## **Preventing Child Sex Trafficking and other Exploitation by Known Sex Offenders: New U.S. Legislation**

On February 8<sup>th</sup>, H.R. 515, the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders—a law which I wrote over 8 years—became law in the United States.<sup>1</sup> This law will significantly thwart the sexual exploitation of children in the United States and abroad through a comprehensive and efficient system that warns law enforcement of traveling sex offenders.

International Megan’s Law honors the memory of Megan Kanka—a little girl from my hometown of Hamilton who suffered and died at the hands of a sexual predator. Megan was just seven-years-old when she was kidnapped, raped, and brutally murdered in 1994. Her assailant lived across the street and unbeknownst to her family and other residents in the neighborhood, he was a convicted, repeat sex offender.

Due to the extraordinary work by Megan’s courageous parents—Maureen and Richard Kanka—the New Jersey State Legislature passed and the governor signed the original Megan’s Law in 1994 to require registration and public notification of convicted sex offenders living in the community. Today all 50 states and all U.S. territories have their own Megan’s Laws requiring sex offenders to register with local authorities. Most of this information is also made publically available online.

Domestic Megan’s Laws allow parents, guardians, school officials, sport coaches, law enforcement and the public at large to have the critical information they need to mitigate harm to children. It is against the law to use this information to harass or harm a sex offender.

International Megan’s Law takes the lessons learned domestically and expands them to protect children abroad. We know from law enforcement and media documentation that Americans on U.S. sex offender registries are caught sexually abusing children in Asia, Central and South America, Europe—everywhere. A deeply disturbing 2010 report by the Government Accountability Office (GAO) entitled “Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders” found that at least 4,500 U.S. passports were issued to registered sex offenders in fiscal year 2008 alone. Typically, a passport is valid for ten years, meaning some or many of the tens of thousands of registered sex offenders possessing passports may be on the prowl internationally, looking to exploit and abuse.

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; or because they perceive law enforcement in certain countries as being scarce, corrupt, or unsophisticated. Child-sex tourists may also believe they have immunity from retaliation because they are U.S. citizens. Or the child-sex tourist may

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<sup>1</sup>International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders, P.L. 114-119 (February 8, 2016) <https://www.congress.gov/114/bills/hr515/BILLS-114hr515enr.pdf>.

have the financial ability to impress and influence the local population and gain immunity. Child-sex tourists can “disappear” after a brief stay and not have to worry about grooming the child to stay silent. With their sex offender status unknown to the foreign population, the child-sex tourist can gain access to children of their preference. Child sex tourism can take the form of sexual abuse or commercial sexual exploitation—which 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. Tragically, many of the sending countries are OSCE participating States, including the United States.

Ernie Allen, who served for 30 years as the President and CEO of the National Center for Missing and Exploited Children (NCMEC) and the International Center for Missing and Exploited Children, recently explained, “It is clear that there is a substantial category of offenders who do not offend as a lapse of judgment; they do it as a lifestyle. And these are the offenders who are most likely to travel to seek victims in places where the offender is most likely to be anonymous and most likely to avoid identification or apprehension.”

Studies demonstrate that even when caught, prosecuted and jailed, for a number of predators the propensity to recommit these crimes at a later date remains alarmingly high. A 2009 study by Olver, Wong, and Nicholaichuk found that untreated moderate- to high-risk sex offenders were reconvicted for sex crimes at a rate of 17.7 percent after three years and 32 percent after 10 years.<sup>2</sup>

A 2004 study by Hanson and Harris on 4,724 treated and untreated sex offenders combined found that 5-year recidivism rate for sexual crimes was 14 percent. The 10-year recidivism rate was 20 percent and the 15-year recidivism rate was 24 percent. The study also showed that some forms of child molestation had a 35 percent sexual recidivism rate at 15 years.<sup>3</sup>

Keep in mind that these are just the rates for those who were caught again. Pedophiles and other sexual predators often harm more than one victim. For every victim who reports, there are likely many other victims of the same predator who could not come forward.

Some of these exploited children are prostituted by human traffickers to pedophiles. The International Labor Organization (ILO) has estimated that 1.8 million children are victims of commercial sexual exploitation around the world each year.

Specifically, H.R. 515 will authorize and empower the Angel Watch Center, operating under the auspices of Immigration, and Customs, Enforcement (ICE), Department of Homeland Security, to check flight manifests against sex offender registries—and quickly warn destination

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<sup>2</sup> M. Olver, S. Wong, T. Nicholaichuk, “Outcome Evaluation of a High-Intensity Inpatient Sex Offender Treatment Program,” *Journal of Interpersonal Violence* Vol. 24, No. 3 pp. 522-536 (2009).

<sup>3</sup>A. Harris and K. Hanson, “Sex Offender Recidivism: A Simple Question”, Public Safety and Emergency Preparedness Canada (2004).

countries when sex offenders are headed their way. The destination countries can then assess the potential dangers—and respond appropriately, whether that is to deny entry or visa, monitor travel, or limit travel.

To prevent offenders from thwarting International Megan’s Law notification procedures by country-hopping to an alternate destination not previously disclosed, H.R. 515 includes provisions for the State Department to develop a passport identifier—or, “*any visual designation affixed to a conspicuous location on the passport indicating that the individual is a covered sex offender.*” A passport so identified provides law enforcement and customs an additional tool to protect children.

The passport identifier is only for those who have been found guilty in a court of law of a sex crime involving a child, and have been deemed dangerous enough to be listed on a public sex offender registry. When this information is no longer public knowledge in the United States, the passport identifier will no longer be required on the passport.

International Megan’s Law looks to establish a durable system of reciprocity among the nations of the world. My law directs the U.S. Secretary of State to seek agreements with other countries so that the United States is notified in advance of incoming foreign sex offenders.

Efforts have begun with several countries already. Last year, 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.<sup>4</sup> 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 are alerted in a timely fashion—what we need is the political will to apply that information and technology on behalf of vulnerable children.

Protecting children from violence and predatory behavior, including sexual exploitation and human trafficking, are among the highest duties and responsibilities of government. It was

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<sup>4</sup> “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>.

part of my 2015 Supplementary Item in Helsinki<sup>5</sup> and the focus of my 2014 Supplementary Item in Baku.<sup>6</sup> Now that International Megan’s Law has become law in the United States I would be pleased to work with any delegation that desires to make it law in their home country. With the enactment of this law, I am confident more children will be spared and protected from the horrors and brutality of child sex trafficking.

### **Briefing: Ensuring Healthcare Professionals are Equipped to Recognize and Help Rescue Trafficking Victims**

In December, I held an official Commission on Security and Cooperation in Europe briefing on “Best Practices for Rescuing Trafficking Victims”<sup>7</sup> featuring two doctors, a psychologist, and two trafficking survivors in order to highlight the role of health care professionals in recognizing and rescuing human trafficking victims who seek medical care. This briefing noted a groundbreaking study by Dr. Laura Lederer,<sup>8</sup> which showed that 88% of human trafficking victims had contact with a health care provider while being trafficked, with the most common contact being a hospital/ER (63.3%). The research also indicated that while at least half of the time, medical personnel were aware the woman was “on the street,” it was very rare for the medical personnel to offer assistance or referrals. This inaction may be due to a lack of education on the signs of human trafficking and/or lack of awareness of assistance available for human trafficking victims.

Even when medical personnel have concerns that the patient may be a trafficking victim, they may face impediments to confirming suspicions. For instance, the trafficker may be in the examination room with the victim inhibiting conversation with the doctor; the victim and the doctor may not speak the same languages; or the doctor may not know how to reach out to the victim in a way that is sensitive to the victim’s culture. Another difficulty is medical professionals not knowing how to approach the topic in a sensitive manner. Some may ask if the

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<sup>5</sup> 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).

<sup>6</sup> OSCE Parliamentary Assembly, 23<sup>rd</sup> 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>.

<sup>7</sup> “Best Practices for Rescuing Trafficking Victims” (December 2, 2015)

[http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord\\_id=575&Region\\_id=0&Issue\\_id=0&ContentType=H,B&ContentRecordType=B](http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=575&Region_id=0&Issue_id=0&ContentType=H,B&ContentRecordType=B).

<sup>8</sup> Lederer, Laura, and Christopher Wetzel. “The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities.” *Annals of Health Law* 23.1 (2014): 61-91. *Annals of Health Law – Vol 23 Issue 1*. Web. 13 Oct. 2014.

girl is a “prostitute”—a word from which she will recoil or may not understand—rather than asking, “Have you ever had to trade sex for food or money?”

Another difficulty is that victims may not believe they are victims and may resist attempts to offer assistance or referrals for help. This is particularly common with adolescent or teenage victims who may be “in love” with their pimp and committed to protecting his identity. Other victims may refuse assistance if the pimp or labor trafficker has threatened to hurt their family. Foreign victims may be especially frightened of involving law enforcement due to immigration status and may be more open to receiving help from a social worker.

It may take time and effort on the part of the doctor to win the trust of the victim in order to help the victim. Deferring to the trafficking victim’s wishes on timing and type of assistance is most controversial with victims who are adolescents/teenagers and at risk of harm if they return to their trafficker after leaving the clinic or hospital. The survivors participating in the briefing offered insights into their mental state and how the medical professionals could have best supported their escape.

Many non-governmental and professional organizations in the United States are developing training programs for medical professionals on this issue. The U.S. Department of Health and Human Services has also instituted a pilot initiative to develop a training.<sup>9</sup> I am currently looking at medical privacy laws in the United States to discern whether a specific exception needs to be added for human trafficking victims, or if the current exceptions for domestic violence and child abuse and abuse of incapacitated adults will cover most victims.

### **Supplementary Item Adopted at the Annual Session 2015: Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services**

I am pleased to report that the Parliamentary Assembly adopted my Supplementary Item, “Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services”,<sup>10</sup> at the 2015 Annual Session in Helsinki. This Supplementary Item provides best practices to prevent accidental government and OSCE participation in human trafficking.

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

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<sup>9</sup> SOAR to Health and Wellness Training, U.S. Department of Health and Human Services, <http://www.acf.hhs.gov/programs/endtrafficking/initiatives/soar>.

<sup>10</sup> “Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services,” Helsinki Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the 24<sup>th</sup> Annual Session, 4<sup>th</sup> Annual Session, Helsinki, Finland (5-9 JULY 2015) <https://www.oscepa.org/documents/all-documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file>.

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 Kyiv, 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 goods 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.<sup>11</sup>

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. My Supplementary Item implements these requirements with best practices.

Namely, the Supplementary Item requires that 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:

- 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;

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<sup>11</sup> 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.”

- 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 the 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. Businesses 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.”<sup>12</sup> 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.

Notably, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova, has developed and Extra-Budgetary (ExB) project entitled, “Prevention of trafficking in human beings in supply chains, with a focus on government practices and measures.” If funded, this project will do the following:

- Promote the establishment of concrete measures to prevent human trafficking in supply chains through the implementation of capacity building workshops for competent authorities of OSCE participating States;
- Facilitate the exchange of best practices, lessons learned, including how to address the gaps and challenges in policy and implementation;
- Develop and publish flexible model guidelines for governments on preventing trafficking in human beings in supply chains, with a focus on government procurement and transparency practices;

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<sup>12</sup> OSCE Parliamentary Assembly, 20<sup>th</sup> 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.”

- Develop a strategic plan for encouraging the adoption of the model guidelines and best practices, leveraging reform efforts already underway, such as National Action Plans on Business and Human Rights and anti-trafficking efforts, or other relevant government commitments.

In light of this ExB project's complementarity with the Supplementary Item adopted by the PA last summer, I respectfully urge you to encourage your government's financial support of the project.

## Hearings

As Chairman of the Commission on Security and Cooperation in Europe, I held a hearing this month with Director Michael Link of the OSCE Office of Democratic Institutions and Human Rights entitled "Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law."<sup>13</sup> Director Link noted U.S. support for re-launching ODIHR's anti-trafficking work, and indicated that ODIHR is in the final stages of interviewing for a trafficking-specific post in ODIHR to complement the anti-trafficking work being done by the Secretary-General's team. Director Link testified that he plans to continue anti-trafficking work to protect the human rights of trafficked persons who return to their countries of origin. ODIHR also plans to integrate anti-trafficking efforts into its ongoing work to assist states with capacity building of police, labor inspectors and prosecutors. Director Link noted in particular a focus on the human rights of trafficked persons in the context of criminal justice and migration policies, particularly women and children in the context of refugee crisis.

I also chaired a hearing of the Commission on Security and Cooperation in Europe in October entitled "Europe's Refugee Crisis: How should the US, EU, and the OSCE Respond?"<sup>14</sup> In response to my concerns regarding reports of sex trafficking of women and children in refugee camps that lack adequate safeguards, Anne Richards, U.S. Assistant Secretary of State for Population, Refugees, and Migration assured the members that the United States is working with key states to take basic anti-trafficking precautions in the organization of refugee camp facilities. Serbia's Ambassador to the United States, Djerdj Matkovic, underscored the Serbian Chairmanship's focus on the issue, including support for reinstating the OSCE's trafficking budget in 2015 and the co-organization by the Serbian Chairmanship's and the OSCE Transnational Threats Department of the 2015 OSCE Annual Police Experts Meeting, which focused on trafficking in human beings and illegal migrations within the context of fighting against organized crime. Mr. Sean Callahan, Chief Operating Officer of Catholic Relief Services, noted that many children are abused in camps when their parents have to be away from

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<sup>13</sup> "Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law," Commission on Security and Cooperation in Europe (February 11, 2016)

[http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord\\_id=578&Region\\_id=0&lsue\\_id=0&ContentType=H,B&ContentRecordType=H](http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=578&Region_id=0&lsue_id=0&ContentType=H,B&ContentRecordType=H).

<sup>14</sup> "Europe's Refugee Crisis: How should the US, EU, and the OSCE Respond?" (October 20, 2015)

[http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord\\_id=571&Region\\_id=0&lsue\\_id=0&ContentType=H,B&ContentRecordType=H](http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=571&Region_id=0&lsue_id=0&ContentType=H,B&ContentRecordType=H).

them and leave them with careless caregivers. He called for qualified caregivers and emergency schooling to be provided for children to reduce their vulnerability to trafficking.

In July 2015, I also chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Africa’s Displaced People,”<sup>15</sup> at which the Deputy Assistant Secretary of State for Population, Refugees, and Migration, Catherine Wiesner, underscored that the State Department is vigilant with implementation partners to ensure that refugee camps are organized to avoid trafficking of the vulnerable people housed there. She also noted that the European Union has created a \$1 billion trust fund to address some of the “push” factors that displace people in Africa and make them vulnerable to human trafficking.

As the Chairman of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, I chaired a hearing in December entitled “Fulfilling the Humanitarian Imperative: Assisting Victims of ISIS Violence”<sup>16</sup> to draw attention to war crimes against religious minorities, including the horrific practice of sexual slavery that ISIS is perpetrating against the Yezidis and other religious minorities in Iraq and Syria. The international community must live up to its pledges of humanitarian assistance and do everything it its power to rescue and rehabilitate victims of ISIS trafficking. My bill calling for the immediate establishment of a Syria War Crimes Tribunal (H. Res. 269),<sup>17</sup> which would hold accountable those members of ISIS and other groups who are trafficking in persons, remains pending in the House.

In November, I also chaired a hearing in the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Demanding Accountability: Evaluating the 2015 Trafficking in Persons Report” to provide oversight of the State Department’s annual report required by my Trafficking Victim’s Protection Act of 2000. This hearing was a follow-up to my April 2015 hearing on, “Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking.”<sup>18</sup>

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<sup>15</sup>“Africa’s Displaced People”, House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 9, 2015)

<http://foreignaffairs.house.gov/hearing/subcommittee-hearing-africas-displaced-people>.

<sup>16</sup>“Fulfilling the Humanitarian Imperative: Assisting Victims of ISIS Violence,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (December 9, 2015) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-fulfilling-humanitarian-imperative-assisting-victims-isis-violence>.

<sup>17</sup> 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]}).

<sup>18</sup> “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>.

One of the most successful ways the U.S. promotes best practices and ensures accountability for the minimum standards to eliminate human trafficking is the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State. This annual report lays bare the record of almost every country, summarizing the country's progress in an annual tier ranking. The power of the Report lies in its credibility. And the credibility of the Report lies in its accuracy. We must get the Report right, or we will lose the most effective tool we have to help the more than 20 million victims of trafficking enslaved around the world today.

Tier 1 countries fully meet the minimum standards. Tier 2 countries do not meet the minimum standards but are making a significant effort to do so. Tier 2 Watch List countries are in a grace period and are in real danger of becoming Tier 3 if they do not take real action, to go along with their promises. Tier 3 countries do not meet the standards and are not making significant effort to do so. Along with the embarrassment of being listed on Tier 3, Tier 3 countries are open to sanction by the U.S. government.

Since the TIP Report's inception, more than 120 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 new anti-trafficking efforts.

We have found a system that works—but, tragically, it is sometimes muffled, misguided, and marginalized by unrelated bilateral concerns and by the internal structure of the State Department itself. The 2015 Trafficking in Person's Report contained some overtly unreasonable tier rankings for Malaysia, China, Vietnam, Cuba, and Uzbekistan, which was mysteriously upgraded to the Tier 2 Watch List despite the fact that the Government of Uzbekistan openly forces its citizens to work in the cotton fields. This hearing provided the opportunity to directly question the U.S. State Department Offices involved in the suspect rankings and determine what legislative changes might be necessary to improve the accuracy of the report. It is of utmost importance that the TIP Report remain free of political, trade, or security bias.<sup>19</sup> The TIP Report must be a reliable and useful tool for everyone.

I also warned about inflated tier rankings in the June 17, 2015 hearing on “Human Rights Abuses by Vietnamese Authorities.”<sup>20</sup> 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

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<sup>19</sup> 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>.

<sup>20</sup> “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>.

combat trafficking, at the recent House Foreign Affairs Committee Hearing on “Advancing U.S. Economic Interests in Asia.”<sup>21</sup>

In July, also before the Report came out, I received testimony from experts regarding trafficking in Burundi, a country on the cusp of being downgraded to Tier 3 in the 2015 Report. This hearing, entitled, “The Unfolding Crisis in Burundi,”<sup>22</sup> underscored that, without very real interventions by the Government of Burundi, trafficking in urban areas was on track to increase dramatically. Burundi was subsequently held accountable in the 2015 Report.

In October, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Africa’s Great Lakes Region: A Security, Political, and Humanitarian Challenge,”<sup>23</sup> at which I discussed with Assistant Secretary for Africa, Linda Thomas-Greenfield, and the Special Envoy to the Great Lakes Region, Thomas Perriello, whether they were receiving support and updates from the Trafficking in Person’s Office at the State Department, and whether they were regularly raising human trafficking with countries in the region. They affirmed that they were receiving support and were raising trafficking in bilateral meetings—with good responses from many African countries, showing once again that accountability inspires action.

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,”<sup>24</sup> 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.

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<sup>21</sup> “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>.

<sup>22</sup> “The Unfolding Crisis in Burundi,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 22, 2015)

<http://foreignaffairs.house.gov/hearing/subcommittee-hearing-unfolding-crisis-burundi>.

<sup>23</sup> “Africa’s Great Lakes Region: A Security, Political, and Humanitarian Challenge,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (October 22, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-africa-s-great-lakes-region-security-political-and-humanitarian>.

<sup>24</sup> “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>.

Ms. Karla Jacinto Romero, who herself is a 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.

### **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.<sup>25</sup> This Addendum updates the Plan of Action from 2005—and reflects the trafficking supplementary items that my colleagues and I 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.

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.<sup>26</sup> 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 victims and respond according to a protocol established with law enforcement. The supplementary item also calls on

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<sup>25</sup>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>.

<sup>26</sup>OSCE Parliamentary Assembly, 22<sup>nd</sup> 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>.

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 last two reports to the PA catalogue the successful implementation of this initiative by several Participating States. I would add that Hungary hosted two trainings in Budapest with Airline Ambassadors in October. In 2015, Airline Ambassadors also provided 14 trainings across the United States, including five in the San Francisco Bay Area prior to the Super Bowl, in order to ensure that airline personnel were fully equipped to spot human trafficking associated with the major sporting event. Airline Ambassadors has also developed a smart phone application to make it easy for airline personnel to report human trafficking at U.S. airports.<sup>27</sup>

### **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 given 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. This drastic cut does not seem to have been a considered policy decision, but rather an un-fortuitous outcome of the OSCE's complex budget negotiation process, and many in the OSCE institutions supported the restoration of funding in the 2015 negotiations.

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

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<sup>27</sup> Airline Ambassadors Human Trafficking Reporting Application: <http://airlineamb.org/2015/09/19/aais-new-tip-line-app/#.VstHTOzv669>.

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**

I have begun work on the Trafficking Victim’s Protection Reauthorization Act of 2016, which will update my original Trafficking Victim’s Protection Act of 2000 (TVPA). In the intervening years, I have sponsored two updates of the law—one in 2003 and another in 2005—and have had the privilege of watching the hard data roll in, underscoring the importance of the fight against human trafficking.

Through the TVPA and its reauthorizations, the fight against human trafficking has been integrated into the programs and expertise of the Departments of State, Justice, Labor, Homeland Security, and Health and Human Services. Federal and State agencies have begun to work together to ensure that traffickers are caught and survivors get the care that they need.

The United States has an exemplary system in place, but it is time for a legislative tune-up to make certain that the Departments are working together and that tax dollars are being spent well, and that our old and new laws are not having negative unintended consequences for trafficking victims. Beyond any improvements that can be made in the federal government’s implementation of trafficking laws, it is critical to ensure that U.S. human trafficking laws adapt to changes in trafficker’s strategies as well as human trafficking flows.

To this end I plan to introduce the Trafficking Victims Protection Act of 2016. This new law will fill gaps and incorporate the latest best practices to efficiently and frugally fight human trafficking in the United States and abroad. It will ensure that other countries are held accountable for their records of fighting human trafficking within their borders.

In 2014 and 2015, the House of Representatives adopted my reform legislation, “The Human Trafficking Prioritization Act”.<sup>28</sup> 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 a 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 doing so. After 4 years, by law, the country must be automatically downgraded to Tier 3.

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<sup>28</sup> 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>.

However, as the law is currently written, a country can manipulate the system and retain Tier 2 Watch List status for 4 years by again making promises that will never be fulfilled. 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 after four years on the Tier 2 Watch List. I am currently working with the Senate to pass 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,<sup>29</sup> I have highlighted an alleged trafficking case between the Netherlands and Turkey, which I also covered in a Helsinki Commission briefing entitled, “Listening to Victims of Child Sex Trafficking,”<sup>30</sup> and on which I had introduced legislation.<sup>31</sup> 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—for the truth to be known. The alleged victims, as well as the accused, deserve no less.

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<sup>29</sup> 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/2030-2013-winter-meeting-report-by-the-special-representative-on-human-trafficking-issues/file>.

<sup>30</sup> “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](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).

<sup>31</sup> H.Res. 62 (February 12, 2013) <http://www.gpo.gov/fdsys/pkg/BILLS-113hres62ih/pdf/BILLS-113hres62ih.pdf>.

## **Conclusion**

The numbers coming out of the OSCE region, as cataloged by the US State Department Trafficking in Persons Report, shows that victim identification—especially of labor trafficking victims—markedly increased by 15% in 2014. Prosecution of traffickers also increased by 30%. These numbers indicate vigilance and prioritization of anti-human trafficking efforts by some States.

However, convictions decreased by a stunning 41% from 2,684 the previous year to 1,585. Consequently, I urge all participating States to redouble their efforts toward the goal of putting traffickers behind bars, while also progressing in other areas of best practices. It is only with traffickers behind bars that the survivors and vulnerable populations, such as migrants and refugees, will be safe.