

*Report on Human Trafficking Issues
to the 2017 Annual Session
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by

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for the OSCE Parliamentary Assembly

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Mr. President, fellow parliamentarians, please accept the following report on my activities since the last Annual Session as the Special Representative on Human Trafficking Issues for the OSCE PA.

High Level Meetings

Over the last year, 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 Secretary General of the United Nations, Antonio Guterres; Prime Minister of Macedonia, Nikola Gruevski; President of the Central African Republic, Faustin-Archange Touadéra; Prime Minister of Timor-Leste, Rui Maria de Araújo; Prime Minister of the Democratic Republic of Congo, Samy Badibanga; President of Panama, Juan Carlos Varela; Vice President of South Sudan, James Wani Igga; and Acting Vice President of the Gambia and Minister for Women's Affairs, Fatoumata Tambajang.

I also had the privilege of discussing the prevention and amelioration of human trafficking with Deputy Foreign Minister of Belarus, Oleg Kravchenko; Under-Secretary of State and Minister for Internet Safety & Security in the United Kingdom, Baroness Joanna Shields; Social Welfare Minister in Sierra Leone, Dr. Sylvia Blyden; and U.S. Ambassador to the United Nations, Nikki Haley.

Ambassador Djerdj Matkovic of Serbia, Ambassador Garang Diing Akuong of South Sudan, and Ambassador Girma Birru Geda of Ethiopia also discussed strategies to end human trafficking with me over the course of last year.

Members of parliament, who can be the engines of systemic change in their countries, were also happy to consider the best practices to end human trafficking we have been developing in the United States. To this end, I met with representatives from the European Parliament, Germany, Guatemala, Peru, Colombia, Costa Rica, Mexico, Paraguay, and Uruguay.

During his final visit to the United States as Director of the Office of Democratic Institutions and Human Rights (ODIHR), I met with Michael Link and was able to thank him personally for his work to re-establish and fill the trafficking position within ODIHR. It is critical that the OSCE's fight against human trafficking be integrated into the work done under ODIHR's expertise, such as capacity building of police, labor inspectors, and prosecutors; and coordinated with overall anti-trafficking efforts by the Secretary General. I sincerely hope that this important work will continue and be funded past the end of his tenure.

I also met with Prince Zeid bin Ra'ad Zeid al-Hussein, the United Nations High Commissioner for Human Rights, who has been working for a decade to stop sexual exploitation and abuse particularly by UN peacekeepers in countries facing conflicts and disaster.

As I oversee implementation of anti-trafficking laws in the United States, I met a few times this year with Ambassador-at-Large to Monitor and Combat Trafficking in Persons, Susan

Coppedge, whose office at the U.S. Department of State produces the annual *Trafficking in Persons Report* on nearly every country in the world, including the United States.

The role of faith leaders in fighting human trafficking, and especially in providing rehabilitative assistance to trafficking survivors, should not be underestimated and cannot be overstated. I consequently raised trafficking with Archbishop Tadeusz Kondrusiewicz of Minsk-Mohilev; Cardinal Peter Turkson, Papal Prefect of the Dicastery for Integral Human Development; Archbishop Christophe Pierre of the Apostolic Nuncio to the United States; and Cardinal Christoph Schonborn, Archbishop of Vienna; and Bishop Edward Hiiboro Kussala of South Sudan.

Supplementary Item: Preventing Child Sexual Exploitation Online Through Advances in Technology

My supplementary item this year, *Preventing Child Sexual Exploitation Online Through Advances in Technology*, highlights three major ways that the internet is fueling sex trafficking—and the ways we can fight back with technology and law.

A trend we are seeing in the United States and across the OSCE region is the criminal use of classified websites for the advertising of trafficking victims. The internet was never meant to be a zone of impunity for traffickers and their accomplices.

Some of you may have seen or read about the explosive hearings in the U.S. Congress this year regarding Backpage.com—a classified advertising website that operates across our region. Backpage.com is making hundreds of millions of dollars a year off of classified advertisements in the United States and many participating States. Rescued trafficking victims and law enforcement report that Backpage.com is used by traffickers.¹ The National Center for Missing and Exploited Children's statistics show that Backpage.com is the subject the majority of the child trafficking tips they receive.²

After subpoenaing documents that Backpage.com originally refused to share, Congress found that Backpage.com was removing tell-tale words and signs of likely human trafficking from advertisements on its website, but still posting the advertisements and taking the money.³ This action prevented U.S. law enforcement from detecting children being trafficked, it helped traffickers, and it hurt children.

¹Mother who found missing daughter's pictures on Backpage speaks out, CBS News (January 11, 2017) <http://www.cbsnews.com/news/backpage-senate-report-accuses-illegal-transactions-underage-sex-trafficking/>;
Small ads sex trafficking: The battle against Backpage, The Guardian, (July 2, 2017) <https://www.theguardian.com/global-development/2017/jul/02/fight-for-my-daughter-battle-against-backpage-child-sex-trafficking>.

² National Center for Missing and Exploited Children, Amicus Brief, NO.4492-02-II, Supreme Court of Washington (September 4, 2014) http://www.missingkids.com/en_US/documents/AMICUS_NCMEC_Backpage.pdf.

³ Permanent Subcommittee on Investigations and Reports, Committee on Homeland Security and Governmental Affairs, U.S. Senate (January 2017) <https://www.hsgac.senate.gov/subcommittees/investigations/reports>.

The problem is not just in the U.S. The annual Trafficking in Persons Report put out by the Department of State just last week indicates that in Europe, “online–advertised prostitution organized by Russians and Bulgarians has increased, along with classified ads posted by organized networks ...of Romanian, Bulgarians, Nigerians, and Brazilians.”⁴

Like going after the pimps and buyers, shutting down the middle-men and accomplices, such as classified website owners who recklessly or knowingly participate in trafficking ventures, will help stop trafficking in our region. The massive number of victims means that participating states need to allow the victims to sue the website owners in civil court as well. It is a way we can let the victims take back their lives, as well as incentivize classified website owners to report suspicious advertisements to police, rather than post them for financial benefit.

I hope each participating State will consider ensuring that victims advertised on classified websites like Backpage.com are allowed to have their day in court. Provincial, state, and central governments too, need to prioritize law enforcement against online slave markets. We must make the internet a place of accountability, not impunity.

My supplementary item this year also addresses another technology-driven trafficking problem; namely, children’s unrestricted access to online pornography—which is making our children vulnerable to human trafficking.

Traffickers and predators have long-used pornography to desensitize and groom children for abuse. Unrestricted pornography on the Internet has only made their job easier.

Children in most OSCE participating States have unrestricted access to every imaginable form of pornography on the Internet. Their young minds are being shaped to believe that aggression and sexual violence are normal.

And the results are in—last year, the Journal of Interpersonal Violence released a study conducted in Bulgaria, Cyprus, England, Italy, and Norway, which showed that teenage boys exposed to online pornography are significantly more likely to be sexually coercive.⁵

A 2006 study in the European Journal of Developmental Psychology showed that adolescent girls who view pornography are more likely to report being victims of sexual harassment or forced sex at the hands of acquaintances.⁶

⁴ U.S. Department of State, 2017 Trafficking in Persons Report , Narrative on France (June 2017) <https://www.state.gov/j/tip/rls/tiprpt/>.

⁵ Nicki Stanley, Christine Barter, Marsha Wood, Nadia Aghtaie, Cath Larkins, Alba Lanau, and Carolina Overlien, “Pornography, Sexual Coercion and Abuse and Sexting in Young People’s Intimate Relationships: A European Study,” *Journal of Interpersonal Violence* (2016) 1-26.

⁶ Silvia Bonino, Silvia Ciairano, Emanuela Rabaglietti,, and Elena Cattelino, “Use of Pornography and Self-reported Engagement in Sexual Violence Among Adolescents,” *European Journal of Developmental Psychology* (2006), 3 (3) 265-288.

Another study out of the United Kingdom in 2012 by the journal of Sexual Addiction and Compulsivity (2012) suggested children's undeveloped brains and lack of real world experience of intimate relationships make them particularly susceptible to being influenced by viewing pornography.⁷

Yet another study in the Journal of Adolescence in 2011 found that adolescent boys in Sweden who were frequent users of pornography were significantly more likely to have sold sex than other boys their age.⁸

My Supplementary Item this year follows the lead of the United Kingdom, Finland, Germany, and Denmark in recognizing that children's unrestricted access to online pornography is a public health crisis.

An age wall should be required for pornography sites in all participating States. We have multiple forms of technology available that can ensure visitors to pornographic websites are 18 years of age or older. Some countries already do this for online gambling—why not for pornography when the stakes are so much higher? In fact, already existing gambling account numbers could be used for entry pornography websites for age verification.

In addition, the pornography industry itself has come up with AgeID accounts, which, like a gambling account number, would allow a user to create an account on the AgeID website, receive an account number, and use that number to pass the age wall on other websites.

Credit card numbers could also be used. In many participating States, individuals are not permitted to have credit cards until 18 years of age. Use of a credit card on the website, with a refundable deduction of \$1, has been suggested as a way to verify both age and card ownership.

Other companies are developing biometric applications, which would verify, but not store, the date of birth and photo on a passport. Additional new ways of verifying age with minimal information are also being developed.

Finally, my Supplementary Item addresses the all-too-well-known phenomena of traffickers and pedophiles seeking out and grooming children on social media websites.⁹ Sometimes the trafficker will expose a child to pornography through the website, sending photos, or asking the child to take their own pictures. The trafficker then coerces the child into prostitution by threatening to show the child's photos to their parents if the child does not work for them.¹⁰ In fact, Facebook announced this year that they would hire 3,000 more reviewers to

⁷ Eric Owens, Richard J. Behun, Jill C. Manning & Rory C. Reid, "The Impact of Internet Pornography on Adolescents: A Review of the Research," *Sexual Addiction and Compulsivity: The Journal of Treatment & Prevention* (2012) 19:1-2, 99-122.

⁸ Carl Goran Svedin, Ingrid Akerman, Gisela Priebe, "Frequent Users of Pornography. A Population Based Epidemiological Study of Swedish Male Adolescents," *Journal of Adolescence* (2011) 34 779-788.

⁹ Elaine Chase and June Statham, "Commercial and Sexual Exploitation of Children and Young People in the UK—A Review," *Child Abuse Review* (2005), Vol. 14-25, p. 12.

¹⁰ Ibid.

help prevent use of the website for violence and child exploitation.¹¹ My Supplementary Item calls on participating States to work with social media websites to protect children from pornographic content, grooming, and sexual exploitation by traffickers.

Technology has exacerbated sex trafficking of children, but the application of new technologies can also prevent it. I urge you to examine some of these new best practices for your own countries.

Major New Trafficking Legislation in the United States: Frederick Douglass Act

The U.S. Congress will soon—maybe even next week—vote on my latest trafficking legislation, The *Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*, which reauthorize \$130 million in U.S. government funds to prosecute traffickers, rescue and assist victims, and prevent human trafficking at home and abroad. This law will be the 5th reauthorization of my *Trafficking Victims Protection Act of 2000*, which launched a bold strategy that included sheltering, political asylum, and other protections for the victims; long jail sentences and asset confiscation for the traffickers; and tough sanctions for governments that failed to meet minimum standards prescribed in the law.

I am happy to announce that the *Frederick Douglass Trafficking Victims Prevention Reauthorization Act of 2017* will implement numerous supplementary items adopted by the OSCE Parliamentary Assembly as well as the *2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings*.¹² These consensus documents call for anti-trafficking training in the transportation and hospitality industries,¹³ OSCE institutional commitment to procure goods and services from a companies with trafficking-free supply chains,¹⁴ and for

¹¹ Morgan Winsor, *Facebook to hire 3,000 more workers to monitor content amid surge of violent videos*, ABC News (May 3, 2017) <http://abcnews.go.com/Technology/facebook-hire-3000-workers-monitor-content/story?id=47178969>.

¹² 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>.

¹³ OSCE Parliamentary Assembly, 22nd Annual Session, Istanbul Declaration and Resolutions, Resolution on Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels, (June 29 – July 3, 2013) <https://www.oscepa.org/meetings/annual-sessions/2013-istanbul-annual-session/2013-istanbul-final-declaration/1645-08>. My supplementary item on this topic, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” was adopted at the 2013 OSCE PA Annual Session in Istanbul. The supplementary item calls on participating States to collaborate with commercial carriers, adopting legislation where necessary, in order to ensure that flight attendants, pilots, ground crew, train conductors, bus operators, and any other transportation professionals who are likely to come into contact with a trafficking victim are trained to identify the victim and respond according to a protocol established with law enforcement. The supplementary item also calls on participating States to collaborate with hotel and travel industry professionals, adopting legislation where necessary, to ensure the use of best practices for the prevention and identification of human trafficking in hotels and other travel accommodations. Finally, the supplementary item underscores the importance of law enforcement coordination with transportation, hotel, and travel industry professionals in order to ensure appropriate intervention and referrals to care for suspected human trafficking victims.

¹⁴ OSCE Parliamentary Assembly, 24th Annual Session, Helsinki Declaration and Resolutions, Resolution on Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services (July 2015)

governments to adopt a “zero tolerance policy” for the procurement of goods and services from sources or services that may be profiting from trafficking.¹⁵

Named in honor of the 200th birthday of slavery survivor and abolitionist Frederick Douglass, the *Frederick Douglass Trafficking Victims Prevention and Reauthorization Act* will for the first time create a U.S. government preference for government travel on airlines that have trained their flight attendants and pilots trafficking victim identification and reporting.

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. Airline Ambassadors has also developed a smart phone application to make it easier for airline personnel to report human trafficking at U.S. airports.¹⁶ In addition, the U.S. Department of Homeland Security has a training called “Blue Lightning” available for U.S. carriers.¹⁷ Hundreds of victims have been rescued already, with the potential for thousands more.

The new *Frederick Douglass Act* will incentivize airline carriers to undertake these trainings or risk losing government business to a competitor that has done the training. The same will be true for hotels, which are susceptible to labor trafficking among cleaning staff as well as to being the location where sex trafficking sometimes occurs. Specifically, the *Frederick Douglass Act* will provide a preference for hotels that:

- Have a zero-tolerance policy in place for the sexual exploitation of children within the hotel/hotel chain;
- Have procedures in place to identify and report to the appropriate authorities;
- Make training materials available to all employees to prevent child exploitation and trafficking;
- Have trained all employees annually on the identification of possible child exploitation and trafficking and procedures to report suspected abuse to the appropriate authorities;
- Protects employees who report suspected abuse according to the protocol identified in training.

<https://www.oscepa.org/documents/all-documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file>.

¹⁵ Ibid.

¹⁶ Airline Ambassadors Human Trafficking Reporting Application: <http://airlineamb.org/2015/09/19/aais-new-tip-line-app/#.VstHTOZv669>.

¹⁷ “Blue Lightning” Program, US Customs and Border Protection, Department of Homeland Security, <https://www.cbp.gov/border-security/human-trafficking/blue-lightning>.

- Keep records of the number of suspected child exploitation and trafficking cases, including reasons for suspicion, title of employee who identified case, and where the report was made.

Many U.S. and international hotel chains, such as Carlson, Accor Hotels, and Hilton Worldwide, to name a few, have already taken decisive steps to ensure that their hotels are safe for all. A government preference for hotels that have taken these steps will help change the industry standard and fight human trafficking.

Finally, the U.S. adopted a zero-tolerance policy for trafficking in U.S. government contracts and procurement more than 10 years ago. Implementing the policy has been a work in progress. In 2015, the U.S. government took the next step forward by enforcing detailed regulations that prohibit contractors from actions to—

- 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;
- Purchase commercial sex;
- 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.

The *Frederick Douglass Act* calls for uniform and unified reporting from key U.S. government agencies on what steps they are taking to ensure the zero-tolerance laws are being implemented effectively. The new *Frederick Douglass Act* will help with implementation of the law by educating procurement officers in U.S. government agencies to apply all relevant U.S. law and regulations.

In addition, the *Frederick Douglass Act* will also help businesses avoid using suppliers that may be involved with trafficking by further clarifying in Department of Labor Report on the products that incorporate slave-made goods. That same report will help inform our Customs officers of what products to keep out of U.S. ports of entry, depriving traffickers of profits.

Finally, the *Frederick Douglass Act* will fight trafficking by—

- Preventing abuse of domestic servants in embassies and diplomatic homes in the United States;
- Ensuring vulnerable children and other at-risk populations are educated to avoid traffickers;

- Focusing grants for survivor care on housing for vulnerable groups;
- Creating a special complaint mechanism in embassies whereby the United States is warned of labor traffickers exploiting the U.S. entry system;
- Increasing transparency and oversight of U.S. government grants to fight trafficking;
- Strengthening federal efforts to reduce demand for services from trafficking victims by increasing prosecution of those who purchase services;
- Designating one prosecutor in each of the Department of Justice’s focus districts (12) to investigate and prosecute labor trafficking cases;
- Encouraging credible and effective use of the trafficking tier ranking system by the U.S. Department of State in the annual *Trafficking in Persons Report*;
- Ensuring that U.S. military assistance does not go to foreign governments that use child soldiers; and
- Encouraging USAID to integrate human trafficking prevention into disaster relief.

U.S. State Department Releases *Trafficking in Persons Report* for 2017

The 2017 *Trafficking in Persons Report*¹⁸ was released just last week by Secretary of State Tillerson and Mrs. Ivanka Trump, Special Advisor to the President of the United States. Required by my *Trafficking Victims Protection Act of 2000*, this report is one of the most successful ways the U.S. promotes best practices and ensures accountability for the minimum standards to eliminate human trafficking. This annual report lays bare the record of almost every country, summarizing the country’s progress in an annual tier ranking and in a narrative—with recommendations for progress.

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 in real danger of becoming Tier 3 without significant effort to go along with their promises. Tier 3 countries do not meet the minimum 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.

I am pleased to report that last year, the OSCE region increased victim identification for a total of 11,416 trafficking victims identified. In nearly every other region of the world, victim identification declined.

¹⁸ U.S. Department of State, 2017 Trafficking in Persons Report , Narrative on France (June 2017) <https://www.state.gov/j/tip/rls/tiprpt/>.

The OSCE region also did well at maintaining a level conviction rate for human traffickers—taking traffickers off the street where they seek new victims among irregular migrants and refugees, as well as foster youth and runaways.

Luxembourg moved up to Tier 1. Ukraine was upgraded to Tier 2. Iceland was downgraded to Tier 2. Moldova, Montenegro, and Hungary were downgraded to the Tier 2 Watch List. Russia, Turkmenistan, Uzbekistan, and Belarus all remained on Tier 3.

Explosion in Numbers of Trafficking Victims Among Migrants and Refugees from Africa

One category that also deserves our special prioritization and care are women and girls arriving from Africa, through both regular and irregular points of entry. The International Organization for Migration found that 80% of arrivals from Nigeria last year showed indicators of human trafficking, including for sex trafficking, forced labor, and trafficking for the purpose of organ removal.¹⁹ The percentages of migrants showing indicators of human trafficking were even higher for Gambians, Ghanaians, Guineans, and Ivorians—especially the youth.

The *Trafficking in Persons Report* also indicates that Nigerian trafficking networks use migrant and drug trafficking routes through Libya and Italy to transport girls to France. In fact, France estimates that the majority of the 30,000 people in France’s commercial sex trade, about 90% of whom are foreign, are trafficking victims.

Kevin Hyland, the UK Anti-Trafficking Commissioner, has been raising the alarm as he has watched the number of Nigerians in the UK referred for trafficking sharply increase over the last 3 years.²⁰ The problem is driven by organized crime, some of which is Nigerian organized crime. I join Commissioner Hyland in calling for Europol, Interpol, and the National Crime Agency to work together against these networks.

However, the problem is also that residents in the OSCE region are willing to buy sex from these women and children, gravely abusing them while putting money into the hands of pimps—who then use the money to bring in more victims.

As Sister Valeria Gandini will tell you from her years of working with African sex slaves on the streets of Palermo, Italy (ironically of Palermo Protocol fame), these young women and girls show all the signs of being trafficked, even if their cover story is that they are free actors.²¹

¹⁹Mediterranean Human Trafficking and Exploitation Prevalence Survey: IOM, International Organization on Migration (August 12, 2016) <https://www.iom.int/news/mediterranean-human-trafficking-and-exploitation-prevalence-survey-iom>.

²⁰ *Hundreds of Nigerians illegally trafficked to UK, says anti-slavery chief*, The Guardian (June 17, 2015) <https://www.theguardian.com/world/2015/jun/17/nigerians-illegally-trafficked-uk-modern-slavery>.

²¹ Eric Reguly, *In Sicily, sex slavery takes hold on the edges of an African exodus*, Globe and Mail (May 31, 2017) <https://www.theglobeandmail.com/news/world/sex-slavery-african-women-in-italy/article34895329/>.

Some of you may have seen the London School of Economics study of the OSCE Region a few years back which found that in countries where purchase of prostitution is legal, the social stigma against buying sex is lower—and so more people purchase commercial sex.²² This creates a situation where there are not enough “voluntary” prostituted women and girls. Traffickers then bring enslaved women and girls to meet the increased demand.

Last year, France passed a law to change this equation. The “Law to Strengthen the Fight Against Prostitution” now penalizes the purchasers of commercial sex, thereby reducing the demand for commercial sex and trafficking victims. To fight trafficking, we must not only go after the pimps, but also those who pay them—the buyers of services.

International Megan’s Law to Protect Children from Traveling Sex Offenders Continues Toward Full Implementation in the United States

On February 8th, 2016, the *International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes through Advance Notification of Traveling Sex Offenders*—which I pursued over the course of eight years—became law in the United States.²³ This law will significantly thwart the sexual exploitation of children in the United States and abroad through an efficient system that, in a way that is consistent with the civil liberties of perpetrators, warns foreign law enforcement of traveling sex offenders with previous offenses against children.

I am pleased to report that since the passage of International Megan’s Law, the U.S. Department of Homeland Security “Angel Watch” program has made more than 1,780 notifications to 64 countries, with a particular emphasis on those countries known to be primary destinations for child sex tourism. I met earlier this year with Amb. Pisan Manawapat of Thailand, Royal Thai Police General Tamasak Wicharaya, who is the Deputy Director of Center for Children, Women, Family Protection and Anti-Trafficking in Persons; and Royal Thai Police Lieutenant General Jaruvat Vaisaya, Commissioner of Legal Affairs and Litigation. I was so pleased to learn that the “Angel Watch” program is working extremely well in Thailand. Thailand receives the information from the United States of an incoming child sex offender, reviews the case, and makes an appropriate determination regarding the sex offender’s continued travel in Thailand—protecting their vulnerable children from harm, as needed.

The 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. The New Jersey State Legislature passed

²² Legalized Prostitution Increases Human Trafficking, London School of Economics and Political Science (December 5, 2012) <http://www.lse.ac.uk/website-archive/newsAndMedia/newsArchives/2012/12/Legalised-prostitution-increases-human-trafficking.aspx>.

²³ 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>.

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 prevent 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.

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.²⁴

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.

Traffickers in some countries cater to the pedophile clientele. The International Labor Organization (ILO) has estimated that at least one million children are victims of commercial sexual exploitation around the world each year.

Child predators thrive on secrecy—a secrecy that allows them to obscure their identities and commit heinous crimes against children with impunity. Megan's Laws remove the secrecy. 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 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. Whether sexual abuse without payment or commercial sexual exploitation, child sex tourism must be stopped.

In 2016, the International Megan's Law withstood constitutional legal challenges by sex offenders unhappy with their crimes against children being conveyed to foreign law enforcement. The judge in the federal case in the Northern District of California decided that the numerous constitutional claims in the case were without merit because of the significant government interest at stake in protecting children. In previous rulings on underlying sex offender laws, courts have repeatedly found that sex offender registries do not constitute

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

additional punishment of the perpetrator for sex crimes against children—but rather are laws to protect public safety.

New Bilateral Agreement with Slovakia to Warn Destination Countries in Advance of Travel by Known Sex Offenders who have Committed Sex Crimes Against Children

I am pleased to report that the United States welcomed Slovakia into a close partnership with the United States in the fight against the sexual abuse of children by known sex offenders in September of 2016 as part of the Angel Watch program codified by my International Megan’s Law.²⁵ Slovakia joins the United Kingdom in official partnership with the United States by flagging travelers who may pose a threat to children.²⁶ The information shared between countries is used to enhance the interdiction or investigation of previously convicted child sex offenders, as well as to make informed decisions regarding their admittance to the respective countries. Slovakia and the UK have led the way in Europe for law enforcement alerts and notification in advance of travel abroad by dangerous pedophiles, and we look forward to many more countries joining this critical international effort.

Protecting children from violence and predatory behavior, including sexual exploitation and human trafficking, is among the highest duties and responsibilities of government. It was the focus of my 2016 Supplementary Item in Tbilisi,²⁷ recalled in my 2015 Supplementary Item in Helsinki,²⁸ and the focus of my 2014 Supplementary Item in Baku.²⁹ These supplementary items give effective detail to the *2013 Addendum to the OSCE Action Plan to Combat*

²⁵ “DHS, Slovak Republic Enhance Joint Efforts to Protect Children from Sexual Exploitation” (September 23, 2016) <http://www.pressreleasepoint.com/dhs-slovak-republic-enhance-joint-efforts-protect-children-sexual-exploitation>.

²⁶ “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>.

²⁷ OSCE Parliamentary Assembly, 24th Annual Session, Tbilisi Declaration and Resolutions, Resolution on Law Enforcement Coordination to Prevent Child Sexual Exploitation and Trafficking by Known Sex Offenders (July 2016) <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>.

²⁸ 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;” OSCE Parliamentary Assembly, 24th Annual Session, Helsinki Declaration and Resolutions, Resolution on Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services (July 2015) <https://www.oscepa.org/documents/all-documents/annual-sessions/2015-helsinki/declaration-3/2977-2015-helsinki-declaration-eng/file>.

²⁹ OSCE Parliamentary Assembly, 23rd Annual Session, Baku Declaration and Resolutions, Resolution on Prevention and Prosecution of Child Sex Trafficking (June 28 – July 2, 2014) <https://www.oscepa.org/documents/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

Trafficking in Persons called for, “Developing and implementing policies and actions, including law enforcement co-operation 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.”³⁰

I would be pleased to work with any delegation that desires to establish an alert system in their home country and I have created a basic how-to document for this purpose.³¹ Basic elements, as reflected in the 2016 Tbilisi Declaration and Resolutions,³² include the following:

- Maintaining a registry within each State, in accordance with national provisions on the protection of personal data, of individuals previously convicted of child sexual exploitation and who may still be a threat to children;
- Directing individuals on the State registry to alert their own government of their destination state in advance of travel abroad;
- Before travel, checking flight manifests against the State registry of individuals convicted of child sexual exploitation in order to note the names of those who did not self-report in advance;
- Designating a point of contact in each State to send and receive information on the impending travel of registered sex offenders;
- Ensuring that information on registered sex offenders is transmitted appropriately ahead of travel to the destination country; and
- Keeping data on how many notifications are sent, whether the notifications arrive in the destination country before sex offender travel, follow-up actions by the destination country, and which countries receive the most registered sex offender travel.

The above objectives will be most accurately and efficiently met if the State is keeping information, in accordance with national provisions on the protection of personal data, on persons convicted of child sexual exploitation at home or abroad.

³⁰ 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>.

³¹ Rep. Christopher H. Smith, *A Guide to Megan’s Laws: Prevention of Domestic and International Sexual Exploitation of Children*, <http://globalstudysect.org/wp-content/uploads/2016/05/Expert-Paper-The-Honorable-Chris-Smith.pdf>.

³² OSCE Parliamentary Assembly, 24th Annual Session, Tbilisi Declaration and Resolutions, Resolution on Law Enforcement Coordination to Prevent Child Sexual Exploitation and Trafficking by Known Sex Offenders (July 2016) <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>.

To prevent offenders from thwarting notification procedures by country-hopping to an alternate destination not previously disclosed, the law includes provisions for the State Department to develop a passport identifier. A passport so identified provides law enforcement and customs an additional tool to protect children.

International Megan's Law looks to establish a durable system of reciprocal alerts among the nations of the world. 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.

Hearings

In May, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, “Winning the Fight Against Human Trafficking: The Frederick Douglass Reauthorization Act,”³³ in order to review H.R. 2200, the *Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*, which is discussed above in detail. The hearing focused primarily on the international portions of the bill, including changes which I anticipate will improve the accuracy of the Tier rankings in the *Trafficking in Persons Report*. Tim Gehring of International Justice Mission, which works on the ground around the world testified that the, “State Department’s accurate tier ranking process in the annual Report ... continued to bring the issue to the attention of the Cambodian and Filipino Government encouraging them to take concrete actions to keep children safe.” That is exactly what the *Trafficking in Persons Report* is intended to do for every country, and I anticipate will do even more accurately after the *Frederick Douglass Act* becomes law.

This hearing followed a *Trafficking in Persons Report* hearing I chaired just after the Annual Session in Tbilisi entitled, “Accountability Over Politics: Scrutinizing the Trafficking in Persons Report”³⁴ in my Subcommittee on Africa, Global Health, Global Human Rights and International Organizations. Ambassador Susan Coppedge, the Ambassador-at-Large for Trafficking in Persons, provided helpful insights into the 2016 *Trafficking in Persons Report*. The 2015 Report, before her tenure, contained serious inaccuracies in tier rankings. Although many of these inaccuracies were corrected in the 2016 report, some remained with Cuba, China, and Malaysia.

³³ “Winning the Fight Against Human Trafficking: The Frederick Douglass Reauthorization Act,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (May 2, 2017) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-winning-fight-human-trafficking-frederick-douglass-reauthorization-act/>.

³⁴ “Accountability Over Politics: Scrutinizing the Trafficking in Persons Report,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 12, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-accountability-politics-scrutinizing-trafficking-persons-report/>.

White-washing a country's human rights record, particularly when it comes to what tier it ought to be, not only undermines the credibility of the report but dehumanizes the victims who suffer rape, cruelty, and horrifying exploitation. It leaves consumers vulnerable to buying slave made imported goods. Notably, in 2016, the US Department of Labor found child and forced labor in 12 manufacturing sectors in China.³⁵ China's Tier ranking has since been downgraded to Tier 3 in the recently released 2017 Report.

One change included in the *Frederick Douglass Act* would require a Tier 3 ranking for countries whose governments are directly involved in human trafficking, which I am afraid is the case in Vietnam. At my Subcommittee hearing on Vietnam in May entitled, "Vietnam: Why Religious Freedom and Human Rights Are Critical to U.S. National Interests,"³⁶ Dr. Nguyen Dinh Thang, recounted a fairly recent case of 250 Vietnamese workers laboring in slave like conditions in Jordan. When they went on strike, Vietnam's then-Minister of Labor, Invalids, and Social Affairs allegedly approved an order to return the strike leaders to Vietnam for punishment. She was then promoted, as have been previous government officials allegedly involved in human trafficking.

I have also been working extensively with South Sudan over the last 18 months to inspire the government to adopt a "zero tolerance policy" for sexual exploitation and abuse by their military, such as what was done under George W. Bush for the U.S. Military and which still holds true today in the Uniform Code of Military Justice. This issue was covered in my Africa Subcommittee hearing on "East Africa's Quiet Famine" in March.³⁷

In September I chaired a hearing my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, "Eritrea: A Neglected Regional Threat"³⁸ in order to examine how the U.S. government could better work with the Eritrean government on the push-factors driving the refugee crisis. As a result of the authoritarian government's actions, Eritrea is considered one of the world's fastest-emptying nations with about half a million of the country's citizens having left their homes for often dangerous paths to freedom. An estimated 5,000 Eritreans leave their country each month. These fleeing citizens end up on rickety boats in the Mediterranean trying to find safety in Europe. Many of them are kidnapped for ransom or trafficked—even falling prey to organ harvesters in Libya and Egypt.

³⁵ List of Goods Produced by Forced and Child Labor, U.S. Department of Labor (September 2016) www.dol.gov/agencies/ilab/reports/child-labor.

³⁶ "Vietnam: Why Religious Freedom and Human Rights Are Critical to U.S. National Interests", House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (May 25, 2017) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-vietnam-religious-freedom-human-rights-critical-u-s-national-interests/>.

³⁷ "East Africa's Quiet Famine," House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (March 28, 2017) <http://docs.house.gov/meetings/FA/FA16/20170328/105792/HHRG-115-FA16-Transcript-20170328.pdf>

³⁸ "Eritrea: A Neglected Regional Threat", House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (September 14, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-eritrea-neglected-regional-threat/>.

Conclusion

To conclude, over the last 15 years, we have developed a myriad of best practices to fight human trafficking. We are rescuing more victims than ever—but push factors in Africa and elsewhere are making populations more vulnerable to trafficking than ever. We must look past cover stories for the signs of human trafficking. We must look even at official entry points and on visa applications for victims being brought in by pimps.

The region's conviction rates are holding steady, showing a continued focus on taking traffickers off the streets. We are prosecuting traffickers—but their accomplices and the buyers of victims have been overlooked too often. Accomplices and buyers are critical links in the chains of human trafficking.

There is still more each of us can do as parliamentarians to break the chains of human trafficking—especially when it comes to protecting our young people from being groomed online for trafficking. I hope that each of you will join me in this effort.