

*Report on Human Trafficking Issues
to the 2018 Winter Meeting
of the OSCE Parliamentary Assembly*

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by

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

Special Representative on Human Trafficking Issues

for the OSCE Parliamentary Assembly

Table of Contents

High Level Meetings	3
Minsk Supplementary Item Adopted by OSCE PA: <i>Preventing Child Sexual Exploitation Online Through Advances in Technology</i>	4
Ensuring Accountability for Advertising Trafficking Victims Online Preventing Children’s Vulnerability to Online Pornography Through Age Walls Working with the Private Sector to Protect Children on Social Media	
2017 OSCE Ministerial Council Turns Trafficking Supplementary Items into Ministerial Decision	8
Sex Offender Registries to Stop New Offenses by Traveling Sex Offenders Extra-Territorial Jurisdiction Preventing Misuse of the Internet for Facilitation of Sexual Exploitation Age Walls to Protect Children from Online Pornography	
<i>Frederick Douglass Act</i> Passes House of Representatives: Will Implement Supplementary Items on Government Procurement and Tourism	10
U.S. State Department Releases <i>Trafficking in Persons Report</i> for 2017	13
Luxemburg Ukraine Iceland Moldova Hungary Montenegro	
Explosion in Numbers of Trafficking Victims Among Migrants and Refugees from Africa	14
Passport Identifier Rollout: International Megan’s Law to Protect Children from Traveling Sex Offenders Continues Toward Full Implementation in the United States	15
Hearings	18
Conclusion	20

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

High Level Meetings

Through tourism, trade, supply chains, and regular and irregular migration, human trafficking concerns in the OSCE region are inextricably bound to nearly every region of the world. 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, including Secretary General of the United Nations Antonio Guterres; President of Panama Juan Carlos Varela; President of Uganda Yoweri Museveni; 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; then Under-Secretary of State and Minister for Internet Safety & Security in the United Kingdom Baroness Joanna Shields; Social Welfare Minister of Sierra Leone Dr. Sylvia Blyden; South African Health Minister Aaron Motsoaledi; Guatemala's Minister of Government Enrique Degenhart; and Guatemala's Vice Minister of Technology and Communications, Gabriel Juarez.

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

Members of parliament, who are key to refining trafficking laws in their own countries, were also happy to consider 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, Romania, Canada, Guatemala, Brazil, and Tanzania.

With the change in presidential administrations in the United States, I have made it a priority to reach out to the new U.S. Administration regarding trafficking policy, including meeting with Secretary of State Rex Tillerson, Deputy Secretary of State John Sullivan, and Assistant Secretary for European and Eurasian Affairs Wess Mitchell. I have also met often with the U.S. Ambassador to the United Nations, Nikki Haley.

As I oversee implementation of anti-trafficking laws in the United States, I met a few times over the last year with then 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.

In an effort to coordinate anti-trafficking work among OSCE institutions, I also met with Ambassador Christian Strohal, Special Representative of the OSCE Austrian Chairmanship, OSCE PA President George Tsereteli and OSCE PA Secretary General Roberto Montella.

During his final visit to the United States as Director of the Office of Democratic Institutions and Human Rights (ODIHR), I also met with Michael Link and thanked 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 mandate, such as capacity building of police, labor inspectors, and prosecutors; and coordinated with overall anti-trafficking efforts by the Secretary General. I look forward to ODIHR continuing its important anti-trafficking work, consistent with its strong mandate.

As we see all too often in the news, sexual exploitation and abuse by UN peacekeepers in countries facing conflicts and disaster is still an issue. Consequently, I met with Jane Hall Lute, UN Special Coordinator on Improving United Nations to Sexual Exploitation and Abuse, and UN Under Secretary General Jean Pierre Lacroix.

The role of faith leaders in educating adherents to recognize trafficking, preventing trafficking in displaced communities, 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 Luis Antonio Tagle of Manila.

Minsk Supplementary Item Adopted by OSCE PA: *Preventing Child Sexual Exploitation Online Through Advances in Technology*

I am pleased to report that my supplementary item in the Minsk OSCE PA Annual Session, *Preventing Child Sexual Exploitation Online Through Advances in Technology*,¹ was adopted with near-unanimous support. The supplementary item highlights three major ways that the internet is fueling sex trafficking—and the ways we can fight back with technology and law.

Ensuring Accountability for Advertising Trafficking Victims Online

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.

¹ OSCE Parliamentary Assembly, 26th Annual Session, Minsk Declaration, Resolution on Preventing Child Sexual Exploitation Online through Advances in Technology (July 2017) <http://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>.

Some of you may have seen or read about the explosive hearings in the U.S. Congress last year regarding Backpage.com—a classified advertising website that operates across our region. Backpage.com makes 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 in the United States report that Backpage.com is used by traffickers.² The National Center for Missing and Exploited Children’s statistics show that Backpage.com is the subject of the majority of the child trafficking tips they receive.³

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 accepting money from traffickers.⁴ This action prevented U.S. law enforcement from detecting children being trafficked, it helped traffickers, and it hurt children.

The problem is not just in the United States. The annual Trafficking in Persons Report produced 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.”⁵

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 that 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.

²Mother 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>.

³ National Center for Missing and Exploited Children, Amicus Brief, NO.4492-02-II, Supreme Court of Washington (September 4, 2014) http://www.missingkids.com/content/dam/ncmec/en_us/documents/amicusncmecbackpage.pdf.

⁴ 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>.

⁵ U.S. Department of State, 2017 Trafficking in Persons Report, Narrative on France (June 2017) <https://www.state.gov/j/tip/rls/tiprpt/>.

Preventing Children's Vulnerability to Online Pornography Through Age Walls

My supplementary item this year also addressed another technology-driven trafficking problem: 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.⁶

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.⁷

Another study out of the United Kingdom in 2012 by the journal of *Sexual Addiction and Compulsivity* suggested children's undeveloped brains and lack of real world experience of intimate relationships make them particularly susceptible to being influenced by viewing pornography.⁸

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.⁹

My supplementary item this year followed 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

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.

Working with the Private Sector to Protect Children on Social Media

Finally, my supplementary item addresses the all-too-well-known phenomena of traffickers and pedophiles seeking-out and grooming children on social media websites.¹⁰ 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.¹¹

In fact, Facebook announced last year that they would hire 3,000 more reviewers to help prevent use of the website for violence and child exploitation.¹² My supplementary item called 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.

¹⁰ 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.

¹¹ *Ibid.*

¹² 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>.

2017 OSCE Ministerial Council Turns Trafficking Supplementary Items into Ministerial Decision

I am pleased to announce that, on December 8, 2017, the OSCE Ministerial Council at its annual meeting of the Foreign Ministers of the 57 OSCE participating States, adopted a decision incorporating my Tbilisi (2016) and Minsk (2017) OSCE PA supplementary items on human trafficking.¹³

Entitled “Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children,”¹⁴ the decision, like the supplementary items, will protect children from traveling sex offenders, from easy access to the online pornography that makes them vulnerable to trafficking, and from misuse of the internet advertising for child trafficking and other sexual exploitation. The decision was sponsored by the United States, Italy, and Belarus.

Sex Offender Registries to Stop New Offenses by Traveling Sex Offenders

As described in my 2016 Tbilisi supplementary item,¹⁵ traveling sex offenders rely on secrecy and anonymity to commit crimes against children. The new decision deters the sexual exploitation of children at home and abroad by calling on each of the OSCE participating States to keep a register of individuals who have committed sex offenses against a child, and to share that information with the law enforcement in travel destination countries.

Specifically, the decision calls on all 57 participating States to adopt “additional administrative measures in relation to perpetrators, such as the registration in sex offender registers of person convicted of child sexual exploitation or abuse, as appropriate.” The decision also calls on participating States to, where relevant, establish “a means to exchange and/or receive information on such registries transnationally among law enforcement agencies and/or judicial authorities on persons convicted of child sexual exploitation or abuse.”

As explained in my previous reports, sex offender registries of individuals convicted of sex crimes against children and transnational law enforcement cooperation are the basis of the Angel Watch Program in the United States, as codified by my *International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes through Advance Notification of Traveling*

¹³ OSCE Parliamentary Assembly, 25th 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>. OSCE Parliamentary Assembly, 26th Annual Session, Minsk Declaration, Resolution on Preventing Child Sexual Exploitation Online through Advances in Technology (July 2017) <http://www.oscepa.org/documents/all-documents/annual-sessions/2017-minsk/declaration-25/3555-declaration-minsk-eng/file>.

¹⁴ OSCE Ministerial Council Decision No. 7/17, “Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children” (December 8, 2017) <https://www.osce.org/chairmanship/362016>.

¹⁵ Ibid Tbilisi Declaration and Resolutions, note 13 above.

Sex Offenders (P.L. 114-119).¹⁶ International Megan’s Law requires the U.S. Department of Homeland Security to notify the intended destination countries in advance when someone on the registry is intending to travel. Since the implementation of International Megan’s Law in 2016, the U.S. has warned more than 100 destination countries of more than 3,500 sex offenders with offenses against children seeking entry into those countries.

I have developed a manual on how to form public or private sex offender registries and use them for an international notification system. It can be found at the website below.¹⁷ I hope it will be of assistance to any country wishing to prevent its own sex offenders from committing crimes against children abroad, or any country wishing to be warned of sex offenders with a history of crimes against children seeking to enter the country.

Extra-Territorial Jurisdiction

In addition to registries, the decision calls on countries to enact extra-territorial jurisdiction in order to “prosecute their citizens for serious sexual crimes against children, even if these crimes are committed in another country.” Some people who sexually exploit children believe the laws of a destination country allow exploitation of a child, or rely on the fact that the judicial system in the destination country is weak. The ministerial decision underscores the universal human rights of the child to be protected from sexual exploitation and calls for participating States to put all abusers on notice—they will be prosecuted when they return home.

Preventing Misuse of the Internet for Facilitation of Sexual Exploitation

Similar to the Minsk supplementary item, the decision calls for accountability of those who misuse the Internet to knowingly or recklessly facilitate access to children for sexual exploitation or child trafficking—such as by advertising children on websites. Importantly, the decision calls on participating States to prosecute such individuals as “traffickers” and to impose “penalties that are effective, dissuasive, and proportionate to the crime.”

The new decision, like the Minsk supplementary item, underscores that traffickers also use social media to find victims, and on “social media companies to...protect children by combating grooming by human traffickers online for all forms of child trafficking as well as other sexual exploitation of children, including through the development of new tools and technologies.”

¹⁶ 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>.

¹⁷ Rep. Chris Smith, *A Guide to Megan’s Laws: Prevention of Domestic and International Exploitation of Children*, Expert Paper, Global Study: Exploitation of Children in Travel and Tourism (May 2016) <http://globalstudysect.org/wp-content/uploads/2016/05/Expert-Paper-The-Honorable-Chris-Smith.pdf>.

Age Walls to Protect Children from Online Pornography

Also drawing on the Minsk 2017 supplementary item, the new decision focuses attention on “concern that children who access pornography on the Internet may become desensitized to it and more likely to become a victim of or perpetrate sexual exploitation,” and “calls on participating States which have not already done so to promote the implementation of age verification technologies with a view to limit the access of children to pornographic websites.”

This topic is discussed more fully in the supplementary item section above.

With this binding decision, the foreign ministries of the 57 OSCE participating States stand united with the OSCE Parliamentary Assembly to protect children from trafficking and other sexual exploitation across the OSCE region.

Frederick Douglass Act Passes U.S. House of Representatives: Will Implement Supplementary Items on Government Procurement and Tourism

On July 12th of last year, the House of Representatives adopted my latest trafficking legislation, The *Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*. It is being negotiated as part of a large package of trafficking bills that will reauthorize \$130 million in U.S. government funds to prosecute traffickers, rescue and assist victims, and prevent human trafficking at home and abroad. The Frederick Douglass Act 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.¹⁸ These consensus documents call for anti-trafficking training in the transportation and hospitality industries,¹⁹ OSCE institutional commitment to

¹⁸Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/addendum?download=true>.

¹⁹ 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

procure goods and services from a companies with trafficking-free supply chains,²⁰ and for governments to adopt a “zero tolerance policy” for the procurement of goods and services from sources or services that may be profiting from trafficking.²¹

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 to 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.²² In addition, the U.S. Department of Homeland Security has a training called “Blue Lightning” available for U.S. carriers.²³ Hundreds of victims have been rescued already, with the potential for thousands more.

The new *Frederick Douglass Act* will incentivize airline to undertake these trainings or risk losing government business. The same will be true for hotels, which are susceptible to being used by traffickers as temporary locations for sex trafficking. 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;
- Make training materials available to all employees to prevent child exploitation and trafficking;
- Have trained all employees on the identification of possible child exploitation and trafficking;

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.

²⁰OSCE 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>.

²¹ Ibid.

²² Airline Ambassadors Human Trafficking Reporting Application: <http://airlineamb.org/2015/09/19/aais-new-tip-line-app/#.VstHTOzv669>.

²³ “Blue Lightning” Program, US Customs and Border Protection, Department of Homeland Security, <https://www.cbp.gov/border-security/human-trafficking/blue-lightning>.

- Have procedures in place for employees to identify and report potential trafficking to the appropriate authorities;
- Have protections for employees who report suspected abuse according to the protocol identified in training; and
- Keep records of suspected child exploitation and trafficking cases reported by staff to management and to law enforcement.

Many U.S. and international hotel chains, such as Carlson, Accor Hotels, and Hilton Worldwide, have already taken decisive steps to ensure that their hotels are safe for all. A government traveler 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*²⁴ was released in June of 2017 by Secretary of State Tillerson and Ms. 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.

²⁴ U.S. Department of State, 2017 Trafficking in Persons Report (June 2017) <https://www.state.gov/j/tip/rls/tiprpt/>.

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.

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.

According to the report, Luxembourg moved up to Tier 1 because it increased the number of prosecutions and convictions, finalized and adopted a written national referral mechanism, enhanced the number of dedicated personnel to anti-trafficking positions, funded and launched an awareness campaign, and adopted a national action plan.

Ukraine was upgraded to Tier 2 because it demonstrated increasing efforts to fight trafficking as compared to 2015, including increased efforts to investigate, prosecute, and convict officials complicit in trafficking, increased interagency coordination and training for government officials, and improved law enforcement efforts.

Iceland was downgraded to Tier 2 as its anti-trafficking efforts were less in 2016 than they were in 2015. There was particular concern that Iceland has not prosecuted or convicted any suspected traffickers for the sixth year in a row. In addition, Iceland has decreased investigations of suspected traffickers.

Moldova, Montenegro, and Hungary were downgraded to the Tier 2 Watch List largely because of inadequacies in their respective judicial systems to hold traffickers—including complicit officials—accountable, failures to recognize trafficking victims, and failures to provide adequate security and care for trafficking victims.

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 percent of arrivals from Africa last year showed indicators of human trafficking, including for sex trafficking, forced labor, and trafficking for the purpose of organ removal.²⁵ The percentages of migrants showing indicators of human trafficking were especially high for Nigerians, Gambians, Ghanaians, Guineans, and Ivorians—especially the youth.

²⁵Mediterranean 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>.

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.²⁶ 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.²⁷

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.²⁸ 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.

In 2016, France passed a law to change this equation. The *Law to Strengthen the Fight Against Prostitution* (Loi n° 2016-444) now penalizes the purchasers of commercial sex, thereby reducing the demand for commercial sex and trafficking victims.²⁹ To fight trafficking, we must not only go after the pimps, but also those who pay them—the buyers of services.

Passport Identifier Rollout: International Megan's Law to Protect Children from Traveling Sex Offenders Continues Toward Full Implementation in the United States

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

²⁶ *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>.

²⁷ 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/>.

²⁸ *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>.

²⁹ *Adoption of Law Strengthening the Fight Against the Prostitution System* (April 8, 2016) <http://www.gouvernement.fr/en/adoption-of-law-strengthening-the-fight-against-the-prostitution-system>.

eight years—became law in the United States in February of 2016.³⁰ This law significantly thwarts 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 3,500 notifications to 100 countries, with a particular emphasis on those countries known to be primary destinations for child sex tourism.

Traveling sex offenders have tried to evade detection and destination country notification by reporting the countries they are transiting rather their destination countries. In November of this year, the U.S. Department of State began implementing the “unique identifier” in the passports of convicted sex offenders with offenses against children.

The identifier is a passport endorsement printed inside the back cover of the passport book, which reads: “The bearer was convicted of a sex offense against a minor, and is a covered sex offender pursuant to 22 United States Code Section 212b(c)(1).” Intended to supplement law enforcement alerts, the unique identifier gives border security an additional chance at notification and response before a convicted sex offender enters the country.

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 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

³⁰International 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>.

offenders were reconvicted for sex crimes at a rate of 17.7 percent after three years and 32 percent after 10 years.³¹

Child predators thrive on secrecy—a secrecy that allows them to obscure their identities in other countries and commit heinous crimes against children with impunity. Megan’s Laws remove the secrecy. U.S. courts have repeatedly found that sex offender registries do not constitute additional punishment of the perpetrator for sex crimes against children—but rather are laws to protect public safety.

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.³² Basic elements, as reflected in the 2016 Tbilisi Declaration and Resolutions,³³ 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.

³¹ 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.

³² 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>.

³³ 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>.

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,”³⁴ 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 front lines fighting trafficking 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.

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 2017 Report.

One change included in the *Frederick Douglass Act* is the requirement of a Tier 3 ranking for countries whose governments are directly involved in human trafficking, which I’m afraid is the case in Vietnam. At my Subcommittee hearing on Vietnam in May, “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

³⁴ “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/>.

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/>.

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 year 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 of 2017.³⁷

Tragically, UN peacekeepers sent abroad to protect local populations from war are still sexually exploiting those populations, too often with impunity. In November, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, “Resolving the Political Crisis in the Democratic Republic of the Congo,”³⁸ where I examined with expert witnesses why sexual exploitation by peacekeepers has been so intractable in the Democratic Republic of the Congo. Ms. Ida Sawyer, the Central Africa Director of Human Rights Watch who lived in Goma and Kinshasa between 2008 and when she was barred from the country in 2016, explained the critical role played by countries—including countries from the OSCE region—which contribute UN Peacekeepers and have the ultimate responsibility to hold the peacekeepers accountable:

In terms of the zero tolerance policy for trafficking and sexual exploitation and abuse, I think we have seen some improvements in recent years in trying to address these issues more quickly and more effectively, but there, again, much more can be done. And a lot of that is also with the—at the host, the troop contributing countries. So back home, these troops need to be held accountable and there often isn’t follow-up. And the U.N. can do their investigation in Congo, but back in the capital from where these troops come from, there often isn’t enough follow-up to ensure that they are actually held accountable in a court of law. So more could be done there.

I encourage each participating State to take to heart their responsibility in ensuring accountability for their citizens who are UN Peacekeepers and who are sent to protect vulnerable populations—not exploit them.

In December, I chaired a hearing in my subcommittee to examine the horrific situation of North Korean refugees who are trafficked in China. Entitled, “Protecting North Korean

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 “Resolving the Political Crisis in the Democratic Republic of the Congo,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (November 9, 2017) <http://docs.house.gov/meetings/FA/FA16/20171109/106613/HHRG-115-FA16-Transcript-20171109.pdf>.

Refugees,”³⁹ the hearing explored the sex and labor trafficking of North Koreans desperate to leave their country. The hearing also explored the complicity of Chinese officials and businesses. Russia, too, is involved in collaborating with North Korea’s government for trafficked labor in Russia. Any of our countries that import goods from China or Russia may be inadvertently fueling the trafficking of North Korean refugees. Ms. Hyeona Ji, North Korean Defector and Co-chairperson of the Worldwide Coalition to Stop Genocide in North Korea, testified eloquently that:

North Korean defector women are not commodity. They are not material goods. They are human beings. And the fact that the Chinese Government officials—security officials—are—some of them are being involved with this is something that the international community should not forget or forgive.

I have urged the U.S. Administration to sanction China for its trafficking and abuse of North Korean refugees. I urge each participating State to consider how it might avoid importing the goods made in Russia or China by North Korean trafficking victims.

Conclusion

The last year has been a uniquely successful one in finding accord within the OSCE Parliamentary Assembly and Ministerial Council for direction in the fight against human trafficking. To a degree not seen in decades, the Ministerial Council, and the foreign ministries of 57 participating States, accepted and comprehensively supported the best practices honed in Parliamentary Assembly supplementary items.

We move forward into 2018 with a strong mandate as legislators to do the hard work in our own states of implementing the best practices contained in the Ministerial Decision — registries, law enforcement coordination, age walls on pornography websites, accountability for online advertising of victims, and extra-territorial jurisdiction—even as we continue to work on implementation and oversight of work already begun.

I hope that each of you will join me in this effort until we have made every corner of the OSCE region hostile to human traffickers.

³⁹ “Protecting North Korean Refugees,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (December 12, 2017) <http://docs.house.gov/meetings/FA/FA16/20171212/106723/HHRG-115-FA16-Transcript-20171212.pdf>.