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A Decade Later: Major Challenges Remain in Fight Against Human Trafficking

by Rep. Chris Smith (R-NJ)
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This year marks important milestones in the fight against human trafficking—the tenth anniversary of:

- the Palermo Protocol to prevent, suppress, and punish trafficking in persons especially woman and children; and
- the enactment of the U.S. Trafficking Victims Protection Act (TPVA), which I authored in 2000.
- And according to Dr. Maria Grazia Giammarinaro, over the past ten years, “52 of the 56 OSCE participating states have integrated anti-trafficking legislation into their national legal framework...”

The twenty articles of the Palermo Protocol, which supplemented the UN Convention against transnational organized crime, provided nations a blueprint for comprehensive and effective action against human trafficking.

The Protocol’s definitions of what constitutes trafficking and prescribed actions for state parties has helped ensure uniformity of response to modern day slavery. The Protocol remains one of the UN’s finest and most enduring accomplishments.

When I first introduced the Trafficking Victims Protection Act in 1998, the legislation was met with a wall of skepticism and opposition. Many people both inside of government and out thought our bold new strategy that included asylum, sheltering and other protections for the victims, long jail sentences for the traffickers as well as confiscation of their assets and tough sanctions for governments that failed to meet minimum standards were merely solutions in search of a problem. Oh, how they were wrong.

Similarly, when I sponsored the first supplementary item on human trafficking a year later in 1999 at the Parliamentary Assembly in St. Petersburg, Russia, some lawmakers told me that they thought the resolution unnecessary and a waste of time.

For most people at that time, the term trafficking usually applied to illicit drugs. For others it meant weapons—or both. Reports of growing numbers of vulnerable persons—especially women and children—being reduced to commodities for sale was often met with surprise, incredulity or indifference. At home, it took two years to overcome the opponents and skeptics and muster the votes for passage in the U.S. House and Senate. The TPVA became law on October 28, 2000—ten years ago this month.

One TPVA provision requires the US Government to do a detailed assessment of every nation including the United States—the annual TIP Report. In order to measure progress or the lack thereof, serious objective criteria—minimum standards—were established.

The TPVA established three tier rankings, and a **watch list**.

- Tier 1: governments that fully comply with the minimum anti-trafficking standards;
- Tier 2: countries that do not fully comply with the minimum standards but are making significant efforts to do so; and
- Tier 3: countries that do not fully comply with minimum standards and are not making significant efforts to do so.

Bosnia is perhaps the best example of progress: a Tier 3 country in 2001, today Bosnia is now Tier 1. Georgia also moved from Tier 3 to Tier 1.

There are many OSCE countries on the Watch List, however, including Azerbaijan, Moldova, Malta, Russia, Turkmenistan, Tajikistan, and Uzbekistan. I would note that Malta has recently taken the step of naming a “Czar” to fight trafficking in persons.

In the past decade, we have seen progress in combating human trafficking on a number of fronts, especially in victim identification. In 2008, over 8,900 victims were identified in the OSCE region excluding the United States and Canada. In 2009, over 14,650 victims were identified plus an additional 1,700 in the US. Clearly, we are all getting better at finding and

assisting victims. Albania and Montenegro are to be especially congratulated for their progress in victim identification—much of that progress is due to education and awareness.

On another important front, however, I am concerned that **prosecutions** in the OSCE region have declined from a high of 3,270 in 2005 to 2,208 in 2009.

Which begs the question: why the drop? Could it be that we are winning and the tide is turning? Or have the traffickers become savvier at eluding law enforcement or gone deeper underground? Or have prosecutors simply begun to de-prioritize human trafficking cases? I believe that in each of our countries, we need to be ramping up prosecutions, with the aim of not just mitigating but ending modern day slavery.

Notwithstanding the fact that many of our countries have enacted tougher penalties for the crime of trafficking, **convictions** of traffickers—around 1,700-1,900 a year—have not increased over the last five years. We need to ask why?

As lawmakers with oversight responsibilities, we need to make serious inquiries as to why the numbers of human trafficking prosecutions are diminishing. And why convictions have ebbed? Each of us must ensure that our countries devote sufficient priority—the highest priority—and the requisite financial resources and legal talent to aggressively prosecute traffickers.

And we must also ensure that the various government and civil sectors dealing with trafficking are communicating with each other. U.S. funding for anti-trafficking efforts abroad have brought together labor inspectors, police, prosecutors, NGOs and faith-based organizations. Yet, the top ranking trafficking official in the United States has told me that, in some countries, people from these sectors have never even met.

As Special Representative on Human Trafficking for the OSCE Parliamentary Assembly, I offered a supplemental resolution in Oslo entitled “Combating Demand for Human Trafficking and Electronic Forms of Exploitation,” to build on recent accomplishments.

The resolution focused in part on best practices designed to root out misuse of the Internet for human trafficking and child pornography.

Some of these best practices include:

- Digital tagging of adult sections of websites;
- community flagging of website postings reasonably believed to be advertising a trafficking or child pornography victim;
- use of manual and regularly updated electronic screening for criminal postings;
- telephone and credit card verification on all posts, which enables the website to block from use a person who has previously posted a trafficking or child pornography victim;

- Trafficking and child pornography reporting hotlines; and an ongoing dialogue with law enforcement.

Tragically, the internet has opened a whole new front in the war with human traffickers—enabling and encouraging demand with few obstacles. We must develop appropriate safeguards to ensure that freedom of speech does not become freedom to exploit and abuse.

And we must demand that corporations act responsibly and cease all facilitation of trafficking.

I am happy to report that, as of September 3, Craigslist—a free advertising website—is no longer operating its “adult services” page in the United States. Public outrage, investigative reports in the media, requests from law enforcement, and damning testimony from young girls who had been trafficked on Craigslist—all had an impact.

Sex tourism is an escalating threat to the children of every country. The supplemental resolution adopted in Oslo underscores the importance of enhanced international cooperation to monitor the travel of convicted sex offenders.

In the U.S. Congress, I have sponsored a new bill—the International Megan’s Law—that has passed the House and is pending in the Senate. The bill provides notification to a government when a convicted U.S. sex offender, who poses a real danger to children, is planning to visit that country.

Similarly, the legislation encourages other governments to establish a domestic registry of dangerous child sex offenders and to notify the U.S. when a convicted child sex offender plans to travel to the United States.

Another best practice that can be implemented immediately includes training airline flight attendants and others in the tourist industry to spot potential trafficking victims.

This past summer, I hosted a congressional briefing with The Airline Ambassadors International’s Child Trafficking Initiative—spearheaded by American Airlines—and an NGO called Innocents at Risk. The briefing focused on the critical role flight attendants can play in identifying trafficking victims on airplanes. With a modest amount of training and situational awareness, flight crews are already helping law enforcement rescue trafficking victims and arrest their predators.

This past week, a follow-up meeting was held in Washington for embassy officials from several countries including OSCE nations—Portugal, Greece, Macedonia, Italy, Malta, Belgium, Ukraine, Bosnia Herzegovina, and Kazakhstan sent representatives.

The flight attendants shared numerous stories of their own experience—highlighting

how awareness of the signs of human trafficking and a phone call to police, in advance of landing, can literally save someone's life. Air France is to be commended for running public service announcements on trafficking and encouraging passengers to keep an eye out for potential victims.

We must encourage every airline in our respective countries to implement—without delay or excuse—The Airline Ambassadors Child Trafficking Initiative.

In sum, a decade later, much has been accomplished—acts of human trafficking have been prevented, victims rescued and protected, and traffickers prosecuted and thrown into jail.

Major challenges, however, remain. It falls to us—and like-minded people everywhere—to meet those challenges head on and wage an unceasing campaign to eradicate human trafficking from the face of the earth.