

*Report on Human Trafficking Issues
to the 2016 Annual Session
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by

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

Meetings

Since our last Annual Session, I have had the opportunity to raise human trafficking concerns and best practices with heads of state, foreign ministers, numerous parliamentarians, and official delegations from around the world, including the then-President of the UN General Assembly, Sam Kutesa; Foreign Minister of Germany, Frank-Walter Steinmeier; Foreign Minister of Georgia, Mikheil Janelidze, Prime Minister Aleksander Vucic and Ambassador Djerdj Matkovic, both of Serbia; the President of Kosovo, Atifete Jahjaga; as well as Chairman of the Council of Ministers (PM) of Bosnia and Herzegovina, Denis Svidic; Poland's Secretary of State, Jan Dziejczak; and the Deputy Secretary of State of Hungary, Mr. Gergely Prohle. I also discussed ways to fight human trafficking with Ambassador Zygmantas Pavilionis of Lithuania, Ambassador of Uzbekistan, Bakhtiyar Gulyamov, and Ambassador of Norway, Kare Aas. I have also been able to share new legislative anti-trafficking ideas with members of parliament from Albania, Germany, Romania, Hungary, Poland, and Macedonia.

During their respective visits to the United States in order to discuss priorities and coordination of efforts to combat human trafficking, I met with Director of ODIHR Michael Link and Special Representative and Coordinator for Combating Trafficking in Human Beings Maria Jarbussynova. One of the issues discussed with Director Link and Amb. Jarbussynova was human trafficking stemming from the vulnerability of migrants from the Middle East and Africa.

As I also oversee implementation of anti-trafficking laws in the United States, I met with the new 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 and who convenes the President's Interagency Task Force to Monitor and Combat Human Trafficking.

Regarding OSCE Asian partner States, I had a series of meetings with Amb. Pisan Manawapat of Thailand, a country eager to become the regional leader in the fight against human trafficking, which is particularly important given the fact that Thailand is a prime destination for child sex tourists and needs the cooperation of OSCE participating States to prevent child sex tourism. Thailand has also been a country of concern for the United States and Europe this year because of labor trafficking in its fishing industry, the products of which are exported to the United States and Europe. Thailand has recently adopted several new laws and policies to prevent labor trafficking in its fishing industry, and ratified the International Labor Organization Trafficking Convention. I also met with Major General Jaruvat Vaisaya, Deputy Commissioner for the Royal Thai Police to discuss implementation of these new laws. Thailand hosted this year's Asian Partners meeting in Bangkok, and specifically chose to highlight human trafficking and migration as it is a topic with similar challenges in East Asia and Europe currently.

Over the course of my meetings with African leaders during the last year, I raised human trafficking with President Muhammadu Buhari of Nigeria; Vice President James Wani Igga of South Sudan; President of the Central African Republic, Catherine Samba-Panza; and Prime Minister of Namibia Saara Kuugongelwa-Amadhila. I also had the privilege of discussing ways to fight human trafficking with Mrs. Jeanine Mabunda Lioko, Personal Representative of the Democratic Republic of Congo for the Fight Against Sexual Violence and Child Recruitment; Mr. Albert Puela, Democratic Republic of Congo National Assembly Member; Mr. Evode Imena, Rwanda's State Minister of Mining; Aaron Motsoaledi, South African Minister of Health, and the Ambassadors of Rwanda and Burundi.

The role of faith leaders in fighting human trafficking, and especially in providing rehabilitative assistance to trafficking survivors, cannot be underestimated. I consequently raised trafficking with Bishop Nicolas Djomo of Tshumbe Congo and Bishop Matthew Hassan Kukah of the Diocese of Sokoto Nigeria.

Preventing Trafficking and Assisting Trafficking Victims in Migrant Flows, Especially Unaccompanied Minors

Desperate refugees are entrusting themselves to smugglers and where there is human smuggling there is a higher risk of human trafficking. This is true because of migrant vulnerabilities due to displacement and illegal status. However, as Europol has noted, known smuggling gangs and human trafficking gangs are working together to exploit migrant vulnerabilities.¹

In 2015, 88,265 unaccompanied minors applied for asylum in the EU, three times as many as in 2014.² Europol confirmed our worst fears earlier this year with the news that at least 10,000 unaccompanied minors seeking refuge in Europe had gone missing—and that well-known human trafficking gangs are targeting these incredibly vulnerable children for slavery.³ As the number of unaccompanied minors seeking refuge in the region continues to climb, we must increase protection measures to ensure the children do not fall prey to traffickers, and, even more, that the traffickers are prosecuted and jailed.

There have also been reports that some European countries are failing to protect women and girls from sexual assault and forced prostitution in the temporary shelters and registration

¹ Mark Townsend, 10,000 Refugee Children Are Missing, Says Europol, *The Guardian* (January 30, 2016) <https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>.

² "Almost 90 000 unaccompanied minors among asylum seekers registered in the EU in 2015," Eurostat Press Release (May 2, 2016) <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf/19cfd8d1-330b-4080-8ff3-72ac7b7b67f6>.

³ Mark Townsend, 10,000 Refugee Children Are Missing, Says Europol, *The Guardian* (January 30, 2016) <https://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees>.

centers.⁴ The lack of separate bathroom facilities for males and females, rooms that can be locked, and other basic measures, enable such attacks. There is no excuse for such failures and everything must be done to ensure that women and children are safe.

Some refugees may arrive in region, having fled human trafficking in refugee camps, or in the case of some religious minorities, trafficking by ISIS. I met this year with an extremely courageous young Yazidi woman, Nadia Murad Basee Taha, who escaped from ISIS after three months of brutal sexual slavery. According to UNICEF, children who have transited Libya are particularly likely to have been sexually exploited.⁵ It is imperative that incoming refugee applicants, especially unaccompanied minors, are screened by trained individuals for signs of human trafficking, and that psychological care be offered to known survivors. Untreated victims will be more vulnerable to being trafficked again in the OSCE region.

New U.S. Law to Warn Destination Countries in Advance of Travel by Known Sex Offenders who have Committed Sex Crimes Against Children

On February 8th, H.R. 515, the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders—a law which I wrote over the course of 8 years—became law in the United States.⁶ This law will significantly thwart the sexual exploitation of children in the United States and abroad through a comprehensive and efficient system that warns law enforcement of traveling sex offenders.

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.

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

⁴German Authorities Accused of Playing Down Refugee Shelter Sex Crime Reports (October 5, 2015) Reuters <http://www.reuters.com/article/us-europe-migrants-germany-idUSKCN0S02N220151006>.

⁵ UNICEF warns of physical, sexual 'abuse & exploitation' for child refugees en route to Europe, RT (June 16, 2016) <https://www.rt.com/news/346981-%D1%81hild-refugees-abuse-unicef/>.

⁶International 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>.

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

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

Child predators thrive on secrecy—a secrecy that allows them to commit heinous crimes against children with impunity. Child-sex tourists may travel overseas to commit sexual offenses against minors because of perceived anonymity; or because they perceive law enforcement in certain countries as being scarce, corrupt, or unsophisticated. Child-sex tourists may also believe they have immunity from retaliation because they are U.S. citizens. Or the child-sex tourist may have the financial ability to impress and influence the local population and gain immunity. Child-sex tourists can “disappear” after a brief stay and not have to worry about grooming the child to stay silent. With their sex offender status unknown to the foreign population, the child-sex tourist can gain access to children of their preference. Child-sex tourism can take the form of sexual abuse or commercial sexual exploitation—which is an insidious form of human trafficking.

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.⁷

A 2004 study by Hanson and Harris on 4,724 treated and untreated sex offenders combined found that 5-year recidivism rate for sexual crimes was 14 percent. The 10-year recidivism rate was 20 percent and the 15-year recidivism rate was 24 percent. The study also showed that some forms of child molestation had a 35 percent sexual recidivism rate at 15 years.⁸

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.

⁷ M. Olver, S. Wong, T. Nicholaichuk, “Outcome Evaluation of a High-Intensity Inpatient Sex Offender Treatment Program,” *Journal of Interpersonal Violence* Vol. 24, No. 3 pp. 522-536 (2009).

⁸A. Harris and K. Hanson, “Sex Offender Recidivism: A Simple Question”, Public Safety and Emergency Preparedness Canada (2004).

Some of these exploited children are prostituted by human traffickers to pedophiles. The International Labor Organization (ILO) has estimated that at least 1 million children are victims of commercial sexual exploitation around the world each year.

Specifically, H.R. 515 authorizes the Angel Watch Center, operating under the auspices of Immigration, and Customs, Enforcement (ICE), Department of Homeland Security, to check flight manifests against sex offender registries—and quickly warn destination countries when sex offenders are headed their way. The destination countries can then assess the potential dangers—and respond appropriately, whether that is to deny entry or visa, monitor travel, or limit travel.

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

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

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

Efforts have begun with several countries already. Last year, the United States and the United Kingdom signed an agreement, believed to be the first of its kind, to provide each other with information on known international travel of individuals previously convicted of a sex crime against a child.⁹ The information is to be used to catch and investigate convicted child sex offenders, as well as to make informed decisions regarding their admittance to the respective countries.

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

⁹ “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>.

We have the information and technology at our disposal to determine who constitutes a child-sex offender and to ensure that appropriate government officials in destination countries are alerted in a timely fashion—what we need is the political will to apply that information and technology on behalf of vulnerable children.

Protecting children from violence and predatory behavior, including sexual exploitation and human trafficking, are among the highest duties and responsibilities of government. It was part of my 2015 Supplementary Item in Helsinki¹⁰ and the focus of my 2014 Supplementary Item in Baku.¹¹ Now that International Megan’s Law has become law in the United States I would be pleased to work with any delegation that desires to make it law in their home country. With the enactment of this law, I am confident more children will be spared and protected from the horrors and brutality of child sex trafficking.

Supplementary Item: Preventing Child Sex Trafficking and other Exploitation by Known Sex Offenders, Other Tourists, and Business Travelers

Over the last 20 years, international travel has more than doubled to one billion travelers a year. While this growth has brought businesses and tourism to popular destinations around the world, a recent report by the non-government organization, ECPAT (End Child Pornography and Trafficking), found that child protection laws have not kept up with the growth of the tourism industry.¹²

In fact, The 2014 Trafficking in Persons Report written by the U.S. Department of State noted 36 countries from which sex tourists travel abroad, and 53 destination countries for exploitation, including OSCE partner States. Tragically, many of the sending countries are OSCE participating States, including the United States.

As the ECPAT report notes, some of the individuals who engage in sexual exploitation and abuse of children abroad are opportunistic—business travelers or tourists who buy the children simply because the children are available and they think law enforcement is too busy or

¹⁰ Specifically, the paragraph states, “Recalling that the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings calls on participating States to develop and implement policies and actions, including law enforcement cooperation between participating States, to prevent the tourism industry from being used for all forms of trafficking in human beings, in particular for sexual exploitation of children, and that the OSCE Parliamentary Assembly’s Baku Declaration (2014) called on OSCE participating States to facilitate appropriate law enforcement coordination and notification procedures between participating States, as well as with other destination States, so that States are aware in advance of travel by individuals previously convicted of serious sex crimes against children;” Rep. Christopher Smith, Responsibility to Combat Human Trafficking in Government Contracts for Goods and Services (June 2015).

¹¹ 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>.

¹² Offenders on the Move: Global Study of Exploitation of Children in Travel and Tourism, ECPAT (May 2016) <http://globalstudysect.org/wp-content/uploads/2015/02/Offenders-on-the-Move.pdf>.

corrupt to catch them. Others travelers engage in volun-tourism, or purposely travel abroad and volunteer with a trusted aid agency or non-governmental organization to get access to children, and then abuse them.

Still other travelers are convicted pedophiles—individuals who have records in their home countries of sexually abusing children and who travel abroad to find anonymity, impunity, and easy targets in vulnerable children. Ernie Allen, who served for 30 years as the President and CEO of the National Center for Missing and Exploited Children (NCMEC) and the International Center for Missing and Exploited Children, recently explained, “It is clear that there is a substantial category of offenders who do not offend as a lapse of judgment; they do it as a lifestyle. And these are the offenders who are most likely to travel to seek victims in places where the offender is most likely to be anonymous and most likely to avoid identification or apprehension.”

We see these tragic stories pop-up regularly in the media and law enforcement reports—but the nature of child exploitation is that most goes unreported and unprosecuted. What is reported is the tip of the iceberg because children are ashamed to come forward and often not believed when they do. Much goes unprosecuted because international crimes require coordination between law enforcement, which heretofore has been difficult to secure in many cases.

Sexual exploitation of children is a human rights abuse that transcends national boundaries—and results in serious, lifelong consequences for the physical, psychological, and spiritual development and well-being of a child. In many instances, it is a form of human trafficking.

My Supplementary Item this year is based on my law that was just adopted in the United States—the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114-119).

Mirroring what is now the U.S. model—or Angel Watch Program—my supplementary item calls on OSCE participating States to develop and strengthen their law enforcement capacities, particularly as it relates to travelers who already have records of child exploitation. Specifically, the supplementary item calls for the following:

- a. 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;
- b. Directing individuals on the State registry to alert their own government of their destination state in advance of travel abroad;
- c. 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;

- d. Designating a point of contact in each State to send and receive information on the impending travel of registered sex offenders;
- e. Ensuring that information on registered sex offenders is transmitted appropriately ahead of travel to the destination country; and
- f. 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 objects 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. Using the U.S. registry system, the Angel Watch program in the United States issued 2,100 notifications of traveling sex offenders to 90 countries in 2015 alone.¹³ Our Asian Partner State of Thailand has been a particularly responsive partner in this collaboration, using the advance information provided to protect their children, as appropriate.

My supplementary item also calls on participating States that have not yet done so to make it a crime—and prosecute—citizens who travel abroad to sexually exploit children. Sexual exploitation of children is a human rights abuse anywhere in the world.

The 2013 Addendum to the OSCE Action Plan to Combat 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.”¹⁴ My supplementary item this year provides practical steps, already in use, to turn this goal into a reality.

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

In December, I held an official Commission on Security and Cooperation in Europe briefing on “Best Practices for Rescuing Trafficking Victims”¹⁵ featuring two doctors, a psychologist, and two trafficking survivors in order to highlight the role of health care professionals in recognizing and rescuing human trafficking victims who seek medical care. This

¹³ ICE authorized to create Angel Watch Center to expand child protection efforts following passage of International Megan’s Law, Press Release (February 9, 2016) <https://www.ice.gov/news/releases/ice-authorized-create-angel-watch-center-expand-child-protection-efforts-following>.

¹⁴ 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>.

¹⁵ “Best Practices for Rescuing Trafficking Victims” (December 2, 2015) <https://www.csce.gov/international-impact/events/best-practices-rescuing-trafficking-victims-0>.

briefing noted a groundbreaking study by Dr. Laura Lederer,¹⁶ which showed that 88% of human trafficking victims had contact with a health care provider while being trafficked, with the most common contact being a hospital/ER (63.3%). The research also indicated that while at least half of the time, medical personnel were aware the woman was “on the street,” it was very rare for the medical personnel to offer assistance or referrals. This inaction may be due to a lack of education on the signs of human trafficking and/or lack of awareness of assistance available for human trafficking victims.

Even when medical personnel have concerns that the patient may be a trafficking victim, they may face impediments to confirming suspicions. For instance, the trafficker may be in the examination room with the victim inhibiting conversation with the doctor; the victim and the doctor may not speak the same languages; or the doctor may not know how to reach out to the victim in a way that is sensitive to the victim’s culture. Another difficulty is medical professionals not knowing how to approach the topic in a sensitive manner. Some may ask if the girl is a “prostitute”—a word from which she will recoil or may not understand—rather than asking, “Have you ever had to trade sex for food or money?”

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

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

Many non-governmental and professional organizations in the United States are developing training programs for medical professionals on this issue. The U.S. Department of Health and Human Services has also instituted a pilot initiative to develop a training.¹⁷ I am currently looking at medical privacy laws in the United States to discern whether a specific exception needs to be added for human trafficking victims, or if the current exceptions for domestic violence and child abuse and abuse of incapacitated adults will cover most victims.

¹⁶ Lederer, Laura, and Christopher Wetzel. “The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities.” *Annals of Health Law* 23.1 (2014): 61-91. *Annals of Health Law – Vol 23 Issue 1*. Web. 13 Oct. 2014.

¹⁷ SOAR to Health and Wellness Training, U.S. Department of Health and Human Services, <http://www.acf.hhs.gov/programs/endtrafficking/initiatives/soar>.

2016 Trafficking in Persons Report: Latest Regional Trends for the OSCE

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

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

Since the TIP Report's inception, more than 120 countries have enacted anti-trafficking laws and many countries have taken other steps required to significantly raise their tier rankings—citing the TIP Report as a key factor in their new anti-trafficking efforts.

We have found a system that works—but, tragically, it is sometimes muffled, misguided, and marginalized by unrelated bilateral concerns and by the internal structure of the State Department itself. The 2015 Trafficking in Person's Report contained some overtly unreasonable tier rankings for Malaysia, China, Vietnam, Cuba, and Uzbekistan, which was mysteriously upgraded to the Tier 2 Watch List despite the fact that the Government of Uzbekistan openly forces its citizens to work in the cotton fields.

The 2016 Trafficking in Persons Report,¹⁸ which was released on June 30, does only marginally better at holding countries accountable, for instance, Burma and Uzbekistan are both ranked at Tier 3 this year. China, Cuba, Malaysia, and Vietnam were given a pass.

However, the worldwide numbers catalogued by the Report are very encouraging. Prosecutions went from 10,051 in 2014 to 18,930 in 2015. Convictions increased from 4,443 to 6,609. Victim identification increased as well from 44,462 to 77,823—the highest number ever recorded. In addition, there were thirty pieces of new or amended trafficking legislation around the world.

The OSCE region specifically had slight gains in prosecutions from 4,199 in 2014 to 4,990 in 2015, and in convictions from 1,585 in 2014 to 1,692 in 2015, of which we should be proud. The region also had 8 new or amended pieces of anti-trafficking legislation. However,

¹⁸ 2016 Trafficking in Persons Report, U.S. Department of State (June 30, 2016)
<http://www.state.gov/documents/organization/258876.pdf>.

although the region increased identification of labor trafficking victims (3,531 in 2014 to 3,733 in 2015) the region declined overall in victim identification, from 11,910 victims identified in 2014 to 11,112 victims identified in 2015. Given the vulnerability of migrants entering the region, participating States should redouble efforts to identify victims in 2016.

Hearings

In March of this year, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, “Getting it Right This Time: A Victims-Centered Trafficking in Persons Report,”¹⁹ at which I underscored that a tier ranking is about vulnerable lives—lives destroyed or saved by the on-the-ground impact of a government’s inaction or action. This hearing follows my November hearing, also in the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Demanding Accountability: Evaluating the 2015 Trafficking in Persons Report” to provide oversight of the State Department’s annual report. In the end, the question should be, “Is the foreign government working effectively to free victims, keep them safe from their traffickers, and speed their recovery?” We have seen many countries take a Tier 3 ranking seriously and make real, systemic and sustainable changes that improved their tier rankings, but that, more importantly, protected trafficking victims. The State Department must get the Report right, or we will lose the most effective tool we have to help the more than 20 million victims of trafficking enslaved around the world today.

Just a few weeks ago, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, “Organ Harvesting: An Examination of a Brutal Practice,”²⁰ which focused on the rising global demand for transplant organs, and related dangers of trafficking in persons for the purpose of organ removal such as has befallen Eritrean refugees in the Sinai. Tragically, lucrative government-sanctioned enterprises in China also sell the organs of prisoners and vulnerable religious and ethnic minorities. Anyone from the OSCE traveling abroad for an organ transplant should take extra precautions to ensure they are not contributing to demand for human trafficking.

As Chairman of the Commission on Security and Cooperation in Europe, I held a hearing in February with Director Michael Link of the OSCE Office of Democratic Institutions and Human Rights entitled “Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law.”²¹ Director Link noted U.S. support for re-launching ODIHR’s anti-trafficking work, and

¹⁹ “Getting it Right This Time: A Victims-Centered Trafficking in Persons Report”, House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (March 22, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-get-it-right-this-time-a-victims-centered-trafficking-in-persons-report/>.

²⁰ “Organ Harvesting: An Examination of a Brutal Practice”, House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, (June 23, 2016) <https://foreignaffairs.house.gov/hearing/joint-subcommittee-hearing-organ-harvesting-examination-brutal-practice/>.

²¹ “Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law,” Commission on Security and Cooperation in Europe (February 11, 2016)

indicated that ODIHR is in the final stages of interviewing for a trafficking-specific post in ODIHR to complement the anti-trafficking work being done by the Secretary-General's team. Director Link testified that he plans to continue anti-trafficking work to protect the human rights of trafficked persons who return to their countries of origin. ODIHR also plans to integrate anti-trafficking efforts into its ongoing work to assist states with capacity building of police, labor inspectors and prosecutors. Director Link noted in particular a focus on the human rights of trafficked persons in the context of criminal justice and migration policies, particularly women and children in the context of refugee crisis.

I also chaired a hearing of the Commission on Security and Cooperation in Europe in October entitled "Europe's Refugee Crisis: How should the US, EU, and the OSCE Respond?"²² In response to my concerns regarding reports of sex trafficking of women and children in refugee camps that lack adequate safeguards, Anne Richards, U.S. Assistant Secretary of State for Population, Refugees, and Migration assured the members that the United States is working with key states to take basic anti-trafficking precautions in the organization of refugee camp facilities. Serbia's Ambassador to the United States, Djerdj Matkovic, underscored the Serbian Chairmanship's focus on the issue, including support for reinstating the OSCE's trafficking budget in 2015 and the co-organization by the Serbian Chairmanship's and the OSCE Transnational Threats Department of the 2015 OSCE Annual Police Experts Meeting, which focused on trafficking in human beings and illegal migrations within the context of fighting against organized crime. Mr. Sean Callahan, Chief Operating Officer of Catholic Relief Services, noted that many children are abused in camps when their parents have to be away from them and leave them with careless caregivers. He called for qualified caregivers and emergency schooling to be provided for children to reduce their vulnerability to trafficking.

In April 2016, I also chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on "Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations,"²³ in response to a new, comprehensive report of sexual exploitation and abuse of local populations by UN peacekeepers, in particular French Peacekeepers whom the UN management failed to appropriately report to their governing French command even after receiving numerous allegations of sexual abuse of children. Peter Gallo, a former investigator for the UN Office of Internal Oversight Services, testified that sexual exploitation and abuse by UN staff has been a problem for a number of years and the UN has failed to properly investigate the allegations. As per our OSCE commitments, each

<https://www.osce.org/sites/helsinkicommission.house.gov/files/Transcript%20for%20Hearing%20on%20Religious%20Freedom,%20Anti-Semitism,%20and%20the%20Rule%20of%20Law.PDF>.

²² "Europe's Refugee Crisis: How should the US, EU, and the OSCE Respond?" (October 20, 2015)

<https://www.osce.org/international-impact/events/europes-refugee-crisis-how-should-us-eu-and-osce-respond>.

²³ "Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations", House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (April 13, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-peacekeepers-allegations-of-abuse-and-absence-of-accountability-at-the-united-nations/>.

country must “ensure that any such cases are properly investigated and appropriately punished.”²⁴

In July 2015, I also chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Africa’s Displaced People,”²⁵ at which the Deputy Assistant Secretary of State for Population, Refugees, and Migration, Catherine Wiesner, underscored that the State Department is vigilant with implementation partners to ensure that refugee camps are organized to avoid trafficking of the vulnerable people housed there. She also noted that the European Union has created a \$1 billion trust fund to address some of the “push” factors that displace people in Africa and make them vulnerable to human trafficking.

As the Chairman of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, I chaired a hearing in December entitled “Fulfilling the Humanitarian Imperative: Assisting Victims of ISIS Violence”²⁶ to draw attention to war crimes against religious minorities, including the horrific practice of sexual slavery that ISIS is perpetrating against the Yazidis and other religious minorities in Iraq and Syria. The international community must live up to its pledges of humanitarian assistance and do everything it its power to rescue and rehabilitate victims of ISIS trafficking. My bill calling for the immediate establishment of a Syria War Crimes Tribunal (H. Res. 269),²⁷ which would hold accountable those members of ISIS and other groups who are trafficking in persons, remains pending in the House.

In July, I received testimony from experts regarding trafficking in Burundi, a country on the cusp of being downgraded to Tier 3 in the 2015 Report. This hearing, entitled, “The Unfolding Crisis in Burundi,”²⁸ underscored that, without very real interventions by the Government of Burundi, trafficking in urban areas was on track to increase dramatically. Burundi was subsequently held accountable in the 2015 Report.

²⁴Decision No.16/05, Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions (Ljubljana Ministerial Decision 2005)

<http://www.osce.org/mc/17358?download=true>.

²⁵“Africa’s Displaced People”, House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 9, 2015)

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

²⁶“Fulfilling the Humanitarian Imperative: Assisting Victims of ISIS Violence,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (December 9, 2015)

<https://foreignaffairs.house.gov/hearing/subcommittee-hearing-fulfilling-humanitarian-imperative-assisting-victims-isis-violence>.

²⁷ H. Res. 269, Expressing the Sense of the House of Representatives regarding the need for investigation and prosecution of war crimes and crimes against humanity, whether committed by officials of the Government of Syria or other parties to the civil war in Syria... (May 15, 2015) [https://www.congress.gov/bill/114th-congress/house-resolution/269?q={%22search%22%3A\[%22chris+smith%22\]}](https://www.congress.gov/bill/114th-congress/house-resolution/269?q={%22search%22%3A[%22chris+smith%22]}).

²⁸ “The Unfolding Crisis in Burundi,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 22, 2015)

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

In October, I chaired a hearing in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations on “Africa’s Great Lakes Region: A Security, Political, and Humanitarian Challenge”,²⁹ at which I discussed with Assistant Secretary for Africa, Linda Thomas-Greenfield, and the Special Envoy to the Great Lakes Region, Thomas Perriello, whether they were receiving support and updates from the Trafficking in Person’s Office at the State Department, and whether they were regularly raising human trafficking with countries in the region. They affirmed that they were receiving support and were raising trafficking in bilateral meetings—with good responses from many African countries, showing once again that accountability inspires action.

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

In December 2013, the OSCE adopted the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings.³⁰ This Addendum updates the Plan of Action from 2005—and reflects the trafficking supplementary items that my colleagues and I have sponsored over the last several years in the OSCE Parliamentary Assembly—in particular for anti-trafficking training in the transportation and hospitality industries.

Experts estimate that 600,000–800,000 trafficking victims are moved across international borders each year, often on commercial airplanes, trains, and buses where they come into contact with transportation professionals. Traffickers can be stopped and victims rescued through highly effective, low-cost training of flight attendants and other airport personnel, such as that developed by Nancy Rivard, President of Airline Ambassadors International and the U.S. Department of Homeland Security. I was pleased to present and promote these best practices at the High-Level OSCE conference in Kyiv in 2013 along with Nancy Rivard. Hundreds of victims have been rescued already, with the potential for thousands more.

My supplementary item on this topic, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” was adopted at the 2013 OSCE PA Annual Session in Istanbul.³¹ The supplementary item calls on participating States to collaborate with commercial carriers, adopting legislation where necessary, in order to ensure that flight attendants, pilots, ground crew, train conductors, bus operators, and any other transportation professionals who are likely to come into contact with a trafficking victim are trained to identify victims and respond according to a protocol established with law enforcement. The supplementary item also calls on

²⁹ “Africa’s Great Lakes Region: A Security, Political, and Humanitarian Challenge,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (October 22, 2015) <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-africa-s-great-lakes-region-security-political-and-humanitarian>.

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 OSCE Parliamentary Assembly, 22nd Annual Session, Istanbul Declaration and Resolutions, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” (June 29 – July 3, 2013) <https://www.oscepa.org/documents/all-documents/annual-sessions/2013-istanbul/report-13/summary-report-4/2601-2013-istanbul-annual-session-report/file>.

Participating States to collaborate with hotel and travel industry professionals, adopting legislation where necessary, to ensure the use of best practices for the prevention and identification of human trafficking in hotels and other travel accommodations. Finally, the supplementary item underscores the importance of law enforcement coordination with transportation, hotel, and travel industry professionals in order to ensure appropriate intervention and referrals to care for suspected human trafficking victims.

My last four reports to the PA catalogue the successful implementation of this initiative by several Participating States. I would add that in 2016, Airline Ambassadors just completed a training in Latvia. Airline Ambassadors also conducted several trainings earlier this year at the San Francisco Airport in preparation for the Super Bowl influx of 24 million fans.³² In April Airline Ambassadors met with KLM airline regarding staff training and logistics of reporting. Also in April, Airline Ambassadors presented at the United Nations with a strong response. Finally, the twenty-seven airlines represented at the Regional Airline Association in Charlotte (May 2016) have all requested trainings.

Airline Ambassadors has also developed a smart phone application to make it easier for airline personnel to report human trafficking at U.S. airports.³³

Reforming the U.S. Anti-Trafficking Framework

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

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

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

³² Bay Area Trafficking Awareness Training (<http://airlineamb.org/2015/11/29/human-trafficking-awareness-training/#.V3GQPKJv669>).

³³ Airline Ambassadors Human Trafficking Reporting Application: <http://airlineamb.org/2015/09/19/aais-new-tip-line-app/#.VstHTOzv669>.

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

In 2014 and 2015, the House of Representatives adopted my reform legislation, “The Human Trafficking Prioritization Act”.³⁴ This bill would take the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State, as created by my original Trafficking Victim’s Protection Act of 2000, and elevate it into a bureau—thereby building on and magnifying its successes within the Department of State.

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

However, as the law is currently written, a country can manipulate the system and retain Tier 2 Watch List status for 4 years by again making promises that will never be fulfilled. The Human Trafficking Prioritization Act will hold countries like China accountable by limiting to one year the amount of time a country can stay on the Tier 2 Watch List after the country was previously auto-downgraded to Tier 3 after four years on the Tier 2 Watch List. I am currently working with the Senate to pass this bill into law as we constantly seek to improve U.S. anti-trafficking laws and diplomatic efforts.

Netherlands-Turkey Trafficking Case: Turkey Blocks Interview of Key Witnesses, Shuts Down Investigation

In my previous reports,³⁵ I have highlighted an alleged trafficking case between the Netherlands and Turkey, which I also covered in a Helsinki Commission briefing entitled, “Listening to Victims of Child Sex Trafficking,”³⁶ and on which I had introduced legislation.³⁷

³⁴ Human Trafficking Prioritization Act, H.R. 2283 (July 23, 2014) <https://www.congress.gov/113/bills/hr2283/BILLS-113hr2283eh.pdf>, and H.R. 514 (January 26, 2015) <https://www.congress.gov/114/bills/hr514/BILLS-114hr514rfs.pdf>.

³⁵ Representative Christopher H. Smith, Special Representative on Human Trafficking, Report on Human Trafficking Issues to the Winter Meeting of the OSCE Parliamentary Assembly, Vienna, Austria (February 21–22, 2013) <https://www.oscepa.org/documents/all-documents/special-representatives/human-trafficking-issues/report-20/3190-2016-winter-meeting-report-by-the-special-representative-on-human-trafficking-issues/file>.

³⁶“Listening to the Victims of Child Sex Trafficking,” Commission on Security and Cooperation in Europe (October 4, 2012) http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=531&Region_id=0&lsue_id=0&ContentType=H,B&ContentRecordType=B&CFID=18778639&CFTOKEN=37165406.

In short, serious allegations of child sex trafficking have been raised in the Netherlands by two Turkish men who claim to have been raped as boys in Turkey by a then senior official in the Dutch Ministry of Justice. The alleged victims have attempted several times to open a formal investigation through the Dutch legal system. Multiple Turkish government officials—including the Turkish security officer who allegedly brought one of the boys to the Dutch official for abuse—have come forward to offer evidence and testimony in support of the alleged victims’ stories. Yet the Government of the Netherlands repeatedly refused to conduct a formal investigation.

In January of 2014, the Dutch court in Arnhem overruled the government and ordered that a formal criminal investigation be opened—including a thorough investigation of the travel of the former Dutch official to Turkey and the interview of several witnesses in Turkey who claim to have seen the official there during the relevant time period and who claim knowledge of the sexual abuse.

However, the investigation was delayed and finally closed as the Turkish government refused to allow the Turkish witnesses to participate in the Dutch investigation. The Dutch prosecutor will decide soon—without critical information from Turkish witnesses—whether to press criminal charges against the official. An additional alleged victim in the Netherlands has come forward and is currently pressing civil charges.³⁸ This investigation provides a critical opportunity for the facts to be presented and reviewed—for the truth to be known. The alleged victims, as well as the accused, deserve no less.

Conclusion

I am greatly encouraged to see the mainstreaming of human trafficking perspectives and related concerns in many countries. It was just under 20 years ago that the issue came to light in the United States. When I introduced the Trafficking Victims Protection Act in 1998, it was met with incredulity and indifference—I was told that I had a solution in search of a problem. I was blocked at high levels of government. The wheels of justice turned slowly, but they have carried us to a place in the United States and internationally where the fight against human trafficking cuts across political parties and borders, national and international institutions. Those alongside us will soon outnumber those fighting against us. We are making progress, and must persist.

³⁷ H.Res. 62 (February 12, 2013) <http://www.gpo.gov/fdsys/pkg/BILLS-113hres62ih/pdf/BILLS-113hres62ih.pdf>.

³⁸ Senior Justice Ministry Official Denies Abusing Boys in the 80s, DutchNews.nl (June 3, 2016) <http://www.dutchnews.nl/news/archives/2016/06/senior-justice-ministry-official-denies-abusing-boys-in-the-1980s/>.