

*Report on Human Trafficking Issues  
to the 2017 Winter Meeting  
of the OSCE Parliamentary Assembly*

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**by**

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**for the OSCE Parliamentary Assembly**

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

## **Meetings**

Since our last Winter Meeting, I have had the opportunity to raise human trafficking concerns and best practices with heads of state, foreign ministers, numerous parliamentarians, and official delegations from around the world, including President Andrzej Duda of Poland; Chairman of Council of Ministers of Bosnia and Herzegovina Denis Svidic; Faustin-Archange Touadéra of the Central African Republic; President of the Central African Republic, Catherine Samba-Panza; Prime Minister of Timor-Leste, Rui Maria de Araújo; Prime Minister of the Democratic Republic of Congo, Samy Badibanga; and Prime Minister of Namibia, Saara Kuugongelwa-Amadhila.

I also had the privilege of discussing the prevention and amelioration of human trafficking within their respective spheres with Georgian Foreign Minister, Mikheil Janelidze; Ugandan Minister of Health at the time, Dr. Elioda Tumwesigye; and South African Minister of Health, Aaron Motsoaledi.

Ambassador Bakhtiyar Gulyamov of Uzbekistan, Ambassador Djerdj Matkovic of Serbia, Ambassador Jose Cabañas of Cuba, Ambassador Arun Singh of India, Ambassador Garang Diing Akuong of South Sudan, Ambassador Barnabe Kikaya Bin Karubi of the Democratic Republic of the Congo, and Ambassador Claudia de Centeno also discussed strategies to end human trafficking with me over the course of last year.

Members of parliament, who can be the engines of legislative change in their countries, were also happy to consider best practices to end human trafficking, including members from Germany, Poland, Macedonia, Australia, Malaysia, Somaliland, Peru, Colombia, Costa Rica, Mexico, Paraguay, and Uruguay.

During her visit to the United States in order to discuss priorities and coordination of efforts to combat human trafficking, I met Special Representative and Coordinator for Combating Trafficking in Human Beings Maria Jarbussynova. I commend to you her report on the United States and am taking the recommendations into consideration as I work on new legislation, discussed below.<sup>1</sup> I also met with UN Special Rapporteur for Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, and Prince Zeid bin Ra'ad Zeid al-Husseini, the UN High Commissioner for Human Rights, who work to stop modern day slavery and related human rights abuses around the world.

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<sup>1</sup> Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her official visit to the United States of America 1-12 February 2016 (Released December 2016) <http://www.osce.org/secretariat/289446?download=true>.

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.

The role of faith leaders in fighting human trafficking, and especially in providing rehabilitative assistance to trafficking survivors, should not be underestimated and cannot be overstated. I consequently raised trafficking with Bishop Nicolas Djomo of the Diocese of Tshumbe (Congo) and Bishop Matthew Hassan Kukah of the Diocese of Sokoto (Nigeria), and Bishop Edward Hiiboro Kussala of South Sudan.

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

On February 8<sup>th</sup>, 2016, the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders—which I pursued over the course of eight years—became law in the United States.<sup>2</sup> This law will significantly thwart the sexual exploitation of children in the United States and abroad through an efficient system that, in a way that is consistent with the civil liberties of perpetrators, warns 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 approximately 1,780 notifications to 64 countries, with a particular emphasis on those countries known to be primary destinations for child sex tourism. I just met this month with Amb. Pisan Manawapat of Thailand, Royal Thai Police General Tamasak Wicharaya who is the Deputy Director of Center for Children, Women, Family Protection and Anti-Trafficking in Persons, and Royal Thai Police Lieutenant General Jaruvat Vaisaya, Commissioner of Legal Affairs and Litigation. I was so pleased to learn that the "Angel Watch" program is working extremely well in Thailand. Thailand receives the information from the United States of an incoming child sex offender, reviews the case, and makes an appropriate determination regarding the sex offender's continued travel in Thailand—protecting their vulnerable children from harm, as needed.

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

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<sup>2</sup>International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advance Notification of Traveling Sex Offenders, P.L. 114-119 (February 8, 2016) <https://www.congress.gov/114/bills/hr515/BILLS-114hr515enr.pdf>.

Today all 50 states and all U.S. territories have their own Megan's Laws requiring sex offenders to register with local authorities. Most of this information is also made publically available online. Domestic Megan's Laws allow parents, guardians, school officials, sport coaches, law enforcement and the public at large to have the critical information they need to mitigate harm to children. It is against the law to use this information to harass or harm a sex offender. International Megan's Law takes the lessons learned domestically and expands them to protect children abroad.

Studies demonstrate that even when caught, prosecuted and jailed, for a number of predators the propensity to recommit these crimes at a later date remains alarmingly high. A 2009 study by Olver, Wong, and Nicholaichuk found that untreated moderate-to-high-risk sex offenders were reconvicted for sex crimes at a rate of 17.7 percent after three years and 32 percent after 10 years.<sup>3</sup>

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

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

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

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

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

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

I am pleased to report that the United States welcomed Slovakia into a close partnership with the U.S. in the fight against the sexual abuse of children by known sex offenders in September of 2016 as part of the Angel Watch program codified by my International Megan's Law.<sup>4</sup> Slovakia joins the UK in official partnership with the United States by flagging travelers who may pose a threat to children.<sup>5</sup> The information shared between countries is used to enhance the interdiction or investigation of previously convicted child sex offenders, as well as to make informed decisions regarding their admittance to the respective countries. Slovakia and the UK have led the way in Europe for law enforcement alerts and notification in advance of travel abroad by dangerous pedophiles, and we look forward to many more countries joining this critical international effort.

Protecting children from violence and predatory behavior, including sexual exploitation and human trafficking, is among the highest duties and responsibilities of government. It was the focus of my 2016 Supplementary Item in Tbilisi,<sup>6</sup> recalled in my 2015 Supplementary Item in Helsinki,<sup>7</sup> and the focus of my 2014 Supplementary Item in Baku.<sup>8</sup> These supplementary items give effective detail to 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

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<sup>4</sup> "DHS, Slovak Republic Enhance Joint Efforts to Protect Children from Sexual Exploitation" (September 23, 2016) <http://www.pressreleasepoint.com/dhs-slovak-republic-enhance-joint-efforts-protect-children-sexual-exploitation>.

<sup>5</sup> "ICE, UK National Crime Agency enhance joint efforts to combat child exploitation" (June 26, 2015) <https://www.ice.gov/news/releases/ice-uk-national-crime-agency-enhance-joint-efforts-combat-child-exploitation>.

<sup>6</sup> OSCE Parliamentary Assembly, 24<sup>th</sup> 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>.

<sup>7</sup> Specifically, the paragraph states, "Recalling that the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings calls on participating States to develop and implement policies and actions, including law enforcement cooperation between participating States, to prevent the tourism industry from being used for all forms of trafficking in human beings, in particular for sexual exploitation of children, and that the OSCE Parliamentary Assembly's Baku Declaration (2014) called on OSCE participating States to facilitate appropriate law enforcement coordination and notification procedures between participating States, as well as with other destination States, so that States are aware in advance of travel by individuals previously convicted of serious sex crimes against children;" OSCE Parliamentary Assembly, 24<sup>th</sup> 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>.

<sup>8</sup> OSCE Parliamentary Assembly, 23<sup>rd</sup> Annual Session, Baku Declaration and Resolutions, Resolution on Prevention and Prosecution of Child Sex Trafficking (June 28 – July 2, 2014) <https://www.oscepa.org/documents/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

being used for all forms of trafficking in human beings, in particular for sexual exploitation of children.”<sup>9</sup>

I would be pleased to work with any delegation that desires to establish an alert system in their home country and have created a basic how-to document.<sup>10</sup> Basic elements, as reflected in the 2016 Tbilisi Declaration and Resolutions,<sup>11</sup> include 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 objectives will be most accurately and efficiently met if the State is keeping information, in accordance with national provisions on the protection of personal data, on persons convicted of child sexual exploitation at home or abroad.

To prevent offenders from thwarting notification procedures by country-hopping to an alternate destination not previously disclosed, the law includes provisions for the State

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<sup>9</sup> Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/addendum?download=true>.

<sup>10</sup> 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>.

<sup>11</sup> OSCE Parliamentary Assembly, 24<sup>th</sup> 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>.

Department to develop a passport identifier. A passport so identified provides law enforcement and customs an additional tool to protect children.

International Megan's Law looks to establish a durable system of reciprocal alerts among the nations of the world. We have the information and technology at our disposal to determine who constitutes a child-sex offender and to ensure that appropriate government officials in destination countries are alerted in a timely fashion—what we need is the political will to apply that information and technology on behalf of vulnerable children.

### **Imminent Introduction of Law to Reform and Update U.S. Anti-Trafficking Framework: The Frederick Douglass Trafficking Victims Prevention and Protection Act of 2017**

I currently working on the *Frederick Douglass Trafficking Victims Prevention Act of 2017*, 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 U.S. Departments of State, Justice, Labor, Homeland Security, and Health and Human Services. Federal and state agencies have begun to work together to ensure that traffickers are caught and survivors get the care that they need.

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

To this end, the new law will fill gaps and incorporate the latest best practices to efficiently and cost-effectively 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. The draft law improves the current U.S. anti-trafficking framework by—

- Ensuring vulnerable children are educated to avoid traffickers;
- Encouraging job training for trafficking survivors, especially those who were exploited in sex trafficking as children;
- Preferring in government travel contracts airlines and hotels that have in place anti-trafficking training and reporting policies for their employees;
- Creating a special complaint mechanism in embassies whereby the U.S. is warned of labor traffickers exploiting the U.S. visa system;
- Increasing transparency and oversight in U.S. government grants to fight trafficking;

- Streamlining the certification in the U.S. of foreign adult victims of human trafficking to economize resources, prevent fraud, and facilitate earlier access to assistance;
- Facilitating trafficking-free supply chains in private business by clarifying in Department of Labor reports products that incorporate slave-made goods;
- Encouraging enforcement of the *Tariff Act of 1930*'s prohibition on the importation of goods made with forced labor;
- Helping survivors get back on their feet by treating civil damages awarded to them from their traffickers the same as criminal restitution;
- 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 to investigate and prosecute labor trafficking cases;
- Preventing abuse of domestic servants in embassies and diplomatic homes in the United States;
- Expanding protection from removal during legal actions against former employers for all domestic worker visa categories;
- Establishing an office within the Internal Revenue Service to prosecute tax law violations by persons under investigation for human trafficking;
- 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*; and
- Strengthening Agency Implementation of the *End Trafficking in Government Contracting Act*.

The new law is a huge undertaking and one that must be finished before the end of 2017. I look forward to updating you on its progress and sharing best practices.

### **Preference for Government Flights and Accommodations for Companies that Train Their Employees to Fight Trafficking: Implementing the OSCE 2013 Addendum to the Plan of Action to Combat Trafficking in Persons**

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*.<sup>12</sup> These consensus documents call for anti-trafficking training in the transportation and hospitality industries,<sup>13</sup> OSCE institutional commitment to

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<sup>12</sup>Decision No. 1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (December 6, 2013) <http://www.osce.org/addendum?download=true>.

<sup>13</sup> OSCE Parliamentary Assembly, 22<sup>nd</sup> 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->

procure goods and services from a companies with trafficking-free supply chains,<sup>14</sup> 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.<sup>15</sup>

The *Frederick Douglass Trafficking Victims Prevention and Reauthorization Act* will for the first time create a U.S. government preference for government travel airlines that have trained their flight attendants and pilots in how to spot trafficking victims and report cases to authorities while travel is in progress.

Experts estimate that 600,000–800,000 trafficking victims are moved across international borders each year, often on commercial airplanes, trains, and buses where they come into contact with transportation professionals. Traffickers can be stopped and victims rescued through highly effective, low-cost training of flight attendants and other airport personnel, such as that developed by Nancy Rivard, President of Airline Ambassadors International and the U.S. Department of Homeland Security. I was pleased to present and promote these best practices at the High-Level OSCE conference in Kyiv in 2013 along with Nancy Rivard. Airline Ambassadors has also developed a smart phone application to make it easier for airline personnel to report human trafficking at U.S. airports.<sup>16</sup> In addition, the U.S. Department of Homeland Security has a training available for U.S. carriers called “Blue Lightning”.<sup>17</sup> Hundreds of victims have been rescued already, with the potential for thousands more.

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

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[declaration/1645-08](#). My supplementary item on this topic, “Trafficking Victim Watchfulness: Planes, Trains, Buses, and Hotels,” was adopted at the 2013 OSCE PA Annual Session in Istanbul. The supplementary item calls on participating States to collaborate with commercial carriers, adopting legislation where necessary, in order to ensure that flight attendants, pilots, ground crew, train conductors, bus operators, and any other transportation professionals who are likely to come into contact with a trafficking victim are trained to identify the victim and respond according to a protocol established with law enforcement. The supplementary item also calls on participating States to collaborate with hotel and travel industry professionals, adopting legislation where necessary, to ensure the use of best practices for the prevention and identification of human trafficking in hotels and other travel accommodations. Finally, the supplementary item underscores the importance of law enforcement coordination with transportation, hotel, and travel industry professionals in order to ensure appropriate intervention and referrals to care for suspected human trafficking victims.

<sup>14</sup>OSCE Parliamentary Assembly, 24<sup>th</sup> 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>.

<sup>15</sup> Ibid.

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

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

- a. Have a zero-tolerance policy in place for the sexual exploitation of children within its hotel/hotel chain.
- b. Have procedures in place to identify and report to the appropriate authorities.
- c. Make training materials available to all employees to prevent child exploitation and trafficking.
- d. Have trained all employees annually on the identification of possible child exploitation and trafficking and procedures to report suspected abuse to the appropriate authorities.
- e. Protects employees who report suspected abuse according to the protocol identified in training.
- f. Keep records of the number of suspected child exploitation and trafficking cases, including reasons for suspicion, title of employee who identified case, and where the report was made.

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

### ***Child Soldiers Prevention Act of 2017***

In honor of the International Day against the Use of Child Soldiers, marked across the globe February 12<sup>th</sup>, I introduced H.R. 1191, the *Child Soldiers Prevention Act of 2017*, which will help stop the trafficking horror experienced by child soldiers. No child should be forced or enticed to carry a gun or to kill. No child should be used by fighting forces—or anyone—as a sex slave.

In the *Child Soldiers Prevention Act (CSPA)* of 2008, Congress provided the Executive Branch the tools needed to identify countries where military or government-supported armed groups recruited or used children as soldiers in the preceding year. The State Department was then directed prohibit these governments from receiving certain U.S. taxpayer-funded military and weapons assistance, with a full or partial ‘national interest’ waiver allowed for extraordinary circumstances.

However, under the last Administration, the ‘national interest’ clause was used so extensively that the prohibition of aid has become nearly meaningless. The previous Administration allowed more than \$1 billion in military assistance to countries that used children as young as 10 years old as cannon fodder in the field—and/or as sex slaves by their

commanding officers. In 2016, only three of 10 countries designated as using child soldiers were fully denied funds, and these were the countries for which funds had not been designated originally. Since 2013, we have seen a spike in the use of child soldiers in some countries, especially South Sudan. Despite Afghanistan's use of children, especially as sex slaves in forces fighting the Taliban, Afghanistan did not even make the list.

My new legislation will ensure the effective implementation of the CSPA by clarifying Congressional intent that the use of children in any government fighting force, even if the force is not technically a branch of the military, is unacceptable. It will also limit the waivers the Administration can use and ensure that governments that knowingly involve children in armed conflict, as servants or as sex slaves, are held accountable. Finally, it will maximize Congressional oversight and public accountability of military and weapons assistance to countries using child soldiers.

H.R. 1191 is good news for child sex slaves serving the Afghan National Police, who will now be recognized, and for the increasing number of children recruited to fight in South Sudan, a country which will now have less room for potential waivers. It will also require expanded reporting in the *Trafficking in Persons Report* as well as in a special report to Congress. Taxpayers have a right to know whether their tax money is aiding child traffickers.

This legislation follows a hearing I held in September in my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, "The Growing Crisis in South Sudan,"<sup>18</sup> at which Ambassador Donald Booth, Special Envoy to Sudan and South Sudan for the U.S. Department of State, testified that children as young as 10 and 12 years old are being used as soldiers in South Sudan. According to UNICEF, 16,000 child soldiers have been recruited by all sides since the civil war began in December 2013. Ambassador Booth affirmed that the U.S. is engaging South Sudan on the issue. In 2016, South Sudan received less military assistance from the United States specifically because of its use of child soldiers. We saw similar actions used to positive effect in the Democratic Republic of Congo in 2013 and 2014.

### ***Human Trafficking Prioritization Act***

In 2014 and 2015, the House of Representatives adopted my reform legislation, the *Human Trafficking Prioritization Act*<sup>19</sup> only to have it be stopped in the Senate. I have reintroduced it again this year.<sup>20</sup> This bill would take the Office to Monitor and Combat Trafficking in Persons

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<sup>18</sup> "The Growing Crisis in South Sudan," House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (September 7, 2016)

<https://foreignaffairs.house.gov/hearing/subcommittee-hearing-growing-crisis-south-sudan/>.

<sup>19</sup> Human Trafficking Prioritization Act, H.R. 2283 (July 23, 2014)

<https://www.congress.gov/113/bills/hr2283/BILLS-113hr2283eh.pdf>, and H.R. 514 (January 26, 2015)

<https://www.congress.gov/114/bills/hr514/BILLS-114hr514rfs.pdf>.

<sup>20</sup> Human Trafficking Prioritization Act, H.R. 463 (January 11, 2017)

<https://www.congress.gov/115/bills/hr436/BILLS-115hr436ih.pdf>.

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, this law would prevent 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, 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.

### **2016 U.S. Department of State *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. Its annual report lays bare the record of almost every country – including the United States – 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 being sanctioned 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 Persons 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*,<sup>21</sup> which was released on June 30, does marginally better at holding countries accountable—for instance, Burma and Uzbekistan are both ranked at Tier 3 this year. Unfortunately, China, Cuba, Malaysia, and Vietnam were again 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 eight new or amended pieces of anti-trafficking legislation. However, 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 refugees and migrants entering the region, participating States should redouble efforts to identify victims in 2016.

## Hearings

Just after the Annual Session of the OSCE Parliamentary Assembly, I chaired a hearing entitled, “Accountability Over Politics: Scrutinizing the Trafficking in Persons Report”<sup>22</sup> in the Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, in order to publically review the annual *Trafficking in Persons Report* rankings of 188 countries. My landmark *Trafficking and Victims Protection Act of 2000* launched an annual review by the U.S. Department of State of each country’s progress toward achieving the minimum standards of prosecution of traffickers, protection of victims, and prevention of human trafficking. It also contained tough sanctions for countries that receive a Tier 3, or the lowest ranking, for failure to meet minimum standards prescribed by the *Trafficking Victims Protection Act*.

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<sup>21</sup> *2016 Trafficking in Persons Report*, U.S. Department of State (June 30, 2016) <http://www.state.gov/documents/organization/258876.pdf>.

<sup>22</sup> “Accountability Over Politics: Scrutinizing the Trafficking in Persons Report,” House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations (July 12, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-accountability-politics-scrutinizing-trafficking-persons-report/>.

Ambassador Susan Coppedge, the Ambassador-at-Large for Trafficking in Persons, provided helpful insights into the *2016 Trafficking in Persons Report*. The 2015 Report, before her tenure, contained serious inaccuracies in tier rankings. Although many of these inaccuracies were corrected in the 2016 report, some remain with Cuba, China, and Malaysia. 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. My new *Frederick Douglass Trafficking Victims Prevention Act* contains several sections to increase the accuracy of the annual Trafficking in Persons Report.

This hearing follows the pre-report hearing I held in March of this year 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,"<sup>23</sup> 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. 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 given a Tier 3 ranking take it seriously and make real, systemic and sustainable changes that improved their tier rankings, but that, more importantly, protected trafficking victims.

In September I chaired a hearing my Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations entitled, "Eritrea: A Neglected Regional Threat"<sup>24</sup> in order to examine how the U.S. government could better work with the Eritrean government on the push-factors driving the refugee crisis. As a result of the authoritarian government's actions, Eritrea is considered one of the world's fastest-emptying nations with about half a million of the country's citizens having left their homes for often dangerous paths to freedom. An estimated 5,000 Eritreans leave their country each month. These fleeing citizens end up on rickety boats in the Mediterranean trying to find safety in Europe. Many of them are kidnapped for ransom or trafficked—even falling prey to organ harvesters in Libya and Egypt.

In June, 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,"<sup>25</sup> which focused on the rising global demand for transplant organs, and related dangers of trafficking in persons for the purpose of organ removal. Tragically, lucrative

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<sup>23</sup> "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/>.

<sup>24</sup> "Eritrea: A Neglected Regional Threat", House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights and International Organizations (September 14, 2016) <https://foreignaffairs.house.gov/hearing/subcommittee-hearing-eritrea-neglected-regional-threat/>.

<sup>25</sup> "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/>.

government-sanctioned enterprises in China 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 2016 with Director Michael Link of the OSCE Office of Democratic Institutions and Human Rights entitled “Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law.”<sup>26</sup> Director Link noted U.S. support for re-launching ODIHR’s anti-trafficking work, and indicated that ODIHR is in the final stages of interviewing for a trafficking-specific post in ODIHR—which has now been filled—to complement the anti-trafficking work being done by the Secretary-General’s team. Director Link testified that he planned to continue anti-trafficking work to protect the human rights of trafficked persons who return to their countries of origin and to integrate anti-trafficking efforts into ODIHR’s 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 sincerely hope that this important work will continue and be funded past the end of his tenure.

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,”<sup>27</sup> 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 country must “ensure that any such cases are properly investigated and appropriately punished.”<sup>28</sup>

## Conclusion

I am greatly encouraged that 2016 saw the highest number of countries ever to meet the minimum standards for the elimination of human trafficking and 30 countries worldwide

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<sup>26</sup> “Update on the OSCE: Religious Freedom, Anti-Semitism, and Rule of Law,” Commission on Security and Cooperation in Europe (February 11, 2016)

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

<sup>27</sup> “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/>.

<sup>28</sup> Decision 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>.

amended or adopted new legislation to fight human trafficking. The OSCE region increased prosecutions and convictions this year, bringing fear to traffickers and hope to trafficking victims. We are on the right track. I look forward to the day when traffickers look at the OSCE region and calculate that the real risk of a lengthy term in prison outweighs the tainted profits of human slavery. We are making progress, and must persist.