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

By Rep. Chris Smith (R-Robbinsville, NJ)

Today marks an important milestone in the fight against human trafficking—the tenth anniversary of the U.S. Trafficking Victims Protection Act (TVPA) signed into law on October 28, 2000.

When I first introduced the TVPA in 1998, the legislation was met with a wall of skepticism and opposition. People both inside of government and out thought the bold new strategy that included sheltering, asylum and other protections for the victims, long jail sentences and asset confiscation for the traffickers, and tough sanctions for governments that failed to meet minimum standards, was merely a solution in search of a problem.

For most people at that time, the term trafficking applied almost exclusively to illicit drugs or weapons. Reports of vulnerable persons—especially women and children—being reduced to commodities for sale were often met with surprise, incredulity or indifference. It took two years to overcome opponents and muster the votes for passage.

According to the State Department’s Trafficking in Persons Office—created by the TPVA—more than 12 million people worldwide are trafficking victims. Free the Slaves, a highly respected anti-human trafficking non-governmental organization (NGO), suggests that there are over 27 million victims.

Today we know that human trafficking—modern day slavery—is the third most lucrative criminal activity in the world. According to the International Labor Organization (ILO) human traffickers make profits in excess of \$31 billion a year.

One TVPA provision—the annual Trafficking in Persons Report—requires the U.S. Government to conduct a detailed assessment of every nation using an objective tier system. A Tier 1 designation signifies that a government fully complies with the minimum anti-trafficking standards prescribed in the legislation; Tier 2 that the government is making serious efforts to comply; and a Tier 3 designation—which may entail sanctions—signifies that a country does not comply and is not making significant efforts to do so. The TIP Report has been an incredibly effective human rights tool for the United States.

In the past decade, we have seen progress on a number of anti-trafficking fronts. With a combination of encouragement, persuasion and sustained pressure via sanctions imposed by the United States, countries around the world have created or amended over 210 laws to combat human trafficking and in the past two years alone an estimated 80,000 victims have been identified and assisted worldwide.

Ten years ago, the U.S. would not have been a Tier 1 country—we were doing almost nothing to combat trafficking.

Today, the TVPA has resulted in Anti-Human Trafficking Task Forces in 40 cities across the U.S. These task forces coordinate local and federal law enforcement to rescue victims, refer them to appropriate rehabilitative services, and prosecute traffickers. Almost 900 American children have been rescued from sexual exploitation ranging from truck stop to Internet prostitution, as well as pornography. Over 500 pimps, madams, and others who exploit children through prostitution have been convicted at the state and federal levels.

Still, The National Center for Missing and Exploited Children believes that at least 100,000 American children—mostly runaways, average age of initial enslavement **13 years old**—are exploited in the commercial sex industry each year. These children, when found, are often wrongly charged for prostitution, fined or put in juvenile detention, and then released—still broken and vulnerable—back to the streets and their traffickers. These children must be recognized as the trafficking victims that the TVPA declares them to be, and offered rehabilitation to break free from the emotional chains of abuse.

Progress has been made in combating adult human trafficking. Over the last nine fiscal years since enactment of the TVPA, FYs 2001-2009:

- 645 traffickers were charged in the United States under the TPVA compared to 95 defendants charged under lesser statutes in the prior nine years—an increase of 579 percent;

- 466 traffickers were convicted under the TPVA –an increase of 513 percent compared to the 76 convictions under weaker laws with shorter prison sentences in the prior nine years;
- And there were 1,187 new investigations initiated—586 percent more than the 173 opened in the prior nine-year period;
- 92 criminal enterprises were disrupted, and 44 were dismantled.

In New Jersey, under the extraordinary leadership of former US Attorney Chris Christie, many traffickers were successfully investigated, prosecuted, convicted and incarcerated for long periods of time. (Attached list highlights some of the most notable cases) An estimated 70 victims in New Jersey were rescued and protected. All US Attorneys have wide latitude—prosecutorial discretion—in choosing how they deploy their personnel and resources. US Attorney Christie made fighting the traffickers and protecting victims among his highest priorities. As Governor, that commitment remains steadfast and praiseworthy.

In the last 10 years, the internet has opened a new front in the war with human traffickers, enabling and encouraging demand with relative ease and secrecy. We need to develop appropriate safeguards to ensure that freedom of speech does not become the license to exploit and abuse.

We must also demand that corporations cease any and all facilitation of sex or labor trafficking. Craigslist got the message and shut down its U.S. “adult services” page September 3rd of this year.

And we must ensure the travel industry is on the alert for trafficking victims. The Airline Ambassadors’ Child Trafficking Initiative provides flight crews with the basic information they need to notice trafficking and notify law enforcement. American Airlines has taken the lead in training their flight crews, and I urge every airline to implement the training without delay or excuse.

A related issue, sex tourism is an escalating threat to the children of every country. My International Megan’s Law (IML), which has passed the House and is now pending in the Senate, provides notification to a foreign government when a convicted U.S. sex offender, who poses a real danger to children, is planning to visit. IML also encourages foreign governments to establish a domestic registry of dangerous offenders and to notify the U.S. when offenders plan to travel.

In sum, much has been accomplished during the decade after enactment of the Trafficking Victims Protection Act—instances of human trafficking have been prevented, victims rescued and protected and traffickers prosecuted and thrown into jail. Major challenges, however, remain. It falls to each of us—and like-minded people everywhere—to wage an unceasing campaign to eradicate human trafficking from the face of the earth.