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An Urgent Call to Protect Children from Sexual Exploitation

Rep. Chris Smith (R-NJ)
Excerpts of remarks
U.S. Capitol
May 12, 2016

I would like to thank Ernie Allen, ECPAT, and all involved for this landmark study and blueprint for action: “Offenders on the Move”—the first comprehensive “Global Study on Sexual Exploitation and Abuse of Children in Travel and Tourism 2016.”

The Global Study makes a number of highly disturbing observations including findings that two decades of efforts have failed to even put a “dent” in the sexual exploitation and abuse of children in travel and tourism (SECTT) and that more children than ever before are being exploited. Tourism is soaring while protection lags.

Contrary to conventional wisdom, the Global Study finds that there is no typical offender, they can come from any background involving not only tourists but business travelers, migrant/transient workers and volun-tourists.

I was struck by research for the Global Study that shows that the majority are “situational” offenders—offenders who may never have dreamed of sexually exploiting a child until given the opportunity to do so—rather than preferential offenders.

The Global Study offers numerous mutually reinforcing public and private sector recommendations that beg immediate consideration and aggressive implementation.

The U.S. Congress this year enacted legislation designed to address part of the problem—convicted sex offenders who travel from the United States to foreign destinations who may be on the prowl for new child victims. (Underscoring the potential threat to children worldwide, the GAO estimated that in 2008 alone, 4,500 convicted sex offenders got passports valid for ten years.)

International Megan's Law (P.L. 114-119) takes the myriad lessons we've learned domestically with state sex offender registries and employs them internationally.

International Megan's Law authorizes and empowers the Angel Watch Center, operating under the auspices of U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security, to check flight manifests against sex offender registries—and quickly warn destination countries when known sex offenders are headed their way.

The Angel Watch Center is authorized to send actionable information about child-sex offender travel to destination countries in time for those countries to 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, the new law includes provisions for the State Department to develop a passport identifier for those who have been found guilty 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.

As head of the U.S. delegation to the annual Organization for Security and Cooperation in Europe Parliament Assembly (OSCE PA) and Special Representative on Human Trafficking Issues for the OSCE PA, I've sponsored resolutions each year adopted by parliamentarians from 57 countries since the St Petersburg Russia Parliamentary Assembly in 1999. I will be offering another resolution on International Megan's Law at our next Assembly session in Tbilisi in early July. I will share the Global Study findings and recommendations with my colleagues.

Among its many findings, The Global Study points out that business travelers in “special economic zones” in South East Asia—as well as business travelers coming to the United States—exploit local children with relative ease and impunity using internet facilitated meetings. And there is much more to be done to educate the business and tourism industries—especially smaller businesses and guest houses and zero star hotels about how to protect children from offenders not already known to authorities.

The United States must redouble prosecutions not only against American child sex tourists exploiting children abroad—but against any domestic or foreign traveler in the U.S. exploiting children on the margins of a business conference.

Finally, the United States and other nations must do more to address another source of child exploitation—that of “volun-tourists” or individuals who travel abroad to assist non-governmental organizations, or churches, orphanages, or other entities doing good in the world—but then use their access to vulnerable children for exploitation.

I will soon be introducing legislation—the Kimberly Doe Act—to increase accountability on volun-tourists—and limit the vulnerability of the children they serve. Specifically:

- The Kimberly Doe Act stops impunity for those who would sexually exploit children abroad by requiring that any US citizen or legal permanent resident who knows or suspects another American citizen or legal permanent resident is engaged in illicit sexual conduct with a child abroad report that conduct to the ICE Tip line within 24 hours.

- A person who fails to report can be held both criminally and civilly liable for that failure.

- It calls on for-profit and non-profit organizations to train their employees on how to make reports of suspected sexual exploitation. And provides organizations that train their employees some protection from civil liability for damages.

- It holds U.S. linked organizations who employ doctors, nurses, mental health counselors, teachers, social workers, child care workers, law enforcement, and humanitarian NGOs –and any of these organizations accepting volunteers—civilly liable for damages if the organization facilitates, hides, obstructs reporting, or otherwise fails to report illicit sexual conduct with a child.

- It provides whistleblower protection for good faith reports—and a fine for reports that were known by the reporter to be false

Again, I thank ECPAT for their unwavering and effective commitment to speaking on behalf of vulnerable children, and developing best practices to end child sexual exploitation.