

Combating Global Human Trafficking

*Excerpts of Remarks by Rep. Chris Smith (R-NJ)
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Global Health, and Global Human Rights
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Thank you, Chairwoman Bass, for convening today's hearing on a topic that is near and dear to both of our hearts – combating human trafficking.

You and I have worked so closely together on fighting the scourge of modern slavery, both with the original [Frederick Douglass Prevention and Protection Reauthorization Act of 2018](#), and now the [Reauthorization Act of 2021](#) which you and I again introduced.

It has been truly an honor and a pleasure to work with you.

As many of you know, tomorrow marks the 21st year anniversary of the signing of the [Trafficking Victims Protection Act of 2000](#) (TVPA)—a bipartisan law I authored to protect some of the most vulnerable people in our society, victims of human trafficking, and hold human traffickers and those complicit barbaric crimes accountable for their egregious abuses of human rights.

The TVPA's decisive condemnation of modern slavery reflects our society's recognition that human trafficking is fundamentally incompatible with the values of any nation that aspires toward ideals of freedom, human rights, and the rule of law. The passage of the law marked a significant turning point that sparked two decades of rapid expansion in United States' efforts and partnerships to eradicate human trafficking and vindicate the rights of victims and survivors.

According to the 2021 Trafficking in Persons Report, global law enforcement reporting indicates an increase of about 2.5 times in identified victims of human trafficking worldwide from 2014 to 2020. However, prosecutions and convictions experience an unsteady increase from 2014 to 2019 with a dip in 2020, likely from the pandemic.

The 2021 U.S. Department of State Trafficking in Persons report confirms that the COVID-19 pandemic has resulted in a diversion of resources to combat trafficking while vulnerabilities increase and law enforcement and survivor support have declined, leading to a dramatic increase in trafficking and elimination of years of progress.

Women and girls continue to be disproportionately affected by this crime, while one in five victims of commercial sexual exploitation is a child. Disturbingly, the circumstances surrounding the pandemic have led to increases in child vulnerability to online child sexual exploitation.

To further combat this crime and address these gaps, Rep Karen Bass and I introduced the reauthorization of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2021 on September 3rd, 2021-- the 183rd anniversary of Frederick Douglass' escape from slavery.

This bill ramps up prevention and protection efforts against trafficking, particularly for children, a population that has experienced increased victimization as a result of the isolation and increased online presence caused by the pandemic's quarantine. We have seen this increase in online grooming and trafficking of children occur both in the United States and internationally, especially in the Philippines.

Likewise, there is a need to strengthen [International Megan's Law](#) to require, where feasible, that the countries participating in the visa waiver program reciprocate U.S. efforts and share their list of covered sex offenders; to ensure that sex offenders returning to the U.S. after living in foreign countries register upon their return; and to require sex offenders to have passport identifiers even if they move or reside outside the U.S. The bill also goes further to create the protection of confidentiality for survivors and their families.

Throughout these 21 years, we have seen a growth in best practices-- more victim-centered, trauma-informed, and survivor-informed approaches.

Our Frederick Douglass bill is also survivor informed, and adds these approaches while removing the sunset on the survivor-led U.S. Advisory Council on Human Trafficking, thereby making it a permanent part of U.S. Government's commitment to survivor-informed policy.

In keeping with the legacy of Frederick Douglass, our bill also focuses on education— including scholarships named after Frederick Douglass. Educating and training children, adults, parents, teachers, law enforcement, health care professionals and social service providers – to identify and respond to the crime while also caring for the victim – are key parts of our bill.

As Frederick Douglass' great, great, great-grandson, Kenneth Morris, once said about the importance of education – knowledge makes a man unfit to be a slave. Mr. Morris also made

very incisive remarks about the importance of prevention of trafficking – “It is easier to build strong children than to repair broken men.”

Frederick Douglass himself escaped slavery when he was 20 and dedicated his entire life to abolishing slavery, and after emancipation, to ending the Jim Crow laws, while struggling for full equality for African-American citizens. A gifted orator, author, editor, statesman, and as I pointed out at our press conference, he was a Republican.

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act further incorporates anti-trafficking activities into foreign assistance programming; prioritizes anti-trafficking efforts at USAID in project designs and monitoring and evaluation; and ensures programming is age-appropriate, linguistically accessible, culturally responsive, and survivor- and trauma-informed. It also amends Foreign Assistance Act of 1961 to include effective counter-trafficking in persons policies and programs and ensures provisions do not contribute to increasing human trafficking, especially where there are natural and manmade disasters.

The bill also is a model of transparency, requiring Program to End Modern Slavery grant recipients to publish the names of all subgrantees on their public websites or via classified annex to Congress; to award grants on a competitive basis; and to make contracts or agreements available to Congress upon request.

It seeks to also improve the minimum standards of the Trafficking in Persons Report, which is the focus of today’s hearing. This bill clarifies language for countries bouncing from Tier 2 Watch List to Tier 3 and back again and modifies minimum standards to include prohibiting the purchase of commercial sex, reducing sex tourism, and ensuring anti-trafficking training and codes of conduct for staff of central governments similarly to what we ask of our own federal staff.

Our bill also tries to ensure that entities complicit in trafficking are always held accountable and are sanctioned by the U.S. government through the Global Magnitsky Human Rights Accountability Act. It also requires that U.S. Executive Directors of each multilateral development banks to vote against any Tier 3 country projects that do not include counter-trafficking strategy, assessment, and mitigation efforts.

We will hear from anti-trafficking organizations that receive U.S. government funding to help foreign governments improve their ranking but also help build local capacity with civil society organizations. We will hear from witnesses about various countries’ efforts to combat

trafficking. Some are improving, while others are not, which may bring questions to the appropriateness of their tier rankings.

The U.S. Department of State Trafficking in Persons report, as we know, scrutinizes more than 190 countries, with the credible threat of serious sanctions for egregious violators that are branded Tier 3, to improve their trafficking laws and their actions.

But in several notable cases, particularly in 2015, countries that should have been held accountable with Tier 3 designations were given a pass. That belief that the TIP report got it wrong was exposed in large part by a Reuters investigative report that found that the TIP office and its personnel had made recommendations to put a number of countries on Tier 3.

Due to political pressure from regional bureaus and the White House, however, a number of countries were upgraded without warrant.

This includes Malaysia, which would otherwise would have been ineligible for participation in the Trans-Pacific Partnership trade pact.

In 2015, I chaired a [hearing demanding accountability in the 2015 TIP report](#). And in 2016 and 2017, I chaired three hearings on this grade inflation of the TIP Report.

Now in 2021, I'd like to express gratitude to the Department of State for recently making critical corrections to the 2021 Trafficking in Persons Report. The Bangladesh section in the original publication was corrected from its statement that "brothel owners forced them into sex work when they were children."

As we all know, under both U.S. federal and international law, any person under the age of 18 in the sex trade is a sex trafficked child – labeling child sex trafficking as "sex work" normalizes abuse and exploitation of children.

To be clear, sex trafficking is not a job – it is exploitation, it is enslavement, and an attack on the dignity of the human person.

Finally, I would like to ask unanimous consent that the chairwoman add the statements from Dr. Nguyen Thang, President of Boat People SOS; Anne Basham, CEO of Anti-Trafficking International; and Taina Bien-Aime, Executive Director of Coalition Against Trafficking in Women into the record.

I want to thank you all for being here, and for Ms. Bass' partnership and leadership on this important topic.

Thank you, and I look forward to hearing your testimonies.