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## **Tier Rankings and the Fight Against Human Trafficking**

*U.S. Rep. Chris Smith (NJ-04), Chairman  
Subcommittee on Africa, Global Health, Global Human Rights, and Int'l Organizations  
Chairman's Opening Statement  
April 18, 2013*

Good afternoon, and welcome to this afternoon's hearing on the role of tier rankings in the fight against human trafficking.

Many of you joining us this afternoon have been in this fight from the beginning—from the year 2000 when my Trafficking Victims' Protection Act created not only the Office to Monitor and Combat Trafficking in Persons at the Department of State, but also the annual Trafficking in Persons (TIP) Report.

At the time, I don't think anyone could have predicted that this report would become the international gold standard and primary means of anti-trafficking accountability around the world. From the halls of parliaments to police stations in remote corners of the world, this report is being used to focus anti-trafficking work in 186 countries on the key areas of prevention, prosecution, and protection.

The fact that it has been so successful is a credit to the hard and careful work of the Office to Monitor and Combat Trafficking in Persons. Each year, this office evaluates whether the government of a country is fully complying with the minimum standards for the elimination of human trafficking, or, if not, whether the government is making significant efforts to do so.

The record is laid bare for the world to see and summarized in a tier ranking. Tier 1 countries fully meet the minimum standards. Tier 2 countries do not meet the minimum standards but are making significant effort to do so. 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 increased anti-trafficking response.

In the 2003 Trafficking in Persons Reauthorization Act, I and my colleagues in Congress created the Tier 2 Watch List. This list was intended to encourage anti-trafficking progress in a country that took positive anti-trafficking steps late in the evaluation year—especially those countries that took last-minute measures to avoid a Tier 3 designation. We wanted to reward good faith efforts and encourage them to continue.

However, some countries made a habit of last minute efforts and failed to follow through year after year, gaming the system. Consequently, in 2008, Congress created an “automatic downgrade” for any country that had been on the Tier 2 Watch List for two years but had not taken significant enough anti-trafficking measures to move to Tier 2. The President can waive a Tier 3 downgrade for two additional years if there is “credible evidence” that the country has a written and sufficiently resourced plan to meet the minimum standards.

The “automatic downgrade” would protect the integrity of the tier system and ensure it worked properly to inspire real progress in the fight against human trafficking.

It has now been four years since the two-year limit, or 4 years-with-a-waiver limit, was instituted. China, Russia, Uzbekistan, Republic of Congo, Iraq, and Azerbaijan have now had at least four full years of warning that they would face downgrade to Tier 3 if they did not make significant efforts to prosecute traffickers, protect victims, and prevent trafficking. Now their time on the Tier 2 Watch List is up.

In this hearing today, we will take a close look at the records of these countries in 2012. If these countries have once again failed to make significant efforts to meet the minimum standards, the State Department must downgrade them or risk undermining the credibility and demonstrated power of the TIP Report.

I am particularly concerned about the Government of China's record. The Government of China has been on the Tier 2 Watch List for eight consecutive years in large part because its plan to fight human trafficking is inadequate, unevenly implemented, and the Government of China has not been making significant efforts to comply with the minimum standards. Law enforcement in China is still not trained to identify or respond properly to sex or labor trafficking victims. I have heard reports that local police are often unwilling to help parents find missing children who may be enslaved in local brick kilns, and that officials have been known to profit from brick kilns that exploit children.

As we will hear from a brave trafficking survivor today, the Government of China continues to forcibly repatriate North Korean trafficking victims who face severe punishment, including execution, upon their return to North Korea. Moreover, the Government of China's continued one-child policy has decimated China's female population. Tens of millions of women and girls are missing from the population, making China a regional magnet for sex and bride trafficking as men reach marrying age but cannot find a mate. The Government of China is failing not only to address its own trafficking problems, but is creating an incentive for human trafficking problems in the whole region.

The Government of Uzbekistan's record is also of great concern, as the government itself continues to force hundreds of thousands of school-age children and adults to work in fields during the cotton harvest each year.

The Government of the Republic of Congo, despite making some progress in 2010 with the passage of a law that would prevent child trafficking, has failed in the last two years to convict a single person under that law despite the pervasive child trafficking in their country.

The Government of Russia has had nine years of warning that without significant change, they too would be downgraded. However, the Government of Russia does not have in place formal procedures for identification and referral of trafficking victims by law enforcement, labor inspectors, and other government officials. The Government of Russia still has not established a government body to organize government anti-trafficking activities, nor does it adequately fund shelters or services for trafficking victims. Russian citizens are trafficked from Russia to countries all over the globe as well as within Russia, and yet the Government of Russia does not have a national trafficking education or prevention plan.

The Government of Azerbaijan continues to use administrative fines for traffickers, allowing traffickers to write-off the crime of trafficking as a simple business expense that is less expensive than hiring their workers.

The Government of Iraq has been on the Watch List since the TIP Report first began to hold them accountable in 2009. Like trafficking victims elsewhere in the world, the victims in Iraq need protection, those who are vulnerable to trafficking need prevention measures, and traffickers need to be brought to justice.

The importance of accurate Tier rankings cannot be overstated. Over the last 12 years, we have seen countries begin in earnest the hard work of reaching the minimum standards after the TIP Report accurately exposed—with a Tier 3 ranking—each country's failure to take significant action against human trafficking. By the same token, a premature boost to Tier 2, such as what occurred with Vietnam last year, may not only undermine progress, but fail to inspire it.

The tier rankings were meant to be, and in large part have become, a powerful tool in the fight against human trafficking. I look forward this afternoon to a candid discussion as to how tier rankings should be applied to help the trafficking victims currently exploited in the Tier 2 Watch List countries.