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Effective Accountability: Tier Rankings and the TIP report

*Rep. Chris Smith
Chairman of the Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
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Good afternoon, and welcome to this afternoon's hearing on the power of holding countries accountable in the annual Trafficking in Persons (TIP) report, including its tier rankings, for government successes or failures in the fight against human trafficking.

Experts have observed that there are more slaves in the world today than at any previous point of human history. With the Trafficking in Persons report and tier rankings, the United States is also ensuring more accountability and progress than ever before in the fight to rid the world of slavery.

Many of you joining us this afternoon have been in this fight for more than a decade from the year 2000 when a law I authored—the Trafficking Victims' Protection Act (TVPA)—created a comprehensive policy that not only established the Office to Monitor and Combat Trafficking in Persons at the Department of State, but also the annual Trafficking in Persons Report.

The success of the TIP report and rankings is beyond anything we could have hoped for at the time. From presidential suites to the halls of parliaments to law enforcement assets and police stations in remote corners of the world, this report focuses anti-trafficking work in 187 countries on the pivotal goals of prevention, prosecution, and protection.

Much of the praise for the success of the TIP report is due to the incredibly effective Ambassadors-at-Large who have led the Office to Monitor and Combat Trafficking in Persons (J/TIP) and their highly dedicated staff. (Ambassador Mark Lagon is one of them and is here with us today—I look forward to hearing his testimony.)

Each year, the trafficking 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 narrative. 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, such countries are open to sanction by the U.S. government.

Over the last 14 years, more than 120 countries have enacted anti-trafficking laws and many countries have taken other steps required to significantly raise their tier rankings. Some countries openly credit the TIP report as a key factor in their increased and effective anti-trafficking response.

We created the Tier 2 Watch List In the 2003 TVPA reauthorization. This list was intended to encourage good-faith anti-trafficking progress in a country that may have taken positive anti-trafficking steps late in the evaluation year.

Unfortunately, some countries made a habit of last minute efforts and failed to follow through year after year—effectively gaming the system. To protect the integrity of the tier system and ensure it worked properly to inspire real progress in the fight against human trafficking, Congress in 2008 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 up a tier.

The President can waive this automatic downgrade for two additional years if he certifies “credible evidence” that the country has a written and sufficiently resourced plan, which if implemented, would constitute significant effort to meet the minimum standards.

Last year was the first test of the new system—and it worked. China, Russia, and Uzbekistan ran out of waivers and moved to Tier 3, which accurately reflected their records. In this afternoon’s hearing, we will evaluate whether these countries have made any significant progress over the last year.

I am particularly concerned that China’s trafficking crisis continues unabated. The recent UN Commission of Inquiry Report on North Korea provides horrifying evidence of the trafficking of North Korean woman to China—for sex, brides, or labor. An estimated 90% of North Korean woman seeking asylum in China are trafficked for these reasons. Thousands of women a year leave desperate situations in North Korea only to end up in a brothel or forced marriage—a tragic and astonishing fact.

China's response has not been to provide protection for victims or to prosecute traffickers, it is to hunt down and repatriate North Koreans, sending them back—to hard labor, long imprisonments, and possible execution.

North Korean women are not the only victims. By 2020 more than 40 million Chinese men will be unable to find wives in China because of China’s short-sighted and abusive one-child policy, which, coupled with modern abortion technology, has triggered the mass abortion

of tens of millions of baby girls. A human rights abuse in and of itself, sex selective abortions have also created a huge trafficking magnate, pulling victims into forced marriages and brothels from countries in proximity to China and beyond.

China's extremely modest and overly hyped suggestion that it might relax the draconian one child policy for some couples is unlikely to mitigate the disaster and may be further counteracted by the spread of abortion sex selection technology to more of rural China. Whether the birth limitation is one-child or two-child in special cases, birth limitation policies constitute abuse, cruelty and exploitation without precedent or parallel for baby girls and society.

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. Although she could not join us in person today, renowned author Mara Hvistendahl, author of *Unnatural Selection, Choosing Boys over Girls and the Consequences of a World Full of Men*, will be submitting testimony for the record specifically on the effect of the sex ratio imbalance as a cause of human trafficking and the proliferation of 'marriage agencies' in China, which traffic women from poorer countries into China and sell them into marriage.

The hearing this afternoon will also look at a second set of countries that, this year, must be automatically downgraded unless they have made significant efforts to fight human trafficking. These countries include Thailand, Malaysia, Afghanistan, Chad, Barbados, and Maldives. Burma may receive a Presidential waiver in order to avoid downgrade to Tier 3 but the facts on the ground don't justify that course of action.

Cutting across Burma, Thailand, and Malaysia is the tragic plight of the Rohingya minority. Rohingya are leaving Burma by the thousands to escape religious persecution. However, according to reports put out by Reuters, Thai authorities are selling Rohingya to human traffickers, where they are held in "tropical gulags" until relatives pay ransom. Those who cannot pay the ransom are sold into sex slavery or hard labor and many die from abuse or disease. Thai authorities have done little to stop this practice, their efforts at prevention and prosecution are said to be "losing steam."

Rohingya are often trafficked to Malaysia where they are exploited for labor. The sad fact is that many Rohingya, a persecuted Sunni Muslim minority in Burma, hope to find refuge in Malaysia, a majority Muslim country.

Burma is the source of Rohingya trafficking in the region. Policies of discrimination, child limitation, forced birth control, and violence push the Rohingya minority to leave Burma and leave them vulnerable refugees. The Burmese government is culpable in Rohingya trafficking and the regional problems their policies create.

The Burmese government also has done little to stop trafficking of Rohingya within Burma. Reports indicate that authorities profit from the sale of Rohingya to traffickers, Rohingya women are held at military bases as sex slaves, and Rohingya men are used for forced labor. Though these practices have gone on for many years, they are underreported in the State Department's TIP Report.

Displaced by war with the Burmese military, women and children from the Kachin tribe in Burma are also subject to trafficking. Roi Ja, an 18-year-old woman living in IDP camp in northern Burma, was lured to China with a promise of a restaurant job. Once in China she was bused to a rural village and locked in a room. According to her testimony, she cried for three days and begged those around to let her go. She was told to just "give up" and was sold as a bride for US\$5,312.

We hear constantly about Burma's success democratic reforms, but peel away the layers of good news, and many of the same human rights problems and human atrocities remain. I understand that the Administration has started a "Human Trafficking Dialogue" with Burma. Diplomatic engagement is important, but not enough to warrant an upgrade in Burma's status. For that we have to see concrete results, not Rohingya trafficked for sex and labor.

The importance of accurate Tier rankings and TIP Report country profiles cannot be overstated. Again and again, we have seen countries turn 180 degrees and begin the hard work of reaching the minimum standards after the TIP report accurately exposed—with a Tier 3 ranking and truthful country report—each country's failure to take significant action against human trafficking. By the same token, a premature boost to Tier 2 may not only undermine progress, but fail to inspire it among countries actually doing the hard work.

I won't deny that there are at times diplomatic costs to accurate tier rankings—but it is the price of freedom for the men, women, and children caught in human trafficking. They remind us that each of their lives is priceless and must be protected.