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## **Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking**

*Rep. Chris Smith  
Subcommittee on Africa, Global Health,  
Global Human Rights and International Organizations  
Hearing on Country Tier-Ranking on Human Trafficking Efforts  
April 22, 2015*

Welcome to today's hearing on the importance of accountability in the annual Trafficking in Persons Report – the State Department's biggest opportunity of the year to prod countries to fight human trafficking with greater effect, greater efficiency and greater effort.

There are some twenty plus million people around the globe who live in sex or labor slavery today.

When one hears such a figure – over twenty million people – one's eyes begin to glaze over, as a number of such magnitude becomes an abstraction. There is a cynical saying, attributed to Soviet dictator Josef Stalin, that “the death of one man is a tragedy. The death of millions is a statistic.” Stalin knew that many would shrug their shoulders and avert their gaze.

But we must never allow such cynicism to obscure the fact that each of those twenty million persons is a human being with inherent, God-given dignity. Each one is a child that suffers from beatings and abuse, a woman raped, a man who labors in the field as a slave—all for the commercial gain of others.

The annual Trafficking in Persons Report, required by the landmark Trafficking Victims Protection Action of 2000 (TVPA) – legislation which I authored – ensures that countries making anti-trafficking efforts a priority are praised and supported, while countries that ignore the cries of the enslaved are justly shamed, and considered for sanctions.

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

Each year the trafficking office at the Department of State evaluates whether a government of a country is fully compliant 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 rankings narrative. Tier 1 countries fully meet the minimum standards. Tier 2 countries do not meet the minimum standards, but are making significant efforts to do so. Tier 3 countries do not meet the standards and are not making significant efforts to do so—and, indeed, may be subject to sanctions.

Over the last 14 years, more than 100 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 for their increased and effective anti-trafficking response and look to us for examples of how to do even better. Last year, for example, I was invited by the speaker of Peru's unicameral congress to address legislators on how to protect victims of trafficking, meeting also with prosecutors, members of a multi-agency task force, victims and those who provide for victims.

The Tier 2 Watch List was created in the 2003 TVPA reauthorization and I also authored 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 works properly to inspire progress, Congress in 2008 created an automatic downgrade for any country that had been on a Tier 2 Watch List for 2 years but had not taken significant effort enough to move up a tier.

The President can waive the automatic downgrade for an additional 2 years if he has certified "credible evidence" that the country has a written and sufficiently-resourced plan that, if implemented, would constitute significant efforts to meet the minimum standards.

In 2013, the first test of the new system, China, Russia, and Uzbekistan ran out of waivers and moved to Tier 3, which accurately reflected their records.

In the 2014 reporting cycle, only Thailand and Malaysia were auto-downgraded, out of six countries. Russia and Uzbekistan retained their Tier 3 downgrades from the previous year—but China was upgraded from Tier 3 to the Tier 2 Watch List.

I am very concerned that China fooled the State Department, which seemed to believe that China was abolishing its re-education through labor camps rather than simply renaming the camps and continuing the practice. The Congressional Executive China Commission reported that in 2013, Chinese authorities increasingly used "other forms of arbitrary and administrative detention such as Legal Education Centers, Custody and Education Centers, 'black jails,' and compulsory drug detoxification centers."

Moreover, the Commission reported that in November 2014, the Deputy Director of China's Ministry of Justice said at a press conference that the "vast majority" of China's [reeducation through labor] facilities have been converted to compulsory drug detox centers. The China Commission believes that these compulsory drug detox centers force detainees to do labor, as do the Custody and Education Centers.

If true—and I believe it is—then the Chinese government is directly involved in human trafficking and profiting from it.

The Chinese government also continues, through its one-child birth limitation policy, to decimate the female population, creating a vacuum for sex and bride trafficking in China as males confronted with a sentence of lifetime bachelorhood seek to obtain a mate.

And despite a much-ballyhooed November 2013 government announcement of a relaxation of the one-child policy that affects only a small subset of the population, this fig leaf will not do enough to correct the gender imbalance in China.

Last summer, a local official at the Mid-Year Family Planning Work Meeting in Chongqing municipality noted that "the intensity of family planning work has not diminished." And the evidence coercive enforcement continues to emerge.

The UN Committee on Economic, Social and Cultural Rights, following its May 2014 review of China, noted that it was "seriously concerned about reported instances of the use of coercive measures, including forced abortion and forced sterilization, with a view to limiting births."

This is unacceptable.

Approximately 40 million women and girls are missing from the population—and China's birth limitation policy continues to increase that number—making China a regional magnet for sex and bride trafficking of women from neighboring countries such as Burma, Cambodia, Vietnam, Laos and North Korea.

Indeed, an estimated 90 percent of North Korean women seeking asylum in China are trafficked as brides. And yet China does not take responsibility for the government-made disaster and provide these women with aid. Rather, China denies these women refugee status and sends them back to punishment in North Korea—punishments that far too often include execution.

Yet we gave China a pass, turning our backs on these suffering women.

But Asia is not the only place where there are victims of trafficking. This afternoon's hearing will also look at three African countries that must be automatically downgraded unless they significantly improved efforts to fight human trafficking in 2014: Burundi, Comoros, and Angola.

The shared tragedy of these countries is that it is their children who are being trafficked. Chinese nationals in Angola exploit the Angolan children in construction, rice farming, and brick making.

In Comoros, poor families place their children with wealthy relatives, who then exploit them in domestic servitude.

Similarly, in Burundi, family members sometimes profit from the prostitution of children with tourists or, according to the State Department, "teachers, police officers, and gendarme, military and prison officials."

In 2013, as automatic downgrade loomed, the President of Comoros finally admitted his country had a trafficking issue and the National Assembly changed the penal code. Angola and Burundi have also amended their penal codes while on the Watch List.

Aggressive implementation of these anti-trafficking laws would keep them off Tier 3, as well as protect children from trafficking. I earnestly hope implementation has been a priority.

The Southeast Asia region continues to struggle with particularly acute and entrenched human trafficking. Thailand and Malaysia were downgraded to Tier 3 last year. Burma must receive a presidential waiver this year to avoid Tier 3.

One of the key drivers of intense human trafficking in the region is the vulnerability and desperation of the Muslim minority Rohingya people. Squalid living conditions in displacement camps, discrimination, child limitation, and violence are pushing the Rohingya out of Buddhist-dominated Burma into the hands of human traffickers who claim to have jobs for them in Muslim-majority Malaysia.

However, according to reports by Reuters last year, many Rohingya never make it to Malaysia, and instead end up in tropical gulags in the jungles of Thailand, where they are held for ransom. Many die from abuse and disease. Those who cannot pay the ransom are sold into sex slavery or forced labor, often in the fishing industry.

Thai General Prayuth Chan-ocha has vowed to crack down on any Thai authorities involved and to bring an end to the practice. While we have seen an impressive number and variety of anti-trafficking efforts in Thailand during the last year—including a new law in March that heightened penalties to life imprisonment for traffickers—prosecutions have significantly diminished in the last year. Prosecutions regarding trafficking of Rohingya migrants seems particularly low.

Nevertheless, over the last year, Thailand has taken concrete steps to register nearly 100,000 migrants, amend laws related to the fishing sector, raise the minimum age for labor at sea to 18 years old, set mandatory rest periods and employment contract requirements, and inspect hundreds of boats.

And we also need to look at ourselves, and ask too whether we are complicit in abetting trafficking, perhaps unwittingly.

Last month, for example, the Associated Press documented Thai boats picking-up seafood in Indonesia caught by Burmese slaves who, when not at sea, are kept in cages on remote Indonesian islands. The seafood was taken back to Thai ports and processed by the company that owns Chicken of the Sea. Much of the tainted seafood may have entered the supply chain to reach the shelves of American grocery stores and, through vendors such as Sysco, have landed on the plates of our service men and women.

There are nevertheless success stories, and Thailand has been a stalwart partner with the United States in fighting the sex tourism that drives sex trafficking. The Philippines also has worked with us in fighting sex tourists and helping the victims of trafficking – indeed, one of the witnesses we will hear from this afternoon is a priest whose faith-based organization has helped thousands heal from the horrors of human trafficking.

Finally, a word to those who think that our TIP reports embarrasses allies and undercuts our efforts to cultivate friendly ties around the globe.

I will never forget two of our closest allies, Israel and South Korea, at one point were both on Tier 3, the worst rank. I remember meeting with their Ambassadors who had files demonstrating to all of us and anyone who would listen the measures they were taking to mitigate this terrible crime. And both of those countries got off Tier 3 when they backed words with substantive action.

Rather than alienating them, the exercise underscored that friends watch out for each other, and that we must call upon our friends to live up to the high ideals they profess. Ultimately, countries that do live up to their ideals show they value and treasure their citizens – their greatest resource – and in the long run will benefit the most.

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Before we begin I'd like to recognize Christian Boujaoude, age 16, from my district in Eatontown, NJ, who is here today with his parents, Mr. and Mrs. Elias and Maureen Boujaoude. A junior at Monmouth Regional High School, in recent months Christian coordinated the labeling and shipping of 2,000 bars of soap with human trafficking awareness messages to Arizona hotels prior to the Super Bowl there. He also successfully urged a number of Monmouth County towns to issue proclamations recognizing Jan. 11 as National Human Trafficking Awareness Day.

Thank you for your work in raising awareness about trafficking and for taking the time to attend today's hearing. It is because of young people like you that we will change the way we think about trafficking in the future, so that people no longer avert their gaze or shrug their shoulders, indifferent to the suffering of others.