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The Trafficking in Persons Report 2011: Truth, Trends, and Tier Rankings

*Subcommittee on Africa, Global Health, and Human Rights
Oct. 27, 2011 Hearing
Opening Statement by Chairman Christopher H. Smith*

Good afternoon, and welcome to this hearing to examine the State Department's 2011 Trafficking in Persons Report. This annual report to Congress was first mandated by legislation that I sponsored, the Trafficking Victims Protection Act of 2000, known as the TVPA.

In 1998, when I first introduced the TVPA, the legislation was met with a wall of skepticism and opposition. People both inside of government and out thought the issue of human trafficking was merely a solution in search of a problem. For most people at that time, the term trafficking applied almost exclusively to illicit drugs or weapons. Reports of vulnerable persons—especially women and children—being reduced to commodities for sale were often met with surprise, incredulity or indifference.

One major objection to the bill, especially from the Clinton Administration, was the naming and ranking of countries based on compliance with the establishment of common-sense minimum standards—clearly articulated prevention, protection and prosecution benchmarks—enforced by sanctions and penalties against egregious violators.

Fortunately, reality won out over ignorance. Although it took two years to overcome opponents and muster the votes for passage, the TVPA was finally signed into law with strong bi-partisan support. This support from both sides of the aisles has continued through subsequent reauthorizations, and has been essential to the ongoing successes by the United States Government in combating modern day slavery both at home and abroad.

However, the battle is far from over. According to the State Department's Office to Monitor and Combat Human Trafficking—created by the TPVA—more than 12 million people worldwide are trafficking victims. Other estimates put the number of victims as high as 27 million. Today we know that human trafficking is the third most lucrative criminal activity in the world. According to the International Labor Organization (ILO), human traffickers make profits in excess of \$31 billion a year.

We are fortunate to have with us today three State Department witnesses to examine both the substance and the diplomatic activity that is behind the Trafficking in Persons Report. The Report, which is written by the Trafficking in Persons Office currently headed by Ambassador Lou CdeBaca, summarizes the rankings and performance of each country and provides detailed recommendations as to how each country can improve its efforts. But more than a source of comprehensive, concise knowledge about the fight against human trafficking around the world, the TIP Report has been an incredibly effective diplomatic tool.

The Report has been a catalyst for improvement—often dramatic improvements—in the efforts of governments to address human trafficking within their borders and regions. With a combination of encouragement, persuasion and sustained pressure via sanctions imposed by the United States, countries around the world have created or amended over 120 laws to combat human trafficking, and, in the past three years alone, an estimated 113,000 victims have been identified and assisted worldwide.

Individuals within each country can use the Report to assess their government's commitment and to lobby their government to take specific measures. The G/TIP Office also coordinates technical assistance and aid for many of the countries wishing to improve their anti-trafficking response.

The result has been a worldwide anti-trafficking surge, largely dependent on the credibility, accuracy, and faithful implementation of the Report, including the Tier framework.

This afternoon, we turn our attention to ensuring that the Report retains these essential attributes and to assess whether it is fulfilling its purpose.

In 2003, Congress added a special watch list to the Tier rankings to allow countries an opportunity to address serious shortcomings in their anti-trafficking efforts before being placed in Tier 3 and subject to sanctions. When it became apparent that this Tier 2 Watch List was becoming a permanent parking spot for some countries, Congress added a requirement to the 2008 reauthorization that the President either downgrade or upgrade any country that had been on the Tier 2 Watch List for two consecutive years. Obviously, the direction in which the country is moved is to be based on whether requisite measures were taken to meet the minimum standards.

The President can waive the requirement to move a country off of the Tier 2 Watch List for up to two years if the country has a plan to bring itself into compliance with the minimum standards and designates sufficient resources to carry it out. But this waiver should only be applied in the most extreme cases as countries have had since 2009 to undertake this effort.

Consequently, it is with concern that I note the President has determined 12 countries need yet another year on the Tier 2 Watch List.

Some of these countries—China and Russia—have been on the Watch List for 7 and 8 years, respectively. Uzbekistan has been on the list for four years. I look forward to discussing with our witnesses today exactly why the Administration is convinced these countries need yet another year to get their acts together.

I also look forward to a serious discussion about the application of sanctions. The report shows that, of the 23 countries on Tier 3, the full sanctions envisioned by the TVPA will be applied to only three countries - Eritrea, Madagascar, and North Korea. Partial sanctions will be imposed on seven countries, and thirteen countries will have no trafficking sanctions imposed whatsoever.

Some may argue that being on Tier 3 is punishment enough, but Congress envisioned tangible repercussion for countries on Tier 3. Those who work on the front lines of human trafficking know all too well that a law is useless unless faithfully implemented. I look forward to discussing with our distinguished witnesses today the accuracy of the Tier rankings and the importance of substantial follow-up action.