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Victims in China, Cuba, Malaysia Ill-served by Trafficking In Persons Report

*Subcommittee on Africa, Global Human Rights,
Global Health, and International Organizations
Excerpts of Remarks by Rep. Chris Smith
July 12, 2016*

The Trafficking Victims Protection Act of 2000 launched a bold comprehensive public-private sector strategy that included sheltering, political asylum, and other protections for the victims; long jail sentences and asset confiscation for the traffickers; a myriad of preventative initiatives and tough sanctions for governments that failed to meet minimum standards prescribed in the TVPA.

As the prime sponsor of that law, which also created the Trafficking in Persons (TIP) Report and tier rankings, I remain deeply disappointed and concerned that both last year's TIP report and the current one gave passing grades to several nations with horrific records of government complicity in human trafficking. Falsifying a country's human trafficking record not only undermines the credibility of the report but was especially dehumanizing to the victims who suffer rape, cruelty and horrifying exploitation.

The politically contrived passing grades for more than a dozen failing governments was exposed by a series of investigative reports by Reuters, which found that the professionals at the State Department's TIP office made one set of recommendations—only to be overruled at a higher level for political reasons.

Today's hearing will look closely at the newly released Trafficking in Persons Report, which assesses and ranks 188 countries each year on their records of prosecuting traffickers, protecting victims, and preventing human trafficking.

Sadly, this year's TIP report has again failed many victims. Some of the rankings comport with the records of certain countries. Burma and Uzbekistan, for example, are designated Tier 3—as they should be. But other nations including trading partners Malaysia and China are given a free pass despite their horrific records of government complicity in human trafficking. Cuba, a dictatorship highly favored by this administration, is again falsely touted with a passing grade.

China was also allowed to keep its Tier 2 Watch List ranking, despite the fact that the reason for their upgrade two years ago was found to be a fraud.

Alexandra Harney, Jason Szep and Matt Spetalnick of Reuters authored an expose on China's politicized ranking, finding that, "Two years after China announced it was ending the "re-education through labor" system, extrajudicial networks of detention facilities featuring torture and forced labor thrive in its place." China had deceived the US in 2014, and when that became apparent last year—we let them keep their ill-gotten upgrade in 2015, and again in 2016. I chair the China Congressional-Executive Commission. Based on both sex and labor trafficking, China deserves a Tier 3 ranking—egregious violator—as much if not more than any other nation on the list.

Malaysia, whose ranking was upgraded to the Tier 2 Watch List last year on the flimsiest of justifications and fears it would be disqualified from the Trans-Pacific Partnership, was allowed to maintain its Tier 2 Watch List ranking—despite the fact that Malaysia faltered in its anti-trafficking progress over the last year. In fact, Malaysia, a country with 4 million migrant workers, prosecuted fewer trafficking cases and convicted only 7 traffickers last year—that's less than when it was a Tier 3 country.

Meanwhile, women from Burma, Vietnam, Cambodia, the Philippines, and Nepal are trafficked to China for forced marriages or sexual exploitation. North Korean laborers worked under conditions described by experts as forced or slave labor to earn income for the North Korean government. Prisoners of conscience and other prisoners continue to be held in administration detention facilities where there are numerous credible reports of prisoners being trafficked for the purpose of organ harvesting.

The State Department must get the TIP Report right, or we will lose the foundational tool created to help the more than 20 million victims of trafficking enslaved around the world today.

A tier ranking is about protecting vulnerable lives—lives destroyed or saved by the on-the-ground impact of a government's inaction or action.

The easiest cases for a Tier 3 ranking should be those where the government itself is profiting from human trafficking, such as in Cuba, where thousands of Cuban medical professionals labor in dangerous countries not of their choosing, their passports taken, their movements restricted, their families and licenses threatened—and their salaries heavily garnished—by the Cuban government. It is not a coincidence that Cuban law does not recognize labor trafficking.

Maria Werlau testified at our hearing in March that, “...trafficking is a huge operation run by the government through numerous state enterprises with... accomplices, participants, sponsors, and promoters all over the world.” Cuba is also a known destination for child sex tourists, and Cuba reports no convictions for child sex tourism.

Yet, Cuba is ranked Tier 2 Watch List.

We’ve seen many countries take a Tier 3 ranking seriously and make real, systemic changes that improved their tier rankings, but more importantly, protected trafficking victims—countries such as South Korea and Israel.

When the Bush Administration branded South Korea and Israel Tier 3 based on their records, both countries enacted and implemented policies to combat human trafficking and were given earned upgrades for their verifiable actions. But other countries attempt to end-run the accountability system with endless, empty promises of action or mostly meaningless gestures of compliance.

China sat on the Tier 2 Watch List for 8 years, each year promising the State Department they would implement their anti-trafficking plan. Each year, the State Department took the bait until Congress put a limit on the Tier 2 Watch List—two years only, unless the President gives the country of waiver. Well, China has once again promised to implement a plan—and the President just gave them a waiver to stay on the Watch List a third year.

Tier rankings are about real prosecutions, real prevention, and real protection—for real people who are suffering as slaves. The TIP Report was meant to speak for the trafficking victims waiting, hoping, and praying for relief.

While the 2016 TIP Report speaks for many of them, too many are still unheard.