AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

GET IT RIGHT THIS TIME: A VICTIMS–CENTERED TRAFFICKING IN PERSONS REPORT

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

MARCH 22, 2016

Serial No. 114–185

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PUBLISHING OFFICE

99–554PDF WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
DANA ROHRABACHER, California
STEVE CHABOT, Ohio
JOE WILSON, South Carolina
MICHAEL T. MCCAUL, Texas
TED POE, Texas
MATT SALMON, Arizona
DARRELL E. ISSA, California
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
MO BROOKS, Alabama
PAUL COOK, California
RANDY K. WEBER SR., Texas
SCOTT PERRY, Pennsylvania
RON DESANTIS, Florida
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
CURT CLAWSON, Florida
SCOTT DESJARLAIS, Tennessee
REID J. RIBBLE, Wisconsin
DAVID A. TROTT, Michigan
LEE M. ZELDIN, New York
DANIEL DONOVAN, New York

ELIOT L. ENGEL, New York
BRAD SHERMAN, California
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
THEODORE E. DEUTCH, Florida
BRIAN HIGGINS, New York
KAREN BASS, California
WILLIAM KEATING, Massachusetts
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
AMI BERA, California
ALAN S. LOWENTHAL, California
GRACE MENG, New York
LOIS FRANKEL, Florida
TULSI GABBARD, Hawaii
JOAQUIN CASTRO, Texas
ROBIN L. KELLY, Illinois
BRENDAN F. BOYLE, Pennsylvania

AMY PORTER, *Chief of Staff* THOMAS SHEEHY, *Staff Director*
JASON STEINBAUM, *Democratic Staff Director*

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

MARK MEADOWS, North Carolina
CURT CLAWSON, Florida
SCOTT DESJARLAIS, Tennessee
DANIEL DONOVAN, New York

KAREN BASS, California
DAVID CICILLINE, Rhode Island
AMI BERA, California

CONTENTS

Page

WITNESSES

The Honorable Mark P. Lagon, president, Freedom House 6
Mr. Matthew Smith, executive director, Fortify Rights 20
Ms. Jinhye Jo, president, NKinUSA 37
Ms. Maria Werlau, president, Free Society Project 43

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Mark P. Lagon: Prepared statement 10
Mr. Matthew Smith: Prepared statement 23
Ms. Jinhye Jo: Prepared statement 40
Ms. Maria Werlau: Prepared statement 47

APPENDIX

Hearing notice 84
Hearing minutes 85
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey, and chairman, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations: Preliminary list of political prisoners in Cuba 86

GET IT RIGHT THIS TIME: A VICTIMS-CENTERED TRAFFICKING IN PERSONS REPORT

TUESDAY, MARCH 22, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2167 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH OF NEW JERSEY. Subcommittee will come to order, and good afternoon to everyone and thank you for being here.

Just I'd like to begin this hearing first noting that in President Obama's press conference with Raul Castro yesterday, Raul Castro said that there were no political prisoners, daring people to come up with a list of political prisoners in Cuba.

I have in my hand a list of 50 political prisoners, compiled by my good friend, Ileana Ros-Lehtinen, from information provided by a number of democracy and human rights organizations.

And without objection, I would like to make that list part of the record. One of those people is Alexander Reyes, sentenced to 5 years in prison on March 2, 2016, just a few days ago.

His crime? Tossing fliers with anti-government messages on the street. In fact, to punish him further he went from one prison to the notorious Kilo 8 Prison.

Then there's the example of Yasiel Espino Aceval, who went on a hunger strike last year in protest of the abuses and torture meted out to political prisoners by the Castro brothers' goons.

And just this past Sunday, hours before President Obama was to arrive in Cuba, Baptist pastor and religious freedom activist, the Reverend Mario Felix Lleonart Barroso, was arrested by the Castro regime, as well as his wife, Yoaxis, who was placed under house arrest.

I want to welcome you to today's hearing, "Get It Right This Time: A Victims-Centered Trafficking in Persons Report," at which we will look closely at the records of several countries, including Cuba, China, Malaysia, Oman, and Burma and others, whose trafficking tier rankings were manipulated and falsified for political reasons in last year's report.

As the sponsor of the Trafficking Victims Protection Act of 2000, America's landmark law to combat human trafficking, which among its many policy provisions created the Trafficking in Persons Report and the tier rankings, I am extremely disappointed and concerned that last year's TIP Report gave a pass to several countries meriting a Tier 3 ranking, countries whose trafficking victims desperately needed protection and America's powerful voice.

The 2015 TIP Report failed many of the victims, and the victims deserve better. The politically contrived passing grade for failing governments was exposed by a series of investigative reports by Reuters, and I and many others and anyone involved in human rights are grateful to Reuters for those articles.

And they found that the professionals at the State Department at the TIP office made one set of recommendations, only to be overruled at a higher level for political reasons.

For example, the TIP office recommended the Tier 3 ranking for Cuba, China, Malaysia, and Oman—14 countries in all—and this was rejected by the Obama administration at a higher level in last year's report.

Each of the 14 countries were then given passing grades. Alexandria Harney, Jason Szep, and Matt Spetalnick of Reuters authored several incisive reports, including an expose, on China's politicized ranking, finding, "Two years after China announced it was ending the reeducation through labor system, extrajudicial networks of detention facilities featuring torture and forced labor thrive in its place."

China had deceived the United States in 2014 and when that became apparent last year, we let them keep on with their ill-gotten upgrade on the tier ranking.

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

In the end, the Trafficking in Persons Report is all about victims. The threshold question must be, as Ambassador Mark P. Lagon included in his 2008 TIP Report, "a country's performance is based strictly on this trafficking-specific criteria stipulated by the TVPA."

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

We have seen many countries take a Tier 3 ranking seriously and make real, systemic, and sustainable changes that improve their tier rankings but, more importantly, protected trafficking victims, and countries such as South Korea and Israel come to mind.

When the Bush administration branded South Korea and Israel, two of our closest allies, but based on their records branded them as Tier 3, both countries reacted, enacted and implemented robust policies to combat human trafficking, and were given earned upgrades for their verifiable actions.

But today we've seen other countries attempt to end-run around the accountability system with endless empty promises of action or mostly meaningless gestures of compliance.

Congress, in 2003, created the Tier 2 Watch List for those countries, which many have undertaken significant anti-trafficking steps late in the evaluation year.

Unfortunately, this ranking is being misused to reward insignificant actions and to enable irresponsibility. How would the 16-year-old girl being pimped, legally, in Cuba's sex tourism industry rank Cuba on human trafficking? I can assure you, not with a politically motivated passing grade.

How would a Rohingya migrant trapped in Malaysian forced labor rank Malaysia when his trafficker laughs at the mention of penalties?

How would the sex trafficking victim forced to do labor in a Chinese detention center year after year, or be sent back to torture and death in North Korea rank China?

How would a young boy rank Burma, when he has been forced to labor for the military while his sister is turned into a modern-day "comfort woman"?

Tier rankings are about real prosecutions, real prevention and real protection for real people who are suffering as slaves.

Cuba is an egregious example of a nation being given an unwarranted passing grade because of other non-human trafficking considerations.

Just read the report. The report leads you to the inevitable conclusion—stamp it Tier 3 egregious violator.

Yet, President Obama is there today hobnobbing with the very people who are kept in power by the profits of slave labor. The very people who do not have a law against labor trafficking. The very people whose hotels are filled with sex tourists who come to Cuba specifically to sexually exploit minors.

My latest anti-trafficking law, it's the fourth so far, the International Megan's Law fights sex tourism but assumes a willing, not profiting, partner country. Some tourists go to Cuba because Cuba facilitates sex trafficking. Cuba also harbors criminals—just ask the family of Werner Foerster, a New Jersey State Trooper who was gunned down at a traffic stop by Joanne Chesimard. Cuba protects Chesimard to this day.

Maria Werlau will testify this afternoon that, "What makes the Cuban case unique, as well as astounding is, that trafficking is a huge operation run by the government through numerous state enterprises with . . . accomplices, participants, sponsors, and promoters all over the world," and that the Cuban dictatorship is involved in "four main sources of human trafficking—export services for temporary workers, forced labor and sex trafficking, state-sponsored or forced migration, and export sales of human body parts. Our State Department Trafficking in Persons Report, however, "addresses only two of these aspects and, in my view, quite poorly," she says in her testimony.

The trafficking rankings should not be used as cheap chits and sweeteners than can be compromised in the hope of bringing about better governmental relations with Cuba, or any other nation. Rather, better relations with Cuba or any other nation should be preconditioned on real protection for Cuba's prostituted children and women and recognition of labor trafficking.

The President, seems to me, is lending his stature, particularly as a Nobel Peace Prize winner, to the very people who are imprisoning human rights advocates at a higher rate than ever.

Cuba's actions prove once again that lifting accountability only emboldens evil. The TIP Report was meant to hold countries accountable for their failures to fight human trafficking.

It was meant to speak truth to power. It was meant to speak for the trafficking victims waiting, hoping, and praying for relief. In 2016, the TIP Report must rank the governments on a country's performance that is "based strictly on the trafficking-specific criteria," as Ambassador Lagon has said is "stipulated by the TVPA."

Every ranking must be assigned without—I repeat, without any political manipulation and without any dishonesty. Get the tiers right in 2016. The lives of many of the weakest and the most vulnerable and U.S. credibility hang in the balance.

I'd like to yield to Mark Meadows for any comments he might have.

Mr. MEADOWS. Thank you, Mr. Chairman.

Mr. Ambassador, good to see you again. Thank you for your work. Mr. Smith, welcome back, and certainly nice to meet you.

And Mr. Chairman, I would be remiss if I didn't mention the fact that you had been not only tenacious on this particular topic but unrelenting and unyielding in your resolve and I appreciate that, but more importantly, express my appreciation perhaps for the hundreds of thousands of children that are being trafficked across the country, across the world, that the political nature of manipulating the TIP Report directly harms.

And I think that that's the underscoring message that should be brought forth here today is when we play politics with the TIP Report, those nations who see the need to become more aggressive in combating human trafficking and go from Tier 3 to Tier 2 put actions with their words.

And if, indeed, they believe that for political reasons that they can bypass the TIP Report, either through economic manipulation, through bilateral trade agreements or the like, then they never addressed the underlying problem.

They start to address it in other ways to make sure that they get off of that list, knowing that it has very little to do with human trafficking and everything to do with either their diplomacy or how they get involved in other aspects that are important to the United States.

So I look forward to your testimony today. I've been one of, I believe, six of my colleagues who have signed on to a letter asking for the split memos as it relates to the TIP office's decisions that have been made because there is a recommendation was made and obviously those split memos would give us real insight from the State Department on the why of those decisions and who made those decisions.

And with that, I look forward to the expert testimony. It's good to have you back and I yield back, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Meadows.

I'd like to now introduce our distinguished witnesses, beginning first with Ambassador Mark P. Lagon, who is currently the president of Freedom House, the first independent American organiza-

tion to advocate the advancement of freedom and democracy around the world.

Ambassador Lagon's long and distinguished career also includes the distinction of being our third Ambassador-at-Large to Monitor and Combat Trafficking in Persons who leads the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State.

His record of involvement in human rights is long and diverse, spanning from Deputy Assistant Secretary in the Bureau of International Organization Affairs, with responsibility for human rights, humanitarian issues, and the United Nations reform through academia where he was the chair for global politics and security at Georgetown University's master of science in foreign service program and adjunct senior fellow for human rights at the Council on Foreign Relations.

Notably, Ambassador Lagon has also served as the executive director and chief executive officer of the anti-human trafficking nonprofit the Polaris Project.

We'll then hear from Mr. Matthew Smith, who is founder and executive director of Fortify Rights and a 2014 Echoing Green global fellow. He has previously worked with Human Rights Watch and Earth Rights International.

Mr. Smith's groundbreaking research has exposed wartime abuses and forced displacement and crimes against humanity and ethnic cleansing, multibillion-dollar corporation development induced abuses and other human rights violations.

He has also written for a variety of major media outlets. Before moving to Southeast Asia in 2005, Mr. Smith worked with Kerry Kennedy of the Robert F. Kennedy Center for Justice and Human Rights on Speak Truth to Power. He also worked as a community organizer and an emergency services case worker.

Mr. Smith flew halfway around the world to be with us today so we're very grateful for that sacrifice that he has made to be with us today.

We'll then hear from Ms. Jinhye Jo, who was born in North Korea, and she lived there from 1987 to 1998. During this time, she lost her father, grandmother, and younger brothers because of hunger.

Her older sister disappeared and is believed to have been trafficked into China. In 1998, she escaped from North Korea to China with her mother and younger sister, Grace.

They suffered tremendously in China for about 10 years, surviving four repatriations to North Korea because they were considered illegal migrants by China.

Finally, in 2008 Jinhye Jo and her family were able to come to the United States with refugee status. She formed a nonprofit organization called North Korean Refugees in the United States and has directly rescued North Korean females who were victims of trafficking and other refugees—and assisted other North Korean refugees with resettlement in the United States. Thank you again for traveling so far to be here with us today.

And then we'll hear from Ms. Maria Werlau, who co-founded in 2002 the Free Society Project and still heads the project, a non-

profit organization to advance human rights through research and scholarship.

Its leading initiative, the Cuba Archive: Truth and Memory Project, focuses on transitional justice issues and human exploitation.

Ms. Werlau is a former second vice president of Chase Manhattan Bank and a longtime independent consultant specializing in Cuban affairs and other international issues.

Her extensive publications on Cuba cover a wide range of topics including policy, international law, foreign investment, and other economic issues.

She has served on task forces on U.S.-Cuba relations for the Council on Foreign Relations and the American Enterprise Institute. Thank you as well.

I'd like to now yield to Ambassador Lagon such time as he may consume.

STATEMENT OF THE HONORABLE MARK P. LAGON, PRESIDENT, FREEDOM HOUSE

Ambassador LAGON. Thank you very much, Chairman Smith, Mr. Meadows, members of the subcommittee.

I'm really pleased to again take part in your annual oversight effort. I'm very happy to be back. I appreciate your annual oversight effort to anticipate an upcoming Trafficking in Persons Report.

Many associate trafficking with movement and migration of people, one of the vernacular connotations of trafficking. But while trafficking often involves migration, it need not.

Words also associated with poverty, trafficking is seen as created by poverty. But I'd really like to drive home today that trafficking is not so much solely about being poor as it is about poor governance, poor rule of law, and poor access to justice.

The most vulnerable to trafficking are groups denied equal protection under the law: minorities, migrants, women, and those who happen to be in multiple ones of those categories.

When I was the director of the TIP office at State, I asked for the following passage to be placed into the introductory analysis in the 2008 report and I've included the passage in full in my written testimony that I'd ask you to admit to the record kindly.

But let me read a short part:

> "Our broad study of the phenomenon of trafficking corroborates that healthy vital democratic pluralism is the single most prevalent feature of states conducting effective anti-trafficking efforts. A vibrant democracy is the best guarantor of human dignity and respect for the human rights and fundamental freedoms of all persons including women, children, prostituted people, and foreign migrants who are among the most vulnerable populations susceptible to trafficking."

One official at the State Department actually fought with me about including this passage, questioning whether it was necessary to become democratic to fight TIP.

My response to him in negotiating the final text of the report was no, but it sure helps. Governance, rule of law, access to justice, and democracy in full, and not just elections, are at the heart of

Freedom House's work. My executive vice president lauded me for what I included in the 2008 report as if I knew I was going to be working for Freedom House later.

Well, Freedom House started putting out reports that gave grades to other countries and to the United States 29 years before even the first TIP Report.

The latest Freedom in the World report that was released in January shows that more countries have gone in the wrong direction—72 countries—than in the right direction—the largest gap between those figures in 6 years.

In every one of the last 10 years, more countries have declined in political rights and civil liberties than those that have improved and that is the first time of a decade-long slide in the 44 years of the report.

If you look at the subscores of political rights and civil liberties measured consistently by Freedom House since 1972, the biggest declines are in three areas, all pertinent to human trafficking: freedom of expression for civil society and the press to call attention to the problem, freedom of association for labor unions and civil society groups to stand up for the vulnerable, and the rule of law to fight corruption.

Anticipating the 2016 TIP Report, let's look at a few countries of particular concern in Freedom House's analysis and some countries of hopeful improvement in my organization's estimation.

As for countries of particular concern, let's look at Malaysia in East Asia. It's ranked partly free in the 2016 edition of Freedom in the World. If the best score for Freedom House is a one and the worst score, least free, is is seven, a one to seven scale, it gets a four for both political rights and civil liberties.

That country represented the single most striking and suspect ranking in last year's report, upgraded rather than getting Tier 3, presumably to keep it viable for the Trans-Pacific Partnership.

Let me say, I and Freedom House are for the Trans-Pacific Partnership to create a context of rule of law, rules of the game, for states. But as it stands today, Malaysia doesn't deserve to be part of that amalgam.

In the Middle East and North Africa, Qatar is ranked not free in Freedom of the World, receiving a score of six for political rights and five for civil liberties.

Revelations in the press about construction of facilities for upcoming international competitions and for American universities' campuses make Qatar all the more troubling than the standard vulnerability for women and migrants that exist in Gulf countries.

It's gotten Tier 2 Watch List for 2 years. A very sceptical eye is due, if it were to be given a waiver or a change.

Saudi Arabia is one of the 12 worst human rights abusers in the world, according to Freedom in the World, receiving the lowest possible score of seven for both political rights and civil liberties.

It doesn't even have the pretext that exists for other countries in the Gulf that say that their foreign workers massively outnumber their local population. It's only a 56-percent total for the foreign workers in Saudi Arabia.

It is most important to the region if Saudi Arabia were to make reforms. It's the big player on the block. Smaller players have pretexts for not acting if the big player doesn't act.

It shouldn't be given a carrot to induce change. It needs to be rewarded for real change. The Tier 2 Watch List ranking last year deserves scrutiny.

And Cuba is ranked not free in Freedom of the World, with a seven for political rights and a six for civil liberties. It hasn't made much progress whatsoever despite the resumption of diplomatic relations.

It was raised to Tier 2 Watch List and that raised some eyebrows, properly. Profoundly unfree conditions for workers without an independent voice from state power and the raucous sex trade that Chairman Smith has already referred to marketed to tourists abroad remain reasons for close examination.

There are some rays of hope. In Asia, Myanmar is ranked not free but with signs of improvement with its huge voter turnout for an overwhelming victory for Aung San Suu Kyi and her party. Yet armed military attacks against religious and ethnic minorities in the Kachin State and widespread discrimination and attacks against the Rohingya remain serious problems.

Myanmar ought not to be given a pass or an unfounded bonus despite some reasons for optimism.

Sri Lanka is ranked partly free in Freedom of the World. Importantly, in 2015 voters in Sri Lanka ousted the increasingly authoritarian President Mahinda Rajapaksa and replaced him with Maithripala Sirisena.

Sirisena, when taking office, overturned some of the most repressive policies that existed before and, again, repairing relations with the country's Tamil minority and the international community.

Trafficking in Sri Lanka could involve a number of reasons. The South Asia bonded labor syndrome, one might call it—Sri Lankan migrant workers given insufficient help by their government abroad, male and female sex trafficking, among other reasons.

Just because there are reasons for optimism isn't a reason for grade inflation.

In the Middle East, Tunisia is the one country that has truly flowered since the Arab Spring with a score of one for political rights and three for civil liberties.

But with its new Constitution and free elections it's crucial for the United States and our democratic allies to provide robust support. If Tunisia doesn't implement the written plan that it supplied to the U.S. to avert a downgrade in 2015 or if it doesn't pass a comprehensive law on all forms of trafficking, the United States will do it no favor at all with a mercy ranking or a mercy waiver.

In conclusion, there are a number of governments to watch closely that lie on that cusp between modestly addressing the problem of human trafficking, which we call Tier 2 Watch List, and not appreciably trying at all, which we call Tier 3.

These include Malaysia, China, Myanmar, Sri Lanka, Qatar, Saudi Arabia, Tunisia, and Cuba. It's worth looking where such nations fall in the larger picture of trends in governance and human rights in the last year and in the last decade, which is Freedom House's job to monitor.

Slavery is a special abomination. But it's inextricably part of a larger global scope of meaningful democracy—not just elections but meaningful democracy in which all human beings resident in a country get justice in practice, or they don't.

Thank you.

[The prepared statement of Mr. Lagon follows:]

Freedom House
75 Years Championing Democracy

Freedom in the World, and Freedom from Slavery

Written Testimony by Mark P. Lagon
President, Freedom House

House Committee on Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Hearing: "Get it Right This Time: A Victims-Centered Trafficking in Persons Report"

March 22, 2016

Chairman Smith, Ranking Member Bass, and members of the subcommittee, I am pleased to again take part in your annual oversight effort anticipating the next pending State Department *Trafficking in Persons (TIP) Report*.

The central theme of my testimony today is the primary cause and essence of human trafficking. Many associate trafficking with movement and migration of people – given one vernacular connotation of "trafficking." Swelling global refugee crises enhance that focus. Yet, while trafficking often involves migration, it need not. Ask a prostituted U.S. citizen minor in the U.S. or a Dalit trapped by debt in a rice mill or brothel in India.

It is also assumed trafficking is created by poverty. Poverty does lead many to take risks for a better life, but it is not solely or even predominantly those in the most abject poverty who end up ensnared in modern slavery.

Trafficking is not so much solely about being poor as it is about poor governance, poor rule of law, and poor access to justice. The most vulnerable to trafficking are those

groups denied equal protection under the law in practice – minorities, migrants, women, or those who fall into more than one of those categories.

When I was Director of the TIP Office at State, I had the following passage placed in the introductory analysis of the 2008 *TIP Report*, included in full in my written testimony, which I ask that you kindly admit to the record:

> [O]ur assessment of a country's performance is based strictly on the trafficking-specific criteria stipulated by the TVPA.
>
> Nevertheless, our broad study of the phenomenon of trafficking corroborates that healthy, vital democratic pluralism is the single most prevalent feature of states conducting effective anti-trafficking efforts. A vibrant democracy is the best guarantor of human dignity and respect for the human rights and fundamental freedoms of all persons, including women, children, prostituted people, and foreign migrants, who are among the vulnerable populations susceptible to trafficking.
>
> In many countries, the disempowerment of such groups permits trafficking to flourish, because victims are reluctant to step forward to seek protection and redress under the law.
>
> A key indicator of a vibrant democracy is the existence of an independent judiciary and the rule of law. In the context of trafficking, these are reflected in a government's ability to hold traffickers to fullest account, notably in the form of sentencing reflecting the severity of the crimes they have committed.
>
> The absence of corruption—or at least effective government responses to corruption when it does occur—is one element of the rule of law and critical to the fight against trafficking. Too often, victims seeking protection under the law from police, judges and immigration officials, find that those who should be their advocates are in fact furthering their degradation.
>
> A strong and independent civil society, including cooperation between governments and NGOs, is yet another element of a healthy democracy, and a vital tool to effectively combat human trafficking. NGOs have played particularly important roles in many countries in the area of victim identification and support. By contrast, in other countries, government ambivalence or even hostility to NGOs and other civil society actors has at times hindered victim identification efforts, thereby limiting the ability of the government to effectively combat human trafficking. In light of the magnitude and global reach of this problem, collaboration between governments and NGOs is of critical importance to efforts to eradicate modern-day slavery.
>
> While democracy does not guarantee the absence of slavery, and some struggling democracies and even autocratic regimes have effectively fought trafficking, autocracy and weak or 'emerging' democracies are less equipped to tackle this horrific human rights challenge. Respecting the human rights, fundamental freedoms, and dignity in full of women, people in prostitution, and migrants, holding traffickers fully to account, and expunging corruption as the catalyst of human trafficking, are matters of governing justly. In particular, an independent judiciary, the rule of law, and a dynamic civil society are the markings of governments that are governing justly, and are central to the success of modern day abolition efforts.

One official at the State Department actually fought with me about including this passage, questioning whether it was necessary to become democratic to fight TIP. My response to him in negotiating the final text was, "No, but it sure helps."

Governance, rule of law, access to justice, and democracy in full (and not just elections) are at the heart of Freedom House's work. *Freedom* House celebrates its 75th anniversary this year after a 1941 founding designed to stir the U.S. public out of an insular funk (to take on the Nazis, whose party was headquartered at "*Brown* House"). The insular context sounds all too familiar today. Freedom House started putting out reports giving grades to other countries (and to the U.S.) 29 years before the first TIP Report. Perhaps, Chairman Smith, you and your colleagues may have had it, along with other models, in mind as the TIP Report tier system was fashioned.

The latest annual *Freedom in the World* report, released on January 27, 2016, shows that more countries have gone in the wrong direction (72) than the right direction (43) – with the largest gap between those two figures in six years. In every one of the last ten years there have been more cases of declines than improvements – the first such time in 44 years of the report of a decade-long slide.

If one looks at the subscores on political rights and civil liberties measured consistently since 1972, one finds the biggest declines in three areas – all pertinent to human trafficking:

- Freedom of expression (where the press and civil society shine a light on the evidence of modern slavery in a nation);
- Freedom of association (where civil society organizations and labor unions are needed to press for all vulnerable groups' access to justice and needed as partners to governments to find, assist, and re-empower slavery's survivors); and
- Rule of law (as corruption is so often what permits traffickers to exploit victims with impunity).

Spanning two of these areas, Freedom House today assists journalists in Moldova to cover corruption. In the aforementioned 2008 *TIP Report*, I insisted we endure the embarrassment to the U.S. government of giving Moldova a Tier 3 ranking, standing in the

way of it becoming a Millennium Challenge Corporation "threshold" country. It was embarrassing because the ranking was due to evidence that the head of Moldova's inter-agency anti-trafficking unit created with U.S. funds given to 8 countries in an initiative announced by President George W. Bush at the UN General Assembly – was directly complicit in trafficking. The U.S. had to hold Moldova to account.

Anticipating the 2016 *TIP Report*, let us look on the one hand at a few countries of particular concern to Freedom House's assessments, and on the other, at some hopeful cases of improvement on rule of law and human rights. In both categories, it is worth highlighting countries due for a downgrade in the *2016 TIP Report* unless a waiver is invoked or an assessment changed.

As for countries of particular concern in Freedom House's overall assessment, take three in East Asia:

- **Malaysia** is ranked as partly free in the 2016 edition of *Freedom in the World*, receiving a score of 4 for both political rights and civil liberties. (A score of 1 is most free and 7 is least free.) As the prime minister faces increasing pressure over an embezzlement scandal, authorities have intensified enforcement of conservative dress codes and restrictions on LGBT people. We listed Malaysia as a country to watch in the coming year, given a prospect of political repression intensifying. Malaysia represented the single most suspect ranking in the 2015 *TIP Report*, upgraded rather than getting Tier 3, perhaps in order to maintain its viability to enter the Trans-Pacific Partnership. I favor the TPP as a rules-based arrangement helpful to rooting in robust democracy and rooting out slavery in East Asia, but *not* for Malaysia as it stands today.

- **Vietnam** is ranked as not free in *Freedom in the World*, with a score of 7 for political rights – the worst possible score – and a score of 5 for civil liberties. Deputy Secretary of State Anthony Blinken offered a rather different – rosier picture of

Vietnam in a keynote address at a conference on U.S. democracy-promotion policy at Freedom House last October. Yet corruption, limits on free press and civil society, and lack of protections for migrants entering and leaving Vietnam is among the reasons it remains a hazard zone for trafficking. The Tier 2 ranking Vietnam has received for 4 years deserves as much scrutiny as its entire human rights record.

- **China** is ranked as not free in *Freedom in the World,* receiving scores of 7 for political rights and 6 for civil liberties – nearly the worst of the worst. With the crackdown under President Xi Jinping intensifying as China's economy slows, prospects for rule of law and human rights in the coming year look grim. The human trafficking situation in China is no exception. China has been on the Tier 2 Watch List for 2 years and needs its first waiver or a tier change to avert a downgrade to Tier 3. Several factors make China an acute case for trafficking: lack of independent unions and protections for workers who migrate internally to cities and lose their social protections; treatment of North Koreans as economic migrants to be sent back to certain harsh treatment or execution rather than the refugees they truly are under China's treaty obligations; and a legacy of population policies, which however loosened recently, have created a new meaning to "gender gap" – a female deficit fueling sex trafficking and illicit bride-peddling.

Another set of nations of special concern to Freedom House lie in the Middle East and North Africa.

- In the **Gulf countries** in general, since the Arab Spring, governments have tightened the squeeze on civil society under the pretext of counter-terrorism. Sadly, the United States has been too muted in its public and private criticism of these unsavory, ossified, misogynist governments seen as partners in U.S. foreign policy and commerce. The lack of civil liberties and access to justice in these nations is

uniformly bad, but worse for women and foreign workers. Onerous sponsorship laws make even documented guest workers vulnerable.

- **Qatar** is ranked as not free in *Freedom in the World,* receiving a score of 6 for political rights and 5 for civil liberties. The problems one sees elsewhere in the Gulf pertain, particularly labor trafficking involving fraud about the nature of the work to come, slavery-like work and living conditions, effective debt bondage, and confiscation of passports and papers, as well as anemic protection or deportation of victims. Yet revelations in the press about the construction of facilities for upcoming international competitions and for American universities' campuses makes Qatar all the more troubling. I have to say that as a former international ethics professor at ethics-focused Georgetown University, that university and others with campuses in Doha could do more to mitigate trafficking with the leverage they have. Qatar has been on the Tier 2 Watch list for 2 years and requires its first waiver or a tier change not to be downgraded to Tier 3. A very, very skeptical eye is due.

- **Saudi Arabia**, one of the twelve worst human rights abusers in the world, is ranked as not free in *Freedom in the World,* and receives the lowest possible score of 7 for both political rights and civil liberties. In 2015, Saudi Arabia had its highest number of executions in 20 years. The kingdom's military campaign in neighboring Yemen showed a similar indifference toward protecting innocent lives. Women in Saudi Arabia must still obtain a male guardian's permission to conduct many basic daily activities, though were finally permitted to participate in tightly controlled elections for largely powerless municipal councils. As far as trafficking goes, the story is similar to that in other Gulf states. Yet, Saudi Arabia does not even have the pretext deployed by other Gulf governments that foreign workers far outnumber citizens and therefore must be kept in check; foreign workers make up 56 percent of Saudi

Arabia's total work force.[1] Saudi reforms to address trafficking are the most important in the region; lack of action as the biggest player in the region is a signal to or excuse for smaller states that they need not act. Saudi Arabia was raised to Tier 2 Watch List last year after 10 years straight at Tier 3. This year it is worth reviewing whether modest progress is continuing, and a ranking must not solely be a carrot to induce reform yet to come.

In Latin America, **Cuba** is ranked as not free in *Freedom in the World,* with a score of 7 for political rights and 6 for civil liberties. Little progress was made toward democratic reform in Cuba in 2015 despite the resumption of diplomatic relations with the United States. There was a modest expansion of rights for religious believers and private business owners, and more Cubans exercised their new ability to travel abroad. But, politically-motivated arrests have increased, the political system remains closed to all but Communist Party loyalists, and freedom of expression is highly restricted. Cuba was raised to Tier 2 Watch List last year, and that in turn raised some eyebrows. U.S. officials say that an opening of dialogue has increased the information available to the United States to assess the situation, and an upgrade was merited. Profoundly unfree conditions for workers without an independent voice from state power, and the raucous sex trade marketed to tourists remain reasons for close examination whether Cuba's human trafficking situation is truly improving.

Despite the decade long "recession of freedom" documented by Freedom House, there are several rays of hope, which may represent harbingers of a positive trend of civil society asserting itself and democracy deepening rather than fraying globally. It is worth looking at the troubling situation of trafficking even in these hopeful cases. First, two nations in Asia merit mention:

[1] http://www.wsj.com/articles/saudi-arabia-puts-squeeze-on-foreign-workers-1425683630

- Myanmar is ranked not free in *Freedom in the World,* receiving a score of 6 for political rights and 5 for civil liberties, again with a 7 being the worst possible score. A huge voter turnout produced an overwhelming victory in parliamentary elections for longtime opposition leader Aung San Suu Kyi and her National League for Democracy (NLD), an exemplar of positive change after a quarter century of democracy stolen by a junta. Yet armed military attacks against the religious and ethnic minority in Kachin State and widespread public discrimination and attacks against the Rohingya remain serious problems. Myanmar has been on the Tier Two Watch List for 4 years. Despite democratic reforms and the NLD victories, the will or capacity to improve the trafficking situation for ethnic and religious minorities displaced within or migrating from the country is in question. Myanmar ought not to be given a pass or unfounded bonus in its ranking.

- Sri Lanka is ranked partly free in *Freedom in the World*, receiving a score of 4 for both political rights and civil liberties. In 2015, voters in Sri Lanka ousted their increasingly authoritarian and divisive president, Mahinda Rajapaksa, in favor of Maithripala Sirisena. Upon taking office in January, Sirisena overturned some of Rajapaksa's repressive policies and began repairing relations with both the country's Tamil minority and the international community. Rajapaksa was again rejected in parliamentary elections later in the year. Sri Lanka has been on the Tier 2 Watch List for 3 years and needs a waiver or tier change so as not to fall into the "cellar" category. When I visited Sri Lanka in 2008 as Ambassador at Large, it was argued that the civil war and lack of government openness and capacity stood in the way of addressing trafficking. Trafficking there still ranges from what one could call the "South Asia bonded labor syndrome" (extending beyond India), to Sri Lankan migrant workers given insufficient help by their government when abroad, to male and female child sex trafficking. In an improved situation of governance, tackling trafficking should be somewhat easier, and if not tackled, it should not get "grade inflation."

In the Middle East and North Africa, **Tunisia** is the one country in which freedom has truly flowered following the so-called Arab Spring. It ranked free in *Freedom in the World,* with a score of 1 for political rights and 3 for civil liberties, with 1 being the best possible score. With its new constitution and free elections, it is crucial that the United States and its democratic allies provide robust support for rule of law, good governance and civil society in Tunisia to ensure gains are not lost. Tunisia has been on the Tier 2 Watch List for 3 years and would need a waiver or tier change, or else it would be automatically downgraded. Problems include: labor trafficking, domestic servitude, and sex trafficking of Tunisian street children, adult women, and women from other countries of the Middle East and North Africa. If Tunisia does not implement the written plan it supplied the U.S. to avert a downgrade in 2015, or pass a comprehensive law on all forms of trafficking, the U.S. is doing it no favor with a "mercy ranking" or "mercy waiver."

In sub-Saharan Africa, the vast region's most populous country and biggest economy, **Nigeria**, is ranked partly free in *Freedom in the World,* with a score of 4 for political rights and 5 for civil liberties. Since fiscal year 2012, only five countries in Africa have received more than 60 percent of all democracy, human rights, and governance (DRG) funding for the region – a bigger funding challenge that must be addressed. Luckily, however, Nigeria was one of those countries, and the funding provided supported Nigerian civil society and election monitoring. In 2015, voters fed up with rampant corruption and insecurity rejected the incumbent president, Goodluck Jonathan, and elected Muhammadu Buhari to replace him, the first time ever that the opposition gained executive power through elections. Buhari's government has begun to address the country's massive corruption problem and accelerate the military campaign against the terrorist group Boko Haram, but challenges remain. Nigeria has been at Tier 2 for 4 years, and may well deserve it again. Anti-corruption efforts should be focused on trafficking specifically, since corruption is so often its global enabler. In the country's tense security situation, the vigilante "Civilian Joint Task Force" should be held to account for recruiting child soldiers.

And anti-trafficking efforts should be integrated into the National Police and Ministry of Labor, and not left to the longstanding dedicated anti-trafficking agency, NAPTIP.

As for rays of hope on human rights and democracy in Latin America, **Argentina** is ranked as free in *Freedom in the World*, with a score of 2 for both political rights and civil liberties, with 1 being the best possible. In 2015, opposition candidate Mauricio Macri won the presidency by defeating the nominee of incumbent Cristina Fernández de Kirchner, who with her late husband, Néstor Kirchner, had dominated the executive branch for over a decade. Combined with the encouraging Venezuela results, Macri's victory may augur the beginning of a rollback of Latin America's populist movements, which had previously made impressive gains across the region. Argentina has been at Tier 2 since it got Tier 2 Watch List rankings during my tenure as TIP Director. According to the State Department, its needs are: more prosecutions of perpetrators, immigration relief for foreign victims, a focal-point agency and a *funded* national anti-trafficking plan. The tide away from impunity and corruption which Macri's election signals needs to be applied to officials complicit with trafficking. And a government which delivers more for its people in a stable, growing, internationally-integrated economy should be expected in time to make further progress against trafficking, despite a mess to clean up from the Kirchners.

In conclusion, there are a number of governments to watch closely which lie on that cusp of modestly addressing the problem (Tier 2 Watch List) and not appreciably trying (Tier 3). These include Malaysia, China, Myanmar, Sri Lanka, Qatar, Saudi Arabia, Tunisia, and Cuba. The *Trafficking Victims Protection Act*, as wisely amended, time-limits how long countries can stay in the former rather than be automatically bumped to the latter—absent a waiver or justified assessment. It is worth looking where such nations fall in the larger picture of trends in governance and human rights in the last year and last decade, as Freedom House monitors. Slavery is a special abomination, but it is inextricably part of the larger global scope of *meaningful* democracy in which all human beings resident in a country get justice in practice, or don't.

Mr. SMITH OF NEW JERSEY. Mr. Lagon, thank you very much for your testimony.

As usual, your written statement too is extremely well documented and without objection it, in its entirety, will be made a part of the record as well as the full statements of all of our witnesses and any extraneous matter you'd like to include in the record.

Mr. Smith.

STATEMENT OF MR. MATTHEW SMITH, EXECUTIVE DIRECTOR, FORTIFY RIGHTS

Mr. SMITH. Thank you very much, Mr. Chairman, Mr. Meadows, distinguished members of the subcommittee.

Thank you very much for the opportunity to be here today. I'd like to focus my testimony and share some information about three countries where Fortify Rights works—Myanmar, Thailand and Malaysia.

In Myanmar, or Burma, the Army's Border Guard Force and non-state ethnic armies continue to recruit and use child soldiers. Forced labor also continues with impunity in public works projects and in situations of armed conflict in the country.

Most recently we documented how the Army forced ethnic Rakhine civilians to carry weapons and rations in a conflict zone and to dig graves for soldiers who were killed in the conflict, under the threat of death.

We've also documented the forced labor of ethnic Rohingya in northern Rakhine State including thousands of children. We've received no information to suggest perpetrators have been held accountable or victims have been protected in these areas.

Last year, tens of thousands of Rohingya Muslims fled western Myanmar in ships operated by human traffickers. We documented how Myanmar state security forces were actually complicit or directly involved in the trade. Perpetrators have not been held accountable.

Today, boat departures of Rohingya have reduced greatly but, unfortunately, that's not due to any notable change in the behavior by Myanmar authorities. Appalling abuses against the Rohingya continue.

Myanmar had elections in November. We're very hopeful about the prospects of the NLD-led government. But it's essential that this year's ranking for Myanmar be objective.

Despite the optics of democracy in the country, the Myanmar military remains the strongest political institution in the country. The State Department, in our view, should downgrade Myanmar and encourage the military to work closely with the NLD to end all forms of human trafficking.

With regard to Thailand, in the last year Thailand devoted unprecedented attention to human trafficking. Less than 12 months ago criminals and complicit authorities were holding Rohingya refugees and Bangladeshi nationals captive in illicit torture camps, buying and selling them by the thousands.

Those who couldn't buy their freedom were killed in some cases or sold into situations of continued exploitation. Today, to our knowledge, those camps no longer exist.

Less than a year ago, Thai officials acknowledged mass graves of Rohingya and Bangladeshi victims of trafficking and this month the human trafficking trial of 92 defendants resumed, including members of the Thai Army, Navy, and Police.

On the fishing sector, which has used slave labor for many years, Thailand passed legislation in December to address illegal fishing and establish monitoring and traceability mechanisms.

Despite all of these efforts, however, severe problems remain. Extensive use of slave labor in the seafood sector has continued. Just 3 months ago, horrific slave labor in the shrimp-peeling sector was exposed.

In terms of prosecutions, just 3 months ago a police Major General who was the chief investigator and key witness in the Rohingya trafficking trial feared for his life and fled to Australia where he's seeking asylum.

It's important to note that he feared government officials and state security forces. Other witnesses in that particular trial have also been threatened and we're concerned that these threats may prejudice the trial.

The investigation of trafficking of Rohingya in Thailand and Bangladeshi nationals in Thailand was also prematurely closed in 2015.

Our information suggests there are additional mass graves in Thai territory and Thai officials recently told us that human trafficking syndicates are still active in southern Thailand. These facts alone, in our view, would indicate the need for an ongoing investigation.

In terms of protection for survivors, we recently visited two government-run shelters in southern Thailand where Rohingya witnesses in a high-profile trafficking trial are being held in detention.

In the last year, some Rohingya in the shelter have reportedly gone missing. Needless to say, this is very concerning and remaining witnesses in the country remain at great risk.

As of December, only 12 of 500 witnesses in this particular trial were receiving formal witness protection through the Ministry of Justice.

Following discussions we had with government officials a cabinet resolution passed last week that would provide witnesses in human trafficking trials automatic witness protection under the Ministry of Justice.

This is encouraging indeed. However, Thailand still maintains a push-back policy with regard to migrants including potential survivors of trafficking arriving by boat.

Last year, Thailand pushed boats of migrants out to sea, despite that alleged traffickers operated the ships. Thailand also callously refused disembarkation for thousands of desperate Rohingya who were adrift at sea. Their boats were abandoned by human trafficking syndicates and this cost untold lives.

The push-back policy, in our view, is deadly and has no place in a regime intent on combatting human trafficking. In Malaysia last year we recommended that Malaysia remain at Tier 3, as the government had done little to combat human trafficking.

We share the view of you, Mr. Chairman, that Malaysia was upgraded to Tier 2 Watch List for the wrong reasons and to make it

eligible for the Trans-Pacific Partnership. This threatened the objectivity and integrity of the TIP Report.

In the last year, Malaysian authorities uncovered more than 100 grave sites of Rohingya and Bangladeshi victims of human trafficking.

Unfortunately, however, there was no apparent effort to investigate those responsible for creating those grave sites. Dozens of known traffickers roam free in the country with little fear of arrest and this is just from the information that we've managed to collect.

When thousands of Rohingya refugees and Bangladeshi nationals were stranded at sea in May 2015, Malaysia stepped up and allowed disembarkation. But this was not before authorities towed hundreds in these boats out to see, cut the tow line and sent them adrift.

Today, those same survivors who were allowed to disembark in Malaysia remain detained in an ill-equipped immigration detention facility in Malaysia. This is hardly protection for survivors of human trafficking.

Refugees and survivors of trafficking in Malaysia live in hiding. They're commonly fearful of police, who routinely extort money from them. They feel they can't report crimes, including the crime of trafficking.

I've personally witnessed a community of Rohingya refugees intervene to rescue a 15-year-old Rohingya girl from a trafficking syndicate that was preparing to sell her into sex work.

The community told me that they could not report the crime to the police for fear that they would end up in detention.

In conclusion, Mr. Chairman, we believe Myanmar, Thailand, and Malaysia fail to meet the minimum standards in the last year and deserve Tier 3 status.

Thank you again for the opportunity to testify.

[The prepared statement of Mr. Smith follows:]



FORTIFY
RIGHTS

Testimony of Mr. Matthew Smith, Executive Director of Fortify Rights

HOUSE COMMITTEE ON FOREIGN AFFAIRS
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

"Get it Right This Time: A Victims-Centered Trafficking in Persons Report"

Tuesday, March 22, 2016

Mr. Chairman and other distinguished members of the Subcommittee, thank you for inviting me to testify today. I had the honor of testifying last year, and once again my colleagues and I at Fortify Rights thank you for your leadership in working to end human trafficking worldwide.

We have seen and documented the scourge of human trafficking in Southeast Asia, and it should be noted that governments in the region are not impervious to the U.S. Department of State annual Trafficking in Persons (TIP) report and tier-ranking process. Objective TIP rankings with time-bound requirements help focus the attention and behavior of governments toward the promotion and protection of human rights and ending all forms of human trafficking.

We regret that last year's TIP report failed, in our view, to accurately assess Malaysia and Myanmar's efforts to combat human trafficking. Malaysia was upgraded from Tier-3 to Tier-2 Watch-List and Myanmar remained for yet another year at Tier-2 Watch-List, despite evidence that both countries failed to adequately combat human trafficking in 2014. We believe that political and economic calculations factored into the decision to undeservingly reward each country. This undermined the objectivity and integrity of the TIP-ranking process and the very effectiveness of it.

I would like to focus my testimony on the performance of Myanmar, Thailand, and Malaysia. This year, Fortify Rights recommends that the U.S. Department of State downgrade Myanmar to Tier-3 status; maintain Thailand at Tier-3 status; and downgrade Malaysia to Tier-3 status. In our view, Myanmar and Malaysia failed to

take significant action to combat human trafficking. The Government of Thailand has showed signs of progress during this past year, particularly on a policy-level within the fishing industry, but much work remains to be done. A Tier-3 ranking for Thailand for another 12 months would provide additional time to ensure that reforms take root and key improvements are realized, particularly with regard to ensuring protection for Rohingya and other survivors of human trafficking.

Myanmar

In Myanmar, forced labor, the use and recruitment of child soldiers, and other forms of human trafficking continued in the last year.

Forced Labor

In March 2012, the Government of Myanmar and the International Labour Organization (ILO) signed a Memorandum of Understanding for a plan of action to eliminate all forms of forced labor by 2015. This objective has not been met.

Fortify Rights and its partners continue to document instances of forced labor committed with impunity by state security forces, most prominently by the Myanmar Army. We have recently documented seven cases of forced labor by the Myanmar Army in December 2015 and January 2016 following a preliminary investigation in Kyauktaw Township, Rakhine State. The Myanmar Army forced ethnic-Rakhine civilians to engage in manual labor and portering in the context of armed conflict with the Arakan Army, a non-state ethnic army excluded by the Myanmar authorities from the peace process. Myanmar Army Battalions 380 and 378 forced men to carry weapons and rations and dig graves for Myanmar Army soldiers killed in conflict with the Arakan Army. The Myanmar Army held the men for 11 consecutive days, deprived them of food for two days, bound their hands behind their backs, and threatened them with death if they tried to escape. The men had no option to decline the work and received no compensation for their time or labor. We believe these cases represent a small fraction of the forced labor in Rakhine State.

The Arakan Army has also allegedly used forced labor. The Chin Human Rights Organization (CHRO) reported that the Arakan Army forced ethnic-Khumi Chin civilians in Paletwa Township to bury a Myanmar Army captain killed in the fighting and to carry supplies to the Bangladesh border in March 2015. CHRO also documented the recruitment of child soldiers by the Arakan Army.

Fortify Rights also continues to document forced labor of men, women, and children in northern Rakhine State. On March 21, 2015, Fortify Rights reported to the UN Human Rights Council for Myanmar's Universal Periodic Review that in recent years the Myanmar Army and other security forces have used forced labor from several thousand Rohingya persons in northern Rakhine State, including children. In 2015, Fortify Rights did not receive any information to suggest that authorities in

Myanmar held the perpetrators in Rakhine State to account or took any action to protect survivors.

Since 2013, Fortify Rights has documented numerous cases of forced labor with impunity in the context of armed conflict in Kachin and northern Shan states, including the Myanmar Army's use of human shields, which we believe would amount to a war crime. On September 17, 2015, the Shan Human Rights Foundation reported that the Myanmar Army forced approximately 30 villagers in Kunhing Township, Shan State to serve as human shields during fighting with the Restoration Council of Shan State/Shan State Army-South on August 25, 2015.

The UN Special Rapporteur on human rights in Myanmar Yanghee Lee also reported on the Myanmar Army's use of forced labor in the conflict zones of Kachin and Shan states in 2015.

Beyond that, civil society partners in Kachin State continue to document the trafficking of ethnic Kachin women to China. The armed conflict in Kachin State between the Myanmar Army and the Kachin Independence Army displaced more than 100,000 civilians since June 2011. According to the Kachin Women's Association Thailand (KWAT), which is working in the fight against human trafficking in Kachin State, human traffickers from China often visit internally displaced person (IDP) camps to recruit and deceive women into situations of forced marriage and forced work in China. In 2015, this continued. With few livelihood opportunities in the IDP camps, women are enticed by promises of well-paid work abroad, only to find themselves in situations of exploitation. In the areas where KWAT works, the organization has not documented a single case in which the Government of Myanmar intervened. KWAT alleges that the Myanmar government's claims to be active in anti-trafficking work in certain areas in Kachin State are untrue.

In February 2016, a senior representative of the ILO in Myanmar told *The Irrawaddy* that the Myanmar military continued to be responsible for forced labor throughout the country, despite President Thein Sein's prior commitment to end the practice by 2015. The ILO referred to Thein Sein's military-backed government as a "reluctant" partner in combatting forced labor, noting that nationally the Myanmar military is the "main perpetrator" of forced labor.

The ILO reported to the Governing Body in Geneva in November 2015 that it continues to receive a "significant" number of complaints of forced labor through its complaint mechanism. On average, dozens of complaints are filed with the ILO monthly.

While forced labor has decreased in some areas, the ILO recently noted that an increasing number of complaints of forced labor indicate "low levels of community trust and confidence in the national judicial system." This comports with the findings of Fortify Rights and calls into question Myanmar's commitment to

prosecuting perpetrators of forced labor and protecting survivors. Moreover, Fortify Rights has found that while awareness of the ILO complaints mechanism has grown over time, vast amounts of the population remain either unaware of it or are too fearful to engage it. Just eight days ago, on March 14, UN Special Rapporteur Lee reported to the UN Human Rights Council that she was unable to raise individual cases of forced labor with the Government of Myanmar because the victims or their families declined to give consent out of fear of retaliation by the authorities. Lee acknowledged local fear is well founded. We can attest to that.

In 2015, the Myanmar Army threatened to take legal action against anyone publicly accusing the army of involvement in the rape and killing of two Kachin schoolteachers in Shan State. This and other fear tactics by the army have long had a chilling effect on Myanmar's ethnic populations, inhibiting the protection of survivors of forced labor and the prosecution of perpetrators.

Forced labor does not only occur within the military. It continues in public works projects throughout the country. Local authorities in some areas have required, under threat of punishment, one "volunteer" laborer per family to support public works projects. This practice has continued unabated for decades. The ILO reported in November 2015 that this practice results in "a number of reported instances where children or the elderly are sent to do the 'voluntary' work to avoid the imposition of a monetary fine on the family." The ILO further reported in November that there is "no evidence" that the authorities are committed to legal accountability for the use of forced labor, outside of certain disciplinary actions within the military.

Child Soldiers

In June 2012, the Myanmar authorities and the UN signed a Joint-Action Plan (JAP) to end the use and recruitment of children into the armed forces. According to figures provided by UN Special Rapporteur Lee, the Country Task Force for Monitoring and Reporting (CTFMR), and Child Soldiers International, the Myanmar Army discharged 146 children in three instances in 2015 and an additional 46 on March 12, 2016, bringing the total number of children discharged since 2012 to 745. Myanmar's Ministry of Defense reports that it has trained thousands of members of the military on the prevention of underage recruitment and that it has taken "disciplinary action" against 382 military personnel for the recruitment or use of child soldiers. No further details about these claims were available to Fortify Rights.

However, to date, the Myanmar Army, border guard forces, non-state ethnic armies, and the Myanmar authorities continue to use and recruit children into service with impunity. Myanmar authorities have also detained children who have escaped from the Myanmar Army, on grounds of "desertion." In March, UN Special Rapporteur Lee reported on allegations that forced recruitment, child and underage recruitment continue "in order to maintain troop strength," particularly by ethnic armed groups. The Myanmar Army likewise has an interest in maintaining its troop numbers considering on-going armed conflicts in various parts of the country. This demand drives a flawed recruitment process that ensnares unsuspecting and at-risk

children. Child Soldiers International has found that military officers and civilian brokers continue to intimidate, coerce, and entice children into the armed forces. According to Child Soldiers International, the CTFMR and the ILO received a combined total of 210 cases of "suspected minors" in the Myanmar Army in 2015.

In its March 9 response to UN Special Rapporteur Lee's report to the UN Human Rights Council, the Government of Myanmar claims to have held only one civilian accountable for assisting underage recruitment. Beyond this, Fortify Rights has not received any further information on accountability for the use or recruitment of child soldiers.

Trafficking of Rohingya Muslims

In 2015, tens of thousands of Rohingya Muslims from Rakhine State fled from western Myanmar on ships operated by transnational human trafficking syndicates. The UN estimates 33,600 refugees and migrants traveled by sea from the Myanmar-Bangladesh border in 2015. Most were Rohingya Muslims. We documented the involvement and complicity of Myanmar's state security forces in the trade, which has generated hundreds of millions of dollars regionally since 2012.

In 2015, Myanmar's targeted campaign of persecution against the Rohingya Muslim community forced men, women, and children out of the country to escape ongoing human rights abuses, including restrictions on movement, killings, and avoidable deprivations in aid. Transnational criminal syndicates deceived thousands of refugees and asylum seekers onto ships bound for Thailand and Malaysia. Operatives on behalf of criminal syndicates told Rohingya that prosperous employment awaited them in Malaysia or that their families would receive sizable lump-sum payments as soon as they boarded the ships. Traffickers told Rohingya that there would be enough food and water on the journey. None of this was true.

Upon boarding the ships, the terms of agreement changed. The traffickers stripped Rohingya and others of their belongings, confined them into overcrowded spaces, and denied them access to adequate food and water. Syndicate operatives committed rape, killings, and beatings at sea, and created conditions so dire that some captives felt their only option was to take their own life, which many did.

Later, human traffickers bought and sold Rohingya refugees and others. In some cases, Rohingya refugees passed through numerous hands, including government officials in Thailand. If a captive could not purchase their freedom through an exorbitant ransom of up to $2,000, the traffickers killed them or sold them into debt bondage. The overall process was inherently exploitative.

In May, Thailand responded to the discovery of mass graves within trafficking camps on the Thailand-Malaysia border by sealing off its borders and taking preliminary steps to counter syndicates engaged in the trafficking of Rohingya refugees and Bangladeshi nationals. With the trafficking route through Thailand temporarily blocked, some traffickers returned their human cargo back to Rakhine

State, Myanmar in May and June last year. We interviewed several men and women in Rakhine State who attempted to flee by boat and endured horrific conditions at sea, only to be returned to Rakhine State. Myanmar authorities have not extended protections or assistance to these survivors, and they now endure additional human rights violations in Rakhine State. Many said they would attempt to flee the country again, even at the risk of falling prey to traffickers.

The disruption of the trafficking networks in Thailand coupled with positive expectations of Rohingya for Myanmar's incoming National League for Democracy (NLD) government has considerably slowed the outflow of Rohingya refugees from Myanmar. Fortify Rights has not documented the departure of large ships from Myanmar carrying Rohingya refugees since November 2015.

It is important to note that the decrease in human trafficking of Rohingya Muslims from Myanmar during the last ten months has had nothing to do with the behavior of Myanmar authorities, many of whom openly deny the very existence of a Rohingya identity and assert that Rohingya have no place in Myanmar. The authorities allegedly involved in the trafficking of Rohingya have not been held accountable in the last year, including state security forces in Rakhine State who routinely took payments and in some cases towed small boats out to sea to meet larger ships operated by traffickers.

The motto of Myanmar's Ministry of Immigration and Population is telling: "The Earth will not swallow a race to extinction but another will." This harrowing proclamation gets to the heart of the Myanmar government's regard for Rohingya, whom some officials genuinely perceive to pose an existential threat to ethnic-Burman Buddhist culture. This imagined threat is also acutely felt in the lived experiences of local ethnic-Rakhine, and it appears that officials and others exploited this fear to incite targeted attacks by civilians and state security forces against Muslims in 13 of 17 townships in Rakhine State in 2012. During this time, state-sponsored riots resulted in the razing of entire Muslim villages; the authorities bulldozed other Muslim-owned structures unaffected by the violence and forced more than 145,000 Muslims into internment camps.

Today, the Government of Myanmar continues to commit grave human rights violations against Rohingya. The authorities have made no progress on providing Rohingya with equal access to full citizenship, and still confine more than 145,000 Muslims to more than 65 internment camps in Rakhine State. Rohingya freedom of movement is denied and access to livelihoods is tightly restricted. More than one million other Muslims in northern Rakhine State face severe restrictions on movement, marriage, childbirth, and other aspects of daily life. Fortify Rights, the Lowenstein Clinic at Yale Law School, Human Rights Watch, United to End Genocide, the United States Holocaust Memorial Museum, the Burmese Rohingya Organization UK, and the International State Crime Initiative are among the organizations that have found that the violations committed against Rohingya Muslims in Myanmar

provide evidence of crimes against humanity, the crime of genocide, or "ethnic cleansing."

Moreover, the Myanmar authorities deliberately excluded Rohingya from the 2015 UN-supported national census and denied Rohingya the right to vote in the November 2015 elections. The Union Election Commission also arbitrarily and discriminatorily barred Rohingya candidates from contesting the November 8 elections, including Shwe Maung, who at the time was a sitting Rohingya MP from the ruling Union Solidarity and Development Party (USDP). Myanmar's November elections were simply not free and fair for Rohingya.

Such long-standing abuses comprise the root causes that force Rohingya out of the country and into the hands of trafficking syndicates. These abuses remain unaddressed. By continuing to commit widespread and systematic human rights abuses against Rohingya and other Muslims in Rakhine State, Myanmar authorities continue to put Rohingya at heightened risk of human trafficking.

Conclusion: Downgrade Myanmar to Tier-3

Fortify Rights and our partners welcome the prospects of the NLD-led government, particularly with regard to the promotion and protection of human rights. However, it is essential that this year's TIP ranking is based on Myanmar's objective record and failures to combat human trafficking in 2015. This is necessary to ensure human trafficking is a priority for the NLD government, while also recognizing the continued role of the military as a key actor in Myanmar. Considering Myanmar's lack of demonstrated commitment to prevent human trafficking, protect survivors, or prosecute perpetrators, we believe Myanmar should be downgraded to Tier-3 status.

The military is primarily responsible for Myanmar's failure to combat trafficking over the past year, and it also remains the most powerful institution in the country. A provision in the 2008 Constitution guarantees that a quarter of all seats in the parliament are reserved for the military. Unelected military appointees, who vote in a uniform—and uniformed—block, fill these seats. The Myanmar Army Commander-in-Chief has authority by law to take over the government under certain circumstances; the military retains effective control over the powerful National Defense and Security Council; and the military still controls three key ministries: Home Affairs, Defense, and Border Affairs. These ministries are key to ending human rights abuses, particularly forced labor and other forms of human trafficking.

We believe a failure to downgrade Myanmar this year would not only be disingenuous, but would also embolden the primary perpetrator—the Myanmar military—which itself poses the biggest threat to Myanmar's political transition. A downgrade to Tier-3 would be a downgrade for the military and the outgoing military-backed regime. The State Department should use the ranking system to

encourage the military to work closely with the NLD-led government to prevent further abuses, protect survivors, and prosecute perpetrators.

Thailand

In the last year, the Government of Thailand devoted unprecedented attention to human trafficking. We attribute this in part to pressure created by the U.S. Department of State's TIP report, the continued focus of this Subcommittee, and the European Commission's efforts to encourage governments to combat illegal, unregulated, and unreported fishing, an industry where human trafficking has flourished in Thailand.

Last year, Fortify Rights provided testimony to this Subcommittee on the criminal syndicates and complicit Thai authorities who were holding thousands of Rohingya refugees and Bangladeshi nationals captive in illicit "torture camps" in Thai territory. We reported on traffickers who brought Rohingya refugees and Bangladeshi captives into Thailand for the purposes of exploitation and traded them like cattle for large profits. Traffickers held their captives in overcrowded cages in remote camps, deprived them of adequate food and water, and tortured them until they could produce up to $2,000 to secure their release. Some who were unable to raise or borrow the requisite money to secure their release were sold into the fishing sector, which is notorious for the use of slave labor. Others were sold into situations of debt bondage in Malaysia. Women and girls were sold into forced marriages. An unknown number died in the torture camps.

In 2015, these abuses continued. However, to our knowledge these camps no longer exist.

Their unraveling began ten days after we testified to this Subcommittee about the issue. On May 1, Thai officials publicly acknowledged the existence of mass graves containing upwards of 36 bodies believed to be Rohingya and Bangladeshi victims of human trafficking. In the coming days, more bodies were discovered. This set off a chain of events that eventually led to an emptying of the camps and the disruption of the trafficking networks.

Regrettably, Thailand reacted to the discovery of mass graves by reinforcing its borders and refusing to allow the disembarkation of thousands of Rohingya and Bangladeshi survivors of trafficking left stranded on boats abandoned by human traffickers off the coast of Thailand. Eventually Malaysia and Indonesia succumbed to international pressure and agreed to open their borders to almost 3,000 survivors. Thailand still has not agreed to allow the disembarkation of refugees or survivors of human trafficking arriving by boat and continues to maintain its "help on" or "push back" policy, which puts lives at risk and fails to ensure the protection of potential survivors of trafficking. Under this policy, Thai authorities have prevented migrants from arriving in the country and have towed boats of migrants

out to sea, greatly endangering their lives. Eyewitnesses and survivors have told Fortify Rights that Thai officials handed Rohingya refugees and Bangladeshi migrants over to human trafficking syndicates at sea and on shore, greatly endangering their lives.

Survivors of the "boat crisis" of 2015 also told Fortify Rights how they spent several days within sight of land before a speedboat with armed individuals onboard approached, collected Thai-speaking human traffickers off the boat, and abandoned the Rohingya and Bangladeshi passengers at sea. Several survivors reported being subsequently stranded on overcrowded boats without food or water for several days.

While Thailand and other governments in the region were responsible for creating a crisis situation, Thailand should be recognized for its role in spearheading the Special Meetings on Irregular Migration in the Indian Ocean. This meeting took the unprecedented step to convene member states of the Association of Southeast Asian Nations (ASEAN) to discuss regional responses to the refugee situation. Thailand served as the chair for the initial meeting and follow-up meeting in December 2015. Towards the end of the boat crisis, Thailand agreed to deploy a floating platform to assist migrants at sea. However, Thailand's continued unwillingness to commit to disembarkations has reportedly hindered subsequent discussions with other ASEAN members.

Thailand's cooperation and coordination to support search and rescue operations at sea, including with the U.S. government and with private operations such as the Migrant Offshore Aid Station (MOAS), is a positive indication of Thailand's recognition of the importance of protection in combating human trafficking. MOAS has been engaged in mitigating loss of life in the Mediterranean Sea since 2014 and, in coordination with local navies and maritime forces, relies on state-of-the-art drones to monitor ships potentially engaged in human trafficking or transporting refugees. The cooperation and support of Thailand's Navy and other levels of government in MOAS's mission is encouraging. Recognizing the unique technical expertise that MOAS brings to Southeast Asia, Fortify Rights hopes to see continued cooperation with the Thai authorities to ensure the MOAS mission is fully supported and proceeds as planned.

In previous years, the human trafficking of Rohingya and Bangladeshi nationals took place without notice and with impunity in Thailand. However, in 2015, Thailand took the unprecedented step to conduct an investigation into the human trafficking of Rohingya and Bangladeshi nationals in connection with the mass grave discovery. The investigation led to the arrest of 92 people allegedly involved or complicit in the crime of human trafficking of more than 100 Rohingya refugees and Bangladeshi nationals, including the bodies discovered in mass graves in southern Thailand, as well as other related crimes. The defendants in this high-profile trial include members of the Thai Army, Navy, Police, and the Internal Security Operation Command—an agency under the Office of the Prime Minister devoted to matters of

national security—as well as local administrators, mayors, and district officials. The trial is currently ongoing and is expected to take up to two years to complete.

While the prosecution of the 92 defendants is a step in the right direction to ensure accountability for crimes of human trafficking, Fortify Rights is concerned by reports that senior-level Thai authorities prematurely closed the investigation and have failed to act on more than 40 percent of the issued arrest warrants.

Fortify Rights met with the lead investigator in this case, Police Major General Paween Pongsirin, after he fled Thailand claiming to be in fear for his life following his role in the arrest of several high-level officials. Mr. Pongsirin told Fortify Rights that high-ranking government officials repeatedly obstructed and prematurely halted the investigation to prevent the exposure of further wrongdoing and complicity by government officials. The Thai government allegedly failed to provide necessary financial resources for the investigation, and senior government officials reportedly promoted complicit authorities to higher positions while demoting investigators for doing their jobs effectively.

Eyewitness and survivor testimony collected over the past two years by Fortify Rights suggests there are additional mass graves in Thai territory. Earlier this month, Thai officials told Fortify Rights that human trafficking syndicates who have preyed on Rohingya are still active in southern Thailand. These facts alone would indicate the need for an ongoing investigation. Investigations should be sufficiently resourced and comprehensive in order to ensure a successful trial that leads to accountability for the crime of human trafficking.

In the current trial, Fortify Rights is concerned that threats against witnesses may prejudice the outcome of the trial. In addition to Paween Pongsirin, who was slated to be the lead witness for the prosecution, other witnesses involved in this trial have also reported receiving threats from members of Thailand's state security forces as well as suspected members of a transnational criminal syndicate. Fortify Rights is concerned by the general lack of protection for witnesses. As of late December 2015, only 12 of 500 witnesses in the trial were receiving formal witness protection through the Ministry of Justice.

Seventy-eight Rohingya and 18 Bangladeshi survivors of trafficking are witnesses in this trial, all of whom are confined to government-run shelters operated by the Ministry of Social Development and Human Security. Fortify Rights recently visited one of these shelters in Thailand's Songkhla Province. These shelters are presently not equipped for the protection of high-risk witnesses. In the last year, several Rohingya from these shelters have reportedly gone missing or have "escaped," raising concerns about their protection and the potential for re-trafficking.

Officials involved in facilitating the screening process to identify survivors of trafficking described it to us as arbitrary, saying that it is common for some Rohingya to be categorized as survivors of human trafficking and others as "illegal

migrants," despite both groups having had similar or, in some cases, the same experiences. Most Rohingya who are deemed "illegal migrants" are detained in Immigration Detention Centers (IDCs) that are generally not properly equipped for long-term detention. Currently, there are 184 Rohingya and 89 Bangladeshi nationals detained in Thailand's IDCs. Forty-five children under 18 years old are among those detained. Fortify Rights recently visited Rohingya in the Songkhla IDC, where detainees reported that 40 refugees are confined to a cell 24-hours a day with inadequate personal space and one functioning toilet.

Fortify Rights is encouraged by a Cabinet resolution that passed on March 15 that would address some of the concerns with regard to the lack of protection for witnesses and survivors of human trafficking. Cabinet Resolution no. 11/B.E.2559 provides automatic witness protection under the Ministry of Justice to witnesses in human trafficking cases as well as fast-track documentation, including work permits, for survivors of human trafficking to stay freely in Thailand for up to one year with the possibility of extension. Fortify Rights is eager to see an immediate implementation of this resolution, which will significantly impact the situation and conditions for 195 Rohingya who are at-risk and currently confined to government-run shelters.

Thailand also made in-roads in combatting human trafficking in the fishing sector. Slavery in the fishing sector in Thailand has been endemic for many years, with fishing slaves forced to catch fish products that are later sold in the international market. At the end of 2015, Thailand passed the Royal Ordinance on Fisheries to address illegal fishing and established monitoring and traceability mechanisms to detect vessels engaged in illegal fishing and trace their products. In a letter to the European Commission dated February 16, Fortify Rights and more than 20 other labor, environmental, and human rights organizations acknowledged these positive developments.

Nevertheless, the use of forced labor in the fishing and seafood sector remained a serious problem in Thailand over the last year. The *Associated Press* documented the extensive use of slave labor in the shrimp-peeling sector, including the case of one woman who had been forced to work for eight years. Laborers were locked inside factories located just outside Bangkok, facing severe abuses and exploitation. In the last year, major U.S. food stores and retailers, including "Wal-Mart, Kroger, Whole Foods, Dollar General and Petco, along with restaurants, such as Red Lobster and Olive Garden," ultimately sold shrimp that was peeled in Thailand with forced labor, including child forced labor.

Conclusion: An Upgrade for Thailand is Premature

Fortify Rights recognizes the significant changes within the landscape of human trafficking in Thailand, particularly with regard to the trafficking of Rohingya refugees and Bangladeshi nationals from Myanmar and Bangladesh. While these trafficking networks appear to be disrupted at present, they have not been dismantled. Although the human trafficking trial against 92 defendants is a positive

development, the alleged involvement of senior-level government officials in obstructing the investigation and threatening investigators and witnesses raises concern that justice may be averted. Meanwhile, Thailand has refused to facilitate disembarkations, fails to provide proper protection to high-risk witnesses, and continues to arbitrarily detain more than 380 Rohingya refugees and survivors of human trafficking to poorly equipped IDCs and government-run shelters.

Fortify Rights is encouraged by our recent discussions with government representatives on the issue of ensuring witness protection and ending the arbitrary detention of Rohingya in Thailand. During these discussions, we have shared our findings with government representatives and discussed possible solutions to facilitate increased protection for survivors of trafficking. While these discussions are positive overall and Fortify Rights welcomes the engagement with the Government of Thailand, concrete actions will be necessary to demonstrate a genuine commitment to combat human trafficking in the country.

Fortify Rights urges the U.S. Department of State to maintain for another year the constructive pressure that has led to positive commitments on combatting human trafficking in Thailand. This will help ensure that reforms take root and that proposed measures to protect survivors, prosecute perpetrators, and prevent trafficking are implemented.

Malaysia

Last year, Fortify Rights and many others recommended that Malaysia remain at Tier-3, as the government had done little to prevent human trafficking, protect survivors, and prosecute perpetrators, particularly Rohingya refugees who survived horrific experiences at the hands of criminal syndicates. The Government of Malaysia was upgraded to Tier-2 Watch List, allegedly to make it an eligible partner in the Trans-Pacific Partnership trade agreement—at the time, U.S. legislation excluded countries ranked Tier-3. This was wrong.

This year, Malaysia has again failed to demonstrate adequate attention to key issues in combatting human trafficking, particularly with regard to the protection for survivors and prosecution of perpetrators.

Following Thailand's May 1 discovery of mass graves including 36 bodies, Malaysian authorities likewise began to uncover mass graves—far more than Thailand, in fact. Malaysian authorities set a strong example by uncovering more than 100 gravesites, exhuming bodies, and vowing a crackdown on trafficking. Unfortunately, however, these commitments were not complemented with action.

To our knowledge, Malaysia has failed to conduct an effective investigation into the trafficking syndicates. As the primary destination for Rohingya refugees, Fortify Rights confirmed that dozens of known traffickers of Rohingya and Bangladeshis

continue to roam free in Malaysia, with little fear of arrest. Fortify Rights has also received reports of possible trafficking from Indonesia to Malaysia, targeting survivors of the boat crisis who landed in Indonesia and seek to reunite with family members in Malaysia. The extent to which Malaysian authorities were complicit in the Rohingya and Bangladeshi human-trafficking trade remains to be seen.

When thousands of Rohingya refugees and Bangladeshi nationals were stranded at sea in the May 2015 boat crisis, left adrift by human traffickers who absconded, the Government of Malaysia eventually agreed to allow survivors to disembark. The international community praised Malaysia for this move to mitigate the loss of life at sea. However, in our view, Malaysia was more responsible for putting lives at sea at risk than for rescues: Rohingya survivors who eventually landed in Indonesia described to Fortify Rights how an official Malaysian vessel towed their boat, which was in distress, out of Malaysian territorial waters and into the open ocean. Once in open waters, the Malaysian vessel cut the towrope and left survivors to drift.

While Malaysia should be commended for finally allowing disembarkation during the May boat crisis, it also should be noted that following disembarkation Malaysia almost immediately transported the survivors to the Belantik IDC, where several hundred Rohingya survivors remain detained until today. NGO service providers told us that access to this IDC is extremely limited, including reportedly for the United Nations High Commissioner for Refugees (UNHCR) in Malaysia. IDCs located throughout Malaysia are poorly equipped. According to UNHCR, there are more than 3,000 Rohingya in detention in Malaysia, comprising 75 percent of the refugees detained in IDCs in the country.

Rohingya refugees are not largely viewed or screened as survivors of trafficking and generally do not have access to screening mechanisms or protections provided to other survivors of human trafficking in Malaysia.

Malaysia also is not a party to the 1951 Refugee Convention or its 1967 Protocol and has no legal framework in place to regulate the status and protection of refugees. As in Thailand, all refugees in Malaysia are considered "illegal migrants" and are subject to arrest, protracted detention, exploitation, and other serious protection concerns. The lack of access to UNHCR asylum procedures puts refugees at heightened risk of abuse. According to Rohingya refugee leaders in Malaysia, there may be more than 70,000 Rohingya living without status or documentation in the country—thousands of them may have survived human trafficking in one form or another. Many are at risk of re-trafficking.

Conclusion: Downgrade Malaysia to Tier-3

The upgrading of Malaysia last year was a mistake that threatened the objectivity and integrity of the TIP report. Not only was the upgrade unwarranted, but also there is no evidence to suggest that inclusion in free trade agreements would achieve or supplant the objectives of the TIP report. The TIP rankings and

subsequent anti-trafficking diplomacy only work effectively when governments are measured objectively and with integrity.

The U.S. Department of State should place Malaysia on its rightful Tier this year, which we believe would prompt action from Malaysian authorities.

Conclusion

Mr. Chairman, we remain encouraged by the political transition underway in Myanmar and by certain commitments Thailand has made to combat human trafficking. Nevertheless, based on the information Fortify Rights and others have collected over the past year, we believe Myanmar, Thailand, and Malaysia have failed to meet the minimum standards for the elimination of trafficking as set forth in the Trafficking Victims Protection Act.

We strongly urge the U.S. Department of State to place Myanmar, Thailand, and Malaysia at Tier-3, and support the authorities in each country over the next year to combat all forms of human trafficking. In the next 12 months, the leverage created by Tier-3 rankings for each country could be pivotal in ensuring sustained and well-rooted improvements in each country.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify, and thank you again for your work to combat human trafficking.

Mr. SMITH OF NEW JERSEY. Mr. Smith, thank you very much for your testimony and for your insights and I do hope the State Department is listening to your wise counsel.

I'd like to now invite Jinhye Jo to provide her testimony.

STATEMENT OF MS. JINHYE JO, PRESIDENT, NKINUSA

Ms. JO. Good afternoon. My name is Jinhye Jo and I am the president of North Koreans in USA, a nonprofit organization representing to North Korean refugees in the United States.

I would like to thank you, Members of Congress, and Ms. Suzanne Scholte for giving me the opportunity to testify about the situation in North Korea, my home country.

I have already testified about my family's story in a similar hearing on several occasions. Of the nine members of my family, only three survived and escaped North Korea to gain our freedom.

However, today I stand here not to testify about my own experience 18 years ago, but to speak about North Korea and China, two countries that have not changed their ways.

As is well-known to the international community, 3 million North Koreans have starved to death, powerless in the face of brutal dictatorship. Furthermore, those who were caught trying to escape the country were deprived of their rights. Suffocating under the yoke of oppression, they died unjust deaths in mobile labor brigades and political prison camps.

Kim Jong Il, a dictator who atrociously murdered his own people, died before he could be brought to justice. Kim Jong Un, the third leader of their dynastic regime, continued to murder countries, ordered North Koreans tortured and starvation. During Kim Jong Il's rule, the North Korean regime was brought of shame before the international community as videos of North Korean children dying on the street spread on the Internet.

In response the regime mobilized groups of discharged the soldiers into arresting kotchebi, or orphaned street children, who were imprisoned in cold dark detention centers and put into forced labor.

Many children die slow painful deaths from malnutrition, barely surviving on lumps of corn and potatoes, the children whose parents went to search for food and did not return, the countless souls of those who perished behind bars. They all cry out in pain to this day, asking to be granted the freedom of peace, free from the pain of hunger.

I know this first hand from what my mother, my sister, and I experienced when we were forcibly repatriated from China in June 2006. The fathers who escape in search of food to save their family are forcibly repatriated by Chinese Government.

Once repatriated into the custody of North Korea's State Security Department, its agents forcibly kick in the refugees' teeth and break their ribs. They are forced to endure the pain and humiliation of being beaten all over by metal rods.

Their noses are smashed in and their arms and legs are broken. The mothers and daughters who escaped North Korea are broken apart by Chinese brokers who traffic North Korean women. The parents who have left their children behind, leaving great pain knowing that their children most live on the street as orphans.

They shed tears of great sorrow and resentment with no country to call their own. Some younger North Korean women are dragged away by Chinese police and locked into dark windowless rooms where they are forced into sexual slavery in front of webcams.

It is said that Chinese men use cigarettes and hot spoons to burn the skin off North Korean women who do not obey their sexual demands. Women who try to resist, hiding beneath their blankets, are stomped on so severely that they almost die from internal bleeding.

These women are then thrown in front of police stations, left to die on the street. The organization I lead, NKinUSA, was able to rescue such women with the generous supports of ordinary Americans and Korean-American church groups.

I would like to speak about the 17-year-old North Korean girl who has now resettled in the United States. She was arrested in China and forcibly repatriated while trying to escape. After bribing the security agents with Chinese money she was released successfully and escaped North Korea once again.

However, because she could not speak Chinese she was dragged away by human traffickers. She was raped and forcibly impregnated. The broker then force-fed medication to this 17-year-old girl to induce abortion.

This girl who already survived was rescued and brought to the United States. I would also like to speak about the heartbreaking story of the North Korean mothers. Her two children, one of them 2 years old and other 3 years old, starved to death.

After burying her children next to her husband's grave, she left North Korea to find a way to survive. However, she became ensnared by human traffickers and was raped several times.

She was forced to give birth to children whose fathers she did not know. One of the men she was sold to tried to sell the baby to another family. Furious that she would not give birth to his child, he beat her whenever he became drunk.

I have spoken of only two of the many women that our organization was able to rescue. The People's Republic of China continues to violate the refugee convention, assisting Kim Jung Un by forcibly repatriating North Korean refugees.

Moreover, the Chinese border security unit in the Tumen County, Yanji, Liaoning Province treats North Korean refugees in the same way that the North Korean regime does.

The guards torture and abuse the refugees after locking them up behind bars. My family was also arrested for the supposed crime of helping North Koreans escape and imprisoned for 1 year and 3 months.

After making all the female prisoners in the cells stand in line, they kicked and beat all of us, at one time, even pregnant women, the elderly and children are forced to squat for hours on end with their arms raised.

Anyone who leaned on a wall out of exhaustion was beaten with rubber club until they were bruised all over. The U.S. Government and the international community cannot ignore the suffering and misery of North Korean refugees. It must not turn a blind eye of such unspeakable human rights violations taking place across China.

I bear no ill will toward the Chinese people. I only speak to criticize the wrongdoing of the Chinese Government which knowingly returned North Korean refugees to certain death.

Many of the individuals who brazenly treated North Korean women like animals and engaged trafficking are also Chinese Government officers.

It is not befitting of a country that claims to be a great power to murder people and aid and abet the appalling crime of trafficking women. The People's Republic of China must first recognize its past wrongdoing. It must recognize North Korean refugees who have been deprived of their freedom as refugees.

Kim Jong Un and the North Korean regime, which clings to its hopeless and absurd policies, cannot be allowed to exist any longer. If the Chinese Government continues to cooperate with the North Korean regime it will only become the object of scorn to the entire world.

As stated in international law, our fellow North Korean brothers and sisters are refugees. I respectfully call upon the Chinese Government to respect and abide by its obligation under international law.

I would like to thank you, God, for granting me the freedom to speak my mind. I would like to ask all of you to not ignore our suffering by questioning the truth of our stories. North Korean defectors including myself will continue to speak out until the day Kim Jong Un is brought to justice in an international court for his atrocious crimes.

I would like to ask the United States Congress and the entire world to listen to our voice and to help us in every way that you can.

Thank you.

[The prepared statement of Ms. Jo follows:]

JinHye Jo
President, NKinUSA

COMMITTEE ON FOREIGN AFFAIRS
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Hearing March 22, 2016, 2 pm: *Get It Right This Time: A Victims-Centered Trafficking in Persons Report*

Good afternoon, My name is Jinhye Jo, and I am the President of North Koreans in USA, a non-profit organization representing North Korean refugees in the United States.

I would like to thank members of Congress and Ms. Suzanne Scholte for giving me the opportunity to testify about the situation in North Korea, my home country. I have testified before in previous Congressional hearings about my family's story. Of the nine members of my family, only three survived and escaped from North Korea to gain our freedom.

However, today I stand here not to testify about my own experience eighteen years ago, but to speak of North Korea and China—two countries that have not changed their ways. Based on my own personal experience as a former refugee in China and now as the head of an organization today involved with rescuing refugees, I can state without hesitation that the situation facing North Korean refugees in China is more dangerous today than ever before. It is the Chinese government's failure to abide by international law that directly leads to the trafficking of North Korean refugees, especially women.

As is well known to the international community, three million North Koreans have starved to death, powerless in the face of a brutal dictatorship.

Furthermore, those who were caught trying to escape the country were deprived of their rights. Suffocating under the yoke of oppression, they died unjust deaths in mobile labor brigades and political prison camps.

Kim Jong-il, a dictator who atrociously murdered his own people, died before he could be brought to justice. Kim Jong-un, the third leader of this dynastic regime, continues to murder countless ordinary North Koreans through terror and starvation.

During Kim Jong-il's rule, the North Korean regime was brought to shame before the international community as videos of North Korean children dying on the streets spread on the Internet. In response, the regime mobilized groups of discharged soldiers into arresting *kotchebi*, or orphaned street children, who were then imprisoned in cold, dark detention centers and put into forced labor.

Many children died slow, painful deaths from malnutrition, barely surviving on lumps of corn and potato. The children whose parents went to search for food and did not return, the countless souls of those who perished behind bars—they all cry out in pain to this day, asking to be granted the freedom of peace, free from the pain of hunger. I know this first hand from what my mother, my sister, and I experienced when we were forcibly repatriated from China in June 2006.

The fathers who escape in search of food to save their family are forcibly repatriated by the Chinese government. Once repatriated into the custody of North Korea's State Security Department, its agents ruthlessly kick in the refugees' teeth and break their ribs. They are forced to endure the pain and humiliation of being beaten all over by metal rods. Their noses are smashed in, and their arms and legs are broken.

The mothers and daughters who escape North Korea are forcibly separated by Chinese brokers, who traffic North Korean women.

The parents who have left their children behind live in great pain, knowing that their children must live on the street as orphans. They shed tears of great sorrow and resentment, with no country to call their own.

Some younger North Korean women are dragged away by Chinese police and locked into dark, windowless rooms, where they are forced into sexual slavery in front of webcams.

It is said that Chinese men use cigarettes and hot spoons to burn the skin of North Korean women who do not obey their sexual demands. Women who try to resist, hiding beneath their blankets, are stomped on so severely that they almost die from internal bleeding. These women are then thrown in front of police stations, left to die on the street.

The organization I lead, NKinUSA, was able to rescue such women with the generous support of ordinary Americans and Korean-American church groups.

I would like to speak about a seventeen-year old North Korean girl, who has now resettled in the United States. She was arrested in China and forcibly repatriated to North Korea, the country she had tried to escape. After bribing the North Korean security agents with Chinese money, she was released and succeeded in escaping to China once again.

However, because she could not speak Chinese, she was dragged away by human traffickers. She was raped and forcibly impregnated. The broker then force-fed medication to this seventeen-year old girl to induce abortion.

This girl, who barely survived, was rescued and brought to the United States.

I would also like to speak about the heartbreaking story of a North Korean mother. Her two children, one of them two years old and the other three years old, starved to death. After burying her children next to her husband's grave, she left North Korea to find a way to survive.

However, she became ensnared by human traffickers and was raped several times. She was forced to give birth to children whose fathers she did not know.

One of the men she was sold to tried to sell the baby to another family. Furious that she would not give birth to his child, he beat her whenever he became drunk.

I have spoken of only two of the many women that our organization was able to rescue. Forcibly repatriated to North Korea in 2013 and 2014, they bribed the guards into being released, using money they had hidden inside their bodies. Upon escaping once again, they managed to contact our organization.

We did our best to raise the funds necessary to rescue these women, but we were unable to help everyone who reached out to us, desperate for freedom. One of them was Ms. Kim, who suffered frostbite on her feet after the Chinese government forcibly repatriated her. When it was discovered that she had attempted to escape to South Korea, she was beaten so severely by agents of the State Security Department that she fainted. We were told that she was then "taken somewhere else." This can only mean that she is dead.

The Chinese government is fully aware of this reality.

It is clear that those who have escaped North Korea must be recognized as refugees under the Convention relating to the Status of Refugees. Regardless, the People's Republic of China continues to violate the Refugee Convention, assisting Kim Jong-un by forcibly repatriating North Korean refugees.

Moreover, the Chinese border security unit in Tumen County, Yanji, Liaoning Province treats North Korean refugees in the same way that the North Korean regime does. The guards torture and abuse the refugees after locking them up behind bars.

My family was also arrested for the supposed "crime" of helping North Koreans escape and imprisoned for one year and three months.

In particular, the women had to endure the suffering and humiliation of using pieces of dirty blankets as sanitary pads. For this, the guards beat us mercilessly. After making all the female prisoners in a cell stand in a line, they kicked and beat all of us, one at a time.

Even pregnant women, the elderly, and children are forced to squat for hours on end with their arms raised. Anyone who leaned on a wall out of exhaustion was beaten with a rubber club until they were bruised all over.

The U.S. government and the international community cannot ignore the suffering and misery of North Korean refugees. It must not turn a blind eye to such unspeakable human rights violations taking place across China.

I bear no ill will towards the Chinese people. I only seek to criticize the wrongdoings of the Chinese government, which knowingly returns North Korean refugees to certain death.

Many of the individuals who brazenly treat North Korean women like animals and engage in trafficking are also Chinese government officials.

It is not befitting of a country that claims to be a great power to murder people and aid and abet in the appalling crime of trafficking women. The People's Republic of China must fully recognize its past wrongdoings. It must recognize North Korean refugees, who have been deprived of their freedom, as refugees.

Kim Jong-un and the North Korean regime, which clings to its hopeless and absurd policies, cannot be allowed to exist any longer. If the Chinese government continues to cooperate with the North Korean regime, it will only become the object of scorn to the entire world.

As stated in international law, our fellow North Korean brothers and sisters are refugees. I respectfully call upon the Chinese government to respect and abide by its obligations under international law.

I would like to thank God for granting me the freedom to speak my mind. I would like to ask all of you to not ignore our suffering.

North Korean defectors, including myself, will continue to speak out until the day Kim Jong-un is brought to justice in an international court for his atrocious crimes. I would like to ask the United States Congress and the entire world to listen to our voices and to help us in every way that you can.
Thank you.

Mr. SMITH OF NEW JERSEY. Ms. Jo, thank you very much for your testimony.

We do have five votes that have been called to the floor of the House. It will take about approximately 25 minutes. There's a 5-minute vote after this initial 15 so we will stand in recess for about 25 minutes.

I apologize for the inconvenience. Then we'll come back and conclude. Maria, you'll be next and then we'll go to questions. So I hope your calendars permit you to remain.

We stand in recess.

[Recess.]

Mr. SMITH OF NEW JERSEY. The hearing will resume and, again, I apologize for that lengthy delay because of the votes.

I'd like to now introduce Maria Werlau and the floor is yours.

STATEMENT OF MS. MARIA WERLAU, PRESIDENT, FREE SOCIETY PROJECT

Ms. WERLAU. Thank you, Mr. Chairman, for the opportunity to offer this testimony. Please allow me a few words about the grave situation of Baptist Pastor Mario Felix Lleonart, husband and father of two children, arrested Sunday at noon a few hours before President Obama arrived in Cuba.

He's quite ill and suspicious of a needle prick he received in the arm from a stranger some days ago after which he developed some puzzling symptoms that have worsened. I have photos of his arrest as well as of his arm. His wife is under arrest.

I've been in communication with her through her cell phone. The pastor has refused to eat or drink since yesterday morning.

He does not feel safe in Cuba and I believe he's not safe in Cuba, where several activists have died in the state-run facilities in questionable circumstances and surrounded by the secret police.

I call on President Obama and Secretary Kerry to request his immediate release and that he be brought to the United States with his family for immediate medical treatment, hopefully, with our huge official delegation or before it leaves Cuba.

Now, on the topic of this hearing I will speak about Cuba based on considerable research over the last 6 years on human trafficking and exploitation. Let me briefly address some key issues the committee is considering.

One: What is Cuba's track record, particularly in the last year in fighting human trafficking? I consider four main sources of human trafficking in Cuba. One is the export services of temporary workers; two, forced labor and sex trafficking; three, state-sponsored or forced migration; and four, the export sale of human and body parts.

Cuba derives most of its revenues from the export services of temporary workers and forced migration. Our State Department's Trafficking in Persons Report address only two of these aspects for Cuba and, in my view, disappointingly. They do not pay attention to the other two.

Contrary to fighting human trafficking, the Cuban Government is itself likely one of the largest and most profitable traffickers in the world.

This business had been growing enormously and exponentially, especially in the last 10 years. What makes the Cuban case unique as well as astounding is that trafficking is a huge operation run through numerous state enterprises with, for the most part, accomplices, participants, sponsors, and promoters all over the world, including from well-known corporations, large foundations, key international agencies, and some of the leading world democracies, including ours as of late.

Regarding the export labor force, it is quite diversified and consists of generally highly-qualified temporary workers, doctors and other health professionals, teachers, sports trainers, engineers, construction workers, entertainers, sailors, scientists, architects, et cetera. They can be dispatched overseas at short notice and are oftentimes sent as part of labor brigades. The greater part of their wages go to the Cuban Government. Many different services are sold through large state entities including two very large health conglomerates and 84 smaller state entities. It is a huge and expanding business. The latest official data for the year 2011 indicates that Cuba's export services net of tourism grew from $1.5 billion in 2003 to $7.8 billion in 2011.

Last year, reports from Cuban officials put the annual figure at around $8.2 billion. From tourism Cuba derives, to give you a comparative idea, $2.5 billion a year. So it's over three times that. It's impossible to tell how many Cuban workers are involved from conflicting official reports. But around 65,000, perhaps more, are said to serve in 91 countries, 75 percent, or close to 50,000, are in the health sector. This is according to different reports from Cuban officials; it's not official data published.

Cuba's business of exporting indentured workers and its unique brand of health diplomacy are only possible in a totalitarian state in which a pool of guaranteed captive low-paid workers can be exploited as exportable commodities. Violations are too numerous to list here but amply documented in my published work and more detailed in my written testimony.

In my mind, there is no doubt the practice constitutes a form of slavery and violates many international agreements to which Cuba and most countries where these workers serve are parties, including the trafficking protocols.

Regarding state-sponsored or forced migration, this is not a usual form of human trafficking, by a state per se, but it is taking place at a very large scale and results from direct and indirect practices of the Cuban state that force, push, and/or enable its desperate citizens to migrate in the tens of thousands each year.

It alleviates political and economic pressure on the government and generates billions in revenues from assorted fees and assistance from the ever growing diaspora, which just from the United States alone is estimated to be sending over $5 billion a year.

I have anecdotal evidence of elaborate criminal schemes run covertly by operatives or agents of the regime that merit further investigation by the appropriate authorities.

I understand that certain U.S. law enforcement agencies have looked into this and have specific cases under investigation.

The mass migration has been fueled in recent years by three factors: One, a huge outflow through Ecuador, a close ally of Cuba,

starting in 2008, whereby thousands have made and are making their way north by land into the United States, where they are mostly automatically admitted; two, by changes to Cuba's migration law beginning January 2013 permitting travel without an exit permit; and three, beginning in 2009 by the Obama administration's comprehensive relaxation of travel and remittance regulations under the embargo.

I estimate that in 2015 alone at least 92,000 Cubans were admitted into the United States—43,159 during Fiscal Year 2015 by all points of entry without prior entry visas.

Since 2008, at least 325,000 Cubans have come, with the trend rising exponentially in the last few years. With those numbers we can only imagine that revenues will only grow for the regime to solidify itself and continue repressing.

Regarding forced labor and sex trafficking, the following are also taking place in Cuba. The prostitution of girls just 16 years old on the streets, but also in schools with the participation of teachers and even the complicity of authorities, apparently maintained to increase Cuba's attraction as a tourism destination.

The uncompensated labor of prisoners and child labor, particularly in agricultural fields; the government states that this is voluntary labor. Because most Cuban workers, migrants, minors put to work, and prostitutes seemingly consent to the practice for different reasons, this doesn't mean that it's not trafficking.

It's important to clarify that the trafficking in persons protocol states that the consent of the victim to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or, other prohibited means have been used.

In addition, the definition of trafficking in persons includes the abuse of power or of a position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of a person for the purpose of exploitation.

Finally, number four, Cuba has been exporting, at least since 1995, an average of $30 million a year in blood products in international markets mostly, it seems, to state entities within countries that are close allies.

This is done without consent from volunteer or coerced donors in Cuba tricked into believing their donations are for altruistic purposes. In the 1960s, Cuba drained the blood from prisoners awaiting execution, including at least one American, Robert Fuller, in October 1960. It reportedly sold it to countries such as Vietnam. We, at Cuba Archive, have also published reports of the sale by Cuba to Brazil rising to around $80 million in 2013 of human tissue glands and other body parts of unknown origin as well as of unreported cases of suspected deaths or the plundering of bodies to harvest body parts that are suggestive of state sponsorship. We strongly encourage our Government and that of other countries to investigate this.

The committee also seeks to examine: Are there glaring gaps in prosecuting traffickers, preventing trafficking or protecting victims? Because in this case the main perpetrator of the trafficking is in fact the Cuban state directly or indirectly, rather than gaps, I see a huge black hole into which the victims fall systematically, and mostly hopelessly, with little international awareness or support.

In Cuba, there is no legal protection for victims or individual or collective rights outside of those allowed by the Communist Party. What's worse, that these victims serve a dictatorship all around the world in blatant violation of international law is an open, accepted, and even encouraged fact.

Few international mechanisms of protection and redress have been put in place. Some of the temporary workers find safe haven in the countries where they serve and especially health professionals to the U.S. under the Cuban Medical Professional Parole Program, that since 2006 has welcomed 7,117 applicants through 2015.

The program, which Cuba fiercely denounces, is under review now as part of the normalization of our bilateral relations with Cuba.

Meanwhile, we, our own Government, our own country, has started to support or cooperate with Cuba's medical brigades in Haiti and last year in the West African countries fighting Ebola.

As we have seen above, it is hard to understand how any informed analysis of Cuban reality could lead to the conclusion that Cuba has improved its record of human trafficking.

My written testimony is much more extensive and includes substantive data. I respectfully request that it be taken into consideration and entered into the record.

Thank you.

[The prepared statement of Ms. Werlau follows:]

"Get It Right This Time: A Victims-Centered Trafficking in Persons Report"

Hearing of the Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
Committee on Foreign Affairs - U.S. House of Representatives
March 22, 2016

By Maria C. Werlau
President Free Society Project & Executive Director of Cuba Archive

The purpose of this hearing is to examine countries facing automatic tier downgrades in the 2016 Trafficking in Persons' Report. I will speak about Cuba, as I head the Free Society Project, a non-profit think tank whose mission is to advance human rights through research and publications. Its leading project, Cuba Archive, documents loss of life and human exploitation. My testimony is based on considerable research over the course of six years on human trafficking and exploitation. My investigations have led to several academic and journalistic publications[1] and other research pieces that are in the works.

Let me briefly address some key issues the Committee is considering:

1. What is Cuba's track record, particularly in the last year, in fighting human trafficking?

Contrary to fighting human trafficking, the Cuban government is likely one of the largest and most profitable trafficking promoters in the world. Perhaps it merits the number one spot, but I am not an expert on other countries, so I may only posit this as a question that merits diligent investigation. It is a business that for over the last ten years has been growing exponentially.

I consider four main sources of human trafficking by Cuba: i.)Export services of temporary workers; ii.) Forced labor and sex trafficking; iii.) "State-sponsored or forced migration;" and iv.) Export sales of human and body parts. Our State Department's Trafficking in Persons Report addresses only two of these aspects and, in my view, quite poorly.

What makes the Cuban case unique, as well as astounding, is that trafficking is a huge operation run by the government through numerous state enterprises with, for most of the above categories, accomplices, participants, sponsors, and promoters all over the world, including from well known corporations, large foundations and non-profit organizations, key international agencies such as the World Health Organization and the Pan American Health Organization, and some of the leading world democracies, including the governments of Norway, France, Japan, Spain, Uruguay, Portugal, Brazil, and, as of late, even the United States.

Cuba derives its main source of revenues from two forms of human trafficking: export workers and migrants.

---

[1] See Annex 1: Maria Werlau's publications on human trafficking by Cuba.

i.) Export services of temporary workers.

Cuba's export labor force of temporary workers consists of generally highly qualified and quite diverse and includes doctors and other health professionals (including even veterinarians and students of medicine posing as doctors), sports trainers, teachers, geologists, construction workers, entertainers, sailors, tobacco rollers, scientists, architects, engineers, agronomists, and technicians of all sorts, etc. They can be dispatched overseas at short notice —for months in the case of natural disasters— to work as temporary laborers and oftentimes in brigades.

Numerous and diversified services are sold through large state entities, such as ServiMed (Servicios Médicos Cubanos, S.A.) and the group BioFarma Cuba, or 84 smaller state entities under the auspices of the Center for the Promotion of Foreign Commerce and Investment (CEPEC). [2] It is a huge and expanding business. The latest official data, for the year 2011, indicates that Cuba's export services net of tourism grew by 891% from 2003 to 2011 (US$1,520 million to US$7,778).[3] Last year, several Cuban government officials reported to different media outlets that these export services were generating Cuba around US$8.2 billion a year.

While abroad, the Cuban health workers must agree to contribute the sizeable part of their wages to the Cuban state and issuance of their educational and professional credentials, such as for doctors,[4] is blocked. They must leave their families behind; if they "defect" overseas, they will not be allowed to join them for years and their loved ones face reprisals and harassment.[5]

They face conditions that include: Living in unsafe, remote and even dangerous areas;[6] Long work hours, arbitrary restrictions such as of movement and socializing, they are under surveillance, often their passports are retained. In some locations, living conditions are very poor, lacking privacy and hygiene or basic comforts, their stipends are insufficient to cover even basic needs. Together with the workers, the Cuban regime exports, even to strong democracies, the usual repression of their labor and other human rights and trained agents and spies of the Stalinist state to monitor and control them.

In my mind, there is no doubt the practice constitutes a form of slavery, which is generally understood as: "The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."[7]

---

[2] CEPEC has a very detailed guide online titled "Oferta Exportable Cubana." ("Cuban Export Offer")[2] of cultural, construction, engineering, management, quality-control, maintenance, transportation, tourism, telecommunications, real estate, agricultural, environmental, and many other services. See CEPEC – Centro para la Promoción del Comercio Exterior y la Inversión Extranjera en Cuba, http://www.cepec.cu/es/perfil-informaci-empresas (Accessed 03/21/2016.)

[3] See Annex 2: "Table: Cuba's Export Services 2003-2011," Cuba Archive, 2016.

[4] Michel Suárez, Bloqueada la legalización de títulos para médicos emigrantes, Diario de Cuba, 19 febrero 2010.

[5] With the new Cuban migration law of January 2013, health professionals who defect may apparently travel back to Cuba after 8 years.

[6] In Venezuela, for instance, over one hundred Cuban doctors have been killed and dozens have been robbed, raped, and injured.

[7] League of Nations 1929 Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention.

The Cuban state's large and growing practice of entering into "cooperation agreements" to sell the services of its citizens as temporary workers —in health and other fields— to other governments or corporations typically trample on international standards concerning the prohibition of "servitude"[8] and violate many international agreements to which Cuba and most countries where these workers serve are parties, reflected in most domestic legislations, including the Trafficking in Persons Protocol, the Palermo Protocol (to Prevent, Suppress and Punish Trafficking In Persons,), several ILO (International Labor Organization) Conventions, and Article 23 of the Universal Declaration of Human Rights.[9]

Cuba's business of exporting indentured workers, including its unique brand of "health diplomacy," is possible only in a totalitarian state in which a pool of guaranteed captive workers it can exploit as "exportable commodities." Most of the Cuban economy is in the state's hands and most workers, including professionals, may not practice privately. The state, their sole employer, pays what are perhaps the lowest hourly wages in the world. Doctors, for example, earn a monthly average salary of around US$40 (after a raise from $25 in June 2014). Because wages barely guarantee survival, they are often eager to serve overseas, as they are paid some compensation in hard currency, so they can save to fix their roof at home and ship back to their families consumer goods not available in Cuba; some defect to free countries, especially ours.

How many Cuban workers are involved? It's impossible to tell. From a review of dozens of quotes from Cuban authorities, the only thing that's clear is that it's not clear. The numbers just don't match, which is typical of Cuban statistics. To cite a recent figure, the Director General of the Ministry of Foreign Commerce and Investment reported July 2014 that 64,362 Cubans are serving the government in 91 countries and were expected to bring in US$8.2 billion in revenues. 75%, or 48,271, were in the health sector (strictly proportionately, they would generate US$6,150 million).

It should also be noted that, in Cuba, all local employees of embassies, international organizations, and foreign businesses are subjected to similar exploitation, as they may not be hired or paid directly, their wages are subject to confiscation by the state that is generally over 90% and they do not enjoy worker rights universally recognized.

ii.) State-sponsored or forced migration.

"State-sponsored" or "forced" migration is, I understand, not the typical form of human trafficking by states. I have not looked at this sufficiently to determine if it would meet those standards as per strict international law. However, it is, in my opinion, a form of human trafficking. It is taking place at a very large scale and results from the direct and indirect practices of the Cuban state forcing, pushing and/or enabling its desperate citizens to migrate in the tens of thousands each year.

---

[8] Servitude," for example, is defined by the international community as "the status or condition of dependency of a person who is unlawfully compelled or coerced by another to render any service to the same person or to others and who has no reasonable alternative but to perform the service. (Combating Trafficking in Personas: A Handbook for Parliamentarians, United Nations, No. 16, 2009.)

[9] See Annex 3: International Law Violations of Cuba's Government-to-Government or Government-to-Corporations Agreements to Sell Medical and Other Services, Cuba Archive, 2016.

The practice seeks to alleviate political and economic pressure on the government and generate billions in revenues. I have just anecdotal evidence of creative and elaborate criminal schemes run covertly by operatives or agents of the regime, particularly from Cuba's Ministry of the Interior. These individuals, usually posing as free agents, secure travel or immigrant documents to other countries and transport people through air, sea and land, often greatly endanger their lives, to the tune of $10,000 per migrant. I understand that U.S. law enforcement agencies know of and have investigated some of these practices. Certainly, these reports merit further investigation by the appropriate authorities.

Once Cubans arrive overseas, particularly to the U.S., where they are far and large automatically admitted, they begin to send remittances, merchandise, and all sorts of assistance plus fund the flight of those left behind. To allow people to leave, such as those entering under a 20,000 annual quota, excessive fees are charged by the state, such as for special permits and required medical check-ups costing more than the annual average salary. Obtaining a passport, as of January 14, 2014, costs the equivalent of 5.3 months of the total wages of the average worker; in the U.S. comparable passport fees were, on that date, $19,836.84, and $4,000 more every two years.[10]

According to Professor Soren Triff, the "Cuban model" of forced migration consists of "exploiting capitalist partners to prop up the regime, as it continues to subject its people to a survival economy. Those who attempt to change acceptable public behavior, economic or social, become internal "enemies" of the State. The regime harasses them with inspections, fines, jail time, taxes, the confiscation of their goods, and low-paying jobs, or ones that do not match their professional qualifications. All this amounts to a state of persecution. Expulsion from the country is a consequence of the above.[11]

The mass migration has been greatly fueled in recent years by the following: 1.) In 2008, Ecuador, a close ally of Cuba, stopped requiring entry visas, which fueled a mass flight by air from Cuba; once they reached Ecuador and with little chance to make a living there, thousands soon began making their way north by land through many countries to the U.S.; 2.) Changes to Cuba's migration law starting January 2013 permitting Cubans to travel without an exit permit; 3.) Beginning in 2009, the Obama Administration's comprehensive relaxation of travel and remittance regulations under the embargo.
According to my estimates, in 2015 alone, at least 92,000 Cubans were admitted into the United States, 43,159 in fiscal year 2015 by all points of entry without prior entry visas;[12] since 2008 at least 325,000 have been come, with the trend rising exponentially. According to colleagues who

---

[10] Starting January 14, 2013, the cost of a Cuban passport, renewable every six years, rose to the equivalent of US$100, representing 5.3 months of wages or 44% of the entire average annual peso salary. Extensions every two years will cost $20, or over one month of salary (today around US20). (In January 2013, U.S. passports for adults were valid for ten years and cost $165 the first time, $110 for renewals.) See Maria C. Werlau, "Huge Costs Confront Cubans Who Seek To Travel Under New 'Migration Law' Going Into Effect Today," The New York Sun, Jan. 14, 2013.
http://www.nysun.com/foreign/huge-costs-confront-cubans-who-seek-to-travel/88153/
[11] Soren Triff, "Three clarifications on the forced migration of Cubans," Diario de Cuba, 20 Nov 2015.
[12] U.S. Customs & Border Patrol (CBP) (FY to Sept. 30, 2015, figures provided by a journalist, but widely cited in the media).

have done sound analysis of the different forms of assistance and revenues flowing to Cuba, it surpasses US$5 billion a year.

iii. Forced labor and sex trafficking.

A journalistic investigation led to a documentary in 2008 featured in Spanish television.[13] He proved with compellingly in film that prostitution of girls around 16 years old was taking place not only on the streets but also in schools, with the participation of teachers and even the complicity of the police. He also established that a large sex exploitation network was operating with the acquiescence of authorities.[14]

In 2012, a confidential report of the Royal Canadian Mounted Police (RCMP) ratified that Cuba was one of the primary tourist destinations for sex tourism that includes minors of both genders. It appears that the child prostitution rings are maintained and promoted to increase Cuba's attraction as a tourism destination. Over a million Canadians visit Cuba each year.

In Cuban penal facilities, certain prisoners must work uncompensated, long hours in harsh conditions. The Swedish giant Ikea, for example, produced furniture in Cuba and East Germany in the 1980s.[15]

Finally, we must briefly mention child labor. In the streets of Havana and other cities, children are often seen doing diverse jobs and even begging, force by their parents to help support the family. Where this is most obvious is in the agricultural fields, where almost half a million minors are reportedly put to work directly by the state, which alleges it is voluntary, or by their parents and who, for lack of adequate transportation, cannot attend school.[16]

iv.) Export sales of blood and body parts (organs, tissues and others).

Cuba Archive, the project I direct, has a report on its website (See Annex 4), of very reliable international statistics of Cuba's blood exports from 1995 to 2012.[17] These indicate that Cuba has been selling at least since 1995 blood products at an average $30 million a year in the international markets, mostly to close allies, without consent from volunteer and coerced donors in Cuba tricked to believe their donations are for altruistic purposes, to save lives in Cuba or in

---

[13] Sebastián Martínez Ferrate, producer, "La Prostitución Infantil en Cuba," https://www.youtube.com/watch?v=JO7d-YIe0DE; Sunday Mirror devela tráfico sexual con niñas de Cuba, martinoticias.com, octubre 16, 2013.

[14] See "How Cuba became the newest hotbed for tourists craving sex with minors," The Miami Herald, March 16, 2013. (Joint investigation by Toronto Star reporters Robert Cribb, Jennifer Quinn and Julian Sher, and El Nuevo Herald reporter Juan O. Tamayo.)

[15] Matthew Day, Ikea 'used Cuban prisoners to make furniture,' 3 May 2012. http://www.telegraph.co.uk/news/worldnews/europe/sweden/9243589/Ikea-used-Cuban-prisoners-to-make-furniture.html (Accessed 3/22/2016.)

[16] Ernesto Pérez Chang, "El trabajo infantil en Cuba: niños obligados por la pobreza a mendigar en las calles, detrás de los turistas," Cubanet.org, noviembre 12, 2014. and Adriel Reyes, "Los niños campesinos de Cuba," martinoticias.com, mayo 23, 2014.

[17] The Observatory of Economic Complexity, open source platform of the Macro Connections group at the MIT Media Lab and the Center for International Development at Harvard University, sourced from the United Nations Commodity Trade Statistics Database and other reliable international sources. (See <atlas.media.mit.edu>)

areas hit by natural disasters. In the past, Cuba drained the blood from prisoners awaiting execution and reportedly sold it to countries such as Vietnam.[18] I have been unable to find any similar practice by a government, other than Nicaragua under the old Somoza dictatorship, much less in that scale. Perhaps China could compare, but I have not yet uncovered evidence that this has been or remains a systematic state practice.

We have also published reports on the sale by Cuba to Brazil of over $80 million in human tissues and other body parts of unknown origin as well as on reported cases of suspected deaths for the harvesting of body parts and cadavers missing major organs and most body parts, both suggestive this is or might be sponsored by the Cuban state.[19] We are seeking resources to continue our research and strongly encourage our government and that of other countries to investigate this.

The Committee also seeks to examine: 2) Are there glaring gaps in prosecuting traffickers, preventing trafficking, or protecting victims?

Because most Cuban workers, migrants, and prostitutes seemingly consent to the practice constituting trafficking, it's important to clarify that the Trafficking in Persons Protocol states: "The consent of the victim to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used." (Art. 3 subpara.(b.)) The definition of "trafficking in persons" includes "the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, for the purpose of exploitation."[20]

The vast majority of Cuban workers have no choice but to submit to the totalitarian state, they often work in poor, sometimes dangerous conditions, are paid an average of $20 a month, must fulfill political tasks, such as volunteering to work or donating blood, and have no advocates or representatives outside the state. The only allowed union is the Central de Trabajadores de Cuba (CTC), which is part of the government structure and its Secretary General is member of the Central Committee of the Communist Party.

Because the main perpetrator of the trafficking is, in fact, the Cuban state —directly and indirectly— rather than "gaps," we could suggest there is a black hole into which the victims fall hopelessly and systematically.

In Cuba, there is no legal protection for the victims, as there is no independent judiciary and the Constitution (Art.5) stipulates that the Communist Party is the superior and commanding force of society and the state, existing for the construction of socialism and the path to the Communist society. There are no individual or collective rights per se, everything and everyone is subordinated to this. Judges, prosecutors and even defense lawyers all work for the state.[21] The

---

[18] See "Forcible blood extraction from political prisoners, section for Reports,www.CubaArchive.org.

[19] See section on Reports at www.CubaArchive.org, "Is Cuba Harvesting Body Parts?"

[20] The Trafficking in Persons Protocol, which went into force in 2003: (Art. 3, subpara (a.).

[21] A Human Rights report of 1999 provides a useful and still relevant summary of how Cuba's laws restrict human rights. Cuba's Repressive Machinery: Human Rights Forty Years After the Revolution, Human Rights Watch, 1999. (See section on the laws at https://www.hrw.org/reports/1999/cuba/Cuba996-03.htm#P576_78223).

individual is, thus, rendered totally unprotected, so much so that even after arriving in our open and free country, most defecting doctors I have interviewed refuse to denounce their victimization publicly, terrified of reprisals to their families, hoping to be allowed back to visit their loved ones, afraid of rocking the boat and of the Cuban regime's reach even into the U.S.

What's worse, that these victims serve a dictatorship all around the world is an open and accepted fact that most academics, journalists, and even human rights' organizations watch with ignorance, indifference, complacency, even encouragement. Many are themselves victims of the gigantic machinery of influence and propaganda at the service of the Cuban Communist regime or are part of their large army of covert agents, collaborators and agents of influence working embedded even in governments, the media. These have been systematically "indoctrinated" in the idea that Cuba is undertaking a humanitarian mission, particularly in fields such as education, health, and sports, and that, even if this "modern slavers" is in blatant violation of international law or the laws of their own country, it is acceptable.

Few mechanisms of protection and redress have been put in place. Some of the temporary workers escape and find safe harbor in the countries where they serve and especially health professionals to the U.S. By January 2016, the Cuban Medical Professional Parole program had approved since its start in 2006, 7,117 applications.[22] The special program grants privileged entry visas into the U.S. to medical professionals serving the Cuban state in over 60 countries who apply at the corresponding U.S. embassy. It is reportedly run by the US Department of Homeland Security and administered jointly with the Department of State.

The program, which Cuba fiercely denounces, is under review by the White House as part of the "normalization" of bilateral relations with Cuba. Meanwhile, we have started to cooperate with Cuba's medical brigades in Haiti and, last year, in the West African countries of Sierra Leone, Liberia, and Guinea, to fight Ebola, details of which I am lacking.

In 2005 three workers part of a 100 strong contingent sent by Cuba to work in a shipyard in Curacao won a lawsuit against the state-owed shipyard.[23]

As we have seen above, it is hard to understand how any informed analysis of Cuban reality could lead to the conclusion that Cuba has improved its record of human trafficking.

---

[22] US may end Medical Professional Parole Program, Jan. 8, 2006.
http://cubajournal.co/us-may-end-cuban-medical-professional-parole-program/
(Accessed 03/21/2016.)

[23] "Caveat Emptor: Cuban Slave Labor Victims Collect $67 Million Judgment," Capitol Hill Cubans, May 28, 2015.
http://www.capitolhillcubans.com/2015/05/caveat-emptor-cuban-slave-labor-victims.html

Annex I

Maria Werlau's publications on human trafficking by Cuba

"The Port of Mariel And Cuba-Brazil's Unusual 'Medical Cooperation'," 2014. http://www.ascecuba.org/c/wp-content/uploads/2015/01/v24-werlau.pdf

"Are Cuba and Braxil partners in human trafficking?, published in Spanish: ¿Son Cuba y Brasil Socios en el Tráfico Humano?, *ABC*, 23/10/2014. http://www.diariodecuba.com/cuba/1414134481_10942.html

"Cuba's Health-Care Diplomacy: The Business of Humanitarianism," World Affairs Journal, March-April 2013. http://www.worldaffairsjournal.org/article/cuba%E2%80%99s-health-care-diplomacy-business-humanitarianism

"Cuba's partners in human exploitation," *The Miami Herald*, December 5, 2012.

"Cuba´s Business of Humanitarianism: The Medical Mission in Haiti," 2011. http://www.ascecuba.org/c/wp-content/uploads/2014/09/v21-werlau.pdf

"Cuba-Venezuela's Health Diplomacy: The Politics of Humanitarianism," 2010. http://www.ascecuba.org/c/wp-content/uploads/2014/09/v20-werlau.pdf

"Cuba's Cash-for-Doctors Program," *The Wall Street Journal*, August 16, 2010. http://online.wsj.com/article/SB10001424052748704281204575395271031560576.html

In www.CubaArchive.org, see the following in "Reports":

- *Forcible blood extraction from political prisoners.*
- *Is Cuba Harvesting Body Parts?*
- *Cuba's Blood Exports.*
- *Statistics on Cuba's Blood Exports.*

Cuba archive

Table
Cuba`s Export Services
2003-2011
Millions of Cuban Pesos
Exchange to US dollars 1:1

Year	Exports of Services	Tourism	Exports of Services net of Tourism
2003	2,844.60	1,999.20	845.4
2004	3,634.40	2,113.60	1,520.80
2005	6,550.50	2,398.90	4,151.60
2006	6,667.40	2,234.90	4,432.50
2007	7,951.80	2,236.40	5,715.40
2008	8,566.40	2,346.90	6,219.50
2009	7,762.60	2,082.40	5,680.20
2010	9,660.00	2,218.40	7,441.60
2011	10,281.10	2,503.10	7,778.00

**891% growth from 2003 to 2011.*

Source: ONE (Oficina Nacional de Estadisticas) Anuario Estadistico de Cuba, 2011. Ed. 2012. Derived from 5.17 - Saldo externo de bienes y servicios, Anuario Estadistico de Cuba, 2011. Oficina Nacional de Estadisticas. Edición 2012. http://www.one.cu/aec2011/esp/05_tabla_cuadro.htm. (Accessed 03/21/2016.)

Cuba Archive
www.CubaArchive.org
Free Society Project, Inc.
Tel. 973.701-0520/ info@CubaArchive.org

©All rights reserved by Free Society Project, Inc., 2016.

Reproduction and redistribution of this material is authorized as long as its source is cited.

Cuba archive

International Law Violations of Cuba's Government-to-Government or Government-to-Corporations Agreements to Sell Medical and Other Services

The Cuban state's large and growing practice of entering into "cooperation agreements" to sell the services of its citizens as temporary workers —in health and other fields— to other governments or corporations typically violate the following international agreements to which Cuba and most countries where these workers serve are parties. Generally, these norms are also reflected in the internal legislations of the host countries.

Trafficking in Persons

- The **Trafficking in Persons Protocol**, which went into force in 2003: "Trafficking in persons means "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, ...of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, for the purpose of exploitation." (Art. 3, subpara (a.).
- "The consent of the victim to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used." (Art. 3 subpara.(b.)
- Exploitation may take the form of labour trafficking. "Exploitation shall include, at a minimum, ...forced labour or services, slavery or practices similar to slavery, servitude..." (Art. 3 subpara (a.)

ILO (International Labour Organization)

Convention on the Protection of Wages of 1949:

- Article 6 : "Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages."
- Article 8: "Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award."
- Article 9: "Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited."

Convention No. 29 of 1930 concerning forced or compulsory labor:

- *Forced labour* is defined as: "All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily."

The **Palermo Protocol (Protocol To Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing The United Nations Convention Against Transnational Organized Crime,** 2000)

- Article 3: For the purposes of this Protocol:
  "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, ...forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
  The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used...

- Article 5: Criminalization. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

Servitude
Early drafts of the Trafficking in Persons Protocol defined servitude as the status or condition of dependency of a person who is unlawfully compelled or coerced by another to render any service to the same person or to others and who has no reasonable alternative but to perform the service. (Combating Trafficking in Persons: A Handbook for Parlamentarians, United Nations, No. 16, 2009.)

Slavery
"The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." (**League of Nations 1929 Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention**)

Additional international norms ignored or abused by or in Cuba, "exported" with its temporary workers:

• **Freedom of Association and Protection to Organize Convention** (No. 87) – Although it is guaranteed by Article 1(g) of Cuba's Labor Code, that grants workers "the right to associate themselves voluntarily and establish unions," it is not allowed in practice.

• **Right to Organize and Collective Bargaining Convention** (No. 98)

• **Discrimination (Employment and Occupation) Convention** (No. 111) – Workers are selected by the Cuban state especially for political considerations and ignoring equality of opportunity or treatment in employment and occupation.

• **Employment Policy Convention** (No. 122) – The will of the worker is generally ignored and workers are often selected regardless of skills or endowments.

• **The Universal Declaration of Human Rights** (Article 23) –

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Cuba Archive
www.CubaArchive.org
Free Society Project, Inc.
Tel. 973.701-0520
info@CubaArchive.org

©All rights reserved by Free Society Project, Inc., 2016.

Reproduction and redistribution of this material is authorized as long as its source is cited.

Cuba archive

Appendix A

Note: All charts include statistics for the most recent year available.

Cuba: Non-remunerated blood donations 2006-2011

	Donations	*Useful donations*
2006	506 191	475 959
2007	421 626	400 292
2008	411,984	393,937
2009	421,302	403,060
2010	420,372	402,422
2011	412,408	393,325

**Cuban population for 2006-11 was 11.2 million*
Source: Anuario Estadístico de Cuba 2011, Cuadro 19.15 – Blood donors per province <http://www.one.cu/aec2011.htm>.

Cuba: Exports of Human or Animal Blood Prepared for Therapeutic Uses
$US dollars

1995	30,119,389	2004	23,020,478
1996	35,313,753	2005	30,650,512
1997	42,242,114	2006	38,643,533
1998	21,252,174	2007	31,368,893
1999	23,723,632	2008	14,186,330
2000	24,790,762	2009	18,156,364
2001	28,789,477	2010	28,239,160
2002	37,349,003	2011	63,523,047
2003	32,386,632	2012	29,431,681

Source: The Observatory of Economic Complexity <http://atlas.media.mit.edu/about/>

Cuba: Exports of Human or Animal Blood Prepared for Therapeutic Uses to Select Countries: 1995-2012
U.S. dollars

	1995	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*
Total	*30,119,389*	*35,313,753*	*42,242,114*	*21,252,174*	*23,723,632*	*24,790,762*	*28,789,477*	*37,349,003*	*32,386,632*
Brazil	*13,078,934*	*20,009,487*	*13,516,442*	*503,672*	*721,023*	*3,849,109*	*932,078*	*570,493*	*36,633*
Venezuela	*0*	*0*	*0*	*0*	*1004862*	*2996357*	*3313607*	*3740192*	*6,355,541*
Argentina	*2,479,342*	*2,992,020*	*828,126*	*4,763,827*	*688,544*	*1,421,216*	*620,789*	*354,367*	*171,360*

	2004	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*
Total	*23,020,478*	*30,650,512*	*38,643,533*	*31,368,893*	*14,186,330*	*18,156,364*	*28,239,160*	63,523,047	29,431,681
Brazil	*391,068*	*1,410,067*	*4,569,136*	*11,844,307*	*2,742,662*	*3,533,628*	*9,634,130*	16,897,709	4,437,025
Venezuela	*296,081*	*8,398,746*	*14,379,681*	*1,541,069*	*120,282*	*721,123*	*0*	22,052,028	*0*
Argentina	*277,196*	*192,200*	*241,809*	*1,009,497*	*1,253,856*	*1,957,529*	*7,666,832*	6,112,307	5,738,795

Source: The Observatory of Economic Complexity <atlas.media.mit.edu>

©Free Society Project / Cuba Archive, 2014.

Cuba: Exports of Human or Animal Blood Prepared for Therapeutic Uses: By Country 1996-2012[1]

U.S. dollars

2012	% of total	Value (USD)
Argentina	20.77%	6,112,307
Brazil	15.08%	4,437,025
Ecuador	13.79%	4,059,440
Colombia	11.71%	3,446,672
India	9.96%	2,931,918
South Africa	5.28%	1,554,312
Japan	5.10%	1,500,916
Nicaragua	3.07%	902,287
Uruguay	2.99%	880,339
Algeria	2.88%	848,503
China	1.83%	539,560
Peru	1.56%	457,969
Mexico	1.30%	383,437
Ukraine	1.21%	354,855
Russia	0.97%	285,040
Pakistan	0.72%	212,943
Austria	0.35%	103,730
Thailand	0.32%	93,591
Bolivia	0.27%	79,569
France	0.21%	62,855
Italy	0.21%	60,789
Czech Republic	0.11%	33,707
Georgia	0.10%	28,000
Guatemala	0.06%	16,780
Ghana	0.04%	10,507
United Kingdom	0.03%	9,861
Yemen	0.02%	7,277
Malaysia	0.02%	6,521
Paraguay	0.02%	4,989
Chile	0.01%	3,360
Netherlands	0.01%	1,522
Kazakhstan	0.00%	1,100
		29,431,681

2011	% of total	Value (USD)
Venezuela	34.72%	22,052,028
Brazil	26.60%	16,897,709
Argentina	9.03%	5,738,795
Ecuador	6.00%	3,811,269
Colombia	4.91%	3,121,605
South Africa	3.61%	2,290,007
Algeria	2.65%	1,681,721
Uruguay	2.00%	1,273,195
India	2.00%	1,269,306
Mexico	1.23%	781,624
Pakistan	1.18%	751,781
Tunisia	0.89%	566,960
Ukraine	0.76%	481,125
Iran	0.63%	401,281
Peru	0.59%	372,157
Panama	0.50%	318,101
Russia	0.47%	297,299
Japan	0.45%	283,234
Nicaragua	0.39%	248,137
Kazakhstan	0.31%	199,584
Italy	0.22%	139,249
Chile	0.19%	117,978
Bolivia	0.11%	66,991
France	0.11%	66,789
Dominican Republic	0.10%	66,453
Georgia	0.10%	64,783
Thailand	0.09%	59,396
Germany	0.06%	36,325
Malaysia	0.03%	21,750
Paraguay	0.02%	14,525
Guatemala	0.02%	10,637
Portugal	0.01%	6,594
Morocco	0.01%	6,297
China	0.01%	5,593
Belgium-Luxembourg	0.00%	2,769
		63,523,047

[1]*Source: The Observatory of Economic Complexity <http://atlas.media.mit.edu/about/>. Some figures have been rounded to the nearest decimal. Annual totals have been derived from the country listing and may not correspond precisely to the annual figures above, perhaps the lesser sales have not been listed.*

2010	% of total	Value
Brazil	34.12%	9634130
Argentina	27.15%	7666832
Colombia	7.13%	2013213
Nicaragua	4.63%	1307096
Mexico	3.63%	1024821
Ukraine	3.34%	943118
Ecuador	3.21%	907033
Algeria	2.63%	742188
Peru	2.19%	617316
Pakistan	2.07%	585566
Tunisia	1.79%	505038
Russia	1.38%	389991
Georgia	0.52%	148000
Thailand	0.38%	106284
Panama	0.31%	88830
Malaysia	0.31%	88460
Italy	0.31%	87320
Bolivia	0.27%	77116
Paraguay	0.14%	39695
Austria	0.12%	33400
Chile	0.11%	31800
Dominican Rep.	0.10%	29374
Guatemala	0.06%	15635
Ghana	0.05%	15062
Japan	0.04%	11136
India	0.03%	9695
Costa Rica	0.02%	6756
		27,124,905

2009	% of total	Value
Brazil	19.46%	3533628
Viet Nam	14.57%	2644840
Argentina	10.78%	1957529
Colombia	10.50%	1906092
Ukraine	6.28%	1139500
Algeria	4.85%	880682
Venezuela	3.97%	721123
Pakistan	3.61%	654623
Tunisia	3.23%	586820
Belarus	1.93%	350900
Mexico	1.32%	240031
Nicaragua	1.30%	236792
Peru	1.29%	233466
Bolivia	0.96%	174024
Panama	0.68%	124214
Paraguay	0.66%	118970
India	0.63%	114778
Dominican Rep.	0.59%	106774
Japan	0.56%	101834
Thailand	0.46%	84391
Uruguay	0.39%	71562
Russia	0.34%	61836
Malaysia	0.29%	52047
Chile	0.15%	27600
Guatemala	0.11%	19667
Yemen	0.10%	18255
France	0.03%	5552
Costa Rica	0.01%	1832
Germany	0.01%	1000
		16,170,362

2008		
Brazil	19.33%	2742662
Colombia	11.99%	1701109
Ukraine	10.59%	1502950
Algeria	9.02%	1279722
Argentina	8.84%	1253856
Pakistan	6.81%	965715
Singapore	5.13%	727554
Russia	3.83%	543863
Japan	3.65%	517227
Kazakhstan	3.40%	482571
Belarus	1.79%	253700
Tunisia	1.52%	215454
Dominican Rep.	1.02%	144731
Venezuela	0.85%	120282
Bolivia	0.85%	120117
Uruguay	0.73%	104052
Chile	0.72%	101497
Peru	0.53%	75503
Nicaragua	0.38%	54352
Thailand	0.32%	45410
Paraguay	0.27%	38670
Guatemala	0.25%	35011
Malaysia	0.25%	34982
Mexico	0.19%	27000
Panama	0.11%	15900
Switzerland	0.02%	2572
Mozambique	0.02%	2572
El Salvador	0.02%	2187
Costa Rica	0.01%	1014
		13,112,235

2007		
Brazil	37.76%	11844307
Russia	23.44%	7352586
Viet Nam	6.89%	2161163
Venezuela	4.91%	1541069
Colombia	4.49%	1408263
Argentina	3.22%	1009497
Pakistan	3.12%	979348
Algeria	2.93%	918151
Ukraine	2.84%	892410
Uruguay	2.09%	655889
Mali	1.72%	540245
Malaysia	1.09%	342868
Belarus	0.58%	180500
Japan	0.47%	146798
Nicaragua	0.46%	142857
Thailand	0.32%	100793
Peru	0.24%	74688
Mexico	0.24%	74500
Yemen	0.17%	52744
Paraguay	0.09%	26813
Chile	0.08%	26020
El Salvador	0.04%	12325
Guatemala	0.04%	11581
Georgia	0.01%	4025
Costa Rica	0.01%	2862
Switzerland	0.01%	2519
Germany	0.01%	2000
China	0.01%	1947
		30,508,768

2006		
Venezuela	37.21%	14379681
Russia	16.26%	6282475
Brazil	11.82%	4569136
Iran	5.19%	2004273
Pakistan	5.12%	1980155
Viet Nam	4.53%	1750776
Colombia	4.24%	1637696
Ukraine	2.08%	802233
Malaysia	1.53%	590482
Algeria	0.98%	379135
India	0.63%	242305
Argentina	0.63%	241809
Panama	0.54%	210126
Tunisia	0.42%	161052
Bangladesh	0.37%	143306
Thailand	0.36%	140048
Syrian Arab Rep.	0.32%	124751
Uruguay	0.26%	99708
Denmark	0.20%	75709
Belarus	0.19%	75122
Sudan	0.18%	68887
Yemen	0.17%	64581
Chile	0.14%	5222
Nicaragua	0.13%	51305
Peru	0.12%	45174
Dominican Rep.	0.11%	42403
Mexico	0.10%	40045
China	0.10%	38357
Guatemala	0.09%	36390
Czech Rep.	0.09%	34703
Paraguay	0.09%	33138
Netherlands	0.09%	32964
Turkmenistan	0.08%	29083
Angola	0.07%	27001
Japan	0.03%	11117
El Salvador	0.02%	7784
Germany	0.02%	6677
Sao Tome & Princ.	0.02%	6458
United Kingdom	0.02%	6206
Lao PDR	0.01%	3441
Mongolia	0.01%	2928
Costa Rica	0.00%	1792
		36,532,637

2005		
Venezuela	27.40%	8398746
Russia	21.56%	6607051
Iran	7.75%	2374515
Brazil	4.60%	1410067
Colombia	4.25%	1302197
Turkey	3.49%	1068961
Pakistan	3.31%	1013330
United Kingdom	2.94%	900855
Canada	2.87%	878550
Germany	2.64%	809874
Algeria	1.61%	492232
Viet Nam	1.59%	487161
Malaysia	1.43%	439582
Ukraine	1.29%	396818
Syrian Arab Rep.	1.11%	340761
Panama	1.01%	308820
Argentina	0.63%	192200
Uruguay	0.49%	148669
Netherlands	0.42%	129773
Belarus	0.37%	114290
Tunisia	0.35%	107155
Gambia	0.28%	86844
Nicaragua	0.28%	85548
Jordan	0.27%	84151
Guatemala	0.26%	78941
Sudan	0.25%	77384
Azerbaijan	0.23%	71191
Dominican Rep.	0.23%	68994
Ecuador	0.19%	57269
Equatorial Guinea	0.17%	52008
India	0.16%	49993
Angola	0.16%	49975
Denmark	0.12%	38101
Chile	0.11%	34142
Thailand	0.10%	29511
Peru	0.09%	27563
Albania	0.07%	22068
Mexico	0.07%	20227
Yemen	0.05%	15302
Saudi Arabia	0.03%	8756
Paraguay	0.03%	8116
Spain	0.01%	4480
Lao PDR	0.01%	4000
Mongolia	0.01%	3969
El Salvador	0.01%	3955
Costa Rica	0.01%	2496
Egypt	0.01%	2377
Sao Tome & Princ.	0.01%	2044
		28,911,012

2004		
Russia	27.57%	6346212
Iran	14.24%	3277548
Venezuela	12.86%	2960810
Algeria	11.40%	2624210
Colombia	8.78%	2021593
Ukraine	3.94%	906251
Belarus	2.14%	492440
Pakistan	2.09%	481831
Brazil	1.70%	391068
Argentina	1.20%	277196
Viet Nam	1.00%	231188
Tajikistan	0.89%	204960
Ecuador	0.67%	153212
Uruguay	0.56%	129094
Syrian Arab Rep.	0.49%	113764
Denmark	0.43%	100031
China	0.39%	89250
Guatemala	0.38%	86882
Nicaragua	0.28%	65308
Peru	0.27%	62551
Thailand	0.24%	54893
India	0.23%	54009
Czech Rep.	0.23%	53884
Azerbaijan	0.20%	45984
Germany	0.20%	45254
Panama	0.17%	40140
Angola	0.17%	40132
Dominican Rep.	0.15%	34101
Jordan	0.14%	32534
New Zealand	0.12%	26480
Yemen	0.10%	22654
Chile	0.09%	21129
Albania	0.08%	19344
Sudan	0.07%	16459
Equatorial Guinea	0.06%	12734
Sao Tome and Principe	0.04%	8064
Switzerland	0.03%	7432
Kazakhstan	0.03%	5905
El Salvador	0.02%	5747
Lao PDR	0.02%	5200
Mexico	0.02%	5087
Costa Rica	0.02%	4095
		21,576,660

2003		
Iran	21.58%	6988791
Venezuela	19.62%	6355541
Russia	13.93%	4510744
Algeria	11.01%	3564584
Mexico	9.43%	3055231
Colombia	6.33%	2049712
Kazakhstan	5.26%	1702853
Pakistan	2.78%	899680
Ukraine	2.16%	699451
India	1.08%	348582
Belarus	0.97%	312600
Uruguay	0.73%	237887
Argentina	0.53%	171360
Tunisia	0.45%	146755
Viet Nam	0.44%	143000
Syrian Arab Rep.	0.31%	98974
Peru	0.28%	90271
Dominican Rep.	0.21%	68085
Ecuador	0.19%	60722
China	0.18%	59500
Czech Rep.	0.16%	50945
New Zealand	0.15%	48360
Nicaragua	0.13%	40893
Angola	0.12%	40330
Brazil	0.11%	36633
Thailand	0.10%	32850
Denmark	0.09%	28665
Yemen	0.05%	17765
Paraguay	0.05%	17382
Panama	0.05%	15922
Chile	0.04%	14274
Jordan	0.04%	12900
Spain	0.03%	8645
Costa Rica	0.02%	8000
Uzbekistan	0.02%	7062
Lao PDR	0.02%	5200
El Salvador	0.01%	3200
Mongolia	0.01%	3140
Trinidad and Tobago	0.01%	2074
Jamaica	0.01%	1700
		31,960,262

2002		
Iran	28.84%	10771775
Russia	16.79%	6271868
Uruguay	13.03%	4867970
Venezuela	10.01%	3740192
Algeria	8.94%	3338768
India	3.66%	1367766
Colombia	3.35%	1252398
Ireland	2.27%	849300
Pakistan	2.18%	815465
Brazil	1.53%	570493
Mexico	1.13%	421132
Tunisia	1.10%	409153
Dominican Rep.	1.04%	389811
Guatemala	0.98%	367884
Argentina	0.95%	354367
Ecuador	0.56%	209753
Syrian Arab Rep.	0.55%	206661
Yemen	0.49%	183322
France	0.45%	167754
Viet Nam	0.41%	153000
Panama	0.33%	125117
Peru	0.32%	121231
China	0.22%	83909
Sudan	0.18%	66728
Chile	0.12%	45268
Jordan	0.12%	43057
Nicaragua	0.08%	30764
Ukraine	0.07%	27000
El Salvador	0.06%	21265
Paraguay	0.04%	16583
Lao PDR	0.03%	10800
Denmark	0.03%	10247
Italy	0.02%	8298
Honduras	0.01%	5170
Mongolia	0.01%	4620
Costa Rica	0.01%	4000
Bolivia	0.01%	3311
Ghana	0.00%	1671
		37,337,872

2001		
Iran	28.71%	8266625
Russia	15.97%	4596491
Colombia	12.32%	3547929
Venezuela	11.51%	3313607
Algeria	5.00%	1438753
India	4.75%	1367306
France	3.69%	1062068
Brazil	3.24%	932078
Mexico	2.49%	715829
Argentina	2.16%	620789
Syrian Arab Rep.	1.30%	374608
Dominican Rep.	1.27%	365339
Ecuador	1.11%	319718
Pakistan	1.07%	307529
Ukraine	1.05%	302454
Guatemala	0.67%	193599
Ghana	0.53%	153000
China	0.46%	133590
Panama	0.46%	131462
Uruguay	0.37%	106410
Peru	0.29%	82329
Denmark	0.28%	79297
Sudan	0.26%	75001
Czech Rep.	0.24%	67742
Nicaragua	0.15%	42857
Chile	0.13%	38778
Yemen	0.13%	38199
Jordan	0.08%	24250
El Salvador	0.08%	21626
Bolivia	0.05%	15764
Germany	0.04%	12541
Lao PDR	0.04%	11892
Paraguay	0.04%	10912
Mongolia	0.01%	3757
Indonesia	0.01%	2330
Macedonia	0.01%	2315
Trinidad and Tobago	0.01%	1969
Honduras	0.00%	1163
		28,781,903

2000		
Colombia	23.40%	5801950
Iran	18.21%	4514307
Brazil	15.53%	3849109
Venezuela	12.09%	2996357
Argentina	5.73%	1421216
Mexico	5.50%	1364345
Russia	4.02%	997081
Dominican Rep.	2.61%	646040
India	2.37%	587320
Germany	2.09%	517449
Kazakhstan	1.09%	270500
Pakistan	1.01%	251586
Syrian Arab Rep.	0.92%	227615
China	0.84%	207812
Uruguay	0.74%	182548
Panama	0.67%	166137
Guatemala	0.56%	138449
Algeria	0.46%	113255
Paraguay	0.39%	97029
Sudan	0.37%	92779
Peru	0.29%	72851
Chile	0.27%	68174
Nicaragua	0.15%	37470
Uzbekistan	0.11%	26399
Ecuador	0.10%	24902
Yemen	0.10%	23759
Jordan	0.09%	23327
El Salvador	0.06%	15954
France	0.05%	12666
Cyprus	0.05%	12000
Bolivia	0.04%	9829
Costa Rica	0.02%	5000
Honduras	0.02%	4695
Lao PDR	0.01%	3199
		24,783,106

1999		
Iran	42.40%	10057656
Colombia	12.28%	2912692.43
India	10.97%	2602265
Venezuela	4.24%	1004862
Russia	3.90%	925915
Mexico	3.55%	842936
Dominican Rep.	3.53%	837332
Brazil	3.04%	721022.75
Argentina	2.90%	688544
Uruguay	2.08%	493255
Syrian Arab Rep.	1.99%	472604
Algeria	1.11%	263234
Ukraine	1.04%	247271
Paraguay	0.73%	174127
Jordan	0.73%	173424
Ecuador	0.64%	151740
Bolivia	0.54%	129140
El Salvador	0.51%	122019
Nicaragua	0.41%	97538
Antigua and Barbuda	0.41%	96600
Czech Rep.	0.37%	87139
Yemen	0.33%	79300
Guatemala	0.32%	76024
China	0.31%	74648
Chile	0.31%	74597
Korea, Dem. Rep.	0.29%	69000
Pakistan	0.25%	60012
Peru	0.22%	51993
Sudan	0.18%	43250
Turkey	0.08%	17884
Panama	0.06%	13728
Finland	0.05%	11879
Sri Lanka	0.03%	7070
Canada	0.02%	5622
Honduras	0.02%	5120
Costa Rica	0.02%	5080
Romania	0.02%	4451
Viet Nam	0.02%	4449
Germany	0.01%	3266
Saudi Arabia	0.01%	2040
Guyana	0.01%	1802
		23,712,532

1998		
Iran	39.21%	8333184
Colombia	25.75%	5472640
Argentina	22.42%	4763827
Algeria	3.28%	697119
Brazil	2.37%	503672
Ukraine	2.01%	427159
Russia	1.22%	259014
Paraguay	0.74%	157114
Uruguay	0.54%	115032
Bolivia	0.53%	113679
Turkey	0.42%	88199
Ecuador	0.41%	86230
India	0.33%	70894
Switzerland	0.17%	36204
El Salvador	0.17%	35482
Nicaragua	0.09%	19395
Czech Rep.	0.08%	16062
Jordan	0.07%	14245
Costa Rica	0.07%	14000
Peru	0.05%	11024
Hungary	0.05%	11000
Germany	0.02%	4000
Chile	0.01%	2999
		21,252,174

1997		
Brazil	32.00%	13516442
Iran	21.26%	8982179
Colombia	21.09%	8908908
Mexico	20.23%	8546241
Argentina	1.96%	828126
Ukraine	1.52%	643850
India	0.49%	206892
Paraguay	0.45%	191238
Uruguay	0.25%	106984
Bolivia	0.18%	75099
El Salvador	0.12%	52591
Czech Rep.	0.11%	46546
Venezuela	0.10%	42376
Italy	0.08%	33263
Nicaragua	0.05%	19936
Peru	0.03%	12948
Chile	0.02%	9802
China	0.02%	8520
United Kingdom	0.02%	7083
Turkey	0.00%	1936
Germany	0.00%	1154
		42,242,114

1996		
Brazil	56.66%	20009487
Colombia	22.69%	8012727
Argentina	8.47%	2992020
Mexico	7.25%	2561661
Uruguay	2.72%	961621
Peru	1.95%	688327
Paraguay	0.05%	17507
Guatemala	0.05%	16000
El Salvador	0.04%	14674
Czech Rep.	0.04%	14332
Uganda	0.03%	11918
Chile	0.03%	9000
Slovak Rep.	0.01%	2407
Bolivia	0.01%	2072
		35,313,753

1995		
Brazil	43.42%	13078934
Colombia	39.80%	11988244
Argentina	8.23%	2479342
Mexico	5.45%	1643000
Tunisia	2.69%	810781
Chile	0.30%	91199
Peru	0.04%	13384
Uruguay	0.04%	12000
Nicaragua	0.01%	2505
		30,119,389

*The Observatory of Economic Complexity (<http://atlas.media.mit.edu/about/>), from which the information for most of the above tables was obtained, is an open source platform built as part of a multidisciplinary effort between the Macro Connections group at the MIT Media Lab and the Center for International Development at Harvard University. It allows users to quickly compose a visual narrative about countries and the products they exchange. The observatory provides access to bilateral trade data for roughly 200 countries, 50 years and 1000 different products of the SITC4 revision 2 classification. The source of the data is: for 1962 – 2000, The Center for International Data directed by Robert Feenstra and housed at the Department of Economics at the University of California, Davis, and for 2001 – 2009, the United Nations Commodity Trade Statistics Database (UN COMTRADE) http://comtrade.un.org/db/.

Cuba archive
Cuba Archive - Truth and Memory Project
www.CubaArchive.org
an initiative of
Free Society Project, Inc.
P.O. Box 529 - Summit, NJ 07902
Tel. 973.701-0520 - info@CubaArchive.org

Reproduction or distribution of this material is authorized as long as its source is cited.

Mr. SMITH OF NEW JERSEY. Ms. Werlau, thank you very much for your testimony. Without objection, your statement and all of the others will be made a part of the record in their entirety, as I indicated earlier.

Let me ask you, beginning first with Ambassador Lagon—and again, thank you for your extraordinary insights on Cuba. I think your testimony is the most expansive authoritative that we've had to date.

And I have, as Ambassador Lagon knows, chaired dozens of these hearings both while we were preparing the Trafficking Victims Protections Act and two of its follow-ons that I authored, and the oversight hearings that we held both before and after the TIP Reports were handed down by State that you have provided.

I've read the TIP Report for Cuba as well as the other countries in question. There is much that you have suggested by included that they need to seriously take under their wings including that statement you said about the child sex tourism and the confidential report by the Royal Canadian Mounted Police in which you said that Cuba is one of the primary tourist destinations for sex tourism that includes minors of both genders.

It appears that the child prostitution rings are maintained and promoted to increase Cuba's attraction as a tourism destination. Over 1 million Canadians, you point out, visit Cuba each year.

Ambassador Lagon, you might want to speak on this as well because when Cuba was a Tier 3, obviously we knew much of this, but we didn't have that report which said that this was occurring.

I remember being at the U.N. Human Rights Council with a great leader of Cuban human rights who had actionable information about what was happening with child sex tourism in Cuba.

As a result of this, some Cuban thugs knocked him out. A van pulled up and hit him right in the jaw and knocked him. So this is a land of the gulag and a Potemkin village as well and it's about time our State Department and our President takes seriously this substantive information. So you have provided that and you might want to speak to that, Ambassador Lagon.

You were the one who made sure that the TIP Report finally at long last looked at the gendercide that has occurred in China and the missing girls in China, and we are talking about tens of millions of girls, who are the victim of sex-selection abortion and the disparity which is again noted in this year's TIP Report of 117 boys to 100 girls.

It happens nowhere else except perhaps in India. But it's not the normal process. They are exterminated because they are girls. And but it has led to the consequence of sex trafficking that has grown exponentially as that lack of or that dearth of women in the country have just set up this skewed sex male to female ratio.

If you would speak to that, Ambassador Lagon, because it's not getting better in China. It appears to be getting worse. I spoke recently at NYU-Shanghai and I spoke extensively to the issue of the missing girls and the nexus of that with trafficking.

If you could also speak to Vietnam. There was a great deal of hope by some that when there was a rapprochement with Vietnam when the bilateral trade agreement was consummated with Vietnam that human rights might break out.

I was a skeptic at the time. Sadly, my skepticism has been affirmed as they are in a race to bottom with China and places like North Korea when it comes to human rights in general, trafficking, particularly labor trafficking in Vietnam, if you could speak to that.

And finally, Ambassador Lagon, China had 35 convictions in a land of 1.2 billion people with a huge labor and sex trafficking problem.

As we know, the reform through labor elimination has not happened and I've been in one of those camps, Beijing Prison Number One, where 40 Tiananmen Square activists were held and forced to labor.

They have just put a different sign out in front and they continue to use that exploitation and yet that's not reflected in China's tier ranking, having gotten a passing grade.

But China had 35 convictions. Thailand, a Tier 2 country, had 151, Cuba 13 convictions and, Malaysia a mere 3, dropping from nine in the previous year to three.

So they even trend in the wrong direction. So Thailand has been singled out as Tier 3 and, of course, convictions is not the only barometer but it's certainly a very useful one.

And yet, Malaysia, China, and Cuba, just to name three, have far fewer in terms of convictions and yet they were placed on the Tier 2 Watch List.

Could you try to explain that for us?

Ambassador LAGON. Sure, and a welcome set of homework assignments to address on these.

Cuba, first of all, I said in my testimony and a bit more elaborately in the written version, that one of the reasons that I think the ranking for Cuba in last year's report was suspect is this proactive effort to sell the sex market in Cuba to an international buyer base.

I wrote a piece in the Washington Post on February 1 saying that it's time to address the sex trafficking issue through dealing with demand.

And it's one thing when there are so-called johns that are let off the hook while those who are in prostitution or who are trafficked are punished. But when a state is involved in a proactive policy to encourage people to travel and treat women as commodities, it is a hazard zone for trafficking.

As for Vietnam, Vietnam is part of a picture of a U.S. policy of cultivating relationships with illiberal states that are ostensibly moving in the right direction to counterbalance China.

I'm all in favor of working to dialogue with Malaysia, to dialogue with Myanmar, to dialogue with Vietnam in that context.

U.S. foreign policy should not let such nations off the hook on human rights. We need to look very carefully at Vietnam.

Corruption, limits on free press and civil society, lack of basic protections for migrants entering into Vietnam and leaving, these make for great dangers for human trafficking and Vietnam has had a Tier 2 ranking for 4 years and it's really worth asking whether the implementation is going farther.

I had the honor of hosting the Deputy Secretary of State, Tony Blinken, to speak at a conference we had on democracy promotion at Freedom House in October. He noted he loved working with

Freedom House and expected me to be a scold. I was on Vietnam because the picture he portrayed is really rosier than is deserved.

Now, on China, first of all, with respect to the population policy and a second important factor, the treatment of North Korean refugees, their drivers that make for a danger for gendered human trafficking, namely the longstanding population policy limiting the number of children and then both policy and culture favouring male babies has created this kind of insidious form of the gender gap.

And even if population policy appears to be moving in the right direction, in that there is somewhat more choice for people to choose having more than one child, there's still a big residual problem that's a driver of sex trafficking and the kind of human trafficking that is bride sales.

But when it's combined with the treatment of North Koreans not as refugees but as economic migrants who if sent back to North Korea, as my colleague on the panel here indicated, would be punished, that together creates a situation of a danger for sex trafficking.

Finally, on the number of convictions—I have said here and elsewhere that despite the great wisdom that you and others had in the Trafficking Victims Protection Act and the rather similar Palermo Protocol there's a heavy emphasis on convictions in those. Oftentimes, some of the most illiberal states in the world over interpret that and they have what one might call the cruel law and order version of an anti-human trafficking policy.

Malaysia, China—these are the very states that you would expect to tilt toward a law enforcement approach over a survivor reempowerment policy. But China's conviction rate is utterly anaemic, as you say, and taken with the problems of people when they move to opportunities in the city, losing their social services and the gender disproportion that you were raising and the fact that the so-called elimination of the reform through labor policies as a chimera, I think China deserves great scrutiny and ought not to be given a pass in the report.

Mr. SMITH OF NEW JERSEY. Professor Lagon, thank you very much.

Mr. Smith, what would happen if Burma did receive a downgrade, especially, would it affect the military? As you point out and I couldn't concur more with your statement, that Malaysia and Burma need to be downgraded just based on the record.

The record is overwhelming and hopefully State will look at your analysis as well because I think you lay it out in great detail. But what would happen especially in Burma because we know the impact that the military has on that country.

Mr. SMITH. Yes, I think that if Burma or Myanmar is downgraded to Tier 3 this would send a very clear message to the military that it needs to shape up with regard to human trafficking, that forced labor is completely unacceptable, and that they have to do more.

I think there may be those voices out there who would suggest that a downgrade from Myanmar would somehow disrupt the political transition. We would disagree with that notion.

Myanmar's people have struggled very long and hard to ensure the forces of democracy move forward in the country and but apart from that, as I mentioned before, the situation now has the optics of democracy but there is a certain authoritarian system still at play in the country and the military has ensured that the democracy that does take hold that they have a very active role in that.

So I guess, in short, a downgrade for Myanmar would send a very clear message to the military that it needs to cooperate with the new NLD government to combat human trafficking and we feel that that would be the wisest course of action. Thank you.

Mr. SMITH OF NEW JERSEY. Last year's TIP Report noted that the demobilization of some 376 child soldiers from the military. But does the military's practice of recruiting child soldiers continue? Is it a replacement? Have some of those kids perhaps aged out?

Mr. SMITH. The use and recruitment of child soldiers throughout the country does continue, unfortunately. This is continuing not only within the Myanmar Army but also within the Border Guard Force and the non-state ethnic armies.

Conflict is continuing particularly in the north of the country and as a result both the ethnic armies and the Myanmar army are seeking to increase their troop strength and in this sort of perverse recruitment process they believe that enlisting children within the military somehow helps them achieve that objective.

There's been little to no accountability. In fact, last year the Myanmar authorities only prosecuted one civilian for the recruitment of children and the recruitment process is happening throughout the country.

Mr. SMITH OF NEW JERSEY. Let me ask you, with regard to Malaysia's plan to deal with the thousands of Rohingya refugees being detained in Immigration Detention Centers have the refugees been screened for trafficking as far as you know and why are NGOs and UNHCR not allowed to visit them?

Mr. SMITH. No, sir, we do not believe that they have been screened for human trafficking, and while Malaysia was getting some international praise for finally allowing people who were stranded at sea to disembark, they did shuffle them very quickly to detention where they remain today.

As far as we understand, there is no good reason why the UNHCR or other service providers would not have access and one additional concern is that refugees, asylum seekers in Malaysia, many of whom have endured horrific experiences of human trafficking, now have a very difficult time registering with the UNHCR and this opens them up to other forms of exploitation.

Mr. SMITH OF NEW JERSEY. And one final question on Malaysia. As I noted, three convictions down from nine the year before, now I would agree with Ambassador Lagon, the other aspects of the TIP initiative, prevention, prosecution, and protection are all extremely important, mutually reinforcing provisions of a coordinated strategy.

If you're serious about law enforcement, you need to look at convictions and it's only three for Malaysia.

But my question, the State Department upgraded Malaysia last year in part for a trafficking victim pilot program. Many of us think it was all about the TPP, we think that something they

should have emphasized was to allow victims to leave shelter and detention and work.

However, subsequent information has shown that exactly none of the four victims who were cleared to participate in that program were able to do so, mostly because of the Malaysian Government's failures.

Are you aware of any victims free to leave detention and participate in a work pilot program?

Mr. SMITH. We are not aware that that is occurring in Malaysia at all.

Mr. SMITH OF NEW JERSEY. Thank you.

I'd like to ask Ms. Jo, if I could. You know, the Chinese Government has signed the refugee convention. I, and others on this subcommittee have repeatedly asked the Chinese to honor the provisions of that refugee convention, that treaty, and not send people back to North Korea where they are usually either killed or certainly sent to prison. We've had several witnesses previously who have actually been trafficked who told their stories before the subcommittee.

They made it across the line into China and thought they were home free only to find that they were then subjected to the cruelty of modern-day slavery. And I'm wondering has there been any diminution of the exploitation of trafficking? Because it seems like they get hurt either way.

If they're sent back to North Korea they are incarcerated or killed and if they stay in China they are trafficked. Has it gotten any better or is it still as bad as it has been?

[All of the following witness's answers were given through an interpreter.]

Ms. JO. Just 3 days ago I had a phone conversation with some North Koreans currently residing in China and compared to the time I left North Korea compared to the time I left China in 2008 they tell me that there has been no change.

Basically, what we know about North Koreans today is that there are some black market activities and people can make money out of this black market activities.

However, in order to be involved in these markets they do need money. They do need capital. In order to do that, they have to cross the border into China.

If they are apprehended by the Chinese authorities they're subjected to very aggressive interrogation and very aggressive treatment.

They're actually separated from the regular Chinese prison population and they're subjected to treatment that is in many ways similar to the treatment that they suffer if they're forcibly returned to North Korea.

Since January of this year, we have been able to rescue 13 North Koreans. Two North Korean women as far as we know were forcibly returned to North Korea where they were subjected to interrogation by the state security department. This is North Korea's main internal security agency.

They were sent to a so-called mobile labor brigade and as far as we know they may have well been sent to a political prison camp

because it was disclosed during the interrogation that they came across, for example, South Koreans.

So basically there's a group of four who need rescue who were apprehended. We know that the time that it takes to return apprehended North Korean refugees from China to North Korea is 25 days.

It used to be about 17 days. As you can see, there isn't such a big difference compared to the time when I was there.

Mr. SMITH OF NEW JERSEY. In the TIP Report that we have under scrutiny today where China falsely was given a Tier 2 Watch List designation, they point out that Chinese women and girls are subjected to sex trafficking within China.

They are typically recruited from the rural areas and taken to urban centers. Well-organized criminal syndicates and local gangs play key roles in the trafficking of Chinese women and girls and in China.

Victims are recruited with fraudulent employment opportunities and subsequently forced into prostitution. Girls from the Tibet Autonomous Region are reportedly sent to other parts of China and subjected to forced marriage and domestic servitude, and it goes on. A tale of indictment, really, about how China is dealing with it.

And we get to the protection part. It says the government did not undertake adequate efforts to protect victims and did not directly provide data on the number of victims identified or assisted in services it provided.

And yet, they didn't get Tier 3. It's almost comical except that it's a tragedy. My question to you is are there any services that you know of for either indigenous Chinese women or refugees if they are identified as a trafficking victim?

And you mention in your testimony that Chinese Government officials are involved in the trafficking of women. Are they making profits over that cruelty or are they just grossly indifferent?

Ms. JO. The surveillance in the border areas has been increased. There are numerous road blocks. There are numerous searches.

Frankly, it is impossible for an ordinary individual to get through all of these check points and road blocks and that is why actually Chinese policemen, Chinese cops take many of these individuals in their patrol cars and thus it is law enforcement agents in China who are involved in this process.

Actually, in our case as well, we paid one of the locals to help us out and they told us that they got in touch with the local cops, the local law enforcement agents who participated in the process and he assured that we got out.

There are no Chinese groups, institutions, or organizations that rescue women or children who are victimized by human traffickers. The only ones who do this are American or South Korean missionaries who make phone calls and invest in this operation of rescuing victims of human trafficking.

Mr. SMITH OF NEW JERSEY. Ambassador Lagon, does that comport with what you knew as Ambassador-at-Large during your time and currently now as head of Freedom House?

Ambassador LAGON. Yes. The problem in China is a tilt away from victim services in general. For those who are North Koreans

it's not only China's flagrant failure to live up to its obligations under the refugee convention but also a lack of existing help.

In the region, some of the best equipped countries, such as Japan, have not stepped up to the plate to provide the fullest of victim services such as translation for women who are in shelters, who are trafficking victims. But we're talking about a truly anaemic null set in terms of helping the victims, particularly those who are Koreans.

Mr. SMITH OF NEW JERSEY. Thank you. Let me ask Ms. Werlau, and before I go I just want to note that in the past we had a number of hearings.

Suzanne Scholte actually brought some unbelievable witnesses—they were believable, because they were—but it was just astonishing to hear them speak of their ordeal coming out of North Korea into China, and one of those witnesses talked about a mother and a daughter.

The daughter left, was trafficked. The mother went looking for her and she was trafficked, and only by the grace of God and some very humane people were both of them able to find freedom.

But it was harrowing in terms of the experiences that they relayed to our subcommittee previously. So I want to thank Ms. Scholte for arranging that in the past.

It was extraordinary and, again, it's unabated, unchanged, as Ms. Jo just said.

Ms. Werlau, if I could address some of the Cuba issues, the Trafficking in Persons Report says the government took no action to address forced labor.

If you say you're going to do nothing and take no action, it doesn't exist, which is foolish beyond words. And yet they were upgraded from Tier 3 to Tier 2 Watch List.

So my question—if you could speak to it—you did in your testimony and but it would be worth some reiteration because you did speak about the whole issue of doctors and others being compelled and the huge profits gleaned for the Cuban Government—what happens if a physician or health professional says no, I'm not going to be deployed somewhere around the world, and how much money does this actually bring in to the government by forcing them to do so?

Ms. WERLAU. Let me preface this by saying that for 2 years in a row the State Department Office for Trafficking in Persons has called me to inquire specifically about the situation of the doctors and I have had long conversations that are partly reflected in the report.

But they have sustained for 2 years in a row that these are "allegations." Yet, I have interviewed dozens of doctors who don't know each other, who have served in different countries, that repeat the same thing over and over.

We have more than 7,000 testimonies taken in our Embassies all over the world and before these visas are issued for the Cuban Medical Professional Parole Program these people are interviewed.

So I told them, go to the Embassies or just get on a plane and go to Miami and find these doctors walking around. They will tell you that this is not an allegation. This is happening systematically.

So I'm dumbfounded by this approach.

Mr. SMITH OF NEW JERSEY. So they're hiding in plain sight?

Ms. WERLAU. There are thousands of these doctors all over the world enduring these conditions and this situation. The report says that the Cuban Government is the dominant employer.

What it doesn't say is that it's a sole employer of medical professionals. So these people have no choice. But, you were asking about what happens if doctors refuse to serve.

I've asked about that and some doctors have told me that they're punished, they're sent to a little clinic in the mountains, et cetera.

But most doctors want to serve and there's a corruption going on within the state mechanisms employed to recruit these doctors because certain destinations are more palatable than others.

It's certainly better to go to Portugal or Uruguay or even some areas of Brazil than to go to the jungle in Central America or remote areas of Africa.

So actually, this goes back to these people wanting to serve because they want to improve their lot in life and whereas a doctor in Cuba earns around $60 a month, they then get a little bonus in hard currency, they're able to see the world, they're able to save some money to repair the roof in their house. When they gp back home, they get certain rewards, et cetera.

So it's a unique situation.

Mr. SMITH OF NEW JERSEY. Just ask you with regards to the child sex tourism. The newest law that just has been signed is called the International Megan's Law and it does a number of things, but the first thing it takes our database of Megan's Law and every state has it and anyone who seeks to travel if he or she—and they're almost all men—is a convicted sex offender. We notice the country of destination within about 3 weeks of that departure and the penalty for not giving us—us being the U.S. Government—that information is very significant, up to 10 years in prison, and if they travel they—at least the country—can either deny the visa or be very much more vigilant about their presence because the propensity to recommit these crimes is very high.

It also establishes the hope within this administration and the next one to set up a reciprocity so we know when these folks are travelling to the United States.

That's not a bill, it's a law. And the hope is that now that there's an opening with Cuba that when anyone seeks to travel to Cuba we know it's been a destination for child sex tourism.

The man I mentioned earlier, Frank Calzon, the one that was knocked out by a sucker punch, he had serious documentation of this and my hope is that our new Embassy will be robust, aggressive in trying to track down the parameters of this horrific entanglement of pimps and the government, often one and the same, and does not whitewash it, which I'm very worried that they may do.

So if you would speak to the issue of child sex tourism and sex tourism in general to Cuba.

Ms. WERLAU. That's not my area of expertise. However, I have read about it, talked to people about it, and I reference in my written testimony an amazing documentary that was filmed in Cuba and that has great evidence, one everybody should see.

The person who filmed it was then put in prison by Cuba and it took several years before the Spanish Government was able to get him out.

So this is happening and he has the evidence and I think it's a horrific thing that is only going to probably increment with the increase in tourism we're seeing in Cuba. And now, you know, probably people from the United States will be participants just as the Italians, Canadians, and others that are going to Cuba for this.

Mr. SMITH OF NEW JERSEY. I'd like to yield to our distinguished colleague, Congressman Clawson, from Florida.

Mr. CLAWSON. Sorry for being late. I had some other meetings; you know how it is with a double, triple booking. Got another one waiting.

Thank you for coming. I wanted to express, and I'm sorry I missed it. So what I'm going to say and you reaction is probably going to be redundant from what's already been said today.

Of course, I support the chairman in his efforts to reduce, eliminate trafficking globally. Like a lot of things in this world I feel like the economic power of the United States could have a bigger influence than it actually does.

Whether it's in these matters, whether it's dealing intellectual property, which of course is not anywhere near as serious as what we're talking about today or anything else. If we're almost one-third of the global GDP and everybody wants to have access to our markets, if we really wanted those folks that wanted access to our markets to eliminate trafficking I believe that they could do so.

And my view has always been, as I've studied up on this for Chris' subcommittee, that to the extent that we allow folks that aren't serious about ending trafficking to participate in our marketplace we send a message that's not even a mixed message but rather if you're an important spot economically for us as in one of these trade deals or if you're an important spot in terms of global diplomacy, meaning in the Middle East or in Cuba, then none of these things about trafficking really matter to us.

And therefore what is the message that we send around the world to victims of this and whether we really care. And so I want to make sure that I showed up today and maybe that summary is off in some way.

But I'd like to hear what you all's response is and, you know, in the context of what's going on in Cuba today or the trade deal or even the Iranian deal. It just seems to me that our interest and our commitment to stopping trafficking always takes a back seat when something important comes diplomatically either for trade or for other things that the administration might think is important.

Ambassador, you want to start? Am I wrong? Am I overstating the problem here or my position on this?

Ambassador LAGON. No, you're not. First of all, I agree with the premise that one has to look at this as a phenomenon in a market, and where something heinous is going on.

I don't believe that globalization inevitably needs to lead to slavery but it requires open eyes, and I think we're in this mode in the United States and we feel this very strongly at Freedom House that we somehow think we have less influence than, you know, than we have.

Mr. CLAWSON. We have more. We have more, right?

Ambassador LAGON. This is a situation where the driver of human trafficking is the fact that for the trafficker, whether it's the recruiter or the person who is locking someone in a brothel or someone who is actually supervising forced labor, that person feels that they can make huge profits off the backs of enslaved people—essentially enslaved people—and have very little prospect of being punished. That's a market force. We need to change that, make it more likely that they will be punished.

And while labor trafficking is 75 percent of the incidence of trafficking overall in the world, more money is made on the backs of those who are sex trafficked and you see both of these phenomena in places like Thailand, Cambodia, and so on.

Mr. CLAWSON. Can I jump in on you for a minute?

Ambassador LAGON. Sure.

Mr. CLAWSON. Now, if I were running a manufacturing business exporting from the Midwest, I would say in addition to what you've said, folks from Midwest factories lose their good-paying jobs and we pay an economic price—at least an economic fairness price, if you will, in our country, while cheaters who may cheat in trafficking or any other way that they can cheat, get an economic transfer of welfare in some other country.

Is that right? So there is losers here and there and all for a cheaper product, by the way.

Ambassador LAGON. Well, it should be—it should be particularly galling to American citizens if they see jobs being exported elsewhere.

If it's to a place where there is not only kind of cheap labor or even exploitative labor but in fact trafficked labor, I will say and said this earlier, that I favor the Trans-Pacific Partnership and TTIP.

But you need to do it with open eyes. So Malaysia, being kept viable to be part of the TPP, has a reason or a rationale for its ranking in the TIP Report makes no sense to me.

I'm in favor of appropriately negotiated bilateral trade deals. But I noticed when in served as the anti-human trafficking Ambassador that there were opportunities the United States was completely throwing out the window to place leverage on states we were forming bilateral free trade arrangements with.

Mr. CLAWSON. Could I ask you a question? Is there any example that you can think of where we have used our economic leverage, 30 percent of global GDP, to force people to behave with respect to trafficking, human rights, religious freedom?

Ambassador LAGON. Sure, and your colleague sitting in the chair helped invent it. The Trafficking Victims Protection Act creates a situation where there is sanctions or threatened sanctions or threatened sanctions for Tier 3 countries.

Mr. CLAWSON. Well, most of the time in practicality it gets ignored or am I wrong?

Ambassador LAGON. This is true. That's why——

Mr. CLAWSON. I mean, my point is we yak about it up here. We have all the power as the United States of America. We're the driver of global trade and people that cheat and therefore hurt kids, women, whoever, we don't do anything about it.

Ambassador LAGON. We have the leverage. I've noted before the political scientists, Beth Simmons at Harvard and Judith Kelley at Duke have shown that in fact the TIP Report gets countries to change their laws.

One case I can think of of moving a country was Cambodia being faced with Tier 3 ranking and thinking that it would—having just gotten the introduction of forms of American aid it would get off.

Now, I entirely agree with a longstanding critique offered by Chairman Smith that the sanctions on Tier 3 countries are not used and it's appalling.

But that's an example of leverage working. Actually, there are many examples. I am personally an advocate of the global Magnitsky sanctions legislation which would target officials who are responsible for corruption and for human rights abuses. That really makes it painful for the people who are responsible. So you can, as you argue, place overall pressure in using leverage on a country. But you also can make life miserable for——

Mr. CLAWSON. But let me interrupt just for a minute, Ambassador.

You would agree with me that there's a whole lot of countries that run trade surpluses with us that abuse their people, correct?

Ambassador LAGON. True.

Mr. CLAWSON. Okay. Then we're not doing very well.

Okay. Now, let me go to Cuba. Is—do you all do—does any of the witnesses here believe that the opening—that the economic awakening, opening, whatever we want to call it with Cuba right now, is that going to help or hurt in efforts for folks to get treated in a humane dignified way?

Ambassador LAGON. If I may begin, but I really want to defer to my colleague, Ms. Werlau, I think that the record is clear that there have not been changes since the diplomatic opening in human rights in general.

Anything more than the most minor economic reforms haven't changed a whit. At a previous hearing held by Chairman Smith looking at those rankings that were considered politicized in the 2015 Report, we heard witnesses from the State Department say now there's more information available from Cuba because we're having diplomatic dialogue with them.

So we have better information and we can tell that they're Tier 2 Watch List rather than Tier 3. I think that's rich.

Mr. CLAWSON. Ms. Jo? Thank you, Ambassador.

Ms. WERLAU. Respond on Cuba? Yes.

Congressman, I have long favoured exchanges that make sense in policies that advance the interests of the United States and have for a long time argued that our policy toward Cuba, which I considered schizophrenic and contradictory in different aspects of it, needed a revision.

However, I strongly feel that lending credibility, legitimacy, and impunity to a criminal dictatorship without conditions and making unilateral concessions is very troubling and counterproductive to our own interests.

The idea that commercial engagement, including tourism, is going to bring about reforms in Cuba has already been tried. First, by the rest of the world that has been investing, trading, and send-

ing tourists to Cuba for over 20 years since the fall of the Soviet bloc and of massive subsidies, and Cuba had to restructure its economy, et cetera.

For example, more than 1 million Canadian tourists go to Cuba every year and this has been going on for years. I don't see a whole lot of difference between Canadian and U.S. tourists.

And second, because there have been for years many exceptions to the embargo, including from 1988, the Berman amendment, that has allowed the free sale and exchange of informational material, videos, music, art work, et cetera. Yet, no Cubans can buy directly from the United States.

It's the same thing with the agricultural products and medical products that have been exempt since 2000.

The Cuban Government controls all those imports from the United States.

Mr. CLAWSON. Let me interrupt. So are you saying there's going to be more or less trafficking of kids and women, et cetera with what we're doing now? More or less?

Ms. WERLAU. My prediction is more because there will be more tourists and will be participating and it's one state that is behind it, as I described the judicial system.

Mr. CLAWSON. So the Melia Hotel chains from Spain on Varadero Beach and other places has not done anything but make the problem—I'm not disrupting, I'm just making sure we're clear.

Ms. WERLAU. I have found no instance of any reform from those exchanges.

Mr. CLAWSON. And if the representative of the Obama administration were here today he would say what we've done ain't working so if we try this you'd be wrong and the rest of the folks up here would be wrong. Is that right?

Ms. WERLAU. Well, I think that what we've done was not working. As I said, the policy had many contradictions. It was schizophrenic and we were not able or not interested in pushing a multilateral approach that makes sense with our allies and partners, other democracies that would like to see and would benefit from having a stable and prosperous Cuba.

Mr. CLAWSON. Anybody else, anything to add anything I'm missing here?

Ms. JO. I don't know about the Cuba. That's why I cannot answer your question. But I hope North Koreans can become open. So yes, if you're asking something for North Korea and I'd love to answer.

Mr. CLAWSON. And go ahead, since we were—tell us about what you—if we were to open more trade with North Korea, in your opinion would that be more or less?

Ms. JO. What happens in North Korea nowadays is that if one is officially unemployed they have to go to jail.

I believe that if North Korea were to open itself up to the outside world to South Korea in particular, this would create opportunities for North Koreans. There would be different standards.

There would be less exploitation inside North Korea and since the situation inside North Korea would improve there would be fewer or no reasons for North Koreans to escape from their country and become the victims of exploitation elsewhere, in China in particular.

There are many who fear the astounding cost of Korean reunification. They fear that we would need a lot of money to accomplish that goal.

However, I have a different opinion. I think that both Koreas will be spending much less on their defense budgets and there would be significant amounts of money to be spent on the development of North Korea and North Koreans would no longer be victimized. They would no longer become the victims of sexual or labor exploitation.

And I would like to ask the distinguished Congressman here today a favor, should I call it. I am a U.S. citizen now. I work hard. I go to school here in the United States. I pay my taxes. I try to do my best as an American citizen.

There are, of course, many North Koreans who are still trying to escape. When change comes to North Korea, former North Koreans such as myself will be instrumental in teaching the people of North Korea about the freedom and opportunity that we enjoy here in the United States and that South Koreans enjoy in South Korea.

And that is why I would like to respectfully ask you that you see to it that more North Koreans are accepted into the United States of America.

Frankly, when we came here what truly gave us hope was the U.S./North Korea Human Rights Act, first passed in 2004. There have been two more enactments of that act in 2008 and 2012. But to this date we only have 194 North Korean refugees who have resettled here in the United States.

I'm not going to name that particular country or those particular countries but it takes a North Korean refugee between 1 year and 1½ years in order to be cleared to come here to the United States.

There are graduates, former North Korean refugees who graduated from Harvard University with law degrees. There are many bright South Koreans who could help.

I would like to ask the distinguished congressmen for their help in ensuring that we are able to bring more North Korean refugees here to the United States of America.

Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you, Ms. Jo.

Mr. CLAWSON. Thank you, Ms. Jo, for the Korean viewpoint, and Ms. Werlau, thank you for the Cuban summary as well from you. Appreciate it. And Ambassador, for the global view.

Yield back. Thank you

Mr. SMITH OF NEW JERSEY. Mr. Clawson, thank you very much for your excellent questions and for being here and for your ongoing concern. It's just deeply appreciated.

Let me just conclude. A couple of final questions, if I could. As we all know, and I mentioned it before, Raul Castro said there are no political prisoners; give me a list of political prisoners and I will release them before tonight ends.

That's the English translation of the Spanish and Jim Acosta, thank God he asked that question because it's one of the few times any of the Castro brothers have ever been asked a serious question about human rights. The culture of denial which we see now on the trafficking side, no forced labor, they trivialize if they even respond

to any questions about sex trafficking, my hope is that there will be a much more robust effort by the TIP office.

And I think while they may get it right, hopefully as it goes up the ranks they will do their work to ensure that that Tier 3 designation, which I think is absolutely warranted based on the record, is conveyed again to the Government of Cuba and I do hope they listen to you even more carefully, Maria, as you convey these important points to them at the TIP office itself.

I would ask Ambassador Lagon, we know that India has had serious trafficking problems, sex and labor trafficking, and amazingly even with regards to the T visa, which we created in the Trafficking Victims Protection Act of 2000, that there has been inability to travel by those individuals who have obtained the T visa, which then takes our whole process and says it's somehow less than authentic.

Your thoughts on that? Because India certainly has a serious trafficking problem that I think is grossly under-appreciated and under-recognized.

Ambassador LAGON. Well, India is often considered a great success story of democracy. But there are important ways, whether if you're a Dalit, other unfavored caste, or women, you don't have full access to justice.

There have been some troubling things that I've seen over time. When I was the head of the TIP office at State it was really remarkable to me.

If you looked at countries that had large numbers of guest workers abroad, the great heroic example was the Philippines, whose diplomatic services fought really hard for the rights and the protection of their migrant workers abroad, running shelters in every one of their Embassies, they would always meet with me.

Indian diplomats never ever in any country I travelled in, particularly in the Gulf, would confer about that. They were more concerned about the remittances. Now, that was then.

When it was discovered that official personnel at a multilateral institution for India was complicit in human trafficking, the Government of India was truly intransigent about cooperation with justice.

If it is indeed the case that those who have a T visa are harassed, that is a failure to look out for your citizens and their access to justice.

And so while India's a success story in many ways, we should be concerned and remains the demographic of the human trafficking problem in the world.

Mr. SMITH OF NEW JERSEY. Ms. Werlau, in her testimony, said that the Cuban Government is likely one of the largest and most profitable trafficking promoters in the world. Does that comport, again, with your sense of Cuba?

Ambassador LAGON. Well, there's kind of a correlate of the main theme of my testimony. The main theme of my testimony is that democratic governance, rule of law, access to justice—if they are in place in a country it's more likely that country will do a good job fighting human trafficking.

At the other end of the spectrum, if it's not only an autocracy but a command economy with an intrusive state-led role and forms of

forced labor or punitive labor particularly against those who are not favoured by the government that are institutionalized, that's quite likely to be a driver of human trafficking. The Trafficking Victims Protection Act, as you shaped, emphasizes the complicity of government officials in human trafficking.

Well, if we look at some diplomat who is engaging in the abuse of their domestic servant, that's complicity. But if a government has policies which are in fact contributing to running forced labor, that's the most flagrant form of state complicity that you can see.

Mr. SMITH OF NEW JERSEY. Is there anything further that any of our witnesses would like to say today—any further insights, comments?

If not, I do want to thank you for your extraordinary testimony. I hope that the U.S. Department of State and particularly the new Ambassador-at-Large, who I think is a very honorable person, Susan Coppedge, who I've had a meeting with in the office, we did invite her to be here today. But they are, as she indicated, working on the report and thought it might be best not to be here and I certainly understand that.

We will invite her to testify and I hope she will come right after the TIP Report is released and we will again have a body of NGOs and expert witnesses to ascertain the pluses and minuses of the next TIP Report and I do hope that they get it right this time.

I do want to thank all of you. Ms. Jo, your point about law enforcement getting to what Ambassador Lagon was just saying in terms of complicity of government—when we wrote the original minimum standards to the Trafficking Victims Protection Act and government complicity, we absolutely included the police, and you pointed out, because law enforcement is certainly an integral part of government and very often that is the Achilles' heel because that's where the bribes and the interface usually takes place with enabling trafficking or being part of the solution.

So thank you for pointing that out with regards to the North Koreans and others who are ill-served by the police who are part of the problem.

I thank you all again. The hearing is adjourned.

[Whereupon, at 4:53 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

March 22, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2167 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Tuesday, March 22, 2016

TIME: 2:00 p.m.

SUBJECT: Get It Right This Time: A Victims-Centered Trafficking in Persons Report

WITNESSES: The Honorable Mark P. Lagon
President
Freedom House

Mr. Matthew Smith
Executive Director
Fortify Rights

Ms. Jinhye Jo
President
NKinUSA

Ms. Maria Werlau
President
Free Society Project

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day *Tuesday* Date *March 22, 2016* Room *2167 Rayburn HOB*

Starting Time *2:08 p.m.* Ending Time *4:53 p.m.*

Recesses [*1*] (*2:54* to *3:38*) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Get It Right This Time: A Victims-Centered Trafficking in Persons Report

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows, Rep. Curt Clawson

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

List of political prisoners in Cuba, submitted by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:53 p.m.*

Gregory B. Simpkins
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

Preliminary list of political prisoners in Cuba
Cuban Democratic Directorate
March 21, 2016

1. Yasiel Espino Aceval/ Condemnded 4 years/ Ariza Prison
2. Alexander Palacio Reyes/ Cerámica Roja Prison
3. Alexis Serrano Avila/Condemned 3 years prison
4. Andrés Fidel Alfonso Rodriguez/ Melena Sur prison
5. Ernesto Borges Pérez/ Combinado del Este prison
6. Carlos Amaury Calderin Roca/ Valle Grande prison
7. Maria del Carmen Cala Aguilera/Pendiente/Provincial Women's Prison Holguín Province
8. Enrique Bartolomé Cambria Diaz/ Kilo 8 prison
9. Misael Canet Velázquez/ Kilo 8 prison
10. Santiago Cisneros Castellanos/Pendiente/ Aguadores prison
11. Leonardo Cobas Pérez/ Moscú prison
12. Felipe Martin Companione/ Cerámica Roja prison Condemned to 8 years in prison
13. Orlando Contreras Aguiar/ Aguacate prison
14. Yeri Curbelo Aguilera/Condemned 3 years prison/Guantanamo Prison
15. Pedro de la Caridad Alvarez Pedroso
16. Jordys Manuel Dosil/Condemned 3 years prison
17. Carlos Manuel Figueroa Álvarez/ Combinado del Este Prison/ Condemned to 6 years prison
18. David Fernández Cardoso/ Bungo Ocho Prison
19. José Daniel Gonzalez Fumero/ Nieves Morejón Prison
20. Ricardo González Sendiña/condemned 6 years/Combinado del Este
21. Ariel González Sendiña/ condemned 6 years/Combinado del Este
22. Eglis Heredia Rodriguez/ Boniato Prison
23. Mario Alberto Hernández Leiva/Melena del Sur prison/Condemned to 3 years prison
24. Geovanys Izaguirre Hernández/ Aguadores Prison
25. Rolando Erismelio Jaco García/ Cerámica Roja Prison
26. Javier Jouz Varona/Social Dangerousness prison / Condemned to 3 years prison
27. Isain López Luna/ Valle Grande Prison
28. Noel López Gonzalez/ Condemned 12 years prison
29. Michael Mediaceja Ramos/Condemned 6 months / Guanajay prison
30. Osmani Mendosa Ferrior/ Las Mangas prison
31. Mario Morera Jardines/Condemned to 3 years prison / Guamajal prison
32. Ernesto Ortega Sarduy/ Valle Grande prison
33. Ricardo Pelier Frómeta/Condemned to 3 years jail / Combinado de Guantanamo prison
34. Fernando Isael Peña Tamayo/ Condemned to 5 years / El Típico prison
35. Silverio Portal Contreras/ Campamento Ochimán prison
36. Humberto Eladio Real Suarez
37. René Rouco Machin/ Melena del Sur prison
38. Laudelino Rodriguez Mendoza/ Granjita prison, Santiago de Cuba
39. Leoncio Rodriguez Poncio/Condemned to 42 years and has served 28 years in prison/Guantanamo Prison
40. Alfredo Luis Limonte Rodriguez/Condemned 4 years / Ariza Prison
41. Elieski Roque Chongo/ Condemned 5 years / Ariza Prison

42. Alexander Alan Rodríguez/Sentence Pending / Valle Grande Prison
43. Reinier Rodríguez Mendoza/ Condemned to 2 years of prison / San José Prison
44. Mario Ronaide Figueroa Reyes/ Condemned to 3 years prison / Prision 1580
45. Yoelkis Rozábal Flores/Condemned to 4 years / Combinado de Guantánamo prison
46. Daniel Santovenia Fernandez
47. Emilio Serrano Rodríguez/Valle Grande Prison
48. Armando Sosa Fortuny/Camaguey Prison
49. Liusban John Ultra/Condemned to 7 years/Jailed in the Province of Las Tunas/La Granjita Prison
50. Armado Verdecía Díaz/Condemned to 5 years of prison/Malverde Prison

Sources:

Directorio Democrático Cubano
Andry Frometa Cuenca, former political prisoner
Yordan Marrero, Partido Democráta Cristiano de Camagüey
Librado Linares Garcia, General Secretary of the Movimiento Cubano Reflexión
Unión Patriótica de Cuba (UNPACU)