

Congress of the United States
Washington, DC 20515

July 17, 2015

The Honorable John Kerry
Secretary of State
U.S. State Department
2201 C Street, NW
Washington, DC 20520

Dear Mr. Secretary:

We are concerned over recent reports that the Department of State plans to upgrade Malaysia in its rankings of countries in this year's *Trafficking in Persons Report*.

The *TIP Report* has become the global gold standard in assessing how well governments meet the challenge of human trafficking. Around the world, the report is regarded for its honesty and thoroughness. Governments understand that this report tells hard truths about the reality of human trafficking, and the State Department should not shy away from telling those hard truths to good friends. As a result, lawmakers and activists focused on trafficking in persons, including forced labor and other abusive practices, credit the *TIP Report* for making a real difference in this critical struggle.

The success of the report is no accident. The Trafficking Victims Protection Act (TVPA) and its reauthorizations lay out in clear statute the way the State Department should determine country rankings. Congress wrote these laws so that the governments doing the least to fight human trafficking—or doing nothing at all—should be placed on Tier 3 of the report. In 2008's reauthorization, we made sure countries could no longer hover for years on the second-lowest rank, the Tier 2 Watch List, by making just the barest effort; current law requires that countries on the Watch List for a maximum of four years be downgraded to Tier 3.

That lack of effort is what brought Malaysia down to Tier 3 last year. And we've seen no reason during the reporting period for this year's *TIP Report* that would justify moving Malaysia back to the Watch List. If anything, the situation in Malaysia has grown worse. Malaysia has earned its place on Tier 3.

That's why reports of Malaysia's upgrade are so troubling. The Administration is, by all accounts, poised to conclude the massive Trans-Pacific Partnership (TPP) negotiations. Malaysia is the only TPP member on Tier 3. And the recently enacted Trade Priorities Act of 2015 excludes trade agreements with Tier 3 countries from expedited consideration by Congress. An upgrade for Malaysia is certainly not merited by the facts we've seen. So we're left to conclude that Malaysia's upgrade, if reported correctly, has been driven by external considerations.


Under these circumstances, a decision to upgrade Malaysia to the Tier 2 Watch List would undermine the credibility of the *Trafficking in Persons Report*. A decade and a half of progress would rightly be called into question.

Thanks in no small part to the State Department, the Office to Monitor and Combat Trafficking in Persons, and the *Trafficking in Persons Report* itself, the world has reached a greater understanding of the victim-centered approach to fighting human trafficking. For victims in Malaysia and around the world, we cannot compromise the integrity of this report. If this report fails to offer honest assessments and guidance for meeting this challenge, not only Malaysia's leaders, but governments around the world will think twice about their responsibility to prevent human trafficking, protect its victims, and prosecute those responsible.

We request that the Department carefully consider the rank Malaysia has earned—according to the TVPA and its reauthorizations—before finalizing this year's *Trafficking in Persons Report*.

We also hope that the Department will continue working with our Malaysian partners to address this problem and strengthen the ties between our countries.

Sincerely,



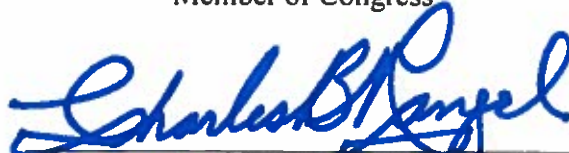
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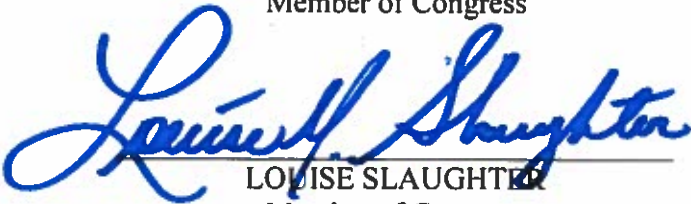
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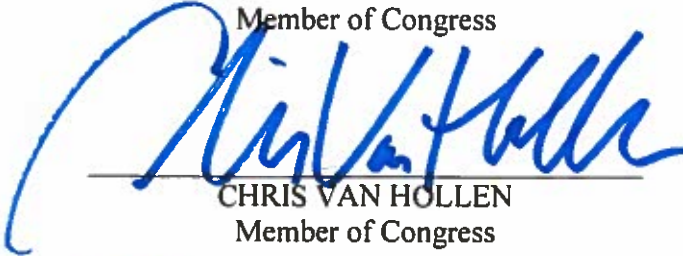
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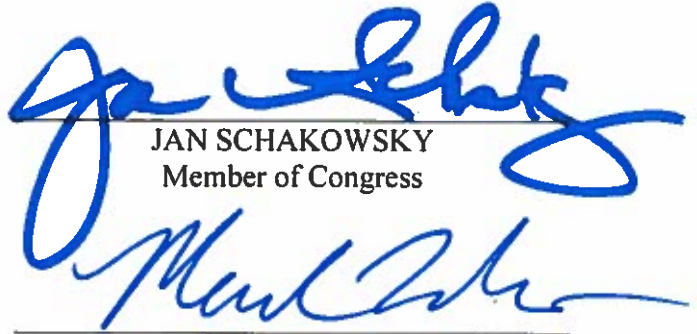
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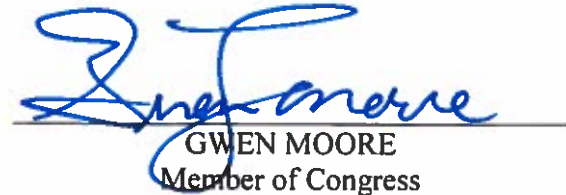
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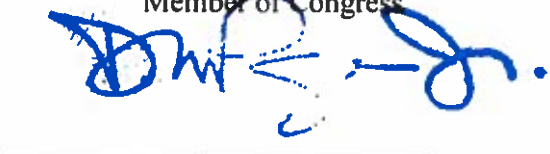
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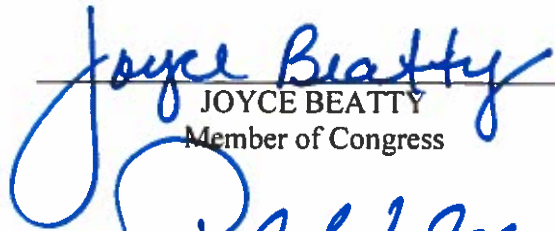
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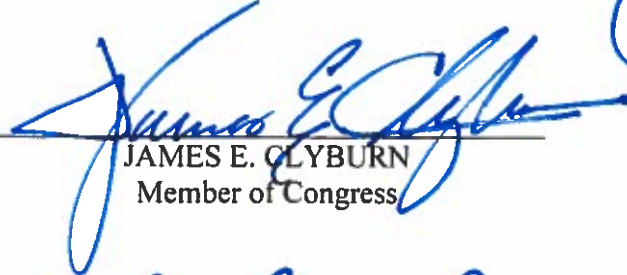
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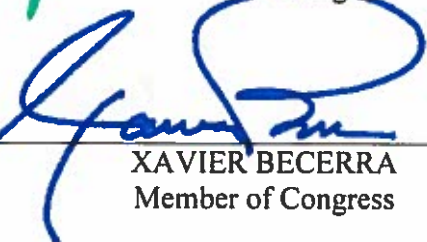
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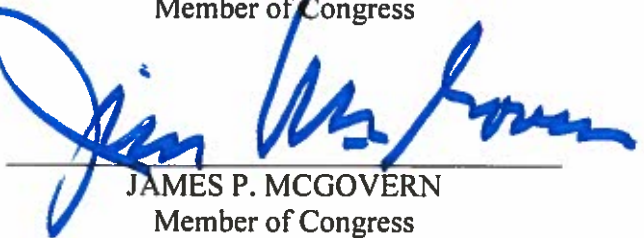
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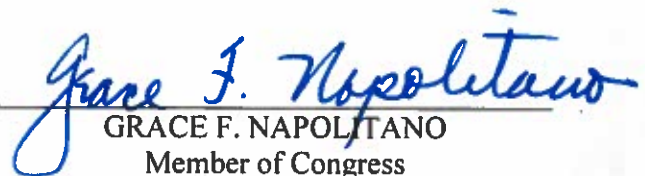
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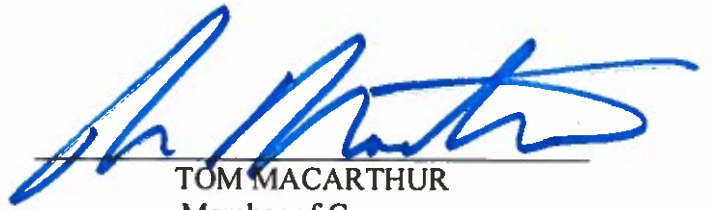
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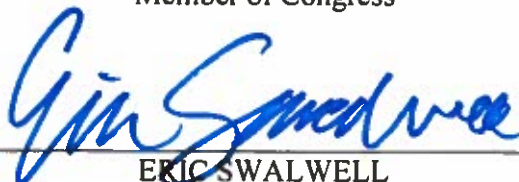
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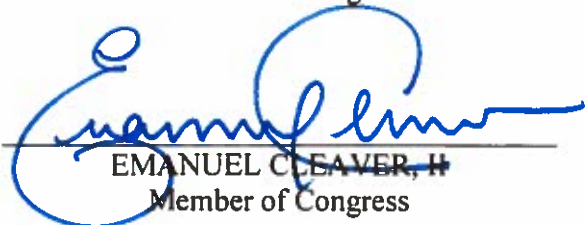
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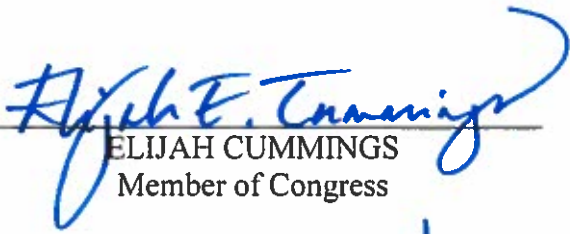
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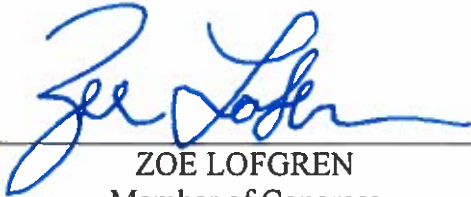
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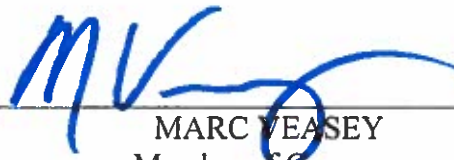
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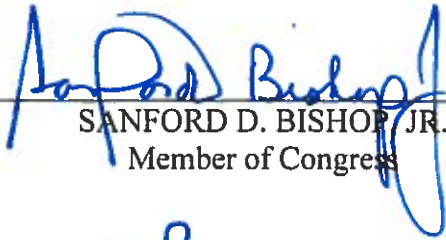
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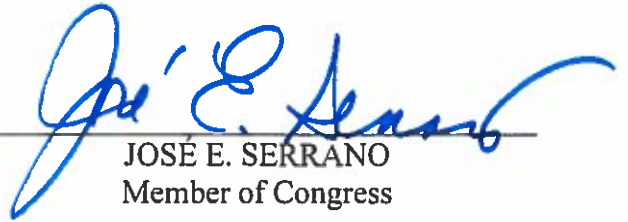
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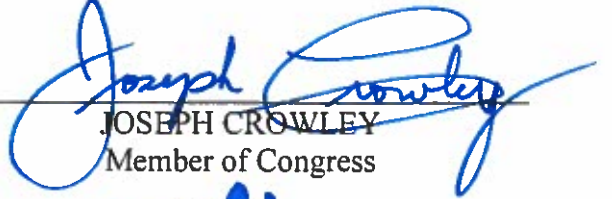
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