

**TRAFFICKING IN PERSONS: PREPARING
THE 2016 ANNUAL REPORT**

HEARING

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

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WEDNESDAY, MAY 25, 2016

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 4:35 p.m. in Room S-116, The Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Gardner, Perdue, Isakson, Cardin, Menendez, Shaheen, and Kaine.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. So thanks for coming.

This is obviously a casual hearing, which we find to be the best in most cases. We are behind closed doors. That does not mean that we do not believe there ought to be congressional oversight. We do. But at the same time, I felt like maybe this setting would contribute towards this not being politicized in any way. We do not want to see that happen. But we obviously want to have oversight.

Last year, we had some concerns about the whole process being politicized, and maybe there were competing interests around some of the decisions that were made about rankings. So this year—of course, we did not have a Susan Coppedge last year filling the role. And we appreciate the fact that she is here and she is working with each of you to try to come up with appropriate ratings.

But we want to thank you for coming in. We just want to have an open discussion. And our sole goal is to ensure there is integrity in the process. One of the things that I think the committee is united on is this issue of ensuring that we deal with this in an appropriate way around the world.

Senator Cardin has been tremendous on this issue for years. He has been around longer than I have and I know has been committed to this for a long, long time.

So we thank you for coming. We look forward to an open discussion and your comments.

With that, I will turn to the ranking member.

STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Thank you, Senator Corker.

Let me first say we are all on the same side here. So our efforts is how can we be more effective in combating trafficking and how

we can ensure that the tool of the Trafficking in Persons Report is maintained as the gold standard and is used effectively to further U.S. foreign policy and domestic issues.

To Susan Coppedge, you have shown good judgment, as you just told me today, by moving to Maryland. That certainly helps. [Laughter.]

The CHAIRMAN. It is not Georgia, but— Laughter.]

Senator CARDIN. Well, there is no one here from Georgia right now. So I think we are safe. [Laughter.]

Senator CARDIN. Maybe our Georgia representatives will be here soon, and they usually are very punctual in their attendance.

But let me just underscore the point. Last year, it was very disappointing in two visible countries, with Malaysia and Cuba, but other countries. As I am looking at the report this year and specifics on countries, it is hard to understand how countries have not been downgraded where we see very little progress.

I hope that this discussion—we can have a better understanding. We do not want to see political considerations on the ranking and tiers decisions on the Trafficking in Persons Report. We do not. We believe it must be the credibility of the report.

We understand the process and the political realities of life. We serve in the United States Senate. So we understand that. But we want to protect the report from being politicized. And I hope that this meeting will help us get a better grip before decisions are made in the process so that we can work together to ensure the credibility of the trafficking report.

The CHAIRMAN. Without objection, I would like to note that I called the meeting to order before we began.

We have five witnesses. We have your nametags here. We met you. I am not going to go through that to save your time. There is no reason to be redundant. Do you want to just begin? And again, we thank you.

I think what Ben said is true. We are on the same side, and my guess is there are some sitting around the table that much appreciate the fact that we are paying attention to this so that we continue to highlight this issue in an appropriate way. And just like with the State Department authorization, to us it was a joint effort. We are trying to do those things to help improve the Department. In this particular case, this is solely about making sure we are dealing with this in an appropriate way. And I think you would like for us to raise the issue to a level where that is being done.

So, anyway, with that, Susan, do you want to begin?

STATEMENT OF HON. SUSAN COPPEDGE, AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.; ACCOMPANIED BY HON. WILLIAM E. TODD; HON. D. BRUCE WHARTON; SUSAN A. THORNTON; AND JOHN S. CREAMER

Ambassador COPPEDGE. Okay. Thank you. Good afternoon, Mr. Chairman, Ranking Member Cardin, and members of the committee.

I will note for the record that Senator Isakson did stop in to check on me, but he had to go and do something but did stop by to be sure everything was going well. So I appreciated that.

I really thank you for the opportunity to be here again face to face on an issue that I know is something we all care very deeply about. The committee's leadership on preventing and ending human trafficking is well known throughout the Department, and it is a pleasure to be able to work with you and your staff.

I have not had the opportunity to sit down with the committee since my confirmation hearing, and I am excited to update you on what I have been working on since assuming my role as Ambassador. It has been a whirlwind 6 months, and I have many updates to share. And I look forward to a productive discussion this afternoon.

When I joined the Department, one of my first objectives as Ambassador was to travel to some of the high priority countries. I wanted to see firsthand how the TIP Report translates into anti-trafficking diplomacy on the ground, how our ambassadors successfully engage on the issue with the foreign governments, and how we can make improvements in the future.

In the first few months on the job, I had the opportunity to travel to Mexico, South Africa, Botswana, Cuba, and most recently to India. I am happy to provide greater detail on those trips later in the briefing, but I will share one big takeaway.

We have human trafficking experts throughout the State Department at each embassy in each country where we serve. I was truly impressed to see how knowledgeable our political officers are, our ambassadors, and our chiefs of mission at post. In each country I visited, they knew the TIP portfolio. They knew the prosecution, protection, and prevention efforts that were happening on the ground. They knew the successes, and they also knew the areas where improvement was needed. They know and have developed relationships with individuals in the government, in civil society, and with NGOs who are working on the issue. Their efforts at fighting trafficking in the countries where they are posted is a year-round diplomatic effort.

It is also a whole-of-Department effort, which is why I am really pleased to be here today with colleagues from our regional bureaus: from EAP, our PDAS Susan Thornton; from Africa, our PDAS Bruce Wharton; from SCA, our PDAS Bill Todd; and from WHA, our DAS John Creamer. You can tell I am also learning the State Department alphabet and their titles trying to get them down.

And the Trafficking in Persons Office, the TIP Office, cannot do the important work that we do without the regional support. Staff in the regional bureaus and in our overseas missions bring critical country-specific expertise to the cause. They ensure the TIP Report, our anti-trafficking diplomacy, and our foreign assistance programs are informed by the current realities in each country. Our embassies engage regularly with foreign government officials to encourage anti-trafficking efforts. They identify partners in the country to implement anti-trafficking programs, and they gather and verify information to include in the TIP Report. They provide insights into political, legal, and social landscapes in which this crime occurs. I am grateful they are here to share with you some of our regional successes we have, as well as ongoing challenges we face in our diplomacy.

I understand that the committee would like to focus today on the preparation of the 2016 TIP Report. So let me take a minute to walk you through that process.

Each year, the Department goes through an extensive and rigorous process to produce the report. Department staff work year around to gather information that provides the basis for the report, including information from our embassies, foreign government officials, NGOs, international organizations, and a full array of open sources.

The reporting period for the 2016 TIP Report ran from April 1st, 2015 to March 31st of this year.

The law also provides for a mid-year check-in requiring the Department to submit to Congress an interim assessment of progress made by countries on the special watch list. These are countries on the tier 2 watch list and countries that moved up a tier since the previous TIP Report.

The interim assessments were delivered to the committee earlier this year as a snapshot of the progress being made and improvements that are still needed by special watch list countries and are based on the same array of sources that inform our annual report.

The special watch list countries are an important focal point in the Department for prioritizing our diplomatic engagement and targeting our foreign assistance. The Secretary himself made it a priority this year to engage personally with countries that need to improve their efforts such as those highlighted by the special watch list. He pressed them to take the necessary actions to meet the minimum standards in the TVPA.

At the close of the reporting period, my staff began the narrative drafting process by rigorously applying the standards in the TVPA to each government's efforts the previous year.

In a few cases, the analysis is not immediately conclusive as to which tier ranking a country's efforts warrant. To address these cases, I have personally hosted meetings with senior Department officials and working level experts to ensure the broad expertise of the Department is brought to bear in assessing the totality of government efforts and to answer unresolved questions and fill in factual gaps. We are in the middle of that process right now. While I cannot share the details of our internal deliberations, I will say that without exception I have found these discussions to be extremely informative, fact-based, and genuinely focused on how best to advance our shared goal of encouraging government progress to combat trafficking.

You came back. Excellent.

Senator ISAKSON. I told you I would be back.

The CHAIRMAN. I do not know if you saw Perdue too.

Ambassador COPPEDGE. Can I say my Georgia boys, my Georgia men, are checking in on me?

The CHAIRMAN. That sounded a little condescending. [Laughter.]

Ambassador COPPEDGE. So I cannot share the details of the internal deliberations, but the discussions we had HAVE all been fact-based. And the facts on governments' efforts can point in different directions, and Department bureaus and offices do not always weigh the government efforts identically, leading to a very

small percentage of cases in which there are differences of opinion on how to assess tier rankings.

The Secretary will be presented all consensus recommendations, as well as the differing perspectives on a few countries for which consensus is not reached. And he will make all final tier ranking designations.

While this is my first time through the Trafficking in Persons Report process, I am aware of the concerns of the committee raised with the process last year. I want to assure each of you that I am doing everything in my power to protect and ensure the integrity of the process and maintain the credibility of the report. I am working hand in hand with all of my colleagues here to foster an environment in which a range of opinions can be expressed because really a healthy debate and close scrutiny are key to the process that makes the TIP Report the gold standard Senator Cardin alluded to.

The final tier ranking decisions made by the Secretary are informed by the collective expertise of the experts in my office, our embassies, and our regional bureaus, as well as senior Department officials.

Ultimately the purpose of the report and our shared goal is to effect change, to have governments do more to combat trafficking in persons. We continuously review how we can use the report even more effectively as a lever to motivate tangible progress around the world. We are improving in total communication, institutionalizing a process by which the Secretary personally takes stock of priority countries, and ensure high level engagement in a timely way to urge governments to take needed action to fulfill the TIP Report recommendations.

Based in part on the feedback from your staff, we are taking a look at the individual country recommendations in the report, which inform the action plans that we prepare yearly for each country. We are considering ways we can strengthen the recommendations in the report and ways we can use them more effectively to push for progress in individual priority countries throughout the year.

I think it is worth noting that with all the focus on the report and the tier rankings, that the TIP Report is fundamentally an instrument of diplomacy, a means to effect global change. Our ultimate goal, the State Department's and this committee's, is to help countries improve their efforts to fight modern slavery. Over the past 15 years, the report has successfully raised the profile of this issue and consistently drawn attention to the realities on the ground. The attention the report generates demonstrates both the impact and the importance of the fight against modern slavery and the U.S. Government's leadership in addressing it. Congress has provided strong leadership in the fight from adopting the TVPA to your efforts today on this committee to bring new attention and resources to this goal.

In closing, I would like to say that I look forward to a constructive discussion and continued collaboration year around on this important issue. Charlotte and I have already discussed when I am going to check in in the summer. So thank you so much.

The CHAIRMAN. Thank you. If there are no other opening comments, thank you all for being here. We appreciate your public service.

Just as a process issue, the 2016 interim assessment report is typically online, but this one is marked sensitive but unclassified. I am just wondering why that change was made.

Ambassador COPPEDGE. I was not aware how it was typically marked in the past, but I can certainly get back to you on why it was marked SBU this year.

The CHAIRMAN. No one else has any idea?

Are you the one that makes that determination?

Ambassador COPPEDGE. No.

The CHAIRMAN. Who does?

Ambassador COPPEDGE. I do not know.

The CHAIRMAN. I assume you will probably make it unclassified. Okay. I think it is good for people to be able to see it.

We have I guess seven countries that have been on the tier 2 watch list for 4 consecutive years, which means that they cannot do that anymore. Just to look at a couple, since we have the regional folks here, Burma and Haiti. Do we expect them to fall back to tier 2 watch or tier 3? What do we think is going to happen there?

Ambassador COPPEDGE. Well, as you noted, they cannot stay tier 2 watch list. So they will have to go down to 3. And we are still having those discussions right now and collecting information. We are looking at everything that comes in from both those countries to help make that determination.

The CHAIRMAN. Have you seen anything that is dramatic relative to increasing their rating?

Ambassador COPPEDGE. In Burma, they have made significant progress toward removing child soldiers from their military there. I think there were a handful of child soldiers recovered during the reporting period. I believe less than five. So they have made progress in that area in Burma.

In Haiti, they have made progress by moving towards increased prosecutions and actually had two convictions, although because those were outside the reporting period—the convictions—they will not be counted for this year's report. But the prosecutions were ongoing before the reporting period ended.

The CHAIRMAN. So we could likely have numbers of downgrades, though, without something significant having occurred in each of those countries. Is that correct?

Ambassador COPPEDGE. We look at all the minimum standards and then the fourth minimum standard has the 12 indicia. So we weigh all of that to see whether their efforts are significant or not.

The CHAIRMAN. India. You know, we had a hearing this week, and we appreciated the fact that someone was here to do that. They have more slaves than any country in the world. It is pitiful what is happening there. 12 million to 14 million slaves. Trafficking in persons, obviously, is culturally acceptable. How could they possibly be ranked tier 2? We have their prime minister coming in in a couple weeks, and we certainly plan to talk with him about it. But how could they be ranked tier 2 being such violators of human rights?

Ambassador COPPEDGE. I would expect nothing less from many Senators to raise that issue with him—the trafficking issue.

I think when we look at countries, we have to look too at the size of their population. They have such a large population, that they have a large percentage of people who are affected by trafficking.

We also need to look at the conditions that make people vulnerable in India, and that is the number of people who work—

The CHAIRMAN. They do not have half the population of the world, but they have half the slaves in the world roughly. So the population is large but certainly not on a pro rata basis, you can expect that—

Ambassador COPPEDGE. No. But it contributes to it. And so do some of the economic factors there, the drought. The earthquake in Nepal actually contributed to trafficking in India. So we look at those things that make individuals vulnerable.

I was fortunate enough to get to go to India in April, and I learned about some programs they are doing to address trafficking. A lot of Indians are trafficked to Gulf countries, and they have started a program. I think they call it e-Migrate where they register companies who are looking for workers, and they are starting to monitor, as we have recommended in the TIP Report, the recruitment agencies that look for workers. So there are steps being made there.

I also appreciated, after my trip there, that they are very decentralized. And so some states are doing better against trafficking than others.

They are also trying to find ways to use new avenues to look for trafficking victims. They told me about efforts they were making with the police on the railroad system, since much travel in India is done on the railways, and to look for trafficking victims there.

And then we also met not just with government officials but with civil society members and nongovernmental organizations who all think that great improvements have been made in the fight against trafficking under the Modi administration. So we collect opinions from a variety of sources before we decide on the final tier ranking.

The CHAIRMAN. We have a lot of participation, and I am going to defer to others so that they can get their questions in. Senator Cardin?

Senator CARDIN. Let me just follow up on India for one moment because the credibility of the TIP Report is also in the observations and recommendations that are made in the TIP Report and then following it from year to year to year. India is now going to be a tier 2 country for 5 consecutive years, and it is my understanding that we have consistently been critical of their ability to prosecute those who are responsible for trafficking. In the 2015 report, we stated official complicity in human trafficking occurs at various levels of government. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Some corrupt law enforcement officers protected suspected traffickers and brothel owners from enforcement of the law. They took bribes from sex trafficking establishments, and the list goes on.

My point is we have seen very little evidence that they have changed their underlying attitude towards prosecution. We have

noted this in the TIP Report, and yet they still maintain their tier 2 position now 5 consecutive years. Do they not have to make some progress and pay some attention to these international acknowledged standards? And where in India have we seen that?

Ambassador COPPEDGE. Yes. So we do make those recommendations in fact for other countries as well, including the U.S. We do a narrative for our own country where we always encourage more prosecutions, particularly in the labor trafficking area, which India also has a problem with.

Senator CARDIN. But has India done anything?

Ambassador COPPEDGE. They have done some things, yes. And in fact, when I was over there, I met with one of the judges in the high court in New Delhi, and he talked to me about how slowly all cases move through their judicial system, not just trafficking cases, to give me a better perspective on that.

But they are doing better about focusing in on children's issue. They just had a huge campaign where they looked missing children, some of whom were vulnerable to trafficking or they believe were being trafficked.

I also met with some individuals who were victims of bonded labor, and those individuals now—anyone who is recovered from bonded labor gets a payment from the government to help them get back on their feet and move on from that condition. So on the victim protection efforts, they are picking up their efforts to address preventing victims from being re trafficked.

Senator CARDIN. The law allows the President to waive the time restrictions and keep a country on a special watch list for up to 2 more years if the country meets the following criteria. And then it talks about a written plan that would satisfy a tier 2 rank and that the country is sufficiently resourcing or implementing the plan to be able to get off of tier 3.

Who assures that in fact these three conditions have been met? Is there transparency here? Because it is my just observation that this waiver has been exercised and these three conditions have not been met.

Ambassador COPPEDGE. Well, we get the national action plans or the plans for future efforts from the countries. We review that in JTIP. We also send them over to the legal office to review it in the State Department to make sure that those plans are complying.

Senator CARDIN. Will there be transparency that the President issues a waiver and keeps a country on tier 3—tier 2 watch rather than tier 3 for an additional year or 2 beyond the time period spelled out in the statute, that there will be transparency for us to be able to evaluate that in fact the country has sufficient resources to implement the plan, for example?

Ambassador COPPEDGE. Well, it is my understanding that we put in the narrative when the country is receiving a waiver to stay on the tier 2 watch list.

Senator CARDIN. So there will be transparency.

Ambassador COPPEDGE. I believe that is in the report, yes.

Senator CARDIN. And of course, if there is a disagreement here, that is an internal debate that we will not get to see.

Ambassador COPPEDGE. Yes. We do not talk about our internal deliberations because we do not want to chill the ability to sit down across the table and hash it out.

Senator CARDIN. Well, somehow in Cuba, we were able to look at some of the documents you made available to us. And there appeared to be a pretty clear indication that Cuba should remain on the tier 3 list, but yet it ended up on tier 2 watch, which seems to indicate that political considerations overcame the objective against. And I say that as a person who supports President Obama's Cuba policy, and the fact that they would be on a tier 3 list would not have affected my support of President Obama's policies in Cuba. But I want an accurate assessment on Cuba.

So you are showing here relatively minor change in this interim report and the government does not recognize forced labor as a problem and criminalized forced labor and no reporting efforts to prevent it. Have we really seen the type of progress in Cuba that justifies their elevation from the tier 3?

Ambassador COPPEDGE. I believe that tier 2 watch list ranking last year was based on the totality of factors. So in forced labor, they are still lagging, and I personally raised that with them when I went to Cuba in January. On sex trafficking efforts, they have started to increase their prosecutions.

Senator CARDIN. So one case that they actually prosecuted?

Ambassador COPPEDGE. I think it was 13.

Mr. CREAMER. It was 13 in the 2015 report. There is one in the interim report, so since the report of the last year.

Senator CARDIN. So there is one this year.

Ambassador COPPEDGE. In the interim. So it was 13 in the 2015 report. The final number you do not have. You have the snapshot of halfway through the year.

So they did increase their efforts from the 2015 report in prosecuting sex trafficking victims and actually working with U.S. law enforcement to stop sex tourism, a few individuals from going into the country. They cooperated with us there. So you recognize efforts that they are making and you recognize where they still need to make improvements, which is what the watch list category captured in the recommendations.

The CHAIRMAN. I just want to jump in. That was a case where—thank you for letting us read the correspondence, but I would love to hear from the appropriate principal over here. That was the case where it did appear politics played a major role in the determination last year. Do you all want to respond to some of Senator Cardin's questions and my question now relative to that?

Mr. CREAMER. In terms of us—I was not here, but in terms of—

The CHAIRMAN. Were you here last year?

Mr. WHARTON. No, sir, I was not.

Mr. CREAMER. But I have gone through the material.

In terms of the—the determination was based on the 13 convictions, including one where we had cooperation with U.S. law enforcement under the prosecution criteria.

Under protection, it was based on the belief that certain institutions in the Cuban Federation are women but also several society groups provide psychosocial services, counseling, job placement, job

training, health care for victims of sex trafficking, also based on the assessment the Cuban police have three special centers where victims of sex trafficking can testify with a psychologist and video testimony and not have to appear in person.

And then in terms of the prevention, there's an office in the Ministry of Tourism which combats sexual tourism and then also state media puts out regularly information, publication, education about sex trafficking and trying to discourage the practice.

Based on that, it went up to the Secretary who made the ruling that they would be tier 2 watch list.

Certainly, as Ambassador Coppedge said, it does not mean that Cuba complies with the standards in terms of combating trafficking. It just meant that they were making a significant effort and they shared more information with us than they had in the past, which helped produce that.

Senator CARDIN. Just so I understand, were they foreign nationals that were prosecuted or Cuban nationals that were prosecuted.

Mr. CREAMER. The one who is in the interim report is a Cuban national.

Senator CARDIN. How about the others?

Mr. CREAMER. The others. I would have to go back and check.

Senator CARDIN. Would you give us that information?

Mr. CREAMER. Yes.

The CHAIRMAN. Senator Gardner.

Senator GARDNER. Thank you, Mr. Chairman.

Thank you for your time and testimony today.

I was interested to hear more about your conversations in India. We had testimony from Secretary Biswal. Just yesterday this was. And on the U.S. Commission for International Religious Freedom, apparently the people that we have tried to send over to investigate and carry out that report were denied their visas and they have been denied their visas apparently multiple years in a row. So why are you allowed to go in when we talk about this issue, and why are they not allowed to go in?

Ambassador COPPEDGE. Well, I told Senator Menendez when I was having my confirmation hearing that I was a squeaky wheel, and I attribute part of my ability to get in there to continuing to ask to be able to travel. So I think that that certainly—

Senator GARDNER. It cannot be that simple.

Ambassador COPPEDGE. Actually, no, it is not. The State Department as a whole is pushing to get our representatives in various areas in there. I think that they recognize that trafficking in persons matters to the State Department, to our President, to Congress, and so I was fortunate enough to be able to travel over there and have some good meetings with the government.

Senator GARDNER. I do not know. It just seems to me that you are probably seeing a lot of the same victims of trafficking that some of these religious institutions and charities are helping. For instance, I talked about Colorado yesterday at the hearing. Compassion International—145,000 children they are caring for, many of whom are probably victims of some kind of trafficking abuse. But yet our representatives are denied access.

I am just curious. Are you able to see some of the work that the NGOs are doing and identify the work they are doing? Maybe you

can help us identify what is going on in India when it comes to our ability to get help to the people on the religious freedom side.

Ambassador COPPEDGE. I met with many NGOs while I was there. Some were faith-based groups. I do not have any insight to whether the government is going to allow other individuals from the State Department in. I am grateful that they allowed these NGOs to do the work that they are doing there. It is so important in India.

And I care very much about the efforts for the children. And the government, as I mentioned, is making efforts to recover runaway and missing children and provide them with services. I even visited a shelter that the government sponsors where children are cared for.

Senator GARDNER. In this case, in Compassion International's case, they are actually on the verge of leaving India because they have been harassed by the government in India. So perhaps you could use your contacts since you have been able to go to India and make some good contacts. I would encourage you to chat with Secretary Biswal who has made phone calls on our behalf. Her bureau has. And so I appreciate that very much.

Ambassador COPPEDGE. I would be happy to do that.

Senator GARDNER. But you might be able to help. There are 9,000 other NGOs that could face some kind of similar circumstance if they are in the same position as this.

Ms. Thornton, thank you for being here. It is great to see you again.

Some of us are going to have the opportunity to visit Burma in the coming week. I would love to get your take and what your thoughts are and what is your message.

Ms. THORNTON. Well, Secretary Kerry, as you know, was just in Burma and he had a very excellent meeting with Aung San Suu Kyi.

We have been following, of course, Burmese efforts in the TIP area very closely. As Ambassador Coppedge said, they have made some serious efforts in recent years on the child soldier issue. We had I think three child soldiers that were found in the last reporting period, and so far this reporting period in 2016, we have not found any. So that is a huge change from the hundreds that we had found previously.

Some of the military elements of the government over there, the military itself and then some of their agencies, have been among those that have been particularly cooperative with us on this issue, interestingly, which is very, I think, significant in light of the transition to the new government that we are seeing in Burma and how important it is that the military parts of the government continue to cooperate with the transition to the new government in Burma.

So we have seen some significant efforts being made. We expect actually that trafficking in persons will be an area of focus for the new government under Aung San Suu Kyi's leadership and that we will see more progress in Burma in the coming year. So we are hopeful that we will see even more progress there.

I am certain raising it when you are out there is appropriate, and she will be very sympathetic and her cabinet ministers.

But I think it is interesting and important to note that the military has also been cooperative with us on this issue.

The CHAIRMAN. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman, and thank you all for being here.

Look, I had hoped the 2016 report—I know we are not there yet but—was going to be better, but I see some of the same problems that we began to see in the 2015 report. And the Trade Enforcement Act of 2015 includes a provision that I authored that requires the State Department to submit to Congress evidence to support upgrades to tier 3. That came in late yesterday. We have begun to look over those documents, but so far, for example, in the case of Malaysia, it seems that none of the evidence provided is new. These were all things that were mentioned in the 2015 report.

So did you submit any new evidence that justifies the upgrade on Malaysia beyond that which were already submitted in the 2015 report?

Ms. THORNTON. We are still in the process of finishing up the report for 2016, but we have seen significant efforts on the part of Malaysia this year, including the passage of the amendments for protection of victims. Just recently when the Deputy Prime Minister from Malaysia was visiting Washington in March, he signed the implementing regulations for the new amendments.

We have had a lot of consultations with NGOs on the part of the cabinet in Malaysia over the year, working out all these various new regulations that were called for previously in our interim assessment. And even our Ambassador at Malaysia has participated in a cabinet meeting discussing TIP. So it just goes to show the effectiveness of the report and the awareness that has been raised by the report.

Senator MENENDEZ. The highlighting of Malaysia last year might have been effective as well.

Ms. THORNTON. Maybe so.

Senator MENENDEZ. So I hope we all remember the horrific stories about the mass graves and trafficking victims found just prior to the 2015 TIP Report, stories that brought this issue to the world's attention. And I remind my colleagues it was discovered at least 28 suspected trafficking camps, two mass graves, over 150 bodies. When the 2015 report was published, State's position was that a discovery of the mass graves fell outside of the 2015 reporting period. At the same time, the report did cover a few positive developments that occurred after the reporting period.

So I do not understand how we include things that are favorable to a country but exclude things that are not favorable to a country because we say, well, this fell outside of the reporting period, but when other things that were favorable fell outside of the reporting period, they were included. So if timing was the reason, why were the mass graves not raised at all in the interim report?

Ambassador COPPEDGE. My understanding with respect to what was included and not included last year was that they had started efforts to establish the pilot program for the workers, and so those efforts to start the program were recognized. The workers that went into it did not go into it, I do not believe, until after the reporting period. But at least the program was being stood up. So

that is why that was included. Certainly the issue of the mass graves will be addressed in this year's report.

Senator MENENDEZ. Why would you not even have it in the interim report?

Ambassador COPPEDGE. So the interim report, the 6-month report, is just a snapshot of what is going on in the country.

Senator MENENDEZ. This snapshot already happened. This snapshot of the mass graves already happened. We should clearly have that in the interim report.

Ambassador COPPEDGE. But the interim reports are relatively brief. As you know, there are a couple of sentences of what is positive—

Senator MENENDEZ. But if anything is briefed, something as significant as this that already happened and is clearly within the reporting period now, since it was excluded before as outside of the reporting period, it is clearly in this reporting period. And if that does not make the interim report, then what in God's name is going to make it?

Ambassador COPPEDGE. Well, it will certainly make the report, the full narrative report in this year's—

Senator MENENDEZ. Let me ask you two other questions.

Has there been any effort on behalf of the Malaysian Government to bring the perpetrators of mass graves to justice?

Ambassador COPPEDGE. I understand that there have been no charges filed, but they are investigating and trying to sort out responsibility, criminal and culpable responsibility.

Senator MENENDEZ. Let me ask a final question. Let me ask you about Cuba.

Mr. Creamer, you say you were not there at the time when this took place. Is that correct?

Mr. CREAMER. Right.

Senator MENENDEZ. So you are giving us a chronological answer to Senator Cardin's question.

Mr. CREAMER. I am giving you the facts that were laid out in the report that the Secretary decided on that basis.

Senator MENENDEZ. Voyeur magazine listed Cuba as a sexual hotspot of the world. So there is a lot of sex trafficking going on in Cuba, believe me. And if Voyeur magazine can figure it out, we should be able to figure it out.

This was supposedly one of the great victories of the Cuban revolution was stopping sexual trafficking, which has exploded. My understanding is that the Cuban Government continues to be an impediment to information gathering not only because of its resistance to cooperating with the United States but because it does not keep records on human trafficking and efforts to stop it, information that could be useful, and that information is out of date.

What data sources are you using to collect information on Cuba? Is it strictly from the Cuban Government? Is that information correct?

Mr. CREAMER. In terms of the Cuban Government, obviously the Cuban Government has provided us some information, but also through our embassy in Havana, we talk to a wide range of people. We also talk to NGO human rights groups both on and off the island and get the sense of the trafficking issues. There is both a sex

trafficking issue and then obviously there is the forced labor issue, which Cuba does not recognize. This is why we have been talking a lot with the people in the medical program and others. So we try and get at the whole range of sources. It is somewhat difficult in Cuba at times, given the very poor human rights record that exists there, but we are trying the best we can to evaluate the whole range of sources.

Senator MENENDEZ. My perception is the bar is so low for a country having to meet absolute minimal elements in order to be raised that I think it does a disservice to the ultimate goal. We want to see countries make progress, but progress has to be meaningful and some of this is so minimalist that you have described that I just do not understand how they get an upgrade.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Risch.

Senator RISCH. I am going to pass, Mr. Chairman.

The CHAIRMAN. Senator Kaine.

Senator KAINE. Just underscoring the importance of this and adding an additional dimension to it, and then I have got a couple questions about process.

So the report is a gold standard, and we want to make sure it is scrupulous. That in and of itself is important because the report is a gold standard and the topic is important.

But here is an issue of growing concern on the Malaysian situation. The TPP is a huge initiative of this President. It is extremely important to this administration, and we really believe that it should be done. And largely voted on, whether the TPP should be done or not, is going to depend upon people's confidence in will it be enforced. There is a lot of questions about the enforcement of trade deals. Sometimes the deal may be fine on paper. If it is not going to be enforced, you have got a lot of skepticism around just that question.

This issue about Malaysia was the first question right out of the gate of whether it is going to be enforced. There is a provision in the TPA that said the nations that are in this bottom category cannot be part of trade deals absent very extraordinary circumstances. And then all of a sudden, Malaysia shows up. It is, well, okay, it is not tier 3. It is tier 2. And that seems like a separate issue. That is the TIP Report.

But it feeds into a fundamental question that both the House and the Senate are going to have to grapple with in short order about do we do this TPP or not. And if it is not going to be enforced, no matter how good the rhetoric is—you know, so this thing with Malaysia really fed into a deep concern up here that affects another one of the President's major priorities. So it is a very important issue in its own sake, and it is a very important issue in terms of how it affects something else. People feel like when it gets to enforcement, if we wave a wand and excuse this, then what else are we excusing in enforcement down the road.

So this shook the confidence of those like me who are TPP proponents and what I am trying to tell people in terms of justifying my likely support for it if suddenly I feel like on the enforcement we are going to turn a blind eye.

So that is the stakes you guys have on your shoulders as you are doing this 2016 report. When is the likely date that it will come out?

Ambassador COPPEDGE. It is due out in January.

Senator KAINE. So it is going to come out before we have a vote on this. In all likelihood we would not get to a TPP vote between the election and the end of the year. So if games are being played with this that affect whether people can be included in it or not, your work is going to have a very significant effect. It could have a significant effect on how Congress takes up this other major initiative that the President wants. So I just wanted to say that.

I am kind of curious on process issues. You talk about you get information from embassies. So is a report like this or the human rights report—how much of this is information delivered by the embassy versus the work product of your unit of State? How iterative—you know, do you send a survey down to the embassy in every country and they have got to give you a lot of data and then you use that data to do the building blocks for the report? Do the ambassadors of the countries make recommendations on something like this, what the tiers should be? Does it vary by country? I mean, I am curious about this.

Ms. THORNTON. Maybe I could just talk a little bit too about being in the embassy because I have been working in embassies the whole 15 years we have had the TVPA and in pretty tough countries, China, Russia, Turkmenistan, had a lot of TIP visitors out. We get visitors out from JTIP when we are in the embassy. We go out in the field. I have been down to the Burma border in China looking at what is going on down there, touring around with NGOs. So we have a lot of sort of grassroots feel for what is going on that embassies report in. We have visitors come out from JTIP. We have embassy officers in Washington. When they come back and cycle through, they go out and meet with JTIP. So they are also feeding into the report. But it is kind of a constant process. Ambassadors are involved. You have field officers involved. And so I think we are talking, as someone said down there in the case of Cuba, to NGOs, to the government, to people outside the country and inside the country.

Senator KAINE. Does the embassy make a tier recommendation?

Ambassador COPPEDGE. The embassy submits the facts. And this year in particular is what I can speak to. We sent out draft narratives earlier on in the process working with the counterparts at the embassies who can collect those facts, as PDAS Thornton just alluded to, so that it really was a joint project this year at the working level to get the narrative written. And then we make the evaluation and make a recommendation back to the regional bureaus. And we sit down and talk about those recommendations.

Ambassador TODD. I was the U.S. Ambassador in Cambodia up until August, and I was there for 3 and a half years. And during that time, as Susan said, we collected data from the government. We collected data from civil society, the various NGOs, and we had people canvas the field. But at the end of the day, I also reached back to the person who was in Susan's job.

In my case, I did make a recommendation, which was I thought they should be downgraded, and they were. And I can tell you in

the case of Cambodia, it was a very powerful stick that helped the government get religion, so to speak. They then took us seriously. They made changes. And frankly, I do not know where they are today, but it was a good news story while I was there.

The CHAIRMAN. Very good.

Senator Shaheen.

Senator SHAHEEN. I apologize. I missed all of your comments.

But did you address whether you are putting the reports online? I did note that the interim report was not put online.

Ambassador COPPEDGE. Senator Corker inquired about that, and we are going to get back to whether we can release that, the interim report, online. It is marked "SBU" right now, and we do not know if that is a change in policy. But we are going to get back to you on that.

The CHAIRMAN. Do you want to respond to that? You seem to be the person in the know.

Ms. JOHNSTONE. To my knowledge, there has not been a policy decision. I think it has just not been posted yet. So it was probably an oversight, but we will confirm that.

Senator SHAHEEN. What kind of sensitive information would be there that would mean that it should not be made public?

Ms. JOHNSTONE. The interim reports, they are classified or they are marked "sensitive but unclassified" during the drafting stage so that we can have the frank discussion while we are drafting, and I suspect in this case, but I would like to confirm that. I suspect those markings were not removed before they were sent to Congress. They were simply removed for the human rights report or the Trafficking in Persons Report annually before it is published.

Ambassador COPPEDGE. I do not know if you were also inquiring about the 2016 report being online. We have found out that it is really important to people to have a copy of the book. In some places it is harder to get access to the Internet, and so we are going to continue to produce the book itself.

Senator SHAHEEN. I understand that. I just wondered if there was some particular issue with the interim report that made it more of a concern in terms of releasing information.

Ms. JOHNSTONE. Not to my knowledge, but again, we will confirm it.

Senator SHAHEEN. Can you also talk about the extent to which you work across agencies within the government to address trafficking?

Ambassador COPPEDGE. So the TIP Office at the State Department coordinates the Senior Policy Operating Group, which is working level people from various Federal agencies. And then once a year, Secretary Kerry chairs the President's Interagency Task Force where we sit down with cabinet level members from all the various agencies. Then we coordinate the government's anti-trafficking efforts with the goal to reducing redundancy or overlap but also to building on each other's efforts. Homeland Security does a wonderful job of training and they have done some joint training operations in Mexico. So we want to just keep all of government on the same page and aware of what each other is doing so we can continue to enhance each other's efforts.

Senator SHAHEEN. And how do you define trafficking?

Ambassador COPPEDGE. Trafficking is the forced coercion of someone to engage in sex or labor against their will for a commercial benefit essentially.

Senator SHAHEEN. So, for example, there were reports that came out in the last year about some inappropriate sexual activity on the part of members of our military in Afghanistan. Is that something that you all look at and consider to be part of what you are looking at when you look at trafficking?

Ambassador COPPEDGE. This is part of the debate we actually get in with the foreign governments as well because they will report in data, and we try to figure out whether it is sex trafficking or rape or sexual abuse. There are different categories. The Trafficking in Persons Report just looks at trafficking, not that the other things are not equally horrible, but we try to look at trafficking in the Trafficking in Persons Report.

I know that DOD is part of the President's Interagency Task Force and that they are pushing out anti-trafficking training to the military and to our soldiers stationed abroad. I cannot speak directly to what they do with respect to sexual offenses.

Senator SHAHEEN. We had a hearing on India yesterday. Was that only yesterday? And I do not know if anybody has raised this, but there were a lot of questions about India and India's failure to address trafficking and how we deal with India on this issue. So how does the report treat India?

Ambassador COPPEDGE. Like every other country, we try to gather information from governments, NGOs, other civil society elements, media. There are a lot of NGOs in India, so we do get a lot of information. India itself is starting to publish their own statistics on crime and efforts they are taking. So we are now getting better statistics from India in this area, but we still have a lot of concerns that are outlined in the report that we raise with them through our embassy.

Senator MENENDEZ. Mr. Chairman, I just have a process question.

The CHAIRMAN. Sure.

Senator MENENDEZ. So especially the regional bureau Secretaries, so you have a view from the embassy, then a view from the regional bureau, and a view from JTIP. When they are all in harmony, that is great. When they are not, have you experienced times—and you do not have to get into the specifics. But when they are not, how does that process ultimately work out?

Ambassador COPPEDGE. Well, we sit around the table and discuss the issues and discuss where our differing perspectives arise from. In some cases, we need more facts. We try to go back and get those facts from the country, if possible. Ultimately, if we cannot make a decision, we are going to recommend—both of our perspectives are going to get recommended up and the Secretary will make the final decision.

Senator MENENDEZ. So JTIP and the regional bureau may at some times as it relates to a given country have two different sets of recommendations.

Ambassador COPPEDGE. We may, yes. We may interpret the facts differently and be recommending different rankings.

Senator MENENDEZ. And then it is up to the Secretary to resolve it.

Ambassador COPPEDGE. Yes, Senator.

Senator CARDIN. Can I just make a friendly suggestion? I thought, Secretary Dodd, your point about Cambodia was very telling. And using the rankings, the tiers, particularly on a downgrade, can be the best thing you can do to help a country. And I just would hope that there is sensitivity to that from the leadership in the State Department, that this is a tool that can be used to advance a very important mission for a country and that there should not be such a defensive mechanism to protect a tier.

I mean, India is a good example. India has been in the same tier for a long time. India is a country that is a democracy. It is a country we obviously are increasing our ties and our relationship with. We may not be doing India any favor by keeping them at the same tier for 5 years when, at least the information I am looking at, there are serious issues. And it does not appear like we are getting the attention we would like to get on this issue.

I am not suggesting they should be downgraded, but I am suggesting there should be some sensitivity at the State Department to use the tier ratings to advance this issue and not so defensive of either an embassy or a region that you do not want to rock the boat and change a tier listing. Cambodia is a good example. It also helps the government officials that understand that they need more attention in their government, and the tier rating can help them get the resources and attention they need within their political system.

Ambassador COPPEDGE. And I do not think there is a defensive reaction to what you are alluding to. What we certainly want to hear is how the country is likely to respond if that were to occur so that we can plan proactively to go in there with a message about what you can do to improve, what was working there. We also look at what resources JTIP can provide in our international program planning so that if the country is being downgraded, what can we do to go in there and support their efforts to improve what they are doing to fight trafficking. Can we get out there with trips? Can the Secretary message it to countries? So we do not necessarily look at it defensively, but we look at it from a practical standpoint and kind of as a domino, what would a downgrade do and what would we need to do as a government to continue to encourage them other than just giving them the tier 3 ranking. What else can we do to encourage them to continue their efforts?

The CHAIRMAN. Well, let us talk about a specific case. Ghana was downgraded from tier 2 to tier 2 watch list. They entered into a child protection compact. Has anything happened?

Ambassador COPPEDGE. We are still working with Ghana on the child protection compact. I know that we have got staff out there frequently looking at issues there. There are NGOs that we are gathering information from there. So we are looking at it. I know they have entered into some ministerial agreements there as well. We are, obviously, closely monitoring their efforts pursuant to the compact. I do not have specifics on what Ghana—

Mr. WHARTON. They implemented the first award under the child protection compact just last year. One award went to IOM and one

went to a group called Free the Slaves. That was in October of 2015.

I am also aware of the NGO that you just mentioned, the IJM, and I think there was a disagreement between the Government of Ghana and that NGO. I think the NGO continues to work, and we hope they can resolve it.

Ambassador COPPEDGE. And I will just say those are efforts, certainly when we entered the compact, that shows the government's political will to engage in fighting this problem. But efforts taken by the NGOs or by the U.S. Government are not used in looking at the government efforts of Ghana to enter into fighting trafficking.

Mr. WHARTON. Senator, to your point about process, we do seek to use the watch list and the criteria for the watch list proactively with the governments. Linda Thomas Greenfield, Assistant Secretary for Africa, met with President Mahama in Ghana just last month and spoke about TIP. I met with President Guelleh in Djibouti earlier this month and spoke about TIP. And frankly, this process, the fact that we cannot go back the next time we meet with these leaders and say, look, this is not just the Obama administration. This is bipartisan support from Capitol Hill. This is something that is important to our entire nation. And that gives us, I think, additional credibility and leverage to make clear that this is something that we are not giving up on.

The CHAIRMAN. If anybody has a question, please jump in.

I know that there are sensitivities about criticizing Mexico for lots of reasons, but they have issues. And I know we have made some recommendations to them. And I am just wondering if you can give us a status of what is occurring there.

Ambassador COPPEDGE. Yes. Mexico is the first place I traveled to. As a prosecutor, I had tried a lot of cases that originated from Tenancingo, the state of Tlaxcala, Mexico. And so I had some experience with that and it was good first country for me to visit because of also the importance of our relationship with Mexico. And we talked. I met with Senator Daio who is pushing to reform their law to have it more accurately follow the international law from the Palermo Protocol and the definitions for trafficking. So they do have proposed laws in their legislature. It has not yet moved through.

They are working on a change to their criminal justice system as whole. They are going to a confrontational system where a lot of their cases used to be done accusatorially on paper. So that change to a system, which is happening in June, will open up their court processes, so not just in human trafficking cases but in other cases as well. There is a problem with corruption in Mexico. So it should open up those cases as well. So they are looking at reforming their judiciary, which will have benefits we believe in fighting trafficking.

They have also, as a government, engaged more with the U.S. in joint operations. They had a case that was taken down simultaneously in New York and in Mexico, and they arrested traffickers who were on both sides of the border in the same trafficking ring. That was one of their first big international cooperation efforts

with us. And those are continuing. There are more investigations in the pipeline.

They have opened up their first public-private shelter in the state, and they are using that as a model to open up more shelters. I got to go see a government-sponsored in Mexico City, and they are putting a lot into victim protection efforts.

So there is a lot going on, although the problem is large.

We also talked about some of the risk factors for Mexico, and their southern border is very porous. It has a real problem bringing in migrants from Central America, and those people are at risk for trafficking. So we were talking about ways to train law enforcement on the border and support them, understanding how to identify trafficking victims that are coming in from Central America.

And so they recognize where their problems are and they are taking steps to address them. And I was really heartened by seeing some of the efforts they are taking down there.

The CHAIRMAN. Other questions?

Senator MENENDEZ. Let me ask you. Part of what I think we are all trying to understand is how the amalgam of what you do comes to the conclusions. That is a little difficult to determine. I do not want to interfere with your freedom to be expressed among yourselves to make yourselves and make your arguments. At the same time, it is a little difficult to judge when we do not quite get the calibration.

So you are all regional bureau secretaries. You have a region you are responsible for. There are economic issues. There are security issues. There are terrorism issues. There is a whole host of other things beyond the question of the TIP Report.

So when you have a country within your region that is problematic in the context of the TIP Report, but is important in some other context, security, economic or whatever, where is your balance? How does your balancing take place? Where do you put the finger on the scale? Give us some sense of the calibration. You do not have to be country-specific, but as a general rule, it would be helpful for us to understand because some of us think that maybe what needs to happen is that it needs to be more prescriptive. That might not be a good thing, but it is difficult to understand without understanding how you calibrate to make those decisions. Can you give us some insight into that? Because I think anyone who tells me that that is not part of the calibration, you walk away with total disbelief here.

Ambassador COPPEDGE. Well, on the Trafficking Victims Protection Act sets out some things that we cannot consider.

Senator MENENDEZ. Can I ask you—with all due respect, can I ask the regional secretaries to answer.

Ambassador COPPEDGE. Yes.

Mr. WHARTON. Thank you, Senator.

I was going to answer the same way, that the TVPA does set out very specific criteria, and in these conversations we have across the table—we had one just last week—we do the best we can to argue the facts. I instructed by desk officers, the people who came to present the individual country cases, to look at the facts not the politics of the situation, but the facts. And we sought to reach a consensus on—I think we were dealing with eight different coun-

tries. Sometimes people look at the facts in different ways, and I think the sort of factor that you are talking about—a security relationship, for example—will enter into that, but ultimately we have to use the TVPA to determine where the ranking is going to fall. We do our dead level best to follow those guidelines.

Senator MENENDEZ. Is that a common view?

Ambassador TODD. I would say yes.

I would add one sentence, and that is that we obviously want to promote documents that have all the facts, but then we have to show or we would like to show if there was significant effort or not on the part of the government. And that is the key to the facts. And that is a very subjective term of art. And that then becomes debatable.

Senator MENENDEZ. So you are telling me—and I will just stop here—that if we have major security ally, that somehow we would not be able to do things with because they violated the standards of the TVPA, that you would uphold the standards of the TVPA, notwithstanding the consequences of our engagement with that country whether in a trade agreement or in the context of a security ally or a terrorism cooperation. That is what you would hold?

Ambassador COPPEDGE. I think that might be one of the situations where the Secretary would ultimately get to decide if there are competing diplomatic interests outside of the TIP Report.

Senator MENENDEZ. You are a good lawyer.

Ambassador COPPEDGE. Well, thank you.

The CHAIRMAN. Any other questions?

We thank you for being here. We thank you for coming into this kind of setting and talking with us. And I think you can tell there is a lot of interest and concern. The fact is we want to make sure there is integrity in the process, and hopefully this helps those of you who want to make sure the same is true of the process you go through. So thank you. Thanks for your service.

There may be some follow-on questions. If you would answer them fairly promptly, we would appreciate it.

We are adjourned. Thank you.

[Whereupon, at 5:40 p.m., the hearing was adjourned.]