



Alliance to End Slavery and
Trafficking
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June 5, 2015

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

Dear Secretary Kerry:

On behalf of the Alliance to End Slavery and Trafficking (ATEST) and the undersigned organizations, thank you for your response, dated June 2, 2015, to our letter urging you to maintain the integrity of the TIP Report by keeping the Tier 3 ranking for Malaysia and Thailand and welcoming information from civil society. In the spirit of your response, we write to emphasize the importance of maintaining these countries' Tier 3 status. Upgrading either country would harm the integrity of the TIP Report given the lack of any credible evidence that the governments have made significant progress to meet the minimum standards.

Recent events leave no question as to how little progress these governments have made in the last year. Malaysia was in the media spotlight over the last few weeks because of the gruesome discovery of mass graves of Bangladeshi and Burmese Rohingya migrants who were subjected to extreme forms of exploitation, abuse, and trafficking. These horrific events, in addition to the strikingly similar discoveries on the Thai side of the border in earlier months, must be taken into consideration as the final tier rankings are decided. Media reports indicate that over 100 bodies had been discovered inside makeshift camps in the Malaysian jungle where the victims had been subjected to brutal treatment, including physical and sexual abuse, until their families back home paid a ransom. Reports also suggest government complicity in allowing these camps to continue operating. Even Rohingya refugees who survive the journey to Malaysia often are held in abusive or exploitative working conditions under debt bondage, such as those working in factories and at construction sites.

While the current crisis is attracting considerable attention, it is essential that your evaluations of Malaysia and Thailand look beyond the refugee situation to the trafficking that is widespread in many sectors of both countries' economies. Trafficking in seafood, electronics, construction, plantation agriculture, domestic service, and other sectors is well documented.¹ Approximately

¹ Amnesty International. *Trapped: The exploitation of migrant workers in Malaysia* (London, 2010). http://www.amnesty.org.au/images/uploads/ref/trapped-migrant_workers_in_malaysia.pdf; Verite. *Forced Labor in the Production of Electronic Goods in Malaysia: A Comprehensive Study of Scope and Characteristics* (Amherst, MA, 2014) http://www.verite.org/sites/default/files/images/VeriteForcedLaborMalaysianElectronics_2014_0.pdf; Centre for Research on Multinational Corporations (SOMO). *Outsourcing labour: Migrant labour rights in*

four million migrant workers make up nearly a third of Malaysia's workforce, and often these workers face severe forms of labor exploitation, including forced labor and debt bondage, as well as sexual exploitation, across sectors, with limited to no access to remedies.²

Yet, we are at a loss to find any credible, meaningful action on the part of either government to address the ways in which specific public policies and business practices facilitate trafficking. While notable, the Malaysian government's temporary housing of Rohingya is not a concrete demonstration of progress, nor is it a reflection of meaningful action on the principal recommendations outlined in last year's Trafficking in Persons Report. The Malaysia Prime Minister's expressions of interest in holding an ASEAN conference are equally unworthy of consideration as a meaningful step that would merit a tier ranking upgrade. These immaterial steps are an insufficient response to the underlying problem of human trafficking. There is no reasonable or credible basis to suggest Malaysia or Thailand have adequately prosecuted traffickers or protected victims.

We continue to work with the United States Trade Representative, the Department, and Congressional allies on trying to find a way forward on legislative language currently under consideration in Congress that would limit fast track for countries that are Tier 3 countries. Deciding to change Malaysia's Tier 3 status would undermine our efforts to construct a workable solution to this legislation.

We strongly urge you to keep Malaysia and Thailand on Tier 3 in the 2015 TIP Report. An upgrade to Tier 2 Watch List or Tier 2 is undeserved and would seriously undermine the integrity of the TIP Report as a tool to spur meaningful progress to combat human trafficking.

We appreciate your consideration of our input.

Malaysia's electronics industry (Amsterdam, 2013). http://goodelectronics.org/publications-en/Publication_3922/at_download/fullfile; Verité. *Sustainable Palm Oil? Promoting New Measures to Combat Risks of Forced Labor and Human Trafficking in Palm Oil Supply Chains.* (Amherst, MA, 2013). http://www.verite.org/sites/default/files/images/Palm_White_Paper_May_2013_Final_Draft_0.pdf.

² For more information on exploitation of migrant workers in Malaysia, including in construction, electronics, and palm oil sectors, see National Human Rights Commission, Nepal (NHRC): *Human rights situation of Nepalese migrant workers: Observation and monitoring report, South Korea and Malaysia* (Kathmandu, 2013). http://www.nhrcnepal.org/nhrc_new/doc/newsletter/HR%20situation%20of%20Nepalese%20Migrant%20Worker%20Report%20Aug30-Sept7-2013.pdf; S. Bormann, P. Krishnan and M.E. Neuner. *Migration in a digital age - Migrant workers in the Malaysian electronics industry: A case study on Jabil Circuit and Flextronics* (Berlin, 2010). http://electronicswatch.org/migration-in-a-digital-age_3542.pdf; "An iPhone tester caught in Apple's supply chain". C. Simpson. Bloomberg Businessweek. Nov. 2013, <http://www.businessweek.com/articles/2013-11-07/an-iphone-tester-caught-in-applesupply-chain> [accessed 27 Feb. 2014]; Accenture. *Exploitative Labor Practices in the Global Palm Oil Industry* (2013). http://humanityunited.org/pdfs/Modern_Slavery_in_the_Palm_Oil_Industry.pdf.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melysa Sperber', with a long horizontal flourish extending to the right.

Melysa Sperber
Director
Alliance to End Slavery & Trafficking

cc:

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