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US Decision on People Trafficking in Malaysia “Manipulated”

Brussels, 27 July 2015 (ITUC OnLine): The ITUC is deeply concerned that the US State Department today upgraded Malaysia from “Tier 3” to “Tier 2 Watch” in its annual Trafficking in Persons Report. The unwarranted upgrade is presumed to be result of political interference by the administration to ensure that Malaysia remains eligible to participate in the Trans-Pacific Partnership Agreement (TPP), which has been under negotiation since 2008. The recently adopted Trade Promotion Authority (TPA) provides that Tier 3 countries cannot be parties to trade agreements with the United States.

The status upgrade comes just two months after the discovery in Malaysia of mass graves containing 139 bodies of migrant workers. Human rights organisations, such as Amnesty International and Human Rights Watch, have recently documented widespread trafficking in Malaysia. And, a recent report published by Verite – at the request of the US Department of Labor – found that workers in the Malaysian electronics sector were trafficked for forced labour. These goods are exported to the United States. In 2015, the ILO also “strongly encouraged” Malaysia “to take measures to ensure that migrant workers, including migrant domestic workers, are fully protected from abusive practices and conditions that amount to forced labour.”

The Malaysia Trade Union Congress (MTUC) Secretary-General, *Gopal Kishnam*, said that *“should the US State of Department upgraded Malaysia to Tier 2 Status in the upcoming Trafficking in Persons Report to give way to the Trans- Pacific Partnership, it would only raise the questions of credibility as it has failed to mirror the actual realities faced by victims of trafficking.”* The MTUC reports that *“many employers are still wrongly holding on to passports and work passes visas/permits... When workers claim their rights through existing legal avenues, many employers simply terminate their workers, and for migrant workers this also mean the loss of ability to stay in Malaysia which is a requirement in law if they want to pursue their claims for justice.”*

“The US State Department Trafficking in Persons Report was a well-documented, authoritative and often-cited report on forced labour. But now we have valid reasons to believe that the Report is being openly manipulated to create results that fit the purposes of the US trade agenda. This move calls into question both the credibility of the report and the administration’s commitment to uphold labour standards through trade,” said Sharan Burrow, ITUC General Secretary.

The ITUC represents 176 million workers in 162 countries and territories and has 328 national affiliates.

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