

United States Senate

WASHINGTON, DC 20510-3005

528 SENATE HART OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-4744

ONE GATEWAY CENTER
11TH FLOOR
NEWARK, NJ 07102
(973) 645-3030

208 WHITE HORSE PIKE
SUITE 18-19
BARRINGTON, NJ 08007
(856) 757-5353

November 19, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

The ASEAN Summit at Kuala Lumpur will address many key elements of our engagement with this important region. None will be more important than continued U.S. leadership on fundamental issues of human rights. It has been nearly four months since Malaysia was upgraded from Tier 3 to Tier 2 Watch List in the 2015 Trafficking in Persons (TIP) Report and more than half of the 2016 TIP review period has now passed. Because of continuing concerns over whether Malaysia merited an upgrade, I urge you to use this visit to confirm that Congress is closely monitoring Malaysia's commitments to combat their serious problem with human trafficking.

Given the country's longstanding difficulties in combating human trafficking, and their new commitments to undertake additional actions in the coming year, I urge you to convey Congress' profound concerns to Prime Minister Najib and to seek a concrete assessment of Malaysia's actions to combat human trafficking since the release of the 2015 Report. Specifically, I request that you seek an update on the following factors:

- 1) The Report recommends that Malaysia "sign into law and implement amendments to the anti-trafficking law to allow trafficking victims to travel, work, and reside outside government facilities, including while under protection orders." It has been more than six months since the introduction of those amendments; I urge you to inquire about the status of their implementation.
- 2) The Report also recommends that Malaysia "increase efforts to arrest, investigate, prosecute, convict, and punish traffickers, including complicit officials." Trafficking convictions in Malaysia dropped from nine in the 2014 reporting period to just three in the 2015 reporting period. I urge you to request that the Malaysian government provide data on the number of investigations, prosecutions, and convictions for human trafficking crimes that have taken place since April 1, 2015, the start of the 2016 reporting period.
- 3) The Report further recommends that Malaysia "allocate sufficient funding to NGOs that provide victims in government facilities access to legal services and effective counseling". Victim services in the country are drastically underfunded given the scope of the problem. I urge you to determine the extent to which Malaysia has committed resources to fight this problem.

- 4) Finally, I urge you to ask Prime Minister Najib to describe the status and findings of any investigation into the trafficking camps and mass graves discovered at the Thai-Malaysia border earlier this year. The Malaysian government's findings must be made public, and those responsible must be prosecuted.

As State Department officials have said, the Tier 2 Watch List ranking indicates that a country falls far short of the Trafficking Victims Protection Act's minimum standards and is "equivalent to a D minus". Your upcoming trip to Malaysia is a prime opportunity to convey that future progress to address human trafficking remains one of the top priorities for the U.S. government in our bilateral relationship. Our determination to hold Malaysia accountable will be an important message to all ASEAN nations at the Summit.

Sincerely,



Robert Menendez
United States Senator

CC: The Honorable John F. Kerry, Secretary of State