

A Global Response to the U.S. Trafficking Victims Protection Act of 2000 (TVPA) and the Annual Trafficking in Person's report (TIP) of 2006

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Abstract

“Defeating human trafficking is a great moral calling of our time,” Condoleezza Rice, US Secretary of State.¹ It is estimated that twenty-seven million slaves exist in our world today. The commerce in human beings rivals with drug trafficking and the illegal arms trade for the top criminal activity on the planet and generates billions of dollars per year in revenue, while destroying thousands of lives in the process. This paper discusses the extent of the problem, the US initiatives in the form of major trafficking legislation, annual progress reports, and global responses and ramifications. Case examples are presented.

Introduction

In this age of growing global independence and democracy, it seems unbelievable that slavery, bondage, and trafficking of human beings could exist at all, much less on the scale that it does. Not only does it exist, but also it appears to be growing at an alarming rate. Due to the clandestine nature of this crime, accurate statistics are hard to obtain, but according to best estimates from several sources, between one and two million people are trafficked worldwide making it the third most lucrative illegal activity in the world behind the narcotics trade and fast approaching the arms trade. Some experts say that it has already surpassed the arms trade.²

The international community has only recently begun to realize the magnitude and intricacy of this problem and its global impact. Today, governments worldwide are experiencing trafficking as not only a serious human rights issue, but as a major and growing international crime, often mixed with organized crime involvement that requires a coordinated global response.³ Over the last ten years, the number of women and children who have been trafficked has multiplied so that they are on a par with estimates of the number of people enslaved in the 16th and 17th centuries.

Trafficking in Persons defined

The United Nations Conference against Transnational Organized Crime⁴ defined trafficking in persons as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the

¹ U.S. Department of State: Human Trafficking Report, July, 2001; <http://usinfo.state.gov/topical/global/traffic/01071205.htm>

² Human Trafficking: Criminal Justice Resources; <http://www.lib.msu.edu/harris23/crimjust/human.htm>

³ Survivor's Rights International, *Trafficking in Persons: Latin America and the Caribbean*. Box 3925, Annapolis, MD 31403.

⁴ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. United Nations Convention against Transnational Crime, 2005.

exploitation of the prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The US Department of State's Trafficking in Persons report⁵ defines severe forms of human trafficking as:

a) "Sex trafficking" in which a commercial sex act is induced

by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age, or b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Migration: The world on the move

International migration is a fundamental and essential part of the current global economy and way of life. According to Farooq Azam, Chief of Missions with the International Organization for Migration (IOM), cross-border migration of persons has been constantly on the rise, and is one of the greatest management challenges of our time. Conservative estimates suggest that about 160 million citizens were living outside their country of birth in year 2000, compared to 120 million in 1990.⁶

In recent years, the world has experienced dramatic changes in the migration landscape environment as means of travel and communication have drastically improved in our shrinking,

⁵ US Department of State, "Victims of Trafficking and Violence Protection Act of 2000." *Trafficking in Persons Report*, June 2003.

⁶ Farooq Azam, "The Global Challenge of Human Trafficking and Smuggling." *International Organization for Migration*, Bangkok, Thailand. 2003.

world. Almost all Countries are now involved with the transition of their people, whether migrating out, in, or within the country. The number of citizens counted as living outside their country of birth has almost doubled during the last 50 years and is larger than at any other time in reported history, increasing to 191 million in 2005. A growing number of women, who constitute almost half of all migrants, dominate the migration patterns to developed countries. If all immigrants in the world were in one country, it would constitute the world's fifth most populous nation after China, India, the US, and Indonesia.⁷

Human migration may be forced or voluntary, although in actual practice it often includes some of both. Persons generally relocate for jobs, family considerations, or sometimes even marriage and also more political upheaval or war. The demand for migrants looking for employment or better jobs abroad has always been a major factor in the in the growing number of people migrating to more developed countries with greater opportunities. Even though trafficking in persons is not the same as other types of migration, there is often significant overlap with other types of formal and informal migration.⁸

Bales⁹ discusses the difference between human trafficking and smuggling, the two major types of irregular migration. Smuggling, he defines as the transporting of migrants to a specific destination that they voluntarily want to travel to for pay. It is an agreement between migrants and smugglers. The contract terminates upon their successful arrival. Human trafficking, on the other hand, may include some of the same elements as smuggling, but always involves some form of deception, intimidation, and coercion of the migrants into slavery, and often includes

⁷ International Organization for Migration (IOM). *World Migration Report 2002*. Organization for Migration and United Nations, Geneva.

⁸ Farooq Azam, "The Global Challenge of Human Trafficking and Smuggling." *International Organization for Migration*, Bangkok, Thailand. 2003.

⁹ Kevin Bales, "Expendable People: Slavery in the age of Globalization." *Journal of International Affairs*. 53 (2). 461-484, 2000.

forced prostitution by women and children. He cites an the case of a woman who may think she is going to meet her new husband, whom she met over the Internet, and begin an exciting new life could very well enter the country legally and find herself forced into a nightmare of forced labor and bonded servitude, or, more often than not, involuntarily a part of the worst part of the growing sex industry.

Trafficking in people is a global phenomenon and fuelled by extreme poverty, hopelessness, and unemployment. According to some estimates, over 60 % of the victims or their families are acquaintances or even relatives of their recruiters. Victims may also apply for great sounding jobs advertised in the local media, such as for domestic help, factory employment, waitresses, dancers, etc. in developed countries in a too-good-to-be-true world away. Unfortunately, it usually turns out to be not just too good but dehumanizing and often life destroying.¹⁰

Due to the extremely high profits of the trafficking in persons billion dollar industry, it often involves established national and transnational crime organizations, often in collaboration with corrupt law enforcement and customs officials, who may process forged travel documents, then confiscate them when the unsuspecting victim arrives at their destination. The victims then find themselves forced into some kind of bonded servitude, in order to pay off their “debt,” which rarely is paid. Traffickers will often isolate, drug, and rape the victims to break them in and destroy their spirit in order to guarantee their cooperation. Frequently, women and girls are

¹⁰ A. Aronowitz, “Smuggling and Trafficking in Human Beings: The Phenomenon, the Markets that Drive it and the Organizations that Promote it.” *European Journal on Criminal Justice Police and Research*, 9, 163-195: 2001.

sold and resold at nice profits and then re-trafficked to other destinations.¹¹ This illegal commodity, unlike drugs and arms, can be recycled over and over again.

All too often traffickers go unpunished for their crimes because of corrupt politicians, law enforcement officials, little rule of law, and lack of anti-trafficking legislation. If attempted at all, attempts at prosecution of trafficking cases in many countries around the world, often fall apart because of witness intimidation, fear of deportation, reprisals against themselves or their families, or, in cases of sexual exploitations, the stigma of prostitution. Profits are high because traffickers keep their costs low by withholding food, wages, adequate shelter, and healthcare. Unlike migrant smuggling where exorbitant fees may be paid to the smuggler for covert transportation and entry, traffickers extract their fees for the transportation and for the prolonged servitude of their victims.¹²

Bonded labor has existed for centuries and continues to be the most common form of slavery in the world today. In a typical scenario, an individual falls under the control of a wealthy patron after taking a small loan. The “master” adds outrageous interest rates and overblown expenses to the original amount so that the victim finds it impossible to repay the debt, and may not even realize it for a long time. These indentured slaves could spend their entire lives in service to a single slaveholder with the principal never paid and even passed onto their children in some countries, like India. Of the estimated 27 million slaves worldwide held captive, in one form or another, and being exploited for profit, it is estimated that 15 million are bonded slaves in India, Pakistan, Bangladesh, and Nepal.¹³ Like the slaves that came to America 200 years ago, modern day slaves are forced to work for their “masters” under threats, intimidation

¹¹ A. Aronowitz, “Smuggling and trafficking in human being: The phenomenon, the markets that drive it and the organizations that promote it. *European Journal on Criminal Justice Policy and Research*, 9, 163-195.

¹² Ibid.

¹³ Kevin Bales, “Disposable People.” *New Slavery in the Global Economy*, Berkley University: California Press, 2004. pp. 3-4

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and actual violence. They can and are bought and sold and are not are not free to pursue their own hopes and dreams. They are coerced to perform work for the personal gain of those who enslave them. There are dire consequences for escapes and attempts to escapes.

In our own backyard: Southwest Florida

Modern slavery does not respect borders and is often is found in our own backyard where we least expect it in a hidden, heartbreaking, and dangerous world. It is a clandestine activity that occurs in any country, and usually goes unnoticed, unless one is trained though good advocacy and law enforcement to look for it. For example, just a few miles from where these authors live is the fertile farm and migrant community of Immokalee, Florida where one the most notorious slave labor and forced prostitution rings in the country operated for years, destroying countless lives with almost no one noticing. Driving though the region on a regular basis for the past few years, there was no clue to the horrors and human devastation that was going on just behind the scenes. It was not until some very high visibility cases hit the press that the community and the authors took notice and became interested in very different ways.

Because of the work of the coalition of Immokalee farm workers, in cooperation with the local police, through undercover operations, and rescued victims a vast and dangerous trafficking ring was revealed that had held countless migrant workers in slave-like conditions for years.¹⁴ The modern day slaves were monitored 24 hours a day and any escapes or attempted escapes were dealt with swiftly and severely. Due to the highly clandestine nature of the crime of human trafficking, the great majority of traffickers went unreported and unpunished for long periods and many of the traffickers remain at large. Coyotes, as they are called, are highly mobile and difficult to prosecute due to language and cultural issues and complications by the victims of

¹⁴ Center for the Advancement of Human Rights, *Florida Responds to Human Trafficking*. Florida State University, Tallahassee, Fall 2003.

trafficking, as well as severe threats of intimidation and fear for themselves and their family's lives.¹⁵

Florida case examples: the tip of the global iceberg

Hotel service trade

Sara, 16, from Mexico, with a two-year-old son at home to support after her husband left her, signed a one-year contract with an agency to work at a hotel in Panama City, Florida. She was told that she would earn good money, be tutored in English, and could eventually send for her son. Sara was to pay her employer \$3000 for a passport, work visa, and travel expenses and it could be taken out of her wages when she began work. When she arrived at the hotel, her visa and passport were taken and held and she was told that if she left and was caught without them she would be arrested, punished, and deported. She was to live at the hotel. Room and board would be taken out of her pay, as well as a portion to pay off her debt. Sara worked 10 to 16 hours per day and rarely left the motel. After 6 months, she and the other women still had not received a paycheck, because they were told that the debt was still being paid. After a year and a half, she finally asked a Spanish-speaking guest for help. The guest contacted the immigration officials who conducted an investigation. The officials arrested the manager-boss, and Sara was able to stay in the US under the visa provisions of the new TVPA act of 2000.

Farm labor bondage

Hernando, 16, grew up with six brothers in an extremely poor family and village in Guatemala. When he was 15, he and some friends, along with his uncle signed up with a farm labor recruiter to work for promises of good wages at a tomato farm in Immokalee, Florida. The recruiters charged them \$3500 each for visas and transportation to the US, \$1000 had to be paid

¹⁵ Ibid

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up front and the rest could come out of their wages. With only two bags of chips to sustain them for four days, they and more than a dozen other immigrants were smuggled into Arizona, and later to Florida, to work in the Immokalee tomato fields. The smuggler, known as “El Chacal” or the jackal to victims, smuggled them, and a dozen other migrants across the Mexico border into Arizona. Then with only plastic jugs for bladder relief and a few bags of chips for food they made the almost non-stop four day trip to Florida, laying on the urine drenched floor of the van so not to be seen by the police or immigration officers. Once they were at the agricultural farm in Immokalee, Florida, the traffickers “sold” them to the Ramos brothers, farm labor contractors, who paid \$1000 each for them. They were placed in a dormitory for migrant workers, 6 men to a room where they slept on filthy bare mattresses on the floor and worked 12 hour days in the field, 6 to 7 days a week. They were watched by armed guards twenty-four hours a day and at the weekly payday, after all the deductions, they retained very little and still owed the \$1000 transportation fee. After four months of harsh conditions, very little money and none of their debt paid off, they tried to escape, quickly caught, beaten and returned to camp where an additional \$1000 was added to their debt. Finally when an anti-trafficking advocacy group began making regular visits to the fields developing trust with the workers, Hernando told them his story. They offered to help him as long as he would help them with a police investigation and prosecute the traffickers, which he agreed to. Then other victims from a poor Mayan village in the Yucatan, who had 13 children to support between them, also came forth and agreed to testify against the Ramos brothers. Undercover investigation revealed that the brothers who were suspected of the 1997 murder of a van driver, shot execution style and severe beating of another man in 2000, finally convicted under the TVPA act of 2000 thanks to the testimony of the

migrants. It was discovered that the brothers held countless migrants in slave-like conditions, watched 24 hours a day through patrols, cell phones, and weapons, and for years.¹⁶

Forced child prostitution

Ana, 14, lived in a poor village in Mexico and knew that she was a burden to her extremely poor family, jumped at the offer that a Mexican businesswoman made to her. She could work at one of her American restaurants, making a good living and sending money home to help her family. Her family consented and the woman, as an advance on her wages, gave them some money which delighted both Ana and her poor parents. She could not later remember exactly how she crossed the border when she talked to investigators nor that she was even in the US illegally when she first arrived. But then was told by her “owners” that she was “in trouble” and that if the police discovered her she would be put in jail, punished and her parents may be murdered. She was then taken to a in a trailer with several other girls that served as a portable brothel, primarily serving up to 20 migrant farm workers a day. When she refused to have sex the first time and tried to escape, she was beaten and raped. She said she became numb after a while when she had to service sometimes up to 20 men a day and night. On one occasion, a police officer came and tried to talk to the girls but he could not speak Spanish and asked the man outside the door to translate. The man told the girls inside in Spanish that the officer was there to arrest them and for them to keep quiet. Ana did not know what he told the police officer, but the officer left. It was only after several more tips and a resulting undercover operation that Ana and others were rescued. She and some of the others helped the prosecutors make a case under the new TVPA act of 2000. The above cases are not isolated. They are but the tip of the iceberg.

¹⁶ Center for the Advancement of Human Rights: Florida Responds to Human Trafficking. Florida State University, Fall, 2003.

Magnitude of the problem

Due to its clandestine nature, accurate statistics on the magnitude of the human trafficking problem at any level are elusive and unreliable. A recent US Government estimate indicates that between 600,000 and 800,000 victims annually are trafficked across international borders worldwide, and estimates that 18,000 to 50,000 are trafficked into the United States each year for forced labor and sexual exploitation. Traffickers force their victims into the international sex trade, prostitution, slavery, and forced labor through coercion, threats of physical violence, psychological abuse, torture, and imprisonment.¹⁷

According to the Franciscans International, a worldwide, nongovernmental Organization who has made human trafficking one of its top priorities, “at any point in time they are attempting to assist 2.5 million persons around the globe [who] are victims of trafficking; two thirds for purposes of sexual exploitation, and one third for other economic purpose most for the purposes of commercial sexual exploitation. Of these, the majority, up to 80%, are women and girls, and up to 50% are children.”¹⁸

Most of the trafficked victims in Europe come from Eastern Europe and their numbers appear to be rising. Since Lithuania joined the EU in 2004, officials report that the number of women being trafficked outside the country has risen markedly. The International Office of Migration (IOM) estimates that approximately 2000 Lithuanian women and girls, mostly from uneducated, poverty backgrounds, are illegally taken out of the country each year and forced into the booming sex trade. In Germany and the Netherlands, the number of victims registered is also increasing. Turkey has become one of the largest markets for women trafficked from nearby former Soviet States, with crime syndicates there reportedly pocketing up to \$3.6 billion

¹⁷ US Department of State, 2003 Trafficking in Person’s Report, Washington. D.C.

¹⁸ St. Anthony’s Messenger. As International Trafficking Thrives, Order’s NGO Seeks to Shut it Down. <http://www.americancatholic.org>.

in 2005. Of the number of sex trafficking victims identified in 1005, 60% came from Moldova and Ukraine, and more than half were between the ages of 18 and 24.¹⁹

Trafficking victims in the United States reportedly come at least 50 different countries and may be found in sweatshops the major cities, brothels and strip bars across and slave-labor camps in Florida.²⁰ Eighty percent of those trafficked are reported to be women, and 50% , mostly girls. Over 50,000 Filipino children have been forced into prostitution and 60,000 in Thailand. In the former Soviet Union an estimated 10,000 women were forced into prostitution in Israel in 2000. The International Office of Migration (IOM) estimates that approximately 2000 Lithuanian women and girls, mostly from poor, less educated backgrounds are illegally taken out of the country each year and forced in to the sex trade. Of the number of sex trafficking victims identified in 2005, 60% came from Moldova and the Ukraine and more than half were between the ages of 18 and 24.

As a criminal justice issue

The increasing involvement of transnational organized crime in recent years exacerbates the problem of human trafficking. This is a natural commodity for organized criminal groups because of the extremely high profits and relatively low risk. It is a multi-billion dollar business. The effectiveness of global criminal systems depends on the extent that law enforcement and courts deal with the problem. Due to the level of corruption in many countries, enforcement is weak and ineffective at combating trafficking. The fight against trafficking requires initiatives and incentives that strengthen both laws and the system. This is best done though collaborative and coordinated efforts, at bilateral and multilateral partnerships between various governments

¹⁹ International Organization for Migration (IOM). *World Migration Report 2002*. Organization for Migration, United Nations, Geneva.

²⁰ Ibid

and, NGOs.²¹ A major example of the extent of the international focus on this issue was the UN protocol against Transnational criminal trafficking that adopted by the UN General Assembly in 2000. The 105 governments that signed and ratified the protocol to date have made a commitment to criminalize trafficking, protect the thousands of victims, and do what they can to prevent future trafficking.²²

US response: Trafficking Victims Protection Act of 2000

In 2000, the US Congress passed a critical piece of legislation that has become the keystone of the American Government's response to modern day slavery. The Trafficking Victims Protection Act (TVPA), enacted into law in October 2000, commits the US Government to use its vast political and economic influence to eliminate human trafficking around the globe. Realizing that existing laws in the US and other countries were being ineffective at deterring trafficking, or in punishing traffickers sufficiently, the put strong teeth into the law. It requires multiple US federal agencies to coordinate with each other domestically and to work closely with other nations to address this problem globally. Specifically, the Protection Act declares trafficking as a crime and calls on the US Government to prosecute and punish traffickers, protect and rehabilitate the victims, and prevent modern day slavery where possible. US anti-trafficking policies and programs are overseen by the President's new interagency Task Force, chaired by the Secretary of State, and implemented by the Senior Policy Operating Group consisting of high-ranking federal government officials. The task force and the operating group

²¹ A. Aronowitz, "Smuggling and Trafficking in Human Beings: The Phenomenon, the Markets that Drive it and the Organizations that Promote it." *European Journal on Criminal Justice Police and Research*, 9, 163-195: 2001.

²² United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons. United Nations Convention against Transnational crime, 2005.

ensure that the appropriate governmental agencies address all aspects of the fight against trafficking.²³

Anti-Trafficking Efforts in the United States

In the US, the Department of Justice, Health, and Human Services and the Department of Homeland Security have the primary responsibility for fighting traffickers and assisting victims. The Justice Department attorneys within the Criminal Section of the Civil Rights Division prosecute cases against traffickers and provide training about the anti-trafficking laws. Hundreds of victims of severe forms of sexual exploitation and forced labor have been successfully rescued and their traffickers prosecuted and convicted through justice department efforts.²⁴

The Department of Health and Human Services (HHS) is responsible for certifying that a person is a trafficking victim as defined by the TVPA and therefore eligible for a variety of services including counseling, legal assistance, education opportunities, foster childcare, housing etc. These support programs may be administered by the state and federal governmental agencies as well as non-governmental organizations (NGOs) with the support of HHS. Many victims in the United States entered the country with illegal papers, if they had them at all. Prior to the Protection Act, such victims were routinely deported which unfortunately remains the practice of many countries around the world. The provisions of the TVPA create a specially created T-visa, for certified victims who agree to assist law enforcement and prosecutors in the investigation and prosecution of human trafficking. The United States grants permanent residence to these victims if their removal would cause them extreme hardship. The Act provides them physical protection, guarantees privacy and grants them other forms of assistance while their cases are investigated and prosecuted.

²³ John Miller, "The United States Effort to Combat Trafficking in Persons." *Global Issues: Responses to Human Trafficking*. US Department of State. Washington, D.C., (2006).

²⁴ US Department of State, Trafficking in Person's Report, Washington, D.C., 2003.

US Anti- trafficking efforts abroad

An important and distinctive aspect of the TVPA is the requirement that United States works with other nations to address this problem internationally and directs the US State Department to issue an annual report evaluating the performance of individual governments on their anti-trafficking efforts especially as it relates to law enforcement and prosecution. The Act also mandates the administration to work with other governments in assisting them with legislation, rescuing victims and prosecuting traffickers. The Departments of State, Labor, and the US Agency for International Development (USAID) are all involved assisting governments, international organizations, and NGOs around the world in multiple anti-trafficking initiatives.

²⁵ In contrast to other laws enacted in this manner that turn out to be mostly rhetoric, this act comes with severe consequences for non-compliance. The State Department releases the annual TIP with considerable fanfare through each of the US embassies around the world as well as a major media release in the US. It is anticipated that the considerable attention the reports receive around the globe encourages those governments who are attempting to address the issue and embarrass those who are not and that seems to indeed be the case. Those countries found to be making little or no effort are given a tier 3 ranking and subject to sanctions that may include cuts in foreign aid as well as US opposition to their application before the World and the International Monetary Fund. The report charts the efforts of 158 countries on several variables and presents itself as the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons.²⁶

²⁵ John Miller, "The United States Effort to Combat Trafficking in Persons." *Global Issues: Responses to Human Trafficking*. US Department of State. Washington, D.C., (2006). US

²⁶ David Batston, *Not for Sale: The return of the Global Slave Trade and how we can fight it*. (San Francisco: Harper, 2006).

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A major component of the reauthorization of the Act in 2003 is the establishment of the Office to Monitor and Combat Trafficking in Persons (TIP Office) within the Department of State that is responsible for compiling and releasing the annual TIP report. The State Department, through the TIP Office and embassies abroad, also supports governments and NGOs in the development and implementation of programs directed at preventing trafficking, prosecuting traffickers, and protecting trafficking victims. These programs are designed to improve anti-trafficking legislation around the world, training prosecutors and police in the special needs of trafficking victims, and to develop support systems and protective services for victims. The State Department also has the primary responsibility for diplomatic initiatives with other in assisting them in educating their citizens in awareness of this crime and to encourage public and private cooperation in anti-trafficking efforts.²⁷

Trafficking in Persons (TIP) Report and the “tiers”

As mandated by the TVPA, the Trafficking office is responsible for publishing the annual Trafficking in Persons (TIP) Report, which is a formal assessment of other government’s efforts to combat human trafficking. The Department places each country onto one of the four lists or “tiers”. This placement is based on the extent of the individual governments’ action that they have taken the past year in combating trafficking. The TIP Office initially evaluates the level that a government complies with TVPA minimum standards for the elimination of trafficking. Governments that are in full compliance with the minimum standards are placed on Tier 1. For other Governments, the Department considers whether they are making significant efforts to bring themselves into compliance. Governments that are not may be placed on either Tier 2, if they are at least making a good effort or tier 3 if they are not. Finally, a special watch

²⁷ John Miller, “The United States Effort to Combat Trafficking in Persons.” *Global Issues: Responses to Human Trafficking*. US Department of State. Washington, D.C., (2006).

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list was created by 2003 reauthorization Act for tier 2 countries on the TIP report that should receive special scrutiny. Countries whose governments do not fully comply with the Act's minimum standards, but are making significant efforts to bring themselves into compliance with those standards that include:

- a. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing, or
- b. There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, or
- c. The determination that a country is making significant efforts to bring themselves into compliance with minimum standards based on commitments by the country to take additional future steps over the next year.

Tier 3 Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.²⁸

Again, governments of tier 1 countries fully comply, while governments of tier 3 countries do not and are not making significant efforts to bring themselves into compliance with these minimum standards. Countries listed in tier 3 are subject to possible sanctions by the US that may include the withholding of non-humanitarian, non-trade-related assistance. The three annual reports issued to date demonstrate that the vast majority of governments of countries that face a significant trafficking problem are actively working to combat that problem, though it also shows that all could and should do more. The tier rankings indicate the degree to which a country's government meets the Protection Act's minimum standards for the elimination of

²⁸ US Department of State. Trafficking in Persons Report) Washington. D.C., 2006.

trafficking, and indicate countries that need help in combating trafficking in persons around the world.²⁹

On the 2006 TIP report, there were 39 countries on the special watch list. These countries either (1) had moved up a tier in the 2006 TIP report over the previous year's report, or (2) were ranked on Tier 2 in the 2006 TIP report, but (a) had failed to provide evidence of increasing efforts to combat TIP from the previous year, (b) were placed on tier 2 because of commitments to carry out future actions over the coming year, or (c) had a significant number of trafficking victims. Thirty-four of the 39 countries on the special watch list are in the second category including two countries initially ranked as tier 3 in the June 2006 TIP report but reassessed as Tier 2 watch list countries by the State Department in September 2006 (Belize and Laos).³⁰

2007 Interim Assessment of countries on the “Watch List.”

The State Department, on January 19, 2007, released its “Trafficking in Persons Interim Assessment” of nations on the department's special watch list. That list includes countries deemed to warrant special scrutiny of their anti-trafficking efforts, as required by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003. On the list are countries that have significant human-trafficking problems, have not increased efforts over the year to stop trafficking, or whose efforts were judged as declining in the most recent State Department report. The interim assessment reviews progress made by these countries between May and November 2006. Among the 39 countries in the interim assessment, Algeria has not made any progress, while Djibouti, Mauritania, Togo, Malaysia, Egypt, Libya, Qatar, Argentina, Brazil and Peru

²⁹ US Department of State. *Trafficking in Persons Interim Assessment: Office to Monitor and Combat Trafficking in Persons*. Washington, D.C. January. 2007.US

³⁰ US Department of State, 2007 Trafficking in Persons Interim Assessment: Office to Monitor and Combat Trafficking in Persons. Washington, D.C. January.

made modest, limited, inadequate or minimal improvements in combating human trafficking. Improved performance was reported for Cambodia, China, Israel, Belize and Bolivia.³¹

TIP progress on “watch list” countries as per the 2007 interim report

In most cases, the interim assessment intendeds to serve as a tool to gauge the anti-trafficking efforts of countries that may be in danger of slipping a tier in the upcoming June TIP report, and to give them guidance on how to avoid a tier 3 rating.

Based on information provided by TIP interim 2006 report, the US Administration has determined to sanction Burma, Cuba, North Korea, Iran, Syria, Venezuela, and Zimbabwe. The United States will be withholding certain non-humanitarian, non-trade related assistance to those Governments. The report indicates that Belize and Laos did take action that averted the need for the President to make a determination on sanctions and waivers. Laos moved up from tier 3 to the special tier 2 watch list because of the Government commitment to make significant efforts over the next year by agreeing to an “action plan” by the US State Department that outlines steps to combat trafficking. Since that time, it has accomplished each of the items in the Department’s plan, or made commitments to do so over the next year, demonstrating significant efforts including increase in arrests and prosecution and imprisonment of traffickers, and concerted prevention efforts by the Lao Women’s Union.³²

The Government of Belize also moved up from tier 3 to the watch list, due to taking positive steps on the “action plan” that includes increases in prosecution, collaboration efforts between police, social workers, and immigration officers, naming a coordinator of anti-trafficking law enforcement operations, and the collection of data from these operations. The Government of Belize also provided assistance for victims of trafficking including shelter,

³¹ Ibid .

³² US Department of State, 2007 Trafficking in Persons Interim Assessment: Office to Monitor and Combat Trafficking in Persons, Washington, D.C. January

counseling, and access to social services, and they launched a \$40,000 nationwide prevention awareness program funded through the US Department of State, TIP office. Among the 39 countries on the Interim assessment, Algeria had not made any progress, while Djibouti, Mauritania, Togo, Malaysia, Egypt, Libya, Qatar, Argentina, Brazil, and Peru made “modest,” “limited,” “inadequate,” or “minimal” improvements in combating trafficking in persons. Improved performances were reported for Cambodia, China, Israel, Belize and Bolivia.³³

Specific progress by some underdeveloped countries include Malawi, which rose to the top ranking in the 2006 ranking, indicating that the government of this sub-Saharan African nation has met international standards for contending with trafficking and is vigorously addressing the issue of trafficking: A tropical African country with limited resources has moved up to a Tier 1 rating.

Four major nations are on the “watch list” for at least the second year in a row—China, India, Mexico, and Russia. These four are in danger of slipping to the least favorable rating, Tier 2, by 2007. India was placed on the Tier 2 watch list, because of its bonded labor practices, that is, when a family is indebted to an employer generation after generation. Twelve Countries are ranked in the Tier 3 category in the 2006 assessment. They are Belize, Burma, Cuba, Iran Laos, North Korea, Saudi Arabia, Sudan, Syria, Uzbekistan, Venezuela and Zimbabwe.

The case of India

The US has placed a dozen countries, including India, on its special watch list against modern-day slavery for the third consecutive year because of their alleged failure to show evidence of increased efforts to address trafficking in persons. “The Government of India does not fully comply with the minimum standards for the elimination of trafficking, however it is making significant efforts to do so,” noted the sixth annual Department of State Trafficking in

³³ U.S. Department of State; 2006 Trafficking in Person’s Report, Washington, D.C.

Persons Report. India, it said, is a source, destination, and transit country for men, women and children trafficked for the purposes of forced or bonded labor and commercial sexual exploitation. India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. In addition, boys from Afghanistan, Pakistan, and Bangladesh are trafficked through India to the Gulf States for involuntary servitude as child Camel jockeys.³⁴

Not all countries, such as India, are overly enamored with placement on some list by the US. India very publicly rejected the US 2006 TIP report that criticized New Delhi for not doing enough to stop modern day slavery. “On the subject of trafficking in persons, as with other areas, we reject judgmental and prescriptive approaches by a foreign government,” stated the external affair ministry spokesperson, Nevtej Sarna, in response to the release of the state department Trafficking in Persons Report (TIP). Such reports, he stated, are by their very nature biased on US false preconceptions.³⁵

Africa

One continent’s progress summary, according to the 2007 TIP interim report:³⁶

- Central African Republic—Modest Progress including drafting anti-trafficking legislation, established liaisons with relevant NGOs, entered into a multilateral regional accord against trafficking and a bilateral agreement with Cameroon;
- Djibouti—Initial but inadequate steps taken mostly in increased police action against child prostitution;

³⁴ Hindustan Times: *India placed on US Special Watch List against slavery*. www.Hindustantimes.com/StoryPage/Print.aspx?Id=3378848c-969c4350-b0d4-fcc6 November 4, 2006.

³⁵ Hindustan Times: *India slams US report on Human Trafficking*. www.Hindustantimes.com/Story/Page/Print.aspx?id=37308990-f259-4f95-b386-dc4455112082

³⁶ U.S. Department of State, 2007 Trafficking in Persons Interim Assessment: Office to Monitor and Combat Trafficking in Persons. Washington. D.C.

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- Equatorial Guinea— “some modest progress,” as indicated by the arrest and resolution of nine trafficking cases, and educated law enforcement officials, but failed to arrest, prosecute, or convict traffickers under TIP related statutes. The Government did adopt the regional West and Central African Multilateral Agreement and Plan of Action to Combat Trafficking in Persons and is cooperating with UNICEF’s anti-trafficking initiatives;
- Kenya— “Some Progress,” draft anti-trafficking legislation is expected to pass this Spring;
- Malawi—Continues to make progress after achieving tier 1 status. Ten traffickers were prosecuted and convicted, awareness programs for official are regularly convicted;

The worst of the worst: Moldova.

When Moldova’s best-known legitimate export, cheap wine, was blocked from the main market and exports like fruit and meat was nearly cut in half, one category increased: The export of human flesh in the form of Moldovan girls sold into sex slavery abroad. Many would never return. In a CIA unclassified document, Moldova is described as the Center of the slave trade of the 21st Century. Undercover agents from the American news media found that they could “buy” a young girl for transport to the Western sex market for \$500 to \$600. As Europe’s leader in human trafficking, people, many underage, are today the country’s main illegal export. ABC News reports that human trafficking has reached epidemic proportions: A \$42.5 billion illegal industry for the traffickers. Therefore, the rewards are high.³⁷

³⁷ Jani Costachi. *Preventing Victimization in Moldova, Center for Prevention of Trafficking in Woman*, Chistinau. (2005).

In one rural village, a young girl of 16 was promised a job at a restaurant in Portugal. Instead, a group of men who brought her to Dubai and forced her into the sex trade sold her into white slavery. “I was sold several times,” she says, “I was living in a basement. There was always a huge line of clients and I couldn’t service them all.” She was forced to work for a year and a half and became pregnant by one of her clients. However, Irina was lucky. She was arrested and deported to Moldova while literally thousands of others are left behind and enslaved in a life of abuse. With full knowledge and often complicity of government officials, young girls are torn from their lives, taken from their families, and sold into slavery. They are the victims of a ruthless multi-billion dollar, international business that traffics hundreds of thousands of women per year.³⁸

Center for the Prevention of Trafficking in Women (CPTW)

Launched in February 2001, with the assistance of a US State Department grant, through the US Embassy in Moldova, the Center for the Prevention of Trafficking in Women (CPTW) was created. Administrated by the Association of Women Lawyers, a local NGO, the goal is simple, “to keep Moldovan women and girls out of the brothels of the world through education, prevention, and prosecutorial efforts. Since its creation, the CPTW has helped hundreds of trafficking victims and potential victims and is now working in collaboration with the Ministry of interior and the Organization for Security and Cooperation in Europe. The amount of US Assistance has grown steadily since 2001 with the proven progress of the Center.³⁹

Southeastern European Cooperative Initiative (SECI)

³⁸ Jana Costachi, “Preventing Victimization in Moldova, Center for Prevention of Trafficking in Women” Interview, 2005.

³⁹ Ibid

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Another excellent example of a collaborative regional alliance is the Southeastern European Cooperative Initiative (SECI) Center, a regional law enforcement organization with 12 member nations working to address a variety of criminal problems including human trafficking. The United States has been a strong supporter of SECI's efforts to improve regional law enforcement through a 1 million dollar grant assisting with the start-up costs and equipment, although the center is governed wholly by the 12 member states. SECI members are Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Serbia and Montenegro, Slovenia, and Turkey.⁴⁰

Measuring Global Progress

In the six and a-half years since the passage of the TVAA, the US and other nations, with the support of the U.N., have aggressively cracked down on human trafficking. There is no doubt that the TVPA and annual TIP progress reports and associated grants have been important instruments that have facilitated change. They have increased global awareness, encouraged government action, and raised the risk of sanctions against governments who are not making significant efforts to comply with the standards.

Since the TVPA was enacted, the US Government has obligated approximately \$400 million in assistance, to date, to other nations to assist with anti-trafficking efforts in more than 70 countries. As a result, there has been a 170% increase in convictions since 2003. In fiscal year 2005, there were 1700 more TIP-related convictions around the world than in 2004 for a total of 4766 global convictions and 41 governments that passed new trafficking in person's legislation outlawing trafficking in persons. The following countries, excluding the United States, had the

⁴⁰ Bani, Ferenc, Jovanovski, Zan. *European Alliance Combats Human Traffic*. Southeastern European Cooperative Initiative Center, Bucharest, Romania, (2004).

highest number of projects supported by the US Government funds budgeted in FY 2006: India, 14; Russia, 10; Mexico, 7; Bulgaria, 6; Cambodia, 5.⁴¹

India, Mexico and Cambodia are part of the President's \$50 Million Anti-Trafficking in Persons initiative and are a major source and destinations for trafficking victims.

Conclusion

The US Department of State's annual Trafficking in Persons reports are an important diplomatic tool for the US Government to use as an instrument for continued dialogue, encouragement, and a guide to help countries focus resources on prosecution, protection, prevention programs, and policies. In 2006 the U.S. Government spent \$75 Million in International anti-trafficking assistance to 70 countries that emphasizes the "Three Ps" Prevention of the crime; Prosecution of the criminal, and Protection of the Victims.⁴² There is evidence that progress is being made thanks to the extent of global action and increased political commitments from many countries. However do to the high profits criminal networks will continue to diversify their methods and the scope of their illegal activities and international cooperation and collaboration will need to strengthen and expand if progress is to continue in this serious transnational crime. It seems apparent that the US will continue to strengthen their efforts in this primarily through the annual TIP reports and related assistance. Governments will continue to engage and support governments about the content of the report in order to strengthen cooperative efforts to eradicate trafficking. In the coming years and particularly in months before a determination is made regarding sanctions for tier 3 countries, the Department will assist those countries when requested to prioritize their specific trafficking issues, help them

⁴¹ U.S. Department of State; 2006 Trafficking in Persons Report, Washington.D.C.

⁴² Paula Dobriansky, Under Secretary of State for Democracy and Global Affairs; Remarks made at the Innocents at Risk Gala Dinner on Human Trafficking. <http://scoop.co.nx/stories/WO075/Soo393.htm> May, 2007.

draft a plan of action based on best practices that may be adapted to their unique situation that normally includes designating an office specifically for the coordination of all anti-trafficking efforts, governmental and non-governmental (NGO's) and to work cooperatively with international partners.

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