

CRS Report for Congress

Trafficking in Persons: U.S. Policy and Issues for Congress

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Summary

Trafficking in people for prostitution and forced labor is one of the most prolific areas of international criminal activity and is of significant concern to the United States and the international community. The overwhelming majority of those trafficked are women and children. According to the most recent Department of State estimates, roughly 800,000 people are trafficked across borders each year. If trafficking within countries is included in the total world figures, official U.S. estimates are that some 2 to 4 million people are trafficked annually. However, there are even higher estimates, ranging from 4 to 27 million for total numbers of forced or bonded laborers. As many as 17,500 people are believed to be trafficked to the United States each year. Human trafficking is now a leading source of profits for organized crime, together with drugs and weapons, generating billions of dollars. Trafficking in persons affects virtually every country in the world.

Since enactment of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), the Administration and Congress have aimed to address the human trafficking problem. The Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA), which President Bush signed into law on January 10, 2006 (P.L. 109-164), authorizes appropriations for FY2006 and FY2007. The TVPRA increases support to foreign trafficking victims in the United States, addresses some of the needs of child victims, and directs U.S. agencies to develop anti-trafficking programs for post-conflict situations and humanitarian emergencies abroad.

The State Department issued its seventh congressionally mandated Trafficking in Persons (TIP) Report on June 12, 2007. Each report categorized countries into four groups according to the efforts they were making to combat trafficking. Those countries (Tier Three) that do not cooperate in the fight against trafficking have been made subject to U.S. sanctions since 2003. The group named in 2007 includes a total of sixteen countries. They are: Algeria, Bahrain, Burma, Cuba, Equatorial Guinea, Iran, Kuwait, Malaysia, North Korea, Oman, Qatar, Saudi Arabia, Sudan, Syria, Uzbekistan and Venezuela. The President must make a determination by mid-September on whether to impose sanctions on any or all of these countries.

In the 110th Congress, The Implementing the 9/11 Commission Recommendations Act of 2007, H.R. 1 (Thompson), approved by the House and referred to the Senate on January 9, 2007, would direct the Secretary of Homeland Security to provide specified funding and administrative support to strengthen the Human Smuggling and Trafficking Center. A related bill, the Improving America's Security Act of 2007, S. 4 (Reid), has been introduced in the Senate. The Trafficking Victims Protection Reauthorization Act of 2007, H.R. 270 (Smith), introduced on January 5, 2007, would authorize funds for anti-trafficking programs for FY2008 through FY2010. Another bill, the Congressional Commission on the Abolition of Modern-Day Slavery Act, H.R. 2522 (Lewis), introduced on May 24, 2007, would establish a Commission to evaluate the effectiveness of current U.S. anti-slavery efforts, including anti-TIP programs, and make recommendations. This report will be updated periodically to reflect major developments.

Contents

Background	1
Definition	1
Trafficking and Alien Smuggling	2
Scope of the Problem	2
Causes of Rise in Trafficking	3
Traffickers and Their Victims	5
Regional Trends	6
Asia and the Pacific	6
Europe	7
Middle East	8
Latin America and the Caribbean	9
Africa	9
Trafficking to the United States	10
U.S. Policy	11
Anti-Trafficking Legislation and the Role of Congress	11
Victims of Trafficking and Violence Protection Act of 2000	12
The Foreign Relations Authorization Act of 2003	15
Trafficking Victims Protection Reauthorization Act of 2003	15
Intelligence Reform and Terrorism Protection Act of 2004	16
Trafficking Victims Protection Reauthorization Act of 2005	16
Legislation in the 110 th Congress	16
U.S. Funding for Global Anti-Trafficking Programs	17
Trafficking in Persons Reports	19
The Trafficking in Persons Report, 2007	19
2007 Country Rankings	21
Results from the 2006 TIP Ranking and Sanctions Process	23
The International Response	23
U.N. Protocol to Prevent, Suppress, and Punish TIP	24
Other Relevant International Agreements	24
U.N. and Related Agencies' Anti-Trafficking Programs	24
Other Regional Organizations and International Forums	26
European Union	26
Organization for Security and Cooperation in Europe (OSCE)	27
Group of Eight (G-8)	27
Policy Issues for the 110 th Congress	28
How to Collect Data and Measure Success	28
Credibility of TIP Rankings	28
Sanctions: A Useful Tool?	28
Equal Focus on all Types of Trafficking?	29
Debates Regarding Prostitution and Trafficking	29
Trafficking and Global Health	30
Eligibility of Victims	31

List of Tables

Table 1. Authorizations to Implement Victims of Trafficking Act, FY2001-FY2007	32
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Trafficking in Persons: U.S. Policy and Issues for Congress¹

Background

Definition

Trafficking in persons is a criminal activity and a severe human rights violation that is of great concern to the United States and the international community. Severe forms of trafficking in persons have been defined in U.S. law as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or ... 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.”² The United Nations defines human trafficking as the “recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud or 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 exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal of organs.”³ Others have put forward slightly different definitions.⁴ In the case of minors, there is general agreement in the United States and much of the international community that the trafficking term applies whether a child was taken forcibly or voluntarily.

¹ This report was originally authored by Francis T. Miko, who retired from the Congressional Research Service on April 27, 2007.

² *Victims of Trafficking and Violence Protection Act of 2000* (P.L.106-386).

³ United Nations. Office on Drugs and Crime (UNODC), *Trafficking in Persons: Global Patterns*. April 2006, p. 50.

⁴ Some U.S. officials, politicians, religious groups, non-governmental organizations, as well as feminist organizations, have campaigned to broaden the definition of trafficking to include all forms of prostitution, whether forced or voluntary, on grounds that prostitution is never truly voluntary and that traffickers will simply force their victims to claim to be acting voluntarily. However, others have rejected this broadened definition, arguing that it would impede the capacity of the international community to achieve consensus and act decisively against major traffickers.

Trafficking and Alien Smuggling

In 2000, the United Nations drafted two protocols, collectively known as the Palermo Protocols, to deal with trafficking in persons and human smuggling.⁵ Trafficking in persons is often confused with alien or human smuggling. Alien smuggling involves the provision of a service, generally procurement or transport, to people who knowingly buy that service in order to gain illegal entry into a foreign country. The Trafficking Protocol considers people who have been trafficked, who are assumed to be primarily women and children, as “victims” or “survivors” who are entitled to protection and a broad range of social services from governments. In contrast, the Smuggling Protocol considers people who have been smuggled as willing participants in a criminal activity. Smuggled migrants are to be treated “humanely,” but states are not required to provide them with any specific level of protection.⁶

Some observers contend that smuggling is a “crime against the state” and that smuggled migrants should be immediately deported, while trafficking is a “crime against a person” whose victims deserve to be given government assistance and protection.⁷ Others maintain that there are few clear-cut distinctions between trafficking and smuggling cases and that many people who are considered “smuggled” should actually be viewed as trafficking victims. They argue that as immigration and border restrictions have tightened, smuggling costs have increased and migration routes have become more dangerous. Some smugglers have sold undocumented migrants into situations of forced labor or prostitution in order to recover their costs.⁸

Scope of the Problem

Trafficking in persons is considered to be one of the leading criminal enterprises of the early 21st Century, affecting every country around the globe. It is estimated that between 600,000 and 800,000 people are trafficked across borders each year. If trafficking within countries is included in the total world figures, official U.S. estimates are that 2 to 4 million people are trafficked annually. However, there are even higher estimates ranging from 4 to 27 million for total numbers of forced or bonded laborers. The International Labor Organization (ILO) estimates that there are some 12.3 million victims of forced labor at any given time. Of these, women and girls account for 56% of victims in forced economic exploitation (e.g. domestic service, agricultural work, manufacturing, etc.) and 98% of victims in forced

⁵ The United Nations Convention Against Organized Crime and Its Protocols, Available at [http://www.unodc.org/unodc/en/crime_cicp_convention.html].

⁶ Jacqueline Bhabha, “Trafficking, Smuggling, and Human Rights,” Migration Policy Institute, March 1, 2005.

⁷ Statement by Claire Antonelli of Global Rights, Center for Strategic and International Studies Event on Human Trafficking in Latin America, July 9, 2004.

⁸ Ann Jordan, “Human Trafficking and Globalization,” Center for American Progress, October 2004; “Mexico-U.S.-Caribbean: Tighter Borders Spur People Traffickers,” *Latin America Weekly Report*, April 11, 2006.

commercial sexual exploitation.⁹ It should be noted that the accuracy of these and other estimates have been questioned. The U.S. Government Accountability Office (GAO) released a report in 2006 casting doubt on the methodology and reliability of official U.S. government figures. It concluded that the “U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within various government agencies.”¹⁰ Figures provided by other governments and international organizations are unlikely to be any more accurate. Trafficking is believed to generate billions of dollars annually for organized crime, generating some \$9.5 billion in one year, according to the FBI.¹¹

Generally, the flow of trafficking is from less developed countries to industrialized nations, including the United States, or toward neighboring countries with marginally higher standards of living. The largest number of victims trafficked internationally are still believed to come from South and Southeast Asia. The former Soviet Union may be the largest new source of trafficking for prostitution and the sex industry. Other main source regions include Latin America and the Caribbean, and Africa. Most of the victims are sent to Asia, the Middle East, Western Europe and North America. The ILO estimates that trafficking is the main route into forced labor for victims in Western Europe and North America, the former Soviet countries, and in the Middle East and North Africa.¹² Victims, particularly those forced to work in the commercial sex industry, usually end up in large cities, vacation and tourist areas, or near military bases, where the demand is highest.

Causes of Rise in Trafficking

The reasons for the increase in trafficking in the last decade or so are believed to be many. In general, the criminal business feeds on poverty, despair, war, crisis, and ignorance. The globalization of the world economy has increased the movement of people across borders, legally and illegally, especially from poorer to wealthier countries. International organized crime has taken advantage of the freer flow of people, money, goods and services to extend its own international reach.

Other contributing factors include:

- The continuing subordination of women in many societies, as reflected in economic, educational, and work opportunity disparities

⁹ International Labor Organization (ILO), “A Global Alliance Against Forced Labor,” 2005. [<http://www.humantrafficking.org/publications/179>].

¹⁰ U.S. Government Accountability Office, “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad,” July 2006, p. 3. (GAO-06-825).

¹¹ This figure was cited in the U.S. Department of State, *Trafficking in Persons Report, 2006*, June 5, 2006. [<http://www.state.gov/g/tip/rls/tiprpt/2006>].

¹² ILO, 2005.

between men and women.¹³ Many societies still favor sons and view girls as an economic burden. Desperate families in some of the most impoverished countries reportedly have even sold their daughters to brothels or traffickers for the immediate payoff and to avoid having to pay the dowry to marry off daughters.

- The hardship and economic dislocations caused by the transition following the collapse of Communism in the former Soviet Union and Eastern Europe, as well as the wars in the former Yugoslavia. The lack of opportunity and the eagerness for a better life abroad have made many women and girls especially vulnerable to entrapment by traffickers. With the weakening of law enforcement in post-Communist societies, criminal organizations have grown and established themselves in the lucrative business of trafficking.
- The high demand, worldwide, for women and children to work as sex workers, sweatshop labor, and domestic servants. Traffickers are encouraged by large tax-free profits and continuing income from the same victims, until recently, at least, at very low risk.
- The increasing restrictions on legal immigration to many destination countries – including the United States and Western Europe – has caused many migrants to turn to alien smugglers and even human traffickers, despite the associated risks involved.¹⁴
- The priority placed on stemming illegal immigration in many countries has often resulted in treatment of trafficking cases as a problem of illegal immigration, thus treating victims as criminals. When police raid brothels, women are often detained and punished, subjected to human rights abuses in jail, and swiftly deported. Few steps have been taken to provide support, health care, and access to justice. Few victims dare testify against the traffickers or those who hold them, fearing retribution for themselves and their families since most governments do not offer adequate protection for witnesses.
- The inadequacy of laws and law enforcement in most origin, transit, and destination countries hampers efforts to fight trafficking. Even in the United States, more effective legal remedies are only now being implemented. Prostitution is legal or tolerated in many countries, and widespread in most. When authorities do crack down, it is usually against prostitutes themselves. Penalties for trafficking humans for sexual exploitation are often relatively minor compared with those for other criminal activities like drug and gun trafficking.

¹³ United Nations Development Fund for Women (UNIFEM), “Trafficking in Persons, A Gender & Rights Perspective Briefing Kit,” 2002.

¹⁴ Terry Coonan and Robin Thompson, “Ancient Evil, Modern Face: The Fight Against Human Trafficking,” *Georgetown Journal of International Affairs*, Winter 2005.

- The disinterest and in some cases even complicity of governments is another big problem. Many law-enforcement agencies and governments ignore the plight of trafficking victims and downplay the scope of the trafficking problem. In some cases, police and other governmental authorities accept bribes and collude with traffickers by selling fake documentation, etc. In addition, local police often fear reprisals from criminal gangs so they find it easier to deny knowledge of trafficking. Many countries still have no specific laws aimed at trafficking in humans.

Traffickers and Their Victims

Chinese, Asian, Mexican, Central American, Russian and other former Soviet Union gangs are among the major traffickers of people. Chinese and Vietnamese Triads, the Japanese Yakuza, South American drug cartels, the Italian mafia, and Russian gangs increasingly interact with local networks to provide transportation, safe houses, local contacts, and documentation.

Traffickers acquire their victims in a number of ways. Sometimes women are kidnaped outright in one country and taken forcibly to another. In other cases, victims are lured with phony job offers. Traffickers entice victims to migrate voluntarily with false promises of well-paying jobs in foreign countries as au pairs, models, dancers, domestic workers, etc. Traffickers advertise these “jobs” as well as marriage opportunities abroad in local newspapers and on the internet. Russian crime gangs reportedly use marriage agency databases and match-making parties to find victims. In some cases, traffickers approach women or their families directly with offers of lucrative jobs elsewhere. After providing transportation and false documents to get victims to their destination, they subsequently charge exorbitant fees for those services, often creating life-time debt bondage.

While there is no single victim stereotype, a majority of trafficked women are under the age of 25, with many in their mid to late teens. In Latin America, for example, research indicates that children tend to be trafficked within their own countries, while women between the ages of 18 and 30 are often trafficked internationally, sometimes with the consent of their husbands or other family members.¹⁵ The fear of infection with HIV and AIDS among customers has driven traffickers to recruit younger women and girls, some as young as seven, erroneously perceived by customers to be too young to have been infected.

Trafficking victims are often subjected to cruel mental and physical abuse in order to keep them in servitude, including beating, rape, starvation, forced drug use, confinement, and seclusion. Once victims are brought into destination countries, their passports are often confiscated. Victims are forced to have sex, often unprotected, with large numbers of partners, and to work unsustainably long hours. Many victims suffer mental break-downs and are exposed to sexually-transmitted diseases,

¹⁵ Laura Langberg, “A Review of Recent OAS Research on Human Trafficking in the Latin American and Caribbean Region,” in *Data and Research on Human Trafficking: A Global Survey*, IOM, 2005.

including HIV/AIDS. They are often denied medical care and those who become ill are sometimes even killed.

Regional Trends¹⁶

The largest number of victims trafficked internationally are believed to come from Asia. Many women and children trafficked to work in the commercial sex industry also originate from the former Soviet Union and southeastern Europe. In recent years, Latin America and the Caribbean and Africa have also become major source regions. Most victims are sent to Asia, the Middle East, Western Europe and North America. Victims have traditionally ended up in large cities, vacation and tourist areas, or near military bases, where the demand for sex workers is highest, but, more recently, are also ending up in smaller cities and even rural areas. In addition to the sex industry, victims are trafficked to work in seasonal agriculture, manufacturing, particularly the garment industry, and domestic service.

Asia and the Pacific

Asia remains a major source and destination region for victims of trafficking. Among the major countries of origin are China, Thailand, Bangladesh, Cambodia, India, Laos, Burma, Nepal, Pakistan, the Philippines, and Vietnam. Thailand is both a major source and destination country. Japan, Israel, and Turkey are significant destination countries for victims trafficked from Southeast Asia and the Commonwealth of Independent States (CIS).¹⁷

The largest source region of trafficking victims is Southeast Asia, according to the U.S. Department of State. The growth of sex tourism in this region is one of the main contributing factors. Large-scale child prostitution occurs in many countries. Thailand, Cambodia, and the Philippines are popular travel destinations for “sex tourists” from Europe, North America, Japan, and Australia. Cross-border trafficking is prevalent in the Mekong region of Thailand, Burma, Laos, Cambodia, Vietnam, and the Southern Yunan province of China. Vietnamese women are trafficked to China and Cambodia. According to various NGO sources, hundreds of thousands of foreign women and children have been sold into the Thai sex industry since 1990, with most coming from Burma, Southern China, Laos, and Vietnam. East Asia, especially Japan, is also a destination for trafficked women from Russia and Eastern Europe. Victims from Southeast Asia are also sent to Western Europe, the United States, Australia, and the Middle East.

¹⁶ Information in this section is summarized from a wide range of official and NGO sources. Specific estimates of numbers trafficked to and from individual countries and regions are not included in this update because their accuracy is so uncertain and the numbers presented by different sources are dated and cannot be reconciled with new global estimates by the State Department.

¹⁷ UNODC, *Trafficking in Persons: Global Patterns*, April 2006, p.88, 89, and 103.

South Asia is also a primary source region for trafficking victims according to the State Department. The low status of women in some societies as well as the growth of sex tourism contribute significantly to trafficking in this region. Sri Lanka and India are among the favored destinations of sex tourists from other parts of the world. Bangladesh and Nepal, the poorest countries in the region, are the main source countries. India and Pakistan are also key destination countries. Thousands of Nepali girls and young women are lured or abducted to India for sexual exploitation each year. The total number of Nepali working as prostitutes in India is believed to be in the tens of thousands. Thousands of women and children from Bangladesh are trafficked to Pakistan each year. Also, according to Amnesty International, Afghan women have been sold into prostitution in Pakistan. Thousands of Nepali women and children are believed to be trafficked for prostitution to the Asia Pacific region, especially Hong Kong. Bangladeshi women and children have also been trafficked to the Middle East in large numbers, over the last 20 years. India is a source, transit, and destination country, receiving women and children from Bangladesh, Nepal, Bhutan, Sri Lanka, and Pakistan and sending victims to Europe and the Middle East.

Australia has been a prime source of sex tourists in Asia but is also one of the countries that has done most to end the practice. The Australian government has developed stringent laws that give authorities extraterritorial jurisdiction over crimes committed abroad by Australian citizens.¹⁸ The Philippines, Thailand, South Korea, Sri Lanka, and Hong Kong are some of the primary Asian destinations for organized sex tours. Indonesia and Taiwan are secondary destinations.

Unconfirmed reports have indicated that child trafficking increased in countries devastated by natural disasters such as the December 26, 2004 Indian Ocean tsunami. Presumably, traffickers exploited the separation of many children from their families, amid the general confusion in the aftermath of such disasters.¹⁹ In the case of the 2004 tsunami, the immediate attention given to the danger by governments and NGOs probably prevented a greater trafficking crisis.

Europe

The former Soviet Union and Central and Eastern Europe have replaced Asia as the main source of women trafficked to Western Europe. Victims come from Russia, Ukraine, Belarus, Moldova, and several central and southeastern European countries, especially Albania, Bulgaria, Romania, and Lithuania. The main destination countries are Belgium, Germany, Greece, Italy, and the Netherlands.²⁰ Western European countries are also destination points for victims from other parts of the world, including Africa (Ghana, Nigeria, Morocco), Latin America (Brazil, Colombia, the Dominican Republic), and Southeast Asia (the Philippines, Thailand). In addition, several Central and East European countries are reported to be source, receiving, and transit countries.

¹⁸ Marianna Brungs, "Abolishing Child Sex Tourism: Australia's Contribution," *Australian Journal of Human Rights*, n.17, 2002.

¹⁹ [<http://usinfo.state.gov/gi/Archive/2005/Jan/06-481573.html>].

²⁰ UNODC, *Trafficking in Persons: Global Patterns*, April 2006, p.90-95 and 103-104.

Since the economic and political turmoil after the collapse of the Soviet Union, trafficking from the region has escalated from a minor problem before 1991 into a major international concern. Most Russian and East European victims are believed to be sent to West European countries. A substantial number are also sent to the Middle East and the Far East. Others wind up in the United States or Canada.²¹ During the conflicts in Bosnia and Kosovo traffickers found new opportunities in the former Yugoslavia and the Balkans.²² Traffickers targeted refugee women who fled Kosovo. According to the Women's Commission for Refugee Women and Children, Albanian traffickers smuggled thousands of Kosovo women into Italy by boat for the sex trade.

Middle East

The sexual exploitation of women and children in the Middle East usually involves the importation of women from other regions. Women and children, mostly from Asia (Thailand, the Philippines, Indonesia), are trafficked as domestics, prostitutes, or brides to the Middle East (Saudi Arabia, The United Arab Emirates). Domestic workers are not protected under labor laws in many countries of the Middle East and North Africa, making them especially vulnerable to abuse.²³ Some countries do little to punish traffickers. At the same time trafficked women in the region risk being punished for illegal prostitution. Women from the former Soviet Republics have been sent to Israel by organized criminal groups where they are then forced to work in the sex industry.

Israel, Jordan, Qatar and other countries in the region are destination points for low-skilled workers, both male and female, from South and Southeast Asia who migrate willingly to work in construction, agriculture, or healthcare, but are then trafficked into forced labor.

In recent years, there has been increasing concern about the plight of children trafficked from countries like Bangladesh, Pakistan, and the Sudan to work in the Persian Gulf States' camel jockeying industry. The State Department has reported that thousands of children as young as two years of age have been recruited to work as jockeys. Many have experienced physical and mental abuse and have been purposefully starved in order to stunt their growth.²⁴

²¹ Ibid.

²² Organization for Security and Cooperation in Europe, OSCE Mission in Kosovo. "Background Report: Combatting Trafficking in Kosovo," June 5, 2001.

²³ ILO, 2005.

²⁴ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (G-TIP), "The Facts About Children Forced to Work as Camel Jockeys," Fact Sheet, August 8, 2005. [<http://www.state.gov/g/tip/rls/fs/2005/50940.htm>].

Latin America and the Caribbean²⁵

Countries of Latin America and the Caribbean are reported primarily to be source countries for trafficking victims, although many also serve as transit and destination countries. The largest number of victims are trafficked from Brazil, Colombia, the Dominican Republic, Guatemala, and Mexico. The principal destinations are North America and Europe.²⁶ Tens of thousands of Latin American and Caribbean women and children are believed to be trafficked for sexual exploitation each year. Impoverished children are particularly vulnerable to trafficking for prostitution. Brazil in particular has a major child prostitution problem.²⁷ The Central American countries and Mexico are transit countries for trafficking to the United States, including victims brought from China and other countries. The presence of sex tourists from Europe, North America, and Australia has significantly contributed to the trafficking of women and children. A growing number of sex tourists are going to Latin America, partly as a result of recent restrictions placed on sex tourism in Thailand, Sri Lanka, and other Asian countries. Favored sex tourism destinations are Brazil, Argentina, the Dominican Republic, Mexico, Honduras, Costa Rica, Trinidad and Tobago.

Although it tends to be under-reported, trafficking for forced labor is also a major problem in Latin America. Trafficking for forced labor has occurred in the pig iron industry in Brazil, the mahogany and gold-mining industries in Peru, the mines of Bolivia, and the sugarcane fields of the Dominican Republic. Children are also trafficked both internally and across international borders for use as domestic servants. Moreover, increasing numbers of Latin Americans are ending up in situations of forced labor after migrating to Europe or the United States.

Africa

Africa is a source region for individuals trafficked into prostitution and forced economic exploitation, especially for individuals trafficked to Western Europe and the Middle East. Wars and civil strife in some countries, as well as the indifference of some governments, increase the likelihood that populations that are disproportionately affected by these phenomena, notably women and children, may become victims of trafficking. Other “push” factors contributing to trafficking in Africa include societal subordination of women and a lack of economic and educational opportunities for women and girls. Traffickers tend to target women who have been left vulnerable by widowhood, divorce, separation, or abandonment. Most African women trafficked overseas are believed to come from Nigeria, Benin, Ghana, and Morocco. Traffickers also prey on the large number of children in Africa who lack identity documents and/or who have been orphaned by HIV/AIDS, armed

²⁵ See CRS Report RL33200, *Trafficking in Persons in Latin America and the Caribbean*, by Clare M. Ribando.

²⁶ UNODC, *Trafficking in Persons: Global Patterns*, April 2006, p.96-98 and 104.

²⁷ [<http://www.state.gov/g/tip/rls/tiprpt/2006/>]

conflicts, or disasters.²⁸ East African children, particularly from the Sudan, are trafficked to the Persian Gulf states to serve as jockeys in the camel racing industry.

Within the region, victims from other African countries are trafficked to Egypt, Gabon, the Ivory Coast, Nigeria, and South Africa, among others.²⁹ Trafficking into the commercial sex industry has been fueled by a demand from foreign tourists visiting resorts in Malawi, Kenya, Tanzania, and Uganda, as well as from peacekeepers serving in the Democratic Republic of the Congo.³⁰ Young girls are also trafficked to other parts of the continent to serve as brides for migrant workers, with an ever-increasing demand for younger, virgin brides due to concerns about HIV/AIDS infection.³¹ Trafficking into forced labor is more common in Africa than in other regions. Trafficking in children for labor is a specific concern in a number of African countries, as is the forcible recruitment of child soldiers in several countries affected by armed conflict.³²

Trafficking to the United States

The United States is primarily a destination country. As many as 17,500 people are trafficked to the United States each year, according to State Department estimates.³³ Most are believed to come from Southeast Asia, the former Soviet Union, and, more recently, Latin America. About half of those are forced into sweatshop labor and domestic servitude. The rest are forced into prostitution and the sex industry, or in the case of young children, kidnaped and sold for adoption. While many victims come willingly, they are not aware of the terms and conditions they will face. Women trafficked to the United States most often wind up in the larger cities in New York, Florida, North Carolina, California, and Hawaii. But the problem is also migrating to smaller cities and suburbs.

The United States is also the major destination country for young children kidnaped and trafficked for adoption by childless couples unwilling to wait for a child through legitimate adoption procedures and agencies. Guatemala has been among the largest source countries for illegal adoptions.³⁴

Before 2000, U.S. laws were widely believed to be inadequate to deal with trafficking in women and children or to protect and assist victims. Sweeping anti-

²⁸ USAID, "USAID Anti-Trafficking in Persons Programs in Africa: A Review," April 2007.

²⁹ Ibid; UNODC, *Trafficking in Persons: Global Patterns*, April 2006, p.85-87, and 102.

³⁰ UNICEF Innocenti Research Center, *Trafficking in Human Beings, Especially Women and Children in Africa*, Florence, Italy, 2003.

³¹ Ibid.

³² See Amnesty International [<http://web.amnesty.org/pages/childsoldiers-africanchild-eng>]

³³ The 2007 TIP report does not contain figures on people trafficked to the United States. This estimate is taken from the U.S. Department of State. *Trafficking in Persons Report, 2006*, June 5, 2006.

³⁴ Kapstein, Ethan. "The Baby Trade," *Foreign Affairs*, November/December 2003.

trafficking legislation and programs have been implemented with the hope of significantly improving the situation.

U.S. Policy

Anti-Trafficking Legislation and the Role of Congress

The human trafficking problem gained attention in the United States and worldwide in the late 1990s. It has been addressed as a priority by Congress, as well as the Clinton and Bush Administrations. As part of former President Clinton's announced International Crime Control Strategy, an interagency working group was set up to address international crime implications of trafficking. On March 11, 1998, President Clinton issued a directive establishing a U.S. government-wide anti-trafficking strategy of (1) prevention, (2) protection and support for victims, and (3) prosecution of traffickers. The strategy, as announced, had strong domestic and international policy components:

- In the area of prevention, the Administration outlined the need for programs to increase economic opportunities for potential victims and dissemination of information in other countries to increase public awareness of trafficking dangers and funding for more research on trafficking.
- In terms of victim protection and assistance, the Administration argued for legislation to provide shelter and the support services to victims who are in the country unlawfully and therefore presently ineligible for assistance. It pressed for creation of a humanitarian, non-immigrant visa classification to allow victims to receive temporary resident status so that they could receive assistance and help to prosecute traffickers. Also, support was sought for developing countries to protect and reintegrate trafficking victims once they were returned.
- As far as prosecution and enforcement, the Administration pressed for laws to more effectively go after traffickers and increase the penalties they can face. In addition, restitution for trafficked victims was sought in part by creating the possibility of bringing private civil lawsuits against traffickers. The Department of Justice (DOJ) called for laws that would expand the definition of involuntary servitude, criminalize a broader range of actions constituting involuntary servitude, and increase the penalties for placing people in involuntary servitude. Justice Department spokesmen also urged that prosecutors be give the capability to go after those who profit from trafficking, not just those directly involved in trafficking.³⁵ They also called for amending immigration statutes to punish

³⁵ Testimony of William R. Yeomans, Chief of Staff of the Civil Rights Division, Department of Justice, before the Subcommittee on Near Eastern and South Asian Affairs, Senate Foreign Relations Committee, April 4, 2000.

traffickers who entrap victims by taking their passports and identification from them.

On the domestic side, a Workers' Exploitation Task Force, chaired by the Department of Justice's Civil Rights Division and the Solicitor's Office in the Department of Labor, was charged with investigating and prosecuting cases of exploitation and trafficking. In addition, the Department of Justice reviewed existing U.S. criminal laws and their enforcement to see if they adequately dealt with the crime of trafficking.

On the international front, the State Department sponsored the creation of a database on U.S. and international legislation on trafficking. An Interagency Council on Women formed by the Clinton Administration established a senior governmental working group on trafficking. The Administration urged the enactment of legislation to encourage and support strong action by foreign governments and help the work of non-governmental organizations (NGOs) in this area.

Victims of Trafficking and Violence Protection Act of 2000. Several bills were introduced in the 106th Congress on human trafficking. In conference, the bills were combined with the Violence against Women Act of 2000 and repackaged as the Victims of Trafficking and Violence Protection Act of 2000, along with miscellaneous anti-crime and anti-terrorism provisions. President Clinton signed the bill into law on October 28, 2000 (P.L. 106-386). Its key provisions:

- Directed the Secretary of State to provide an annual report by June 1, listing countries that do and do not comply with minimum standards for the elimination of trafficking and to provide in his annual report on human rights information on a country-by-country basis describing the nature and extent of severe forms of trafficking in persons in each country and an assessment of the efforts by governments to combat trafficking;
- Called for establishing an Interagency Task Force to Monitor and Combat Trafficking, chaired by the Secretary of State, and authorized the Secretary to establish within the Department of State an Office to Monitor and Combat Trafficking to assist the Task Force;
- Called for measures to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking, to increase public awareness, particularly among potential victims, of the dangers of trafficking and the protections that are available for victims, and for the government to work with NGOs to combat trafficking;
- Established programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement of victims of trafficking and their children, as well as programs to provide assistance to victims of severe forms of trafficking in persons within the United States, without regard to such victims' immigration status

and to make such victims eligible for any benefits that are otherwise available under the Crime Victims Fund;

- Provided protection and assistance for victims of severe forms of trafficking while in the United States;
- Amended the code to make funds derived from the sale of assets seized from and forfeited by traffickers available for victims assistance programs under this act;
- Amended the Immigration and Nationality Act to allow the Attorney General to grant up to 5000 non-immigrant visas per year to certain victims of severe forms of trafficking who are in the United States and who would face a significant possibility of retribution or other harm if they were removed from the United States. In addition, amended the act to adjust to lawful permanent resident the status of up to 5000 victims per year who have been in the United States continuously for three years since admission, who have remained of good moral character, who have not unreasonably refused to assist in trafficking investigations or prosecutions, and who would face a significant possibility of retribution or other harm if removed from the United States;
- Established minimum standards applicable to countries that have a significant trafficking problem. Urged such countries to prohibit severe forms of trafficking in persons, to punish such acts, and to make serious and sustained efforts to eliminate such trafficking;
- Provided for assistance to foreign countries for programs and activities designed to meet the minimum international standards for the elimination of trafficking;
- Withheld U.S. non-humanitarian assistance and instructed the U.S. executive director of each multilateral development bank and the International Monetary Fund to vote against non-humanitarian assistance to such countries that do not meet minimum standards against trafficking and are not making efforts to meet minimum standards, unless continued assistance is deemed to be in the U.S. national interest;
- Encouraged the President to compile and publish a list of foreign persons who play a significant role in a severe form of trafficking in persons. Also encouraged the President to impose sanctions under the International Emergency Economic Powers Act, including the freezing of assets located in the United States, and to exclude significant traffickers, and those who knowingly assist them, from entry into the United States; and
- Amended the U.S. Code to double the current maximum penalties for peonage, enticement into slavery, and sale into involuntary

servitude from 10 years to 20 years imprisonment and to add the possibility of life imprisonment for such violations resulting in death or involving kidnaping, aggravated sexual abuse, or an attempt to kill.

The Bush Administration, as well as Congress, continued the anti-trafficking effort with strong bipartisan support. Then-Attorney General John Ashcroft announced in March 2001 that the fight against trafficking would be a top priority for the Administration and that U.S. law enforcement agencies, including the FBI, the Immigration and Naturalization Service, and the Justice Department's Civil Rights Division would cooperate closely to upgrade their efforts to combat trafficking. The Justice Department also announced new guidelines for federal prosecutors to pursue trafficking cases.³⁶ The State Department issued its first congressionally mandated report on worldwide trafficking in July 2001.

On January 24, 2002, Ashcroft announced the implementation of a special "T" visa, as called for in P.L. 106-386, for victims of trafficking in the United States who cooperate with law enforcement officials. Under the statute, victims who cooperate with law enforcement against their traffickers and would be likely to suffer severe harm if returned to their home countries may be granted permission to stay in the United States. After three years in T status, the victims are eligible to apply for permanent residency and for non-immigrant status for their spouses and children.³⁷

On February 13, 2002, President Bush signed an Executive Order establishing an Interagency Task Force to Monitor and Combat Trafficking in Persons. The Task Force, mandated by the Trafficking Victims Protection Act of 2000 (P.L. 106-386), includes the Secretary of State, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of the Central Intelligence Agency, the Administrator of the Agency for International Development, the Director of the Office of Management and Budget, and Office of the National Security Advisor. The Task Force is charged with strengthening coordination among key agencies. It is to identify what more needs to be done to protect potential victims, to punish traffickers, and to prevent future trafficking. According to Secretary of State Powell, the United States would work closely with other governments, non-governmental organizations and concerned people throughout the world to put an end to trafficking. The State Department Office to Monitor and Combat Trafficking in Persons (G-TIP) was tasked with assisting the Interagency Task Force in implementing P.L. 106-386 and Task Force initiatives.

In addition to announcing the establishment of the Interagency Task Force, the State Department issued a fact sheet on February 14, 2002, detailing planned U.S. activities to stop trafficking in persons.³⁸ The Departments of State and Justice were

³⁶ Attorney General John Ashcroft's news conference on March 27, 2001. See [<http://www.usdoj.gov/archive/ag/speeches/2001/032701workerexploitation.htm>].

³⁷ U.S. Department of State, Washington File, January 24, 2002. [<http://usinfo.state.gov>]

³⁸ U.S. Department of State, Office of the Spokesman, February 14, 2002. (continued...)

to establish a Migrant Smuggling and Trafficking in Persons Center to gather and disseminate information from intelligence and law enforcement. USAID was charged with developing partnerships between source and destination countries to combat trafficking. The Department of Justice was to institute training programs for federal prosecutors, Immigration and Naturalization Service personnel, and FBI agents in 2002. The Department of Justice announced that it would seek sponsors in Congress for legislation to punish Americans engaging in “sex tourism” abroad with minors. The Department of Labor was to establish six training and support centers for women victims or at risk of trafficking in major cities of Central and Eastern Europe and the Newly Independent States. The Department of Health and Human Services was to launch a public awareness campaign to encourage trafficking victims to come forward.

The Foreign Relations Authorization Act of 2003. In 2002, Congress amended the Victims of Trafficking and Violence Protection Act of 2000 in Sec. 682 of the Foreign Relations Authorization Act, FY2003 (P.L. 107-228) to provide “....(a) support for local in-country nongovernmental organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities; (b) support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention; (c) education and training for trafficked women and girls; (d) the safe integration or reintegration of trafficked individuals into an appropriate community or family, with full respect for the wishes, dignity, and safety of the trafficked individual; and (e) support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment.” The amendment also authorized an increase in appropriations for FY2003 to fund such programs.

Trafficking Victims Protection Reauthorization Act of 2003. In 2003, Congress approved the Trafficking Victims Protection Reauthorization Act of 2003. The President signed the act into law on December 19, 2003 (P.L. 108-193). The act authorized substantial increases in funding for anti-trafficking programs in FY2004 and FY2005 (over \$100 million for each fiscal year). P.L. 108-193 refined and expanded the Minimum standards for the elimination of trafficking that governments must meet and placed on such governments the responsibility to provide the information and data by which their compliance with the standards could be judged. The legislation created a “special watch list” of countries that the Secretary of State determined were to get special scrutiny in the coming year. The list was to include countries where (1) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; (2) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the

³⁸ (...continued)

[<http://www.state.gov/r/pa/prs/ps/2002/8032.htm>].

previous year; or (3) the determination that a country is making significant efforts to bring itself into compliance with minimum standards is based on its commitments to take additional steps over the next year. In the case of such countries, not later than February 1st of each year, the Secretary of State is to provide to the appropriate congressional committees an assessment of the progress that the country had made since the last annual report.

Intelligence Reform and Terrorism Protection Act of 2004. In December 2004, Congress approved the Intelligence Reform and Terrorism Protection Act of 2004, signed into law on December 17, 2004 (P.L. 108-458). The law establishes a Human Smuggling and Trafficking Center to be jointly operated by the Department of Homeland Security, the State Department, and the Department of Justice. It requires that the Center serve as a clearinghouse for Federal agency information in support of U.S. efforts to combat terrorist travel, migrant smuggling, and human trafficking.

Trafficking Victims Protection Reauthorization Act of 2005. On February 17, 2005, Representative Christopher Smith and nine co-sponsors introduced the Trafficking Victims Protection Reauthorization Act of 2005 to authorize appropriations for FY2006 and FY2007 and close loopholes in previous anti-trafficking legislation. The bill was signed into law by the President on January 10, 2006 (P.L. 109-162). Among other things, the legislation has provisions to increase U.S. assistance to foreign trafficking victims in the United States, including access to legal counsel and better information on programs to aid victims. It attempts to address the special needs of child victims, as well as the plight of Americans trafficked within the United States. It directs relevant U.S. government agencies to develop anti-trafficking strategies for post-conflict situations and humanitarian emergencies abroad. It seeks to extend U.S. criminal jurisdiction over government personnel and contractors who are involved in acts of trafficking abroad while doing work for the government. It addresses the problem of peacekeepers and aid workers who are complicit in trafficking.

On October 7, 2005, the U.S. Senate gave its advice and consent to ratify the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. The President signed the Protocol on December 3, 2005.

Legislation in the 110th Congress. In the 110th Congress, both chambers are continuing to address human trafficking as part of their authorization, appropriations, and oversight activities. The Implementing the 9/11 Commission Recommendations Act of 2007, H.R. 1 (Thompson), approved by the House and referred to the Senate on January 9, 2007, would direct the Secretary of Homeland Security to provide specified funding and administrative support to strengthen the Human Smuggling and Trafficking Center. It would also direct the Secretary to execute a memorandum of understanding with the Attorney General to clarify coordination between Immigration and Customs Enforcement (ICE) and the FBI on issues related to human smuggling, human trafficking, and terrorist travel. A related Senate bill, the Improving America's Security Act of 2007, S. 4 (Reid), would direct the Secretary of Homeland Security to nominate a U.S. government employee to direct the Human Smuggling and Trafficking Center to be staffed by at least 40 full-time staff, detailed from other agencies.

The Trafficking Victims Protection Reauthorization Act of 2007, H.R. 270 (Smith), introduced on January 5, 2007 and referred to the Committee on Foreign Affairs, in addition to the Committees on the Judiciary and Energy and Commerce, would authorize funds for anti-trafficking programs for FY2008 through FY2010. The bill would make juvenile victims eligible for trafficking assistance. It would also require the Attorney General to prepare model anti-trafficking legislation for use by states. The model legislation would define and prohibit all acts related to prostitution of children and trafficking of children for forced labor or sexual exploitation.

Another bill, the Congressional Commission on the Abolition of Modern-Day Slavery Act, H.R. 2522 (Lewis), introduced on May 24, 2007, would establish a Commission to study modern-day slavery in all its forms (including trafficking in persons) and why it still exists, review and evaluate U.S. and international efforts to prevent or combat modern-day slavery, and make legislative and administrative recommendations necessary for the most effective ways to combat modern-day slavery to be put in place.

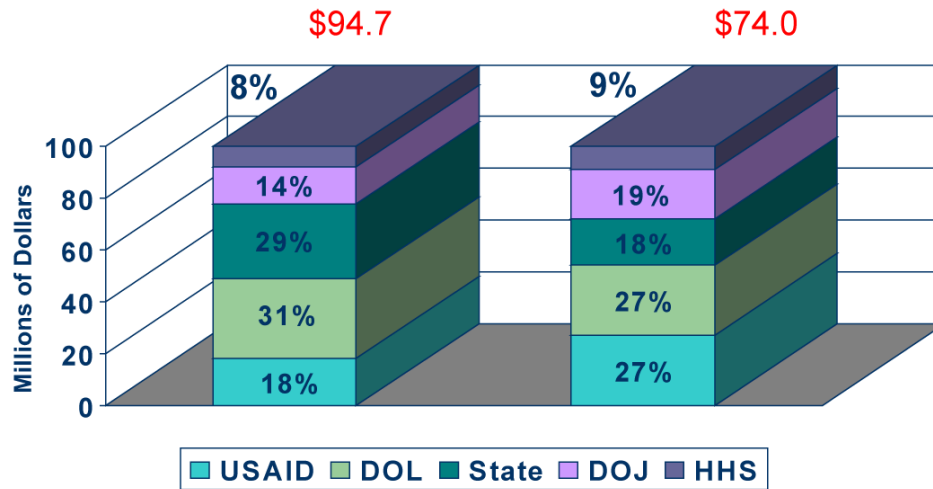
U.S. Funding for Global Anti-Trafficking Programs

The U.S. government supports many types of anti-trafficking (anti-TIP) initiatives overseas. In FY2006, the U.S. government obligated an estimated \$74 million in anti-trafficking assistance to foreign governments, down from \$94.7 million in FY2005.³⁹ The funding supports roughly 154 global and regional anti-trafficking programs in 70 countries. Roughly 9% of those projects focused on sex trafficking, 5% on labor trafficking, and 86% on a combination of the two.

U.S. anti-TIP programs in foreign countries are administered by a variety of U.S. agencies, including the State Department, USAID, Department of Labor (DOL), DOJ, Immigration and Customs Enforcement (ICE) in the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and U.S. contributions to the United Nations. The majority of the programs are either regional, or directed at countries that were placed on either the Tier 3 or the Tier 2 Watch-List in recent State Department Trafficking in Persons (TIP) reports. Whereas regional programs supported initiatives necessary to address the cross-cutting nature of human trafficking, country programs focused on the specific challenges and/or government weaknesses in combating trafficking that have been identified in the TIP reports.

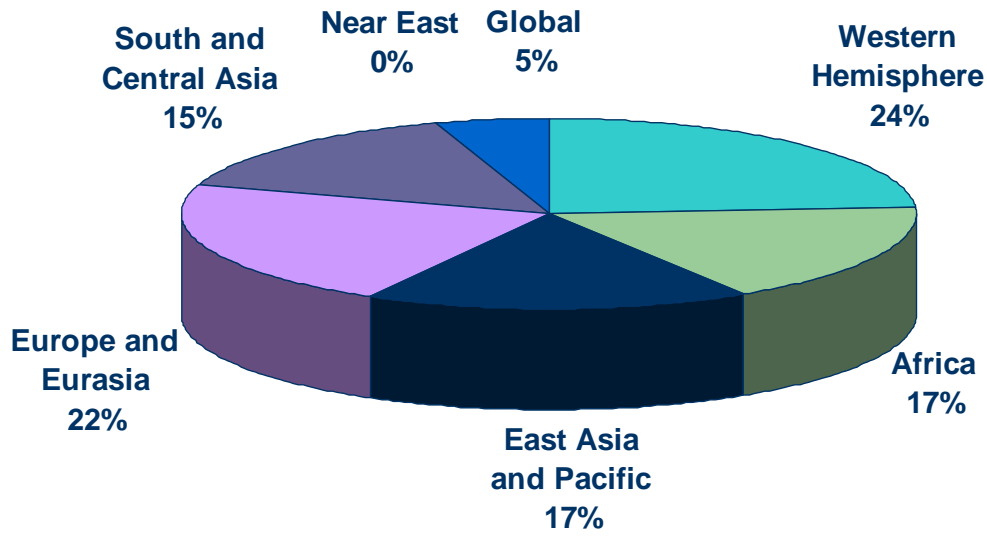
³⁹ “U.S. Government Anti-Trafficking in Persons Obligated Project Funding (FY2006),” G-TIP Fact Sheet, April 23, 2007, [<http://www.state.gov/g/tip/rls/fs/07/83371.htm>].

Figure 1. Global Anti-TIP Programs by Agency, FY2005 and FY2006



Source: G-TIP Fact Sheets, available at [<http://www.state.gov/g/tip/c12606.htm>]. FY2007 figures are not yet available.

U.S. anti-trafficking policy has long emphasized prevention, protection, and prosecution (“the 3 Ps”). Prevention programs have combined public awareness and education campaigns with education and employment opportunities for those at-risk of trafficking, particularly women and girls with limited opportunities for educational advancement and/or economic independence. Protection programs have involved direct support for shelters, as well as training of local service providers, public officials, and religious groups. Programs to improve the prosecution rates of traffickers have helped countries draft or amend existing anti-TIP laws, as well as provided training for law enforcement and judiciaries to enforce those laws. U.S. policy has recently placed a new, more “victim-centered” focus on rescue, rehabilitation, and reintegration (what it calls the “3 Rs”). It has also increasingly emphasized the importance of combating forced labor among foreign migrant workers in destination countries, as well as paying particular attention to the public health consequences of human trafficking.

Figure 2. FY2006 Global Anti-TIP Funding, Regional Distribution

Source: G-TIP, available at [<http://www.state.gov/g/tip/c12606.htm>].

The countries with the largest numbers of programs obligated in recent years include several of the countries selected in 2004 by President George W. Bush as eligible to receive a combined total of \$50 million in strategic anti-trafficking in persons assistance.⁴⁰ The President chose countries based on the severity of their trafficking programs, as well as their willingness to cooperate with U.S. agencies to combat the problem. They include Brazil, Cambodia, India, Indonesia, Mexico, Moldova, Sierra Leone, and Tanzania. As a result of this initiative, U.S. anti-TIP assistance to foreign governments spiked in FY2004 and FY2005, but is now on a downward trajectory.

FY2007 estimated allocations for anti-TIP programs and the FY2008 request for all relevant agencies are not yet available, but the Administration has requested some \$30.7 million for trafficking and migrant smuggling programs to be carried out by the State Department and USAID in FY2008.⁴¹

Trafficking in Persons Reports

The Trafficking in Persons Report, 2007. On June 12, 2007, the State Department issued its seventh annual report on human trafficking, *Trafficking in*

⁴⁰ The \$50 million consists of projects, the bulk of which were obligated in FY2004 and FY2005, that were approved by an inter-agency Senior Policy Operating Group (SPOG) on human trafficking and the Deputy Secretary of State for each region. For more information on the SPOG, see [<http://www.state.gov/g/tip/rls/fs/2006/70128.htm>].

⁴¹ U.S. Department of State, *FY2008 Congressional Budget Justification for Foreign Operations*, [<http://www.state.gov/s/d/rm/rls/cbj/>].

Persons (TIP) Report,⁴² as mandated by P.L.106-386, P.L. 108-193, and P.L. 109-164. The report reviews recent trends in the fight against trafficking and rates countries according to whether they meet “minimum standards” with regard to their anti-trafficking commitment and policies.⁴³ In addition to Tiers 1-3, there is a fourth category of countries, the “Tier 2 Watch List.” The Department of State is required to issue an interim report on how Watch List countries are performing by February 2008 in advance of the 2008 TIP report. The report is more comprehensive than in previous years, focusing on 164 countries, up from 158 in 2006. In addition to the 151 countries that are ranked, the report discusses trafficking in 13 “special case” countries where sufficient information was not available to provide a ranking.

The 2007 report highlights how the U.S. and international campaign against human trafficking has begun to show results. What had been a largely invisible problem, characterized by disinterest and even complicity of governments, is now being confronted by governments around the world. Many countries have enacted new anti-trafficking laws, including 21 in the 2006 reporting period. Some 3,160 traffickers were convicted in 2006.

The report again includes examples of “best practices” or successful actions that have been taken by countries, individuals, and groups who are fighting slavery in different parts of the world. For example, the report praises the collaborative work of the German government, international organizations, and NGOs that enabled the development of a comprehensive anti-TIP plan for the World Cup tournament.

As in the past two TIP reports, the 2007 report draws special attention to the issue of trafficking for forced labor, with sections on trafficking for involuntary domestic servitude (including abuse by some members of the diplomatic community in the United States) and trafficking of migrant laborers. In his remarks at the release of the 2007 TIP report, Ambassador Mark P. Lagon, Director of G-TIP, said that it was “especially disappointing that so many wealthy countries of the Near East, that are not lacking adequate resources to make significant progress to end these crimes, are on Tier 3.”⁴⁴ The report contends that many destination countries have “sponsorship laws” giving employers a large degree of personal control over their workers, which has led to serious rights abuses. Whereas previous TIP reports have put most of the onus for combating forced labor on destination countries, the 2007 report also

⁴² [<http://www.state.gov/g/tip/rls/tiprpt/2007/>]

⁴³ Governments meeting “minimum standards” are defined in the Trafficking and Violence Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003 as those that (1) prohibit and punish acts of trafficking; (2) prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, trafficking involving rape or kidnaping, or trafficking that causes a death); (3) prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense’s heinous nature; and (4) make serious and sustained efforts to eliminate trafficking. The fourth minimum standard was amended and supplemented by the Trafficking Victims Reauthorization Act and now calls for consideration of ten criteria.

⁴⁴ Ambassador Mark. P Lagon, Director, G-TIP, Remarks at the Release of the 2007 Trafficking in Persons Report, June 12, 2007.

discusses the obligations of source countries to protect the well-being of their citizens who work abroad. For example, the report urges source countries to ensure that recruitment fees charged by employment agencies advertising jobs abroad are kept at reasonable levels in order to prevent debt bondage. It also says that source countries should negotiate agreements with destination countries to guarantee the safety and well-being of their citizen's rights while working abroad.

The 2007 report discusses some specific forms of trafficking, including forced labor on the high seas, trafficking of East Asian women through brokered marriages, debt bondage among prostitutes in Europe, and child soldiering. One of those sections, while acknowledging the rise of child sex tourism (CST) and child pornography, also provides some positive examples of how governments, NGOs, and the private sector are successfully working together to combat it. For example, the report highlights how internet service providers have worked with law enforcement officials to shut down CST chat rooms, and travel and tourism providers have signed a code of conduct for protecting children from sexual exploitation. In contrast, the report shows how the cocoa industry has postponed the date by which it will respond to congressional pressure and consumer demands that it develop a certification system to ensure that cocoa products made in West Africa do not abuse child labor until July 2008.

The report also discusses what U.S. government agencies are doing domestically to combat trafficking.⁴⁵ The U.S. Department of Health and Human Services, as of March 2007, had certified 1,175 trafficking victims from 77 countries for special status. In FY2006, the primary source countries for TIP victims in the United States were El Salvador (62), Mexico (47), South Korea (20), and Honduras (17). In FY2006, the Department of Homeland Security issued 192 "T" visas to foreign survivors of trafficking. As of the end of FY2006, DHS had issued 729 visas to TIP victims and 645 visas to members of victims' families. In FY2006, the Department of Justice initiated 168 TIP-related investigations, charged 111 individuals in 32 cases, and convicted a record 98 traffickers. As of the end of 2006, 27 states had passed anti-TIP legislation and 42 communities had created anti-TIP task forces with the support of federal funding.

2007 Country Rankings. In the report, countries are ranked in four groups. Countries not included are either not seen as having a significant trafficking problem as source, transit, or destination countries (meaning more than 100 cases per year) or there is insufficient information about their role.

Tier 1 is made up of countries deemed by the State Department to have a serious trafficking problem but fully complying with the act's minimum standards for the elimination of trafficking. Twenty-eight countries are included. Four countries were moved up from Tier 2 to Tier 1, including the Czech Republic, Georgia, Hungary,

⁴⁵ For more information on domestic anti-TIP efforts, see DOJ, "Attorney General's Annual Report to Congress on U.S. Government Activities to Combat TIP, FY2006," May 2007, [<http://www.usdoj.gov/ag/annualreports/tr2006/agreporhumantrafficking2006.pdf>].

and Slovenia. Ireland and Singapore were moved down to Tier 2 from Tier 1 in 2006.⁴⁶

Tier 2, as in past years, includes the largest number of countries, 75 in 2007, (down from 79 in 2006), whose governments the State Department views as not fully complying with those standards but which are seen as making “significant efforts to bring themselves into compliance.” Of these, two moved down from Tier 1, one was previously unranked, eight moved up to Tier 2, and the rest remained the same as last year.⁴⁷

Tier 2 Watch List was first added as a category in the 2004 report. In 2007, it is made up of 32 countries that are on the border between Tier 2 and Tier 3 (the same number as in 2006). P.L. 108-193 requires that the Department of State issue an interim report on how these countries are performing by February 2008 in advance of the 2007 TIP report. Thirteen countries were moved down to the Watch List and two were previously unranked.⁴⁸

In **Tier 3** are those countries whose governments the State Department deems as not fully complying with those standards and not making significant efforts to do so. This group includes a total of 16 countries (up from 12 in 2006). Countries new to Tier 3 in 2007 include Algeria, Bahrain, Equatorial Guinea, Kuwait, Malaysia, Oman, and Qatar. These countries are subject to possible U.S. sanctions after October 1, 2007, if they have not improved their performance by then. A number of these countries are on the list for their failure to address the problem of trafficking for forced labor among foreign migrant workers.⁴⁹

⁴⁶ Tier 1 includes Australia, Austria, Belgium, Canada, Colombia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hong Kong, Hungary, Italy, Lithuania, Luxembourg, Malawi, Morocco, the Netherlands, New Zealand, Norway, Poland, Slovenia, Spain, South Korea, Sweden, Switzerland, and the United Kingdom.

⁴⁷ Tier 2 includes Afghanistan, Albania, Angola, Azerbaijan, Bangladesh, Belize, Benin, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Chile, Congo (DRC), Costa Rica, Cote D’Ivoire, Croatia, East Timor, Ecuador, El Salvador, Estonia, Ethiopia, Gabon, Ghana, Greece, Guinea, Guinea-Bissau, Indonesia, Israel, Jamaica, Japan, Jordan, Kyrgyz Republic, Laos, Latvia, Lebanon, Liberia, Macedonia, Madagascar, Mali, Malta, Mauritius, Mongolia, Montenegro, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Romania, Senegal, Serbia, Sierra Leone, Singapore, Slovak Republic, Suriname, Taiwan, Tajikistan, Tanzania, Thailand, Togo, Turkey, Uganda, Uruguay, Vietnam, Yemen, Zambia, Zimbabwe, and Rwanda.

⁴⁸ The Tier 2 Watch List of countries include Argentina, Armenia, Belarus, Burundi, Cambodia, Central African Republic Chad, China (PRC), Cyprus, Djibouti, Dominican Republic, Egypt, Fiji, Gambia, Guatemala, Guyana, Honduras, India, Kazakhstan, Kenya, Libya, Macau, Mauritania, Mexico, Moldova, Mozambique, Papua New Guinea, Russia, South Africa, Sri Lanka, Ukraine, and the United Arab Emirates.

⁴⁹ Tier 3 countries include Algeria, Bahrain, Burma, Cuba, Equatorial Guinea, Iran, Kuwait, Malaysia, North Korea, Oman, Qatar, Saudi Arabia, Sudan, Syria, Uzbekistan, and Venezuela.

Special Cases. Some countries were not ranked due to limited information on their trafficking problems, either as a result of internal upheaval or for other reasons. Nevertheless, available information was included on these 13 countries.⁵⁰

Results from the 2006 TIP Ranking and Sanctions Process. P.L. 106-386 subjects to sanctions those countries listed in Tier 3, including termination of non-humanitarian, non-trade-related assistance and loss of U.S. support for loans from international financial institutions, specifically the International Monetary Fund and multilateral development banks such as the World Bank. Sanctions are to be imposed if such countries have not improved their performance within 90 days from the release of the report.

The 2006 TIP report placed 12 countries on Tier 3. On September 27, 2006, President Bush issued his determination on sanctions for TIP Report Tier 3 countries.⁵¹ He decided to impose full sanctions on Burma, Cuba, and North Korea. With regard to Iran, Syria, Venezuela, and Zimbabwe, consistent with his waiver authority, the President determined that provision of certain assistance would promote the purposes of P.L. 106-386 or otherwise serve U.S. national interests. He waived all trafficking-related sanctions with regard to Saudi Arabia, Sudan, and Uzbekistan on national interest grounds. He indicated that Belize and Laos would not be made subject to sanctions because of positive actions taken by their governments since release of the 2006 TIP Report.

The Department of State submitted an Interim Assessment of the progress made by countries on the Watch List from 2006 on January 19, 2007. The report tracked the progress made in combating human trafficking in 39 countries were placed on the Tier 2 Watch List in the June 2006 TIP report. While some countries are pointed out for making “significant” or “noticeable” progress since the 2006 report was released (such as Belize, Bolivia, Cambodia, and Israel), most countries are deemed to have made more moderate progress.⁵²

The International Response

Although trafficking in persons is not a new phenomenon, it did not become a major human rights issue of concern in the United States or in the international community until the 1990s. In 1995, 189 countries participating in the Fourth World Conference on Women in Beijing adopted a Plan for Action that included eliminating trafficking in women as a shared goal. The Plan also set out actions for governments to take in order to combat TIP and other forms of violence against women. As the

⁵⁰ Special case countries include Bahamas, Barbados, Brunei, Haiti, Iraq, Ireland, Kiribati, Lesotho, Solomon Islands, Somalia, Swaziland, Tunisia, and Turkmenistan.

⁵¹ “Presidential Determination with Respect to Foreign Governments’ Efforts Regarding Trafficking in Persons,” September 27, 2006. [<http://www.state.gov/g/tip/rls/prsr/73440.htm>]

⁵² U.S. Department of State, G-TIP, “Trafficking in Persons Interim Assessment,” January 18, 2007. [<http://www.state.gov/g/tip/rls/rpt/78948.htm>].

decade progressed, the trafficking of women for sexual exploitation began to be seen as both a form of discrimination against women and as a major human rights violation.⁵³

U.N. Protocol to Prevent, Suppress, and Punish TIP

Members of the international community began meeting in 1999 to draft a Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children in conjunction with the U.N. Convention Against Transnational Organized Crime. The United States, along with Argentina, introduced the draft protocol in January 1999. Negotiations were concluded in 2000 on a revised draft. On November 15, 2000, the U.N. General Assembly adopted the Convention on Transnational Crime, including the Protocol on Trafficking. The Convention and Protocols formally signed in Palermo, Italy, in December 2000, were designed to enable countries to work together more closely against criminals engaged in cross-border crimes. The Protocol on Trafficking commits countries to take law enforcement actions against traffickers, to provide some assistance and protection for TIP victims, and to share intelligence and increase border security cooperation with other countries. The United States signed the U.N. Protocol on Trafficking in December 2000 and ratified and became party to the Protocol on December 3, 2005, following Senate advice and consent on October 7, 2005. At present, 112 countries are party to the Protocol. The United States signed the U.N. Smuggling Protocol in December 2000 and became party to the Protocol on November 3, 2005. At present, 106 countries are party to the Smuggling Protocol.

Other Relevant International Agreements

The United States is party to two other international agreements that have been adopted to address aspects of trafficking in children. The International Labor Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor was ratified by the United States in December 1999. As of June 2007, 163 countries have ratified ILO Convention 182. ILO Convention 105 concerning the Abolition of Forced Labor was ratified by the United States in 1991. Some 167 countries have ratified ILO Convention 105. The Protocol to the U.N. Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography was signed by the United States July 2000 and ratified in December 2002. In January, 2002, the Protocol went into force, having been signed by 88 countries and ratified by 16. As of June 2007, 119 countries are party to the Protocol.

U.N. and Related Agencies' Anti-Trafficking Programs

A number of U.N. agencies have anti-trafficking programs. One of the largest U.N. anti-trafficking programs is the U.N. Interagency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP). UNIAP was created in 2000 to facilitate a stronger and more coordinated response to trafficking in the Greater

⁵³ United Nations General Assembly, "In-Depth Study on All Forms of Violence Against Women," July 6, 2006.

Mekong Sub-region (Cambodia, China, Laos, Burma, Thailand, and Vietnam). The program focuses on: building a knowledge base on TIP in the region, identifying and supporting action on priority issues related to human trafficking; and filling in gaps in the regional response to trafficking by engaging in advocacy efforts. UNIAP involves six governments, 13 U.N. agencies, and eight international NGOs. The United States is one of its major supporters.

The United Nations Office on Drugs and Crime (UNODC) is the guardian and custodian of the U.N. Trafficking Protocol. Launched in 1999, UNODC's Global Program Against Trafficking in Human Beings assists member states in implementing the Protocol and preventing human trafficking. There are currently more than 30 UNODC technical cooperation projects underway around the world. UNODC has developed numerous research projects, including an annual report on patterns in TIP. In February 2006, UNODC, the United States, and India launched the largest U.S. government-funded UNODC trafficking initiative in the world. The United States contributes \$2 million to the program. The project provides training and awareness for law enforcement officers and strengthens their capacity to investigate and prosecute traffickers.

Several other U.N. agencies are involved in anti-TIP activities, many of which receive significant U.S. funding. The U.N. Children's Fund (UNICEF) provides support to child victims of trafficking, including return and reintegration assistance. In FY2006, the United States provided \$127 million in UNICEF funding, including \$500,000 to support identification and reintegration assistance for women and children TIP victims in the Democratic Republic of the Congo. In 2004, the Office of the U.N. High Commissioner of Human Rights created a Special Rapporteur on trafficking in persons to ensure the protection of trafficked victims' rights.⁵⁴ The United Nations Development Fund for Women (UNIFEM) has anti-TIP programs that support women's political and social empowerment. In 2002, UNIFEM published a briefing kit to help practitioners rethink their efforts to combat trafficking from a gender and rights perspective. In FY2006, G-TIP provided some \$1.7 million to support UNIFEM's anti-TIP programs in India.⁵⁵ The United Nations Development Program (UNDP) seeks to identify (and reduce) the vulnerabilities of women and girls to trafficking in source, transit, and destination countries. In FY2006, USAID provided UNDP with \$300,000 to support an anti-trafficking awareness program and victims assistance initiatives in Cyprus and \$900,000 to support shelters for TIP victims in Moldova.

The ILO works to promote internationally recognized human and labor rights. A number of ILO programs combat trafficking of women and girls, and forced and bonded labor. The ILO also has a number of programs to combat child labor that include gender-specific components. Through the International Program to Eliminate Child Labor (IPEC), ILO works with participating governments to prevent children from becoming child laborers; to remove children from hazardous work (including

⁵⁴ See [<http://www.ohchr.org/english/issues/trafficking/index.htm>].

⁵⁵ For more information on UNIFEM trafficking programs, see [http://www.unifem.org/resources/item_detail.php?ProductID=51].

exploitative work like forced prostitution); and to offer children and their families education, income and employment opportunities.⁵⁶ The United States is the single largest contributor to the IPEC Program, providing \$33.5 million for IPEC in FY2006. In 2001, the ILO created a Special Action Program to Combat Forced Labor (SAP-FL). In December 2006, it published a report entitled, *Globalization and the Illicit Market for Human Trafficking*. It regularly convenes conferences and training workshops to help governments improve their anti-forced labor efforts, including how to develop better data. It also attempts to monitor the effectiveness of country and international policies against forced labor.

The International Organization for Migration (IOM) addresses trafficking as part of its broader efforts to protect the rights of migrant laborers. IOM conducts information campaigns in countries of origin to warn potential migrants about the dangers of trafficking and irregular migration. IOM helps governments draft anti-TIP legislation, and trains government officials and NGO representatives on how to identify traffickers and to provide proper assistance to victims. IOM maintains a global database on trafficking cases, and sponsors TIP-related research and conferences worldwide. In FY2006, the State Department's Bureau of Population, Refugees, and Migration provided \$6.1 million to IOM efforts in countries such as Indonesia, Moldova, Nicaragua and Vietnam. G-TIP also provided \$250,000 to support the IOM global database on TIP victims.

Other Regional Organizations and International Forums

In addition to supporting the work of the United Nations, the United States has worked with the European Union, the Organization for Security and Cooperation in Europe (OSCE), and the Group of Eight to eliminate human trafficking.

European Union. The United States and the European Union agreed to launch their first joint initiative to combat trafficking in November 1997. U.S. and EU officials met in Luxembourg to launch a jointly funded initiative against trafficking in women from Russia and Eastern Europe. It was primarily an information campaign, warning potential victims and an education program for law enforcement, customs and consular officials to heighten their awareness of the problem. Pilot projects were launched in Poland by the EU and in Ukraine by the United States.

In 2002, the Council of the European Union took a major further step in the fight against human trafficking, reaching agreement on a broad new framework decision. The decision sought to strengthen police and judicial cooperation and to harmonize the laws and policies of member states in areas such as criminalization, penalties, sanctions, aggravating circumstances, jurisdiction, and extradition. The deadline for implementation of the decision by Member States was set for August 1, 2002.⁵⁷

⁵⁶ More information on IPEC and child labor is available at [<http://www.ilo.org/public/english/bureau/inf/download/child/childday06.pdf>]

⁵⁷ See [http://europa.eu/index_en.htm].

In March 2003, the European Commission created an “Experts Group on Trafficking in Human Beings” to develop a comprehensive report on ways to strengthen EU anti-trafficking efforts. The Group began its consultative work in September 2003 and published its final report in December 2004. The report provides concrete recommendations for strengthening existing EU prevention programs related to trafficking in persons, and, where appropriate, recommends new initiatives. It emphasizes the need for a human rights-based approach that is integrated and multi-disciplinary, as well as to address the specific needs of child victims. The report recommends that the EU establish a legally binding instrument covering the status of trafficked persons, National Rapporteurs on trafficking in persons, and comprehensive migration policies that protect migrants’ rights.⁵⁸ The Commission’s Experts Group on TIP informed an EU conference on best practices in combating trafficking in Europe that was held in 2005, and supported German efforts to combat human trafficking during the World Cup in 2006.

Organization for Security and Cooperation in Europe (OSCE). At the OSCE Summit Meeting in Istanbul in November 1999, leaders of the 55 OSCE member states from Europe, Central Asia, and North America, agreed to make combating trafficking in the OSCE area (where some 200,000 people are trafficked annually) a priority issue. Follow-up meetings were held in Vienna in June 2000, and in Bangkok in June 2002. In 2003, the OSCE adopted an Action Plan to Combat Trafficking in Human Beings and created a Special Representative within its Secretariat to coordinate participating countries’ anti-trafficking efforts. The first Special Representative, Helga Konrad, created an international forum of governmental and NGO officials called the “Alliance Against Trafficking in Persons” aimed at bringing together all relevant actors in the fight against trafficking. In May 2006, the OSCE and IOM held a major conference in Vienna on improving the investigation of child trafficking cases and another in November 2006 on trafficking for forced labor. The Secretariat has also helped develop handbooks for law enforcement and migration officials on TIP-related topics and launched a series of papers on trafficking in OSCE countries.

Group of Eight (G-8). Trafficking in persons has been on the agenda of the Group of Eight (G-8)⁵⁹ annual meetings, as well as the regular meetings of G8 Justice and Interior Ministers since the late 1990s. G8 countries have agreed that human trafficking is a high priority, both in terms of fighting organized crime and in protecting victims. G8 countries support the UN Trafficking Protocol and Interpol’s People Smuggling and Trafficking Database. They are seeking ways to exchange information on traffickers and share best practices both within the group and with other countries.

⁵⁸ European Commission, “Report of the Experts Group on Trafficking in Human Beings,” [http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf].

⁵⁹ The Group of Eight (G8) is a heads of state forum of the major industrialized democracies to informally discuss and create policies on major foreign policy issues. It meets annually and includes the leaders of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States.

Policy Issues for the 110th Congress

A broad consensus appears to be shared in Congress and the policy community on the need for decisive action to curb human trafficking. Questions have been raised, however, about the effective implementation of anti-trafficking programs.

How to Collect Data and Measure Success

It is often difficult to measure success in the fight against human trafficking. So far, few reliable indicators have been identified. For example, the new estimates of numbers of trafficking victims in the United States seem considerably lower than some of the previous high-end estimates. Whether these figures reflect the success of U.S. policies and programs or more accurate data gathering is unclear. Hard evidence with regard to the results of the more vigorous international campaign against trafficking is also lacking. Information is often anecdotal. Worldwide estimates of the numbers of victims seemingly have not changed much, when cross-border trafficking and trafficking within countries are taken together. A recent GAO study, seriously questions the adequacy of any of the estimates.⁶⁰

Credibility of TIP Rankings

Many analysts have asserted that the overall impact of the Trafficking report and sanctions process depends upon the credibility of the State Department's annual country TIP rankings. Some would argue that, although the TIP reports have improved with each year, "inconsistent application of the minimum standards [mandated by TVPA] and superficial country assessments have compromised their credibility."⁶¹ Some argue that it is difficult to determine what standards make a country eligible for Tier 1. They assert that the Tier 2 and Tier 2 "Watch List" have become "catch-all" categories that include countries which should really be placed on Tier 3. According to the GAO, in addition to a lack of clarity in the tier ranking process, the TIP report's "incomplete narratives reduce the report's utility..." The State Department, while acknowledging the need to continue to increase the comprehensiveness of the report, believes that "keeping the report concise is paramount."⁶²

Sanctions: A Useful Tool?

Most agree that extensive international cooperation is required in order to stop international trafficking and that both "carrots" and "sticks" may be needed to influence the policies of other governments, including financial and technical assistance, as well as the threat of sanctions. Some assert that unilateral sanctions, when designed in accordance with international norms, can incite countries to

⁶⁰ GAO, July 2006, p. 3. (GAO-06-825)

⁶¹ Chuang, 2006.

⁶² GAO, July 2006, p. 3. (GAO-06-825).

internalize those norms.⁶³ Sanctions seem to be most effective when they are clearly defined and evenly applied, criteria which some say U.S. trafficking sanctions have not yet met.⁶⁴ For example, since 2003, no governments in Latin America except Cuba and Venezuela have been subject to partial or full sanctions for failing to meet the minimum standards of TVPA. Some argue that sanctions will probably only be applied to countries already subject to other sanctions — such as Burma, Cuba, or North Korea — and that threatening other countries with sanctions may actually encourage them to become less open to working with the United States. Others argue that while that may be true in a few cases, most countries depend on good political and economic relations with the United States and fear the public humiliation that comes with a Tier 3 designation as much as actual sanctions.

Equal Focus on all Types of Trafficking?

The TVPA defines trafficking broadly to include problems such as forced labor, sex slavery, and domestic servitude. Although the U.S. government funds programs to combat all types of trafficking in persons, some observers believe that the government focuses too much on sex slavery as opposed to non-sexual labor exploitation. They argue that too large a percentage of the U.S. anti-trafficking budget has been directed to NGOs focused on rescuing women and children from the commercial sex industry. However, inventories of U.S. anti-trafficking programs since 2004 appear to counter these claims as they show U.S. support for a wide variety of NGOs that strive to protect victims and prosecute traffickers engaged in all types of human trafficking.⁶⁵ TIP reports since 2005 have placed an added emphasis on evaluating country efforts to combat trafficking for forced labor.

Debates Regarding Prostitution and Trafficking

Several groups in the United States have sought to broaden the definition of trafficking in persons to include all forms of prostitution, but many countries have thus far rejected those attempts. Proponents of this broader definition of trafficking in persons argue that prostitution is “not ‘sex work;’ it is violence against women [that] exists because ... men are given social, moral and legal permission to buy women on demand.”⁶⁶ Opponents, including many European and Latin American countries, have legal and regulated prostitution and argue that this broadened definition would impede the capacity of the international community to achieve consensus and work together to combat trafficking.

⁶³ Sarah H. Cleveland, “Norm Internationalization and U.S. Economic Sanctions,” *Yale Journal of International Law*, 2001, 1, 31.

⁶⁴ Chuang, 2006.

⁶⁵ Jennifer Block, “Sex Trafficking: Why the Faith Trade is Interested in the Sex Trade,” *Conscience*, Summer/Autumn 2004; Debbie Nathan, “Oversexed,” *The Nation*, August 29 - September 5, 2005, vol. 281; Janie Chuang, “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy,” *Indiana Journal of Global Legal Studies*, Winter 2006, 13, 1, G-TIP Fact Sheets, Available at: [<http://www.state.gov/g/tip/rls/fs/index.htm>].

⁶⁶ Janice G. Raymond, “Sex Trafficking is Not ‘Sex Work,’” *Conscience*, Spring 2005.

The U.S. State Department has repeatedly asserted that prostitution and trafficking in persons are inextricably linked. U.S. officials argue that “where prostitution is legalized or tolerated, there is greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.” The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193) restricts anti-trafficking funds to groups that oppose prostitution. Critics have argued that this policy excludes the people who are most able to report and combat abuses within the sex industry, prostitutes themselves and may hinder the success of well-established anti-TIP programs. They believe that giving prostitutes some measure of legitimacy short of legalization reduces the risk that they will be exposed to the dangers of trafficking.⁶⁷

Trafficking and Global Health

Trafficking victims in the sex industry are exposed to sexually-transmitted diseases, including HIV/AIDS, at much higher rates than the general population. Very often they have no access to medical care. In addition, the fear of infection with HIV/AIDS among customers has driven traffickers to recruit younger girls, erroneously perceived by customers to be too young to have been infected. Some question whether existing legislation, policies, and programs sufficiently address these issues.

⁶⁷ U.S. State Department web-site, [<http://www.state.gov/g/tip/>]; Feingold, September/October 2005.

Eligibility of Victims

Are the standards of eligibility for benefits as a victim of trafficking the right ones? At present, protection is limited to victims of “severe forms of trafficking”⁶⁸ and victims must prove that they are in the United States as a direct result of trafficking and that they have a well-founded fear of retribution if they are returned to their country of origin. They must be willing and needed to help identify and prosecute their traffickers. Some critics argue that the standards are too high to help many deserving victims. Critics also argue that the line between pure victims and those who have a degree of complicity in being brought to the United States may be difficult to draw. Such distinctions, they argue, will leave some victims unprotected. P.L. 106-386 gives the executive branch some discretion in determining who qualifies.

⁶⁸ Severe forms of trafficking is defined in Section 3 of the bill as “sex trafficking in which either a commercial sex act or any act or event contributing to such act is effected or induced by force, coercion, fraud or deception or in which the person induced to perform such acts has not attained the age of 18,” as well as “the purchase, sale, recruitment or harboring, transportation, transfer or receipt for the purpose of subjection to involuntary servitude....effected by force, coercion, fraud, or deception.”

Table 1. Authorizations to Implement Victims of Trafficking Act, FY2001-FY2007

Designations	P.L. 106-386, Part A			P.L. 108-193		P.L. 109-164	
	FY2001	FY2002	FY2003*	FY2004	FY2005	FY2006	FY2007
Title I, P.L. 109-164							
USAID ^a						\$2,500,000	\$2,500,000
Title II, P.L. 109-164							
Department of Justice ^b						\$2,500,000	\$2,500,000
Department of Justice ^c						\$2,500,000	\$2,500,000
Department of Justice ^d						\$1,000,000	\$1,000,000
Dept. of Health and Human Services ^e						\$5,000,000	\$5,000,000
Department of Justice ^f						\$25,000,000	\$25,000,000
Title III, P.L. 109-164							
Department of State ^g	\$1,500,000	\$3,000,000	\$3,000,000	\$5,000,000	\$5,000,000	\$5,500,000	\$5,500,000
Department of State ^h						\$3,000	\$3,000
HHS ⁱ	\$5,000,000	\$10,000,000	—	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000
State/USAID Bilateral Assistance ^j	\$5,000,000	\$10,000,000	\$15,000,000	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000
State Dept Internat. Organ. ^k	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000		
Dept. of Justice ^l	\$5,000,000	\$10,000,000	—	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000

Designations	P.L. 106-386, Part A			P.L. 108-193		P.L. 109-164	
	FY2001	FY2002	FY2003*	FY2004	FY2005	FY2006	FY2007
President Foreign Victims Assistance ^m	\$5,000,000	\$10,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000
President for Research ⁿ				\$300,000	\$300,000	\$300,000	\$300,000
President To Help Meet Standards ^o	\$5,000,000	\$10,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000
Dept. of Labor ^p	\$5,000,000	\$10,000,000	—	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
FBI ^q						\$15,000,000	
(i)Homeland Security ^f						\$18,000,000	\$18,000,000

*Note: As amended by Sec. 682 of the Foreign Relations Authorization Act for FY2003 (P.L.107-228).

- a. For pilot program for residential rehabilitation facilities for victims of trafficking.
- b. To carry out activities under Sec.201(a)(1)(B)(i), a study on severe forms of trafficking in persons in the United States.
- c. To carry out activities under Sec.201(a)(1)(B)(ii), a study on sex trafficking and unlawful sex acts in the United States.
- d. To carry out activities under Sec.201(a)(2), annual trafficking conference.
- e. To carry out activities under Sec.203, protection of juvenile victims of trafficking in persons.
- f. To carry out activities under Sec.204, enhancing state and local efforts to combat trafficking in persons.
- g. (a) To Support Interagency Task Force in carrying out:
 - Sec. 104. Addition of Trafficking to State Dept. Human Rights Report.
 - Sec. 105. Establishment of an Interagency Task force and State Dept. Office to Monitor and Combat Trafficking.
 - Sec. 110. Preparation of annual report and country list regarding severe forms of trafficking.
- h. To the State Department Office to Monitor and Combat Trafficking, for official reception and representational expenses.
- i. (b) To HHS for purposes of Sec.107 (b). Assistance to victims of trafficking in the U.S.
- j. (c) To Secretary of State for State Dept. and USAID to carry out Sec.107(a) Assistance for Trafficking victims in other countries. For FY2004-2007, the total includes \$250,000 each year for the International Law Enforcement Academies.

CRS-34

- k. For voluntary contribution to international organizations for projects related to trafficking.
- l. (d) To Department of Justice to carry out Sec.107 (b) Grants to states, localities for protection of victims.
- m. (e)(1) To President to carry out Sec.106, foreign victim aid, including
 - Enhancing economic opportunities for potential victims
 - Increasing public awareness and information
 - Consultation and working with NGOs
- n. For research on domestic and international trafficking.
- o. (e) (2) To President to carry out Sec. 109(2) Assistance to governments, NGOs, multilateral organizations to help countries to meet minimum standards:
 - law drafting assistance
 - investigation and prosecution
 - for facilities, programs, projects, exchanges
- p. (f) To Department of Labor to carry out Sec.107 (b), assistance to trafficking victims in U.S.
 - Employment assistance and benefits
 - Contribution to HHS Annual Report
- q. (h) To the Director of the FBI, to be able until expended, to investigate severe forms of trafficking in persons
- r. (i) For investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking.