

Trafficking in Persons

The USAID Strategy for Response

USAID STRATEGY



U.S. Agency for International Development

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Contents

Executive Summary	3
The Problem	5
Trafficking Defined	5
The Trafficking and Development Link	5
The U.S. Government’s Position on Trafficking	6
USAID Strategy for Response	6
Goal	6
USAID’s Role	6
Principles Underlying USAID’s Antitrafficking Strategy	7
Characteristics of Antitrafficking Emphasis Countries	7
USAID Antitrafficking Programming	7
Illustrative Examples of Antitrafficking Activities for USAID Support	8
Partnerships Against Trafficking	9
Going to Scale	10
Monitoring Progress	10
Conclusion	10
Appendix: Countries with Significant Trafficking	11

USAID is committed to the prevention of trafficking and the protection of its victims by reducing the vulnerability of women, children, and men to traffickers and by promoting the political will and legal and institutional capacity needed to eliminate trafficking.

Executive Summary

Development problems, including poverty, economic deterioration, conflict, and population displacement, conspire to provide a source of poor and vulnerable individuals—mostly women and children—upon whom traffickers prey. Annually, between 700,000 and 4 million people are bought and sold as prostitutes, domestic workers, sex slaves, child laborers, and child soldiers.

Pursuant to the Trafficking Victims Protection Act of 2000, President George W. Bush established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. The State Department established an Office to Monitor and Combat Trafficking in Persons in October 2001. This office prepares the annual Trafficking in Persons (TIP) Report required by the legislation. The report includes three-tiered lists of countries that experience significant levels of trafficking. USAID's strategy responds to the law and the U.S. Government's overall approach.

Internationally and domestically, the U.S. Government's approach to combating trafficking in persons is an integrated one, based on prevention, protection and assistance for victims, and prosecution of traffickers. USAID plays an integral part in this effort. The Agency's comparative advantage is due to its field missions and their experience with related activities, including campaigns to combat violence against women, increase income-earning opportunities for the poor and vulnerable, expand girls' education, and promote anticorruption efforts and legislative reform. Successful antitrafficking initiatives are reinforced by programs that support economic development, good governance, educa-

tion, health, and human rights, and flow from country-based collaborative frameworks that have the committed participation of civil society, government, and law enforcement.

Principles underlying the strategy include

- Emphasis on a targeted set of countries and/or regions
- Antitrafficking activities focused on prevention of trafficking, protection of victims, and reform and implementation of antitrafficking legislation
- A platform of development efforts that support and reinforce direct antitrafficking activities, e.g., girls' education, reduction of violence against women and promotion of their rights, poverty reduction, administration of justice, and refugee assistance
- Partnerships with organizations such as NGOs and faith-based institutions that are fighting trafficking and assisting victims of prostitution, child labor, and other forms of slavery
- Coordination with other parts of the U.S. Government and with local, regional, and international institutions

In countries where trafficking is a serious problem, new direct antitrafficking activities designed by missions should be integrated into mission and other operating unit strategic plans. Missions should also redirect some current activities to populations or geographic areas that are particularly vulnerable to trafficking, or should modify development activities to directly address trafficking.

Modules on trafficking should be introduced into existing training efforts for judges and prosecutors, community workers, youth, and informal and formal educators. Trafficking should be raised in the course of strategy development, assessments, and program planning. Activities with potential as model interventions should be given priority. USAID missions and U.S. embassies should conduct policy dialogue on trafficking with governments in source, transit, and destination countries. Priority will be given to model interventions and to increasing the scale and effectiveness of successful initiatives.

An effective antitrafficking strategy depends upon partnerships. Organizations advocating prostitution as an employment choice or which advocate or support the legalization of prostitution are not appropriate partners for USAID antitrafficking grants or contracts. Where there is government commitment and political will, USAID should work with national, regional, and/or local government agencies. In addition to donor and host country governments and intergovernmental bodies, important implementing partners are civil society, educational and faith-based institutions, and women's organizations. Partnerships between source and destination countries are an important means of linking the supply and demand elements of the trafficking process and helping to establish an international alliance against trafficking.

Trafficking in persons is not only an abuse of the human rights of its victims, but also an affront to all our humanity.

The Problem

The trafficking of persons for sexual or economic exploitation is an abuse of human rights on a global scale. Although the nature of the crime makes accurate figures difficult to verify, estimates of the number of women, children, and men trafficked each year range from 700,000 to 4 million. The purposes of trafficking include not only prostitution, debt bondage, and domestic labor. Children are trafficked as slave laborers, soldiers, camel jockeys, and sex slaves. The United States is believed to be the destination for about 50,000 victims of trafficking annually.

Economic crises, war, population movements, and natural disasters may contribute to upsurges in the number of people trafficked.

Trafficking Defined

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime, was adopted by the UN General Assembly and has been signed by 105 nations, including the United States. The definition of trafficking in persons used in this internationally accepted protocol is

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

sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹

The trafficking process involves source, transit, and destination countries: some countries combine all three of these characteristics simultaneously.

The Trafficking and Development Link

Development problems—including poverty, economic deterioration, conflict, population displacement, postconflict political transition, lack of female educational and economic opportunity, discrimination, and the low value placed on women and children—conspire to provide a source of poor and vulnerable individuals upon whom traffickers prey. As an economic survival strategy, poor families may wittingly or unwittingly sell their children to traffickers. In some countries and regions, certain communities and minority ethnic or tribal groups are particularly vulnerable to traffickers. Economic crises, war, population movements, and natural disasters may contribute to upsurges in the number of people trafficked.

The trade in persons is pulled by the demand for prostitution and cheap labor in developed and developing countries and for child soldiers in some places. Local and global criminal networks have seized the trade for its high profitability and low risk. They are aided by porous borders, absence of the rule of law, failure to prosecute traffickers,

¹ This definition in Article 3 subparagraph (a) of the Protocol is further elaborated in the following subparagraphs of Article 3: “(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) ‘Child’ shall mean any person under eighteen years of age.” The U.S. Trafficking Victims Protection Act of 2000 includes a definition of severe forms of trafficking. This definition is included in the appendix, which summarizes key parts of the legislation.

complicity of corrupt officials, and modern communications technology.

The nature of trafficking varies by region although everywhere the majority of its victims are women and children. In many parts of the world, girls 12 to 15 years old constitute the highest risk group for victimization by traffickers. Epidemics of sexually transmitted diseases (STDs), including HIV/AIDS, have increased the demand for child prostitutes, who are believed to be less likely to be infected. Trafficking in Asia has long been documented and focuses primarily on the sex trade and domestic labor. Sex trafficking is a growing concern in central and southeastern Europe, Russia, Ukraine, Central Asia, Latin America, and the Caribbean. Trafficking in children is a serious problem in Africa, where girls and boys have been abducted into internal and external conflicts, forced labor, and sexual servitude. Women and children are trafficked into the Middle East for prostitution, domestic servitude, and, in the case of boys, camel jockeying.

The U.S. Government's Position on Trafficking

Pursuant to the Trafficking Victims Protection Act of 2000, President George W. Bush established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. This Task Force is chaired by the Secretary of State, and includes the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, the Director of the Office of Management and Budget, and the Administrator of USAID. The State Department established an Office to Monitor and Combat Trafficking in Persons in October 2001. This office prepares the annual Trafficking in Persons (TIP) Report required by the legislation.

Internationally and domestically, the U.S. Government's approach to combating trafficking is an integrated one, based on prevention, protection and assistance for victims, and prosecution of traffickers. USAID plays an integral part in this effort to eliminate trafficking in persons.

USAID Strategy for Response

Goal

USAID is committed to the prevention of trafficking and the protection of its victims by reducing the vulnerability of women, children, and men to traffickers and by promoting the political will and legal and institutional capacity needed to eliminate trafficking.

USAID's Role

USAID is positioned to play an important role within the U.S. Government's antitrafficking effort. A significant part of USAID's development assistance helps create conditions that lessen the vulnerability of women and children to traffickers, such as poverty reduction, girls' education, and promotion of the rule of law as well as equal rights and economic and political opportunities for women. By themselves, these development programs are not sufficient to eliminate trafficking, but they provide important support and reinforcement for specific antitrafficking activities targeted at the prevention of trafficking, and assistance and protection for victims.²

In the course of their development work, especially in STD and HIV/AIDS programs, USAID staff and primary grantees, subgrantees, contractors, and subcontractors may become aware of individuals who may have been trafficked into the sex trade. When this occurs USAID staff or grantees and contractors should report this information to the U.S. Embassy officer who handles trafficking.

² USAID's mandate and expertise lie primarily in prevention of trafficking and assistance to and protection of victims. USAID can also address enforcement and prosecution issues through administration of justice and anticorruption programs. The Department of State and other U.S. Government agencies have authority and experience in law enforcement and direct prosecution, internationally and domestically. Addressing the demand for cheap sex and labor in destination countries and policy dialogue with governments in more developed transit and destination countries are also important aspects of an overall U.S. Government strategy.

Principles Underlying USAID's Antitrafficking Strategy

- Emphasis on a targeted set of countries and/or regions
- Antitrafficking activities focused on prevention of trafficking, protection of victims, and reform and implementation of antitrafficking legislation
- A platform of development efforts that support and reinforce direct antitrafficking activities, e.g., girls' education, reduction of violence against women and promotion of their rights, poverty reduction, administration of justice, and refugee assistance

The U.S. Government's approach to combating trafficking is an integrated one, based on prevention, protection and assistance for victims, and prosecution of traffickers.

- Partnerships with organizations such as NGOs and faith-based institutions that are fighting trafficking and assisting victims of prostitution, child labor, and other forms of slavery
- Coordination with other parts of the U.S. Government and with local, regional, and international institutions³

Characteristics of Antitrafficking Emphasis Countries⁴

- Significant levels of severe forms of trafficking in persons in countries that do not meet mini-

imum standards for eliminating trafficking (tiers 2 and 3 of the TIP lists)⁵

- Regional or subregional trafficking patterns⁶
- Presence of conflicts or natural disasters
- Host government political will to combat trafficking, as evidenced by legislative reform and enforcement, prosecutions of traffickers, and cooperation with NGOs fighting trafficking and with other governments
- Strong and committed NGO partners and faith-based institutions working to combat trafficking and assist victims of prostitution, child labor, and other forms of slavery
- Opportunities to collaborate with the State Department and/or other relevant U.S. Government agencies
- High or growing STD prevalence, especially HIV/AIDS

USAID Antitrafficking Programming

The complexity and global scope of trafficking require a multifaceted and coordinated response tailored to regional and national differences. USAID's comparative advantage to address trafficking lies in its field missions and their experience with related activities, including income-earning opportunities for the poor and vulnerable, girls' education, anti-corruption efforts, legislative reform, and campaigns to combat violence against women.

USAID funding for direct antitrafficking activities worldwide is programmed by USAID field missions

³ As mandated by the Trafficking Victims Protection Act of 2000, U.S. Government agencies involved in antitrafficking include State, USAID, Justice, Labor, Health and Human Services, the Central Intelligence Agency, and the Office of Management and Budget.

⁴ All of these criteria need not apply to all emphasis countries; they provide guidance for consideration.

⁵ The 2002 Department of State TIP lists include 89 countries in which there are significant levels of severe forms of trafficking. Seventy-one of these countries did not meet minimum standards to eliminate trafficking and were placed on tiers 2 and 3 of the TIP lists.

⁶ A significant amount of trafficking in persons takes place across national borders, making both regional and bilateral antitrafficking efforts an important part of the strategy.

in conjunction with USAID Washington. The Office of Women in Development coordinates the Agency's antitrafficking efforts and plays an active role in the U.S. Government interagency processes.

USAID's antitrafficking strategy is based on direct antitrafficking activities that are reinforced by a platform of programs that support economic development, good governance, education, health, and human rights. Antitrafficking activities supported by USAID thus should not be isolated or ad hoc add-ons to programs, but an integral part of the Agency's development programming.

In countries where trafficking is a serious problem, new direct antitrafficking activities designed by missions should be integrated into mission and other operating unit strategic plans. Missions should also redirect some current activities to populations or geographic areas that are particularly vulnerable to trafficking, or should modify development activities to directly address trafficking.

Modules on trafficking should be introduced into existing training efforts for judges and prosecutors, community workers, youth, and informal and formal educators. Trafficking should be raised in the course of strategy development, assessments, and program planning. Activities with potential as model interventions should be given priority. Finally, USAID missions and U.S. embassies should conduct policy dialogue on trafficking with governments in source, transit, and destination countries.

Illustrative Examples of Antitrafficking Activities for USAID Support⁷

Improved Information on Trafficking

- Collect and analyze data to map trafficking levels and routes and establish benchmarks for measuring trafficking

⁷This list of activities is illustrative; it does not preclude other direct antitrafficking activities that may be appropriate in particular countries or regions.

- Analyze supply and demand factors to gain insight into economic forces that make trafficking attractive
- Document the extent of trafficking and sexual exploitation in refugee and conflict situations

Awareness of Trafficking and Its Dangers

- Disseminate public antitrafficking information and undertake education campaigns in source, transit, and destination countries
- Conduct community education about the risks and dangers of trafficking
- Educate the private sector about trafficking for child labor
- Provide public education in destination countries about the prevalence of trafficking, its criminality, and its abuse of human rights
- Offer education and outreach to ethnic communities that are particularly vulnerable to traffickers
- Support local and regional NGO networks and faith-based institutions that are fighting trafficking

Addressing the Root Causes

- Increase economic and educational opportunities for children and young women within targeted regions or communities where trafficking is prevalent
- Promote or increase access to economic and vocational opportunities for potential or actual trafficking victims and their families (including but not limited to job skills training and microenterprise).
- Promote or increase access to education, especially for vulnerable girls

- Increase respect for girls and women through media, formal education, and youth-focused activities
- Support efforts by NGOs, faith-based institutions, and governments to prosecute traffickers and brothel owners using existing national laws on rape, kidnapping and abduction

Assistance for Victims of Trafficking

- Reports should be made to the U.S. Embassy officer who handles trafficking by USAID staff, primary and subcontractors, and primary and subgrantees who become aware of individuals who may have been trafficked into the sex trade
- Support shelters and access to psychological, legal, and medical assistance
- Establish or support victim hotlines
- Increase access to the justice system
- Support programs for victims of conflict-related trafficking, including refugees and internally displaced persons
- Support repatriation, counseling, social integration, education, and income generation for trafficking victims

Legislative and Policy Reform

- Promote development and implementation of antitrafficking legislation and policies in source, transit, and destination countries through civil society; legislatures; national, regional and local governments; and judicial systems
- Engage in policy dialogue with governments, particularly those on tiers 2 and 3 of the TIP lists
- Incorporate antitrafficking into human rights activities

- Incorporate antitrafficking into anticorruption efforts
- Educate prosecutors, judges, law enforcement, and social service agencies about trafficking laws and victims' rights and treatment

Partnerships Against Trafficking

An effective antitrafficking strategy depends upon partnerships. Organizations advocating prostitution as an employment choice or which advocate or support the legalization of prostitution are not appropriate partners for USAID antitrafficking grants or contracts. Missions will avoid contracting or assistance agreements with such organizations as primary or subgrantees, or contractors.

Advocacy organizations and NGOs can help raise awareness of the problem at local, regional, or national levels through legislative reform, public awareness, and support for trafficked victims.

Where there is government commitment and political will, USAID should work with national, regional, and/or local government agencies. In addition to donor and host country governments and intergovernmental bodies, important implementing partners are civil society, educational and faith-based institutions, and women's organizations. Advocacy organizations and NGOs can help raise awareness of the problem at local, regional, or national levels through legislative reform, public awareness, and support for trafficked victims. Meetings and consultations at the international, regional, or sub-regional level among NGOs, governments, international organizations, academics, development practitioners, diplomats, and law enforcement personnel are an important means of sharing experience on what works and what does not, pushing forward understanding of the problem, refining approaches to its elimination, and strengthening collaborative relationships.

Attention must be given to destination as well as source countries. Partnerships between source and destination countries are an important means of linking the supply and demand elements of the trafficking process and helping to establish an international alliance against trafficking. In source and destination countries, such partnerships may include not only governments but also civil society groups, journalists, legislators, faith-based organizations, business, and youth.

It is important to find ways to take successful activities to scale and to enhance the sophistication of their design.

Going to Scale

Most antitrafficking activities are relatively small and reflect only parts of the solution. It is important to find ways to take successful activities to scale and to enhance the sophistication of their design. Development of strong linkages among a variety of programs to address different elements of trafficking can help expand the impact of individual activities. Eliminating trafficking is a complex, labor-intensive, and lengthy process that involves many actors and extends from pretrafficking to the social integration of its victims. There are some actions that USAID missions can take to increase the scale and effectiveness of antitrafficking efforts:

- build the capacity of NGOs and faith-based institutions to combat trafficking
- link small NGOs fighting trafficking into networks
- forge strong linkages with and among programs that address different aspects of the trafficking process
- help to create enabling policy and legal environments that will facilitate efforts to eliminate trafficking

- promote local and national public awareness of the problem

Monitoring Progress

Trafficking is a new issue compared to other areas of development for which measurement indicators have been developed over a period of years. Monitoring progress toward eliminating trafficking is important in order to increase accountability, improve intervention models, move programs forward, and develop best practices. Developing an appropriate evaluation methodology and set of indicators is not simple, but it is an important step that should be addressed as part of the planning stage of antitrafficking programs.

Conclusion

The U.S. Government is committed at the highest levels to implementation of the Trafficking Victims' Protection Act. In USAID-recipient countries where trafficking is a serious problem, USAID missions and operating units should give priority attention to mounting antitrafficking activities and should consider trafficking in their strategy development, assessments, and program planning. By themselves, USAID activities will not end this pernicious abuse of human rights, but within country-based collaborative frameworks that have the committed participation of civil society, government, faith-based organizations, and law enforcement, these actions can produce powerful results.

Appendix

Countries with Significant Trafficking

The Trafficking Victims Protection Act of 2000 states “The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern.”⁸

The Act requires the Secretary of State to submit to Congress on June 1 of each year a list that identifies countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking. These are the countries to which the minimum standards established by the law apply. The term “severe forms of trafficking in persons” means

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁹

The Act defines the minimum standards for governmental efforts to combat trafficking in persons.

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent or of

trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

The TIP lists are divided into three tiers. The governments of countries placed in tier 1 meet the minimum standards for combating trafficking in persons. Those in tier 2 do not meet minimum standards but are making significant efforts to bring themselves into compliance. Tier 3 is reserved for governments that do not meet minimum standards and are not making significant efforts to bring themselves into compliance. According to the Act, beginning with the 2003 report, countries in tier 3 will be subject to certain sanctions, principally termination of nonhumanitarian, nontrade-related assistance.

⁸ P.L. 106-386, Division A, Section 102 (b) (23).

⁹ Trafficking Victims Protection Act of 2000, Section 103 (8)



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