



Dear Reader:

I am pleased to celebrate and reflect upon the last decade of progress identifying and fighting the phenomenon of modern slavery. Ten years ago, the United Nations negotiated the international standards against trafficking in persons and the United States enacted the Trafficking Victims Protection Act. Since then, the international community has witnessed tangible progress in the effort to end the scourge of trafficking in persons. More victims have been protected, more cases have been successfully prosecuted, and more instances of this human rights abuse have been prevented. Countries that once denied the existence of human trafficking now work to

identify victims and help them overcome the trauma of modern slavery, as well as hold responsible those who enslave others.

Although progress has undoubtedly been made against this global phenomenon, there is more work to do. This annual assessment is an opportunity to diagnose the world's efforts to implement the "3P" paradigm of prevention, protection, and prosecution. Based on lessons learned, we must work together with civil society, the corporate sector, and across governments through the "fourth P" – partnership – toward a world in which every man, woman, and child is safe from the hands of traffickers and can realize their God-given potential.

The 10th annual Trafficking in Persons Report outlines the continuing challenges across the globe, including in the United States. The Report, for the first time, includes a ranking of the United States based on the same standards to which we hold other countries. The United States takes its first-ever ranking not as a reprieve but as a responsibility to strengthen global efforts against modern slavery, including those within America. This human rights abuse is universal, and no one should claim immunity from its reach or from the responsibility to confront it.

This year's report highlights several key trends, including the suffering of women and children in involuntary domestic servitude, the challenges and successes in identifying and protecting victims, and the need to include anti-trafficking policies in our response to natural disasters, as was evident in the aftermath of this year's earthquake in Haiti.

Ending this global scourge is an important policy priority for the United States. This fluid phenomenon continues to affect cultures, communities, and countries spanning the globe. Through partnerships, we can confront it head-on and lift its victims from slavery to freedom.

Sincerely yours,

A handwritten signature in purple ink that reads "Hillary Rodham Clinton".

Hillary Rodham Clinton



Dear Reader:

As we celebrate the timeless words of our Constitution's 13th Amendment – that “[n]either slavery nor involuntary servitude ... shall exist” – we recognize that such absolute guarantees need to be constantly enforced lest they only be words on a page. So too in the international arena; Article 4 of the Universal Declaration of Human Rights and the United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons (Palermo Protocol) do not enforce themselves. Rather, it takes governments and civil society working in partnership to identify victims and punish the traffickers who would enslave them.

The call that went forth from Palermo in December of 2000 is being heard; 116 countries have enacted legislation to prohibit all forms of trafficking. This last year saw more victims identified, more services provided, and more traffickers convicted than any year in history. Yet enslaving someone still carries too little risk. Remediation, fines, or warnings are too small a price to pay – those who would profit by stealing freedom should lose their own. Fighting trafficking commands too few resources, too little vision, and as a result, too few outcomes.

Millions continue to toil in modern forms of slavery. Disturbing trends are coming into focus, such as the feminization of migration. For example, in the last three years, one source country in Southeast Asia has seen the demographics of its outgoing migrants switch from majority male to more than 70 percent female. Given the unscrupulous nature of labor recruiting, this trend leads to the feminization of labor trafficking, once simply thought of as the male counterpoint to sex trafficking. But like their brothers, husbands, and sons, women are trapped in fields, factories, mines, and restaurants, often suffering the dual demons of forced labor and sexual assault. As we more fully understand the plight of women who are victims of labor trafficking, we continue to see the devastating effects of sex trafficking, where services for survivors are as rare as programs that address the demand for their victimization. And if they are found, women are repatriated as a matter of first instance, or are locked in “shelters” that look more like prisons than the safe haven that a survivor needs.

Despite these sobering trends, this 10th anniversary is not a time to despair at the scope of this problem; it is a time to honor progress and re-dedicate ourselves to the fight. We can celebrate triumphs that are no less great because they did not solve the whole problem; we must recognize needs that are no less pressing because others were met. In that spirit, let this be the year that we imagine a world without slavery. Let this be the year that we come together in partnership to deliver on that vision.

Sincerely,

A handwritten signature in blue ink that reads "Luis CdeBaca".

Ambassador Luis CdeBaca

# THE 2010 TRAFFICKING IN PERSONS REPORT

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*“The victims of modern slavery have many faces. They are men and women, adults and children. Yet, all are denied basic human dignity and freedom. . . . All too often suffering from horrible physical and sexual abuse, it is hard for them to imagine that there might be a place of refuge.”*

**U.S. President Barack Obama, January 4, 2010**



## VICTIMS' STORIES

The victims' testimonies included in this report are meant to be representative only and do not include all forms of existing trafficking. Any of these stories could take place anywhere in the world. They illustrate the many forms of trafficking and the wide variety of places in which trafficking occurs. Many of the victims' names have been changed in this report. Most uncaptioned photographs are not images of confirmed trafficking victims, but they show the myriad forms of exploitation that define trafficking and the variety of cultures in which trafficking victims are found.

# THE 2010 TRAFFICKING IN PERSONS (TIP) REPORT

## 10 YEARS OF FIGHTING MODERN SLAVERY

The 2010 Trafficking in Persons (TIP) Report marks the 10th anniversary of key milestones in the fight against modern slavery. In 2000, the United States enacted the Trafficking Victims Protection Act (TVPA), and the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. Since then, the world has made great strides in combating this ultimate exploitation – both in terms of what we know about this crime and how we respond.

The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument called for the criminalization of all acts of trafficking – including forced labor, slavery, and slavery-like practices – and that governmental response should incorporate the “3P” paradigm: **prevention**, criminal **prosecution**, and victim **protection**.

Over 10 years, governments worldwide have made appreciable progress in understanding a number of realities about human trafficking: people are in situations of modern slavery in most countries; trafficking is a fluid phenomenon responding to market demands, weakness in laws and penalties, and economic and development disparities. More people are trafficked for forced labor than for commercial sex. The crime is less often about the flat-out duping and kidnapping of naïve victims than it is about the coercion and exploitation of people who initially entered a particular form of service voluntarily or migrated willingly. Trafficking can occur without movement across borders or domestically, but many countries and commentators still assume some movement is required. Men comprise a significant number of trafficking victims. And traffickers often use sexual violence as a weapon against women to keep them in compelled service, whether in a field, a factory, a brothel, a home, or a war zone.

The “3P” paradigm is an interlocking one. It is not enough to prosecute traffickers if we do not also provide assistance to the survivors and work to ensure that no one else is victimized. No country has yet attained a truly comprehensive response to this massive, ever increasing, ever changing crime. Ten years of focused efforts is the mere infancy of this modern movement; many countries are still learning about human trafficking and the best responses to it.

## KENYA

In 1991, a 6-year-old boy was working part-time as a house boy for a fisheries officer. The officer was reassigned to a different region and promised the boy an education if he accompanied him. But instead of being enrolled in school, the boy was forced to tend cattle and serve as the homestead’s security guard. The officer changed the boy’s name to Charles and over time, the boy forgot his native language. Charles, now 26, still works for the fisheries officer but has never received payment and relies on the officer for everything. When Charles requested a piece of land to build a house so he could marry, the man instead forced him to work as a fisherman and turn over the profits. With the help of a local anti-trafficking committee, Charles moved into a rented room in a nearby town but continues to be abused by his trafficker. Charles does not know who or where his family is.

*“Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. ... This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle.”*

**Frederick Douglass,  
American abolitionist**



Activists protest against child labor in farms during a demonstration in front of Argentina's Government House.

## ALBANIA-WESTERN EUROPE

Anna's trafficker kept her in submission through physical abuse – beating her, raping her, and slicing her with knives. He abducted her from Albania and took her to a Western European country, where she was forced into prostitution for about five months. He then took her to a second Western European country, where she told border authorities she was traveling on a falsified passport in hopes of getting help. The police sent her to a refugee camp where two Albanian social workers released her back to her trafficker. During more than four years of subsequent forced prostitution in the second destination, Anna was made to undergo four abortions. When her trafficker was deported to Albania, five years after her initial abduction, Anna went to police with information about the trafficking ring. Two days later, she too was deported to Albania, where the trafficker continued his threats and abuse. Anna pursued prosecution of her trafficker in Albania, but he remains free. She has been denied residency and assistance from several Western European countries, including the ones in which she was exploited. She was able to resettle in the United States where she is continuing her rehabilitation and studying to become a nurse.

Promising practices, task forces, and coordinating bodies' national plans of action must be implemented on the ground, and local innovations must be supported and amplified by central governments. The vast majority of the millions held in modern slavery have yet to benefit from any progress; every country must do more to fulfill the promise of the Palermo Protocol.

Last year, the world imported and exported billions of dollars in products tainted by forced labor in manufacturing and raw materials procurement, according to the International Labour Organization (ILO). Governments knowingly and unknowingly deported trafficking victims and failed to provide victims shelter and reintegration services, which led to undercutting investigations and delaying the rehabilitation of victims. They continued to struggle with poorly constructed immigration laws that increased the vulnerability of migrant populations to trafficking.

When reviewing the trafficking assessment for each country, it is critical to remember that these assessments are based on compliance with *minimum* standards set forth in the TVPA, as amended – what the U.S. government considers the floor for engagement rather than the ceiling.

Fighting human trafficking is not a static exercise. A trafficking law passed last year must be implemented and improved this year. The lessons learned from last year's prosecutions should inform and improve this year's law enforcement response. Wide disparities between numbers of trafficking victims identified and trafficking offenders prosecuted should be reviewed with the goal of improving the capacity of law enforcement responders to deliver justice for victims. Although numbers of trafficking prosecutions and convictions are important indicators of progress, the quality and impact of counter-trafficking law enforcement efforts are more significant.

The missed opportunities for compassionate and effective victim identification must serve as a clarion call to ensure that

# HUMAN TRAFFICKING BY THE NUMBERS

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Adults and children in forced labor, bonded labor, and forced prostitution around the world: **12.3 million**

Successful trafficking prosecutions in 2009: **4,166**

Successful prosecutions related to forced labor: **335**

Victims identified: **49,105**

Ratio of convicted offenders to victims identified, as a percentage: **8.5**

Ratio of victims identified to estimated victims, as a percentage: **0.4**

Countries that have yet to convict a trafficker under laws in compliance with the Palermo Protocol: **62**

Countries without laws, policies, or regulations to prevent victims' deportation: **104**

Prevalence of trafficking victims in the world: **1.8 per 1,000 inhabitants**

Prevalence of trafficking victims in Asia and the Pacific: **3 per 1,000 inhabitants**

this year, there is a proactive approach to victim identification and assistance, upholding the Palermo Protocol and the TVPA's guarantees of justice for every victim.

The 2010 TIP Report is a diagnostic tool reflective of efforts on the ground now. It is neither a condemnation nor a reprieve; nor is it a guarantee of next year's ranking. Indeed, this year's report reflects upgrades for 23 countries in recognition of long overdue results and downgrades for 19 countries demonstrating sparse victim protections, desultory implementation, or inadequate legal structures.

Most countries that deny the existence of victims of modern slavery within their borders are not looking, trying, or living up to the mandates of the Palermo Protocol and the demands of our common humanity. There is no shame in addressing a problem of this magnitude; the shame lies in ignoring it.

The United States holds itself accountable to the same standards by which we judge others. For the first time, this year's TIP Report includes a U.S. ranking as well as a full, candid narrative on U.S. efforts to combat human trafficking. The ranking reflects the contributions of government agencies, public input, and independent research by the Department of State. The United States recognizes that, like other countries, it has a serious problem with human trafficking for both labor and commercial sexual exploitation. The U.S. government takes pride in

its best practices to combat the crime of trafficking, recognizes challenges, and seeks continual innovation and strengthening of its efforts at home and in partnership with other countries.

## WHAT IS TRAFFICKING IN PERSONS?

Over the past 15 years, "trafficking in persons" or "human trafficking" have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. The TVPA describes this compelled service using a

*"...the worst thing in my life. Who was this [person], where'd [the mama-san] come from, to make me pay such a huge debt? I can't forget it. She pointed in my face and said, 'Don't think about running away or I'll have you killed' ... it was a system. As soon as I paid off all the debt, they were going to sell me again. And then they were going to give me more debt. That was too much, I couldn't stand it. I had to run away, even if it meant I might die."*

**Thai woman trafficked to Japan  
(ILO report, 2009)**

## HUMAN TRAFFICKING DEFINED

The TVPA defines “severe forms of trafficking” as:

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

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.

number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

Under the TVPA, a person may be a trafficking victim regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.

Major forms of human trafficking include:

### FORCED LABOR

Recent studies show the majority of human trafficking in the world takes the form of forced labor. The ILO estimates that for every trafficking victim subjected to forced prostitution, nine people are forced to work. Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

## WHAT IS NOT TRAFFICKING IN PERSONS?

**Illegal adoptions:** The kidnapping or unlawful buying/selling of an infant or child for the purpose of offering that child for adoption represents a serious criminal offense, but it is not a form of human trafficking, as it does not necessarily involve the use of force, fraud, or coercion to compel services from a person. As stated in the *travaux préparatoires* of the Palermo Protocol, only “where illegal adoption amounts to a practice similar to slavery . . . it will also fall within the scope of the Protocol.”

**The trade in human organs:** The trade in human organs – such as kidneys – is not in itself a form of human trafficking. The international trade in organs is substantial and demand appears to be growing. Some victims in developing countries are exploited as their kidneys are purchased for low prices. Such practices are prohibited under the Palermo Protocol, for example when traffickers use coercive means, such as force or threats of force to secure the removal of the victim’s organs.

**Child pornography:** Sex trafficking of children can involve several different forms of exploitation, including the production of child pornography. However, the production of sexual images representing children – which increasingly includes drawings and computer-generated images – is not sex trafficking unless a child is actually induced to perform a commercial sex act for the purpose of producing the pornography. Distribution and possession of child pornography, while often criminally prohibited, are not acts of human trafficking.

**Prostitution:** Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized. However, pursuant to the TVPRA of 2008, the definitions of human trafficking under U.S. law are not construed to treat prostitution as a valid form of employment. The TIP Report evaluates the efforts of countries with legalized prostitution to reduce the demand for commercial sex acts as part of its assessment of the countries’ serious and sustained efforts to eliminate severe forms of trafficking in persons.



## SEX TRAFFICKING

Sex trafficking comprises a smaller but still significant portion of overall human trafficking. When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive the benefits outlined in the Palermo Protocol and applicable domestic laws.

## BONDED LABOR

One form of force or coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by its Spanish name – *peonage* – and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit debt in more traditional systems of bonded labor. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debts.

## DEBT BONDAGE AMONG MIGRANT LABORERS

Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the attribution of illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country, can contribute to a situation of debt bondage. This is the case even when the worker’s status in the country is tied to the employer as a guestworker in the context of employment-based temporary work programs.

## INVOLUNTARY DOMESTIC SERVITUDE

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Investigators and service providers report many cases of untreated illnesses and,

tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

## FORCED CHILD LABOR

Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among these worst forms of child labor, and these are forms of



Siti Hara, an Indonesian domestic worker, says her Malaysian female employer severely abused her for three years, at times beating her with a cane and dousing her with boiling water. Labor groups in the region are pressing for better protection for vulnerable migrant workers.

# CHILD SOLDIERS

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and became effective on June 21, 2009. The CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as hosting governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the Act. These determinations cover the reporting period beginning March 1, 2009 and ending February 28, 2010.

According to the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term “child soldier” means:

- (i) any person under 18 year of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or,
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

The term “child soldier” includes any person described in clauses (ii), (iii), or (iv) “who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.”

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA prohibits the following forms of assistance to governments identified on the list: international military education and training, foreign military financing, excess defense articles, section 1206 assistance, and the issuance of licenses for direct commercial sales of military equipment. Beginning October 1, 2010 and effective throughout FY 2011, these types of assistance will be prohibited to the countries listed, absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA.

The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and reporting from various United Nations entities, international organizations, local and international NGOs, and international media outlets.

## **The 2010 CSPA list consists of governments in the following countries:**

1. **Burma**
2. **Chad**
3. **Democratic Republic of the Congo**
4. **Somalia**
5. **Sudan**
6. **Yemen**



trafficking. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.

Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. However, when children are enslaved, their abusers should not escape criminal punishment by virtue of long-standing administrative responses to child labor practices.

## CHILD SOLDIERS

Child soldiering can be a manifestation of human trafficking where it involves the unlawful recruitment or use of children – through force, fraud, or coercion – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.



At the doors of a brothel in Cambodia that has been shut down, tiny sandals provide a reminder of the youngest victims exploited there.

## THE DEMOCRATIC REPUBLIC OF THE CONGO

By 18, Christophe had been abducted by the Congolese army three times and forced to transport their supplies from region to region. Christophe and other abducted civilians, sometimes as many as 100, were forced to walk for days carrying boxes of ammunition, jerry cans of whiskey, cases of beer, and other baggage. Primary school children, some as young as 8, were forced to carry the soldiers' children on their backs. If they got tired or walked slowly, they were beaten or whipped. They were given no food and ate only whatever they could find in the villages they passed through.

*“He scuffed on his sandals to another low tin-roofed hut and fumbled with a bolt, pulled the door open, switched on a bright light. More blinking girls, like an apparition in the brightness, five or six of them squirming on a mattress that lay flat on the floor. Their blinking in the light made them look terrified – and they may well have been terrified for none was older than fourteen or fifteen. ...*

*“Which one you want?”*

*One thin-necked unsmiling girl, with pale skin and a fragile body, narrow shoulders and no breasts, tried shyly, turning sideways, to catch my eye. She was attempting to smile, but her eyes gave her away, for as she posed as a coquette, she seemed afraid that I might choose her. She was a soft pale thing with muscles like custard. Was I imagining that she was twisting a little stuffed toy in her hands?*

*“Maybe later.”*

*“I’ll be here.”*

*I got one last glimpse of the girl before he switched off the light. Her child’s face stayed with me the rest of the night and saddened me.”*

**Paul Theroux, travel writer, in  
*Ghost Train to the Eastern Star* (2008)**



Indian children work at a construction site in New Delhi, India. The construction project is one of many aimed at enhancing the city's sporting and transport infrastructure in advance of the October 2010 Commonwealth Games. Migrant workers from all over India are being paid below the minimum wage and are living and working in substandard conditions to complete these projects.

## CHINA-GHANA

Cindy was a poor girl in rural China when a neighbor and her husband offered to give her work at a restaurant their friends opened in Africa. Cindy dropped out of school and went with the couple to Ghana, only to fall victim to a Chinese sex trafficking ring. She was taken to live in a brothel with other Chinese women, and her passport and return tickets were confiscated. Her traffickers forced her to engage in commercial sex and beat her when she refused. They made her peruse casinos to attract white men. The traffickers took Cindy's money, telling her she had to repay them for her travel and accommodation costs. A Ghanaian investigative journalist exposed the ring, and the traffickers were prosecuted in a Ghanaian court. With NGO assistance, Cindy and the other women returned to China and are trying to rebuild their lives.

## CHILD SEX TRAFFICKING

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both U.S. law and the Palermo Protocol as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

## POLICY PRIORITIES

Since the issuance of President Bill Clinton's Executive Memorandum on the Trafficking of Women and Children in March 1998, the U.S. government has advocated a policy structured by the "3P" paradigm: prosecution, protection, and prevention.

## PROSECUTION

Trafficking in persons is a crime akin to murder, rape and kidnapping. Criminalization is mandatory for all parties to the Palermo Protocol, and the importance of prosecution is

# WHAT MAKES A GOOD TRAFFICKING IN PERSONS LAW?

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Throughout the last decade, most of the world has developed new legislation to conform with the Palermo Protocol. In so doing, many countries have looked to other countries' existing laws, model laws offered by the United Nations and other international organizations or donor governments, and advice from anti-trafficking experts in crafting legislation most appropriate for their legal systems and cultures. This diversity in contextual factors prevents the development of detailed language that would apply to all countries. Some basic principles can and should be considered as best practices in designing legislation to fight modern slavery.

A good anti-trafficking law should include the following:

- A broad definition of the concept of “coercion” that covers its many manifestations in modern forms of slavery, including the threat of physical, financial, or reputational harm sufficiently serious to compel a reasonable person to perform or to continue performing labor or services in order to avoid incurring that harm.
- A well-articulated definition of trafficking that facilitates effective law enforcement and prosecutorial responses and allows for the collection of meaningful data. The definition should incorporate all forms of compelled service in addition to forced prostitution. The definition should not simply criminalize the recruitment or transportation of prostituted persons. The definition should *not* include related but distinct crimes, such as alien smuggling or prostitution.
- A mechanism of care provided to all suspected victims of trafficking through which they have the opportunity to access basic services – including shelter, food, medical care, psycho-social counseling, legal aid, and work authorization.
- Explicit immigration relief for trafficking victims, regardless of their past legal status, and relief from any legal penalties for unlawful activities committed by victims as a direct result of their trafficking.
- Specific protections for child victims of trafficking ensuring a responsible chain of custody and a priority placed on the best interests of the child in all decisions made in providing services to them.
- Explicit provisions ensuring identified victims have access to legal redress to obtain financial compensation for the trafficking crimes committed against them. In order to be meaningful, such access must be accompanied by options to obtain immigration relief. Trafficking victims should not be excluded from legal services providers who can assist with these efforts, whether NGOs or government programs.

reflected in the U.S. law enforcement approach. Yet the numbers of prosecutions each year are dismally low in comparison to the scope of the problem. Passing modern laws that prohibit all forms of trafficking by focusing on the enslavement of victims rather than the recruitment and transportation of workers or people in prostitution is an important first step in complying with the Palermo Protocol and meeting the TVPA minimum standards. For those laws to have any meaning, however, they must be enforced. As long as there are only around 4,000 trafficking convictions worldwide each year, a message is sent that the injustice suffered by victims is not a national or international priority.

Too often the victims of this crime are perceived to be society's throwaways – prostitutes, runaways, the poor, racial or ethnic minorities, members of a low caste, or recent immigrants. Victims themselves do not know the legal definitions of this crime and should not be required to self-identify. Bias against the vulnerable classes and an inability to envision them as victims affects whether they are identified and whether their traffick-

ers are brought to justice. A narrow focus hinders a robust law enforcement response and allows traffickers to operate with impunity. Moreover, it diminishes the promise of equal protection under the law, undermining basic rule of law principles. All victims should be entitled to see their traffickers brought to justice and to be heard through the legal process. Compassionate and smart prosecution is thus the foundation of a victim-centered approach.

## PROTECTION

Just as passage of a law without its enforcement is an empty promise, law enforcement alone without victim protections is an inadequate response. A victim-centered approach does not mean assisting a potential witness just long enough to get his or her testimony; it means meeting needs and fulfilling obligations that extend beyond the confines of a criminal case. Such an approach calls for partnerships between law enforcement agencies and service providers – not just to win the case but as colleagues sharing a humanitarian responsibility to act in the best interest of the victim.



Since the 1970s, many workers from northeast Brazil, the poorest and driest region of the country, have migrated to the Amazon and to the south to work on ranches, soy and sugar plantations, and in logging camps. Labor investigators say land barons and middlemen often exploit these migrants for degrading work, denying them payment and charging exorbitant prices for basic goods such as food and tools. It is estimated that tens of thousands of Brazilian workers still find themselves in debt bondage.

Victim protections conditioned on victims' active role in prosecutions brought by the state also fall far short. In many countries, immigration relief and social services are offered only to victim-witnesses purely as incentives to cooperate. They do not aim to restore the dignity or health of the person who was victimized. Optimally, the response to this human rights abuse should focus on all victims, offering them the opportunity to access shelter, comprehensive services, and in certain cases, immigration relief. Repatriation of foreign victims should not be the first response, but should be undertaken as an informed decision and done so in a manner that serves the best interest of the victim. Detention of the victim is not only at odds with the Palermo Protocol, but is counterproductive to effective rehabilitation and criminal prosecution alike.

At its best, victim protection is a series of laws and policies that are broadly funded, understood, and implemented, and that are adaptable on the ground and considerate of victims' needs.

## PREVENTION

While prevention is an important goal, neither the Palermo Protocol nor the TVPA as amended give much guidance in setting forth prevention activities beyond the obvious: public awareness campaigns, addressing root causes, and conducting law enforcement-related or border security activities. A decade later, governments are expanding their understanding of prevention to include policies and practices that cut off modern slavery at the source. This includes initiatives that both combat the demand for commercial sex and ensure that the demand for low prices is balanced by a demand for traceability, transparency, and worker protections throughout the supply chain. Governments, corporations, and consumers can come together to ensure that free trade means labor that is freely offered because of fair compensation, rather than labor taken for free.

Prevention must address key vulnerabilities in legal systems: policies and implementation loopholes that allow trafficking to occur, tolerance within government procurement and contracting, unscrupulous labor recruiting companies, restrictive visa practices used as coercive tools, and lax enforcement of labor laws. Effective prevention lies in targeted initiatives to protect the rights of marginalized, low-income workers, such as domestic servants, farm workers, miners, and garment workers. These workers are too often subjected to offenses that span a continuum of labor exploitation, including at its worst, human trafficking.

## ETHIOPIA-UNITED ARAB EMIRATES

Mary left her home in East Africa determined to earn money for her family. But from her second day of work as a maid in a private house in the United Arab Emirates, she was beaten daily. "If she didn't beat me in the day, she would beat me at night," Mary says of her employer. The beatings continued for two years. Once, Mary's employer threw boiling water on her and continued to beat her after she collapsed in pain. She was denied medical attention. Her clothing stuck to her wounds. Her employer ordered Mary to have sex with another maid on video. When Mary refused, the woman put a hot iron on her neck and threatened her with more beatings. After two years, a doctor noted wounds, scars, and blisters all over Mary's body.

# FORCED AND CHILD MARRIAGES

Marriage induced through force, coercion, or deceit is a global phenomenon engendered by cultural and societal norms about the institution of marriage and the roles of spouses. Forced marriage is one entered into without full consent and under duress, where the individual has no right to choose a partner or ability to say no.

Around the world, forced or coerced marriages are used by parents and families as a means to many ends, but most commonly to settle debt, receive dowry payments, further economic interests, relieve poverty, obtain residency permits, display status, provide inheritance, counteract promiscuity, and serve as compensation for a wrongful death. Forced marriages render the forced party (in most cases a woman) vulnerable to abuse and exploitation by her spouse or his family, who exercise significantly greater power and control. This can trap the victim in conditions of enslavement, particularly in domestic or sexual servitude.

Not all forced marriages result in cases of trafficking. Each situation is unique and needs to be evaluated on a case-by-case basis to determine whether it meets the legal definition of trafficking. The evaluation must look particularly at the terms of the marriage and the possible conditions of exploitation encountered afterward. Trafficking and forced marriage intersect when marriage is used both in conjunction with force, fraud, coercion, or abuse of power and as a means to subject wives to conditions of slavery, often in the form of domestic or sexual servitude.

Prevention also can and should harness the economic impetus for this crime in order to fight it – by increasing criminal or civil penalties for companies that directly rely on forced labor in the production of goods or services.

## PARTNERSHIPS

Combating human trafficking requires the expertise, resources and efforts of many individuals and entities. It is a complex, multi-faceted issue requiring a comprehensive response of government and nongovernment entities in such areas as human rights, labor and employment, health and services, and law enforcement. It requires partnerships among all these entities to have a positive impact.

Partnerships augment efforts by bringing together diverse experience, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to alone. Examples of existing partnerships governments use to facilitate prosecution, prevention, and protection include:

- task forces among law enforcement agencies that cooperate to share intelligence, work across jurisdictions, and coordinate across borders;
- alliances between governments and business associations that seek to craft protocols and establish compliance mechanisms for slavery-free supply chains; and,

- regional partnerships among nations, such as the anti-human trafficking efforts of the Organization of American States (OAS) or the European Union (EU).

Outside the government, partnerships include coalitions of nongovernmental organizations (NGOs) coming together for purposes of advocacy, service provision, and information sharing, and networks of survivors, whose experiences inform the broader trafficking movement.

While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies – something all should endeavor to create and share in the years ahead.

*“We were going to be booked with customers daily. Our body would be used every day. We would work hard, but we would not get anything in return. Who would want that kind of work?”*

**Filipina woman trafficked to Malaysia**  
(ILO report, 2009)

## LAOS-THAILAND

At 17, Khansee left his village in southern Laos to find work in a border town. He had very little education, could barely read or write, and was supporting his mother and grandmother. Another young man told Khansee he could earn \$170 a month working at a garment factory in Thailand. Khansee trusted him because he was a fellow Lao, but he never made it to the garment factory. They crossed the river at night and boarded a van that took them to the coast of Thailand. When Khansee stepped out of the van, he was immediately led onto a fishing trawler under the watchful eyes of men armed with guns. For two years, Khansee worked day and night, heaving nets of fish without a rest or break. He ate and slept little on a crowded deck with 40 other men. He was beaten on a regular basis. Once, Khansee watched his traffickers beat a fellow worker until the man was unconscious. After two years of forced servitude, Khansee managed to escape when the boat was docked. He ran for days through the jungle, until he reached the home of a woman who took him in, fed him, and gave him money for a taxi to the Lao Embassy in Bangkok. With NGO and embassy assistance, Khansee made it back to his village alive.

Millions of migrants from Central Asia flock to work in Russia, often at construction sites. But human rights groups say the government fails to protect them from predatory employers and corrupt officials. According to Human Rights Watch, migrant workers in Russia are routinely denied wages, threatened with violence, and abused by the police.

## DISMANTLING THE “3D” APPROACH TO HUMAN TRAFFICKING

In the 10 years since the passage of the Palermo Protocol with its “3P” paradigm of prevention, protection and prosecution, a competing, more unfortunate, paradigm seems to persist in impeding greater anti-trafficking progress: the “3D” phenomenon of **detention, deportation** and **disempowerment**.

The use of this approach in detaining and deporting trafficking victims is most often the outgrowth of immigration policies or archaic laws that have yet to fully appreciate the phenomenon of modern slavery. However, some of the manifestations of this response are new, appearing only in the last few years and affecting many more women than men.

In such a response, governments may act out of self interest in ridding themselves of potential burdens. Or they may act in what they claim is the best interest of foreign victims. This usually includes detaining the victims for a short period of time and then deporting them to their country of origin without offering them credible opportunities to seek legal redress (including civil restitution), adequate psychological repair, longer term residency and work, or relocation to a third country.

Attempts to hold identified trafficking victims in detention-based facilities governments describe as “shelters” – no matter how comfortable and safe they may be – disempower victims at a critical time when they need a restored sense of individual freedom. Detention models undercut any rapport service providers or investigators might build with victims. Research and law enforcement practice indicates that initial trauma lasts for months and that victims can only give a



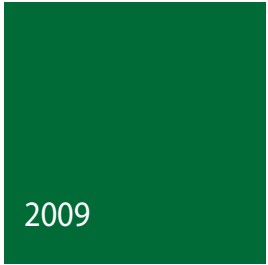
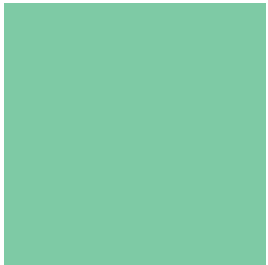
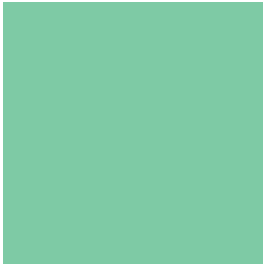


In September 2009, the U.S. Department of Labor published a list of 122 goods or products from 58 countries that are produced with forced labor or child labor in violation of international standards. The full report is available at: <http://www.dol.gov/ilab/programs/ocft/PDF/2009TVPRA.pdf>.

## THE DEPARTMENT OF LABOR'S LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR

Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008

The United States Department of Labor  
Bureau of International Labor Affairs  
Office of Child Labor, Forced Labor, and Human Trafficking



## PHILIPPINES-NIGERIA- TOGO-CYPRUS

Neah was promised a job as a waitress in Germany but found herself forced to work in a Nigerian brothel instead. After some time, she was sold to another brothel in Togo. There, Neah and other women lived in a confined environment. They were allowed to go out only if a customer took them out. They lived and worked in a guarded complex, enclosed by high walls and were accompanied by guards whenever they went to a shop. They used the little money they were given to pay for their monthly provisions. In both Nigeria and Togo, Neah was indentured to her employers and never had enough money to buy a ticket home. Neah decided to go to Cyprus to find a better-paying brothel. After six months, she earned enough money to pay her debts and buy a ticket home.

In the eastern regions of the Democratic Republic of the Congo, various armed groups, including Congolese national army (FARDC) troops, reportedly use threats and coercion to force men and children to mine for minerals.



## HOW CONSENSUAL IS “VOLUNTARY REPATRIATION”?

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According to the Palermo Protocol, repatriation of trafficking victims should preferably be voluntary and done with the victim’s safety in mind. Many governments, believing they are acting in the victims’ best interests, make concerted efforts to return victims to their countries of origin as quickly as possible.

During the research phase of this report, officials from a prosperous country that has ratified the Protocol claimed all identified victims in that country had, without fail, consented to “voluntarily” repatriation.

This refrain is heard regularly from well-intentioned law enforcement and social affairs officials in countries that are destinations for transnational trafficking: “the foreign victims we encounter just want to go home (back to their country of origin).” They point to a 100 percent rate of “repatriation” of foreign victims as proof of the “consent” of these victims.

Yet substantial research shows that the reality is not so simple. Many, if not most, victims wish to fulfill what they were seeking before they fell into a human trafficking trap: to earn income and become more self-reliant and empowered. Many trafficking victims are never told there are alternatives to returning home. When government officials cannot offer meaningful, attractive, and legal alternatives to repatriation – including the ability to reside legally outside of a shelter, the ability to work legally in the local economy, and access to government assistance programs – the “consent” victims give to their repatriation is not meaningful. It is more acquiescence to a regime of deportation.

It should not be surprising that trafficking victims choose to return to their home countries after being detained in a trafficking “shelter” or jailed for violations that occurred as a direct result of being trafficked. Victims often risk retribution in their home countries, but if the choice is to remain in jail or go home, most will take the risk. This is then considered “voluntary repatriation” by many governments.

Deporting victims to their countries of origin without meaningful consent puts victims’ lives at risk – many face re-trafficking, violence, and sometimes death – and often allows perpetrators of forced labor or prostitution to evade justice. It is a government’s responsibility to immediately provide suspected foreign victims who have been exploited within its borders with protection and treatment, an explanation of their rights, and a choice to avoid deportation if they face danger in their own countries.

Overseeing this process takes specialized expertise, time, and funds. But it can lead to strengthened prosecutions of traffickers through improved victim cooperation and a better chance at recovery for victims who have suffered immeasurably in their destination country.





partial account of their experiences in the early stages of an investigation; a response based on detention and repatriation – even if initial statements have been reduced to video or affidavit – will likely prevent law enforcement from arriving at critical facts.

Sending victims back to their countries of origin without informing them of a full range of options not only exposes them to possible trauma associated with being identified as a trafficking victim, but it also risks returning them to the same condition and exposing them to the same or even more enhanced pressures that contributed to their initial trafficking experience, thus raising the prospects for their re-trafficking. Furthermore, when a country jails and repatriates victims without screening or protection, NGOs are deterred from bringing their clients to the government's attention.

## THE 2010 TIP REPORT

### METHODOLOGY

The Department of State prepared this report using information from U.S. embassies, government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov). This e-mail address allows organizations and individuals to share information on government progress in addressing trafficking.

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action based on

Undocumented migrants with a local boat pilot disembark at an unofficial crossing at the Cambodia-Thailand border. Both the Thai army and the Cambodian military police keep watch over the crossing. With land mines planted nearly everywhere, it takes a guide with minefield knowledge and relationships with border patrol to get migrants into Thailand where they look for jobs. This leaves the migrants vulnerable to abuse at the hands of human traffickers working with some guides.

## CAMBODIA

Rathana was born to a very poor family in Cambodia. When Rathana was 11 years old, her mother sold her to a woman in a neighboring province who sold ice in a small shop. Rathana worked for this woman and her husband for several months. She was beaten almost every day and the shop owner never gave her much to eat. One day a man came to the shop and bought Rathana from the ice seller. He then took her to a far-away province. When they arrived at his home he showed Rathana a pornographic movie and then forced her to act out the movie by raping her. The man kept Rathana for more than eight months, raping her sometimes two or three times a day. One day the man got sick and went to a hospital. He brought Rathana with him and raped her in the hospital bathroom. Another patient reported what was happening to the police. Rathana was rescued from this man and sent to live in a shelter for trafficking survivors.



Migrant workers in China, particularly construction workers, are vulnerable to exploitation by employers, according to Human Rights Watch. Employers sometimes withhold salary payments as a means of maintaining the workers' labor in substandard conditions.

thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. Every U.S. mission overseas employs at least one officer covering human trafficking issues.

## TIER PLACEMENT

The Department places each country in the 2010 TIP Report onto one of three tiers as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the problem, although the latter is also an important factor. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards for the elimination of human trafficking (see page 366).

While Tier I is the highest ranking, it does not mean that a country has no human trafficking problem. On the contrary, a Tier I ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier I ranking. Indeed, Tier I represents a responsibility rather than a reprieve.

Tier rankings and narratives in the 2010 TIP Report reflect the following:

- enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
- victim protection efforts that include access to services and shelter without unnecessary detention and with legal alternatives to removal to countries in which the victim would face retribution or hardship;
- proactive victim identification measures with systematic procedures to guide law enforcement and other governmental or government-supported front-line responders in the process of victim identification;
- criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;

- the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims;
- government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement at a pace with minimal pressure;
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, including employers' confiscation of foreign workers' passports or allowing labor recruiters to charge excessive fees to prospective migrants – factors shown to contribute to forced labor; and,
- the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial against victims' rights, dignity, or psychological well being.



The Government of Uzbekistan routinely compels children and adults as laborers in the country's annual cotton harvest. During the 2009 fall harvest, school children were forced to pick cotton in at least eight of 14 regions in the country.

Tier rankings and narratives are NOT affected by the following:

- efforts, however laudable, undertaken exclusively by nongovernmental actors in the country;
- public awareness events – government-sponsored or otherwise – lacking concrete ties to prosecution of traffickers, protection of victims, or prevention of trafficking; and,
- broad-based development or law enforcement initiatives without a discrete human trafficking focus.

## KENYA-SAUDI ARABIA

Salima was recruited in Kenya to work as a maid in Saudi Arabia. She was promised enough money to support herself and her two children. But when she arrived in Jeddah, she was forced to work 22 hours a day, cleaning 16 rooms daily for several months. She was never let out of the house and was given food only when her employers had leftovers. When there were no leftovers, Salima turned to dog food for sustenance. She suffered verbal and sexual abuse from her employers and their children. One day while Salima was hanging clothes on the line, her employer pushed her out the window, telling her, "You are better off dead." Salima plunged into a swimming pool three floors down and was rescued by police. After a week in the hospital, she was deported. She returned to Kenya with broken legs and hands.





Farm workers in California march during a campaign to end human rights violations in the U.S. agricultural industry. The prevalence of forced labor in agriculture has led to increased pressure on major brands to trace their products to “the farm gate” and ensure proper treatment of workers throughout their supply chains.

## EASTERN EUROPE-UNITED STATES

Katya, a student athlete in an Eastern European capital city, dreamed of learning English and visiting the United States. Her opportunity came in the form of a student visa program, through which international students can work temporarily in the United States. But when she got to America, rather than being taken to a job at a beach resort, the people who met her put her on a bus to Detroit, Michigan. They took her passport away, and forced her and her friends to dance in strip clubs for the traffickers’ profit. They controlled the girls’ movement and travel, kept keys to the girls’ apartment, and listened in on phone calls the girls made to their parents. After a year of enslavement, Katya and her friend were able to reach federal authorities with the help of a patron of the strip club in whom they had confided. Due to their bravery, six other victims were identified and rescued. Katya now has immigration status under the U.S. trafficking law. She works in a health club and hopes to finish her degree in kinesiology. The traffickers are in federal prison.

## A GUIDE TO THE TIERS

### Tier 1

Countries whose governments fully comply with the TVPA’s minimum standards for the elimination of trafficking.

### Tier 2

Countries whose governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards.

### Tier 2 Watch List

Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) the **absolute number of victims** of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a **failure to provide evidence of increasing efforts** to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and **decreasing evidence of complicity** in severe forms of trafficking by government officials; or,
- c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on **commitments by the country to take additional steps over the next year.**

### Tier 3

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

The TVPA lists three factors by which to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3: (1) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking; (2) the extent to which the country’s government does not comply with the TVPA’s minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking; and (3) what measures are reasonable to bring the government into compliance with the minimum standards in light of the government’s resources and capabilities to address and eliminate severe forms of trafficking in persons.

# CORE PRINCIPLES FOR SHELTER PROGRAMS

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Shelters for trafficking victims offer safe refuge and comprehensive services. These shelters need not be run by governments, and often shelters are most effectively operated by NGOs, though they should adhere to some core principles, including the following:

## **Trafficked persons' sense of empowerment, trust, and community need to be re-built.**

Traffickers deny victims their basic freedoms, leaving them feeling trapped, fearful, and ashamed. A shelter is often the first place victims are offered assistance and begin to rebuild what was shattered by the trafficker. Effective shelter programs adopting this principle create an environment offering victims:

- access to family, friends, and the community outside the shelter;
- power to decide their own recovery plan;
- comfortable accommodations resembling a residence, not a jail;
- respectful treatment as individuals with rights and not as criminal offenders;
- respectful, caring, and qualified staff; and,
- opportunities to work and the ability to leave the shelter at will.

## **Trafficked persons' safety and well-being should be the core of all services.**

The goal of a shelter program is to provide a safe haven and move a trafficked person from crisis to recovery. Anything endangering a trafficked person's safety or well-being is in direct conflict with this main goal. Trafficked persons have physical safety needs that require protocols and physical building enhancements for their protection. However, shelter programs must meet these safety needs in a manner that does not diminish the residents' well-being. For instance, enhancements representative of a prison or even the trafficking situation will only re-traumatize the trafficked person.

## **Trafficked persons require some combination of comprehensive services, including psychological, medical, legal, educational, life skills, vocational, and translation/interpretation.**

Shelters for trafficked persons should not be a detention facility used to safeguard the person before return to the country of origin. Instead, shelters should be both a safe haven and a place where trafficked persons can access critical and comprehensive services beyond emergency assistance of food and shelter. These services help the trafficked person begin the process of healing body and mind and reintegrating into society. They may also serve a preventive purpose and decrease the likelihood of re-trafficking.

## **Service delivery must be victim-centered.**

Each trafficking experience is unique and affects individuals differently; not every trafficked person will require or want the same services. Shelter staff should work with trafficked persons individually to create a tailored recovery plan including:

- individualized case management;
- intake as well as needs and risk assessments;
- cultural and linguistic considerations;
- confidentiality;
- safety and safety planning; and,
- re-integration services.



A Zimbabwean girl sits in the shadows near a truck stop around Musina, South Africa. An increasing number of young Zimbabweans are setting out on their own to escape their homeland's economic ruin and help their families. International aid groups say some 500 Zimbabwean youngsters are in Musina today, compared with about 50 five years ago. They fear the girls have disappeared into forced prostitution or domestic work.

## MIGRATION RESTRICTIONS AS ANTI-TRAFFICKING RESPONSES

Many destination countries throughout the world face seemingly insurmountable challenges in confronting illegal immigration. In response to this crisis, governments of developed destination countries are summarily deporting undocumented migrants in large numbers, without careful consideration of whether they are in need of protection or without screening them for indicators of exploitation and human trafficking.

For instance, in 2009, after forging a partnership with the Libyan government, Italy intercepted thousands of sub-Saharan migrants in boats *en route* to Italy and returned the migrants to Libya and the custody of Libyan authorities. In Spain, thousands of migrants are intercepted as they attempt to land on Spanish soil after making arduous journeys through the Sahara and North Africa; Spanish authorities routinely deport these migrants to Morocco without interviewing them to determine if they are trafficking victims or have valid asylum claims.

This trend is not confined to Europe. The governments of some Asian labor demand countries regularly conduct sweeps to identify, detain, and deport those migrants who are out of legal status, but they do not make adequate efforts to identify trafficking victims among those migrants. Some incidents of summary deportations of foreign migrants were reported in the region throughout 2009 and disturbingly seem to validate these countries' enhanced pre-occupation with immigration control. Immigration enforcement, developed and implemented without taking into account anti-trafficking standards and victim care responsibilities, is an aggressive response that ignores basic tenets of victim protection. It undercuts victim-centered law enforcement approaches, which place a premium on protecting all regardless of immigration status.

Beyond hindering the effectiveness of anti-trafficking efforts, harsh anti-migration responses can contribute to new cases of human trafficking. Migrants who were not yet in trafficking situations become more vulnerable to forced labor and forced prostitution when exploiters can effectively use the threat of their detention and deportation – without the opportunity to seek legal redress for human trafficking complaints – to obtain or maintain the migrants' forced labor or service. They also become vulnerable to trafficking when expelled to third countries with no protections for undocumented foreigners.

If the laudable principles and guidelines on human trafficking victim protections and rights developed in New York, Geneva, and Vienna are to be respected, governments need to bring immigration controls and practices into conformity with anti-trafficking policies.



As a result of amendments made by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), any country that has been ranked Tier 2 Watch List for two consecutive years (beginning from the time of the 2009 report) and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 for the next year, unless the president waives application of this provision based on a determination that, among other things, the government has a written plan for meeting the TVPA's minimum standards.

### PENALTIES FOR TIER 3 COUNTRIES

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. government may withhold nonhumanitarian, non-trade-related foreign assistance. Such assistance may be withdrawn from countries receiving it, and in addition, countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Imposed sanctions will take effect on October 1, 2010; however, all or part of the TVPA's sanctions

## ROMANIA-PORTUGAL

Cristina flew from Bucharest to Lisbon where a friend's boyfriend promised her a job serving drinks in a café. But instead she was taken to a town in southern Portugal and forced into street prostitution. Cristina was expected to give her traffickers 200-500 euros a day. Her traffickers verbally and physically abused her, one time breaking several of her teeth. They took her passport and forced her to use heroine and methadone. A Romanian friend helped Cristina escape and contacted Portuguese law enforcement officials, who took her to the government's trafficking shelter after taking her statements. Her resilient spirit prevailed. With the shelter's assistance, she relocated to London, where she is currently living and working.

*"More and more people including young women are on the move, at a time when changing patterns of production and consumption are in turn affecting demand for labour. ... A particular problem throughout the world has been the manipulation of financial credit, locking poor people into severe indebtedness and in the worst cases a debt bondage that can be equated legally with modern slavery."*

**Roger Plant, former head of the ILO's Special Action Programme to Combat Forced Labor**



# SPONSORSHIP SYSTEM REFORMS

Many governments of countries with significant foreign migrant labor populations have created legal avenues for temporary labor migration – termed “guest worker” or “sponsorship” systems. These laws, regulations, and policies provide the terms under which foreign workers can migrate and work in the destination country.

The threat of detention and summary deportation without compensation for wages earned or planned can serve as a powerful tool of coercion. Often working through labor recruiters in source countries, sponsors – who are either employers or labor brokers – are able to offer a job to a potential migrant worker. The worker accepts the job – generally in his or her home country with the facilitation of a local labor recruiter – and receives a visa or immigration entry permit linked to the sponsor in the destination country.

These systems contribute to forced labor in the labor-importing country when they (1) provide excessive power to sponsors in granting and sustaining the immigration or legal status of a migrant worker and (2) do not provide real options for migrants to seek legal remedy for abuses or conditions of forced labor. Such remedy would include (but is not limited to) the availability of and access to immigration relief, shelter, medical care, counseling, worker hotlines, and legal aid.

Governments should analyze their sponsorship systems and assess their potential contributions to forced labor. Officials should conduct detailed and accurate assessments of proposed new systems, regulations, laws, or policies. Countries should be flexible; if initial reforms reveal or create new problems, the government should re-design the system to address its flaws.

There are a number of best practices to be considered in reassessing sponsorship systems, such as:

- providing credible legal remedies to all vulnerable migrant laborers (including domestic workers);
- criminalizing the withholding of workers’ identity or travel documents (e.g., passport) by the employer or sponsor;
- allowing workers to switch employers or sponsors, as well as leave the country without employer or sponsor permission, if they experience conditions of forced labor;
- requiring a standard contract for all workers, written in the languages of both the employer or sponsor and the worker; and,
- requiring the payment of wages electronically to an account owned by the individual worker.



中华人民共和国

护 照

People's Republic of China

PASSPORT

*“Modern slavery – be it bonded labor, involuntary servitude, or sexual slavery – is a crime and cannot be tolerated in any culture, community, or country...[It] is an affront to our values and our commitment to human rights.”*

**Hillary Rodham Clinton,**  
U.S. Secretary of State



Migrants in Malaysia are held in deplorable conditions in immigration detention centers. For migrants, the choice is a tough one: face the possibility of being sold by an unscrupulous agent or linger in an overcrowded detention center.

## JAMAICA-UNITED STATES

A recruiter in Jamaica promised Sheldon a visa through the U.S. federal H-2B seasonal worker program. The processing fee was hefty, but the prospect of working in America seemed worth it. Sheldon arrived in Kansas City eager to work, but he ended up at the mercy of human traffickers. Along with other workers from Jamaica, the Dominican Republic, and the Philippines, Sheldon cleaned rooms at some of the best-known hotels in Kansas City. The traffickers kept Sheldon in debt, constantly charging him fees for uniforms, transportation, and rent in overcrowded apartments. Often, his paychecks would show negative earnings. When Sheldon refused to work, the traffickers threatened to cancel his immigration status, and which would render him illegal in an instant. In May 2009, a federal grand jury indicted the leaders of this trafficking ring – including eight nationals of Uzbekistan – on charges related to forced labor in 14 states.

Bangladeshi children labor work at a rope twisting workshop on the outskirts of Dhaka. Many children work in debt bondage to pay off loans that remain from previous generations.



can be waived if the president determines that the provision of such assistance to the government would promote the purposes of the statute or is otherwise in the national interest of the United States. The TVPA also provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children. Sanctions would not apply if the President finds that, after this report is issued but before sanctions determinations are made, a government has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

No tier ranking is permanent. Every country can do more, including the United States. All countries must maintain and increase efforts to combat trafficking.

## COMPARING CIVIL LIBERTIES, CORRUPTION, AND COMPELLED SERVICE

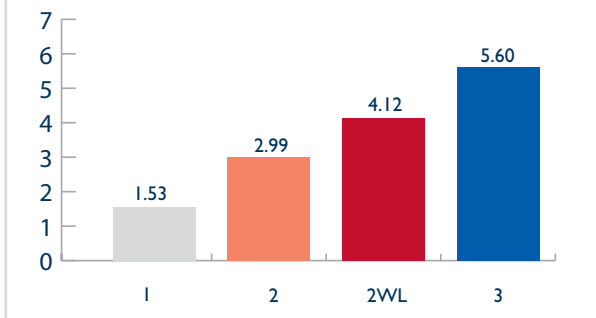
This report highlights trafficking in persons as a human rights issue; it can also be viewed as related to fundamental issues of civil liberties. Research has shown corruption of public officials to be a key impediment to progress in addressing modern slavery. A review of publicly available indexes on civil liberties and corruption around the world shows governments that rank poorly in the 2010 TIP Report also rank poorly on indices assessing the governments' protection of civil liberties and their perceived corruption.

Of the 175 countries ranked in the 2010 TIP Report, all but two were ranked in this year's Freedom House report, "Freedom in the World." Similarly, all but nine of the 175 countries have been assessed and given scores on Transparency International's "Corruption Perception Index." Freedom House assigns a numerical value to a country's civil liberty performance, measuring "freedom of expression and belief, association and organizational rights, rule of law, and personal autonomy without interference from the state." This scale for civil liberties runs from one to seven, with one being the highest level of freedom and seven being the lowest. Transparency International assigns a numerical value to a country's "perceived level of public sector corruption in a country/territory," using a scale of one to 10, with one representing high prevalence of perceived corruption and 10 representing the least prevalence of perceived corruption.

By looking at the assessments of these products against the rankings of the 2010 TIP Report, it appears governments ranked Tier 3 and Tier 2 Watch List more closely track Freedom House's low-performing civil liberties scale than do those countries ranked Tier 2 and Tier 1. These poor-performing governments, on average, rank significantly "higher" on this scale, reflecting lower freedoms.

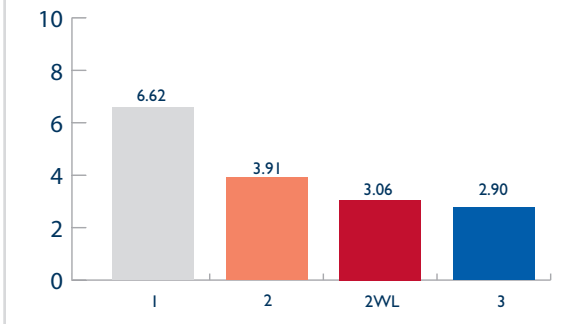


AVERAGE CIVIL LIBERTY RATING BY 2010 TIP TIER RANKING



Additionally, governments ranked Tier 3 and Tier 2 Watch List, on average, rank significantly “lower” on the Transparency International corruption index, reflecting higher perceptions of corruption.

AVERAGE CPI SCORE BY 2010 TIP TIER RANKING



A 2010 calendar published as part of the Serbian Ministry of Interior’s campaign against human trafficking features and other winners from among 1,200 art submissions from school-age children. The campaign raised awareness among children and their parents about the dangers of human trafficking through lectures at school, public forums, and television broadcasts. This illustration was chosen for a special stamp issued by the Serbian Post Office. The stamp was sold for one week, and it gathered \$86,000. The money went to the budget, the Police, and NGOs that deal with trafficking victims.

## UNITED STATES

Harriet ran away from home when she was 11 years old and moved in with a 32-year-old man who sexually and physically abused her and convinced her to become a prostitute. In the next two years, Harriet became addicted to drugs and contracted numerous sexually transmitted diseases. The police arrested Harriet when she was 13 and charged her with committing prostitution. They made no efforts to find her pimp. Harriet was placed on probation for 18 months in the custody of juvenile probation officials. Her lawyers have appealed the decision, arguing that since she could not legally consent to sex, she cannot face prostitution-related charges.

# BREAKING THE (SUPPLY) CHAIN

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With the majority of modern slaves in agriculture and mining around the world – and forced labor prevalent in cotton, chocolate, steel, rubber, tin, tungsten, coltan, sugar, and seafood – it is impossible to get dressed, drive to work, talk on the phone, or eat a meal without touching products tainted by forced labor. Even reputable companies can profit from abuse when they do not protect their supply chain – whether at the level of raw materials, parts, or final products – from modern slavery.

Consumer spending and corporate investment in business are leverage points that can turn around a system that has for too long allowed traffickers and economies to operate with impunity. There is an increasing push for consumer transparency, certification, and more rigorous regulation.

Research suggests companies investing in fair labor practices and labeling their products accordingly improve conditions on the ground and drive up the demand for, and price of, their products.

A new paradigm of corporate accountability is emerging demanding companies cast their attentions beyond the places where their products are produced or processed – such as apparel factories and seafood processing shops – to places where the raw materials are collected, harvested, or mined.

Human trafficking is a crime and no level of corporate best practices can replace a government's responsibility to prosecute and protect victims. Still, verifiable corporate policies prohibiting the use of forced labor through the supply chain all the way down to raw materials are a critical prevention tool.

Key principles in setting supply chain standards:

- Statements of corporate policy must incorporate truly independent verification.
- While remediation is important, when labor abuses rise to the level of a human trafficking offense, authorities should be notified.
- Governments must redefine norms and set standards to create a space for companies to take the lead on combating modern slavery.
- Lending institutions should consider establishing whether a company has a forced labor supply chain policy as a factor for determining that company's credit rating.

**There is no way to effectively monitor a supply chain without tracing it all the way down to raw materials. Such research will lead to an understanding of supply and demand factors used to encourage greater protections of the workers whose labor contributes to downstream profits.**

Modern slavery exists in diverse areas, including manufacturing, harvesting of raw materials, and the market for commercial sexual activity so often aimed at the business traveler. In this environment, companies should staff and source their supply chains in a manner decreasing the demand traffickers so often satisfy through violence. To that end, companies should adopt policies that commit to:

- taking accountability for all the labor in the supply chain all the way down to raw materials, with a pledge to monitor compliance, remediate noncompliance, and verify those actions by an independent third party;
- honoring the role and voice of the worker as the best check on abuse;
- publicly disclosing mechanisms for providing independent, unannounced, and thorough audits;
- providing effective whistleblower and complaint procedures;
- providing clear guidelines for security procedures throughout the supply chains to ensure that security forces are not used to intimidate, hold, or abuse workers;
- regularly updating shareholders and stakeholders on creation, maintenance, and implementation of their related policies;
- guaranteeing all workers mobility by strictly forbidding any confiscation of official documents;
- committing to providing restitution for victims and other forms of remediation;
- complying with trafficking-related local laws and international standards for confronting human trafficking and protecting victims; and,
- holding employees accountable for any violation or exploitative conduct contributing to trafficking in persons.

## 10 TROUBLING GOVERNMENTAL PRACTICES

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1. Complicity of law enforcement officials in trafficking offenses.
2. Legal and administrative penalties imposed on trafficking victims as a direct result of their enslavement, including, but not limited to, penalties for engaging in prostitution or immigration offenses.
3. Guestworker programs giving “sponsors” or employers inordinate power over migrant workers’ legal status and basic freedoms and denying victims any ability to make a complaint.
4. Lack of meaningful legal alternatives to the involuntary repatriation of victims.
5. Trade policies and agreements/regimes that fail to safeguard against forced labor and labor exploitation, particularly when involving states that have a poor record of addressing labor exploitation.
6. Barriers to citizenship. Without birth certificates, national identification cards, or other identity documents, stateless persons and some indigenous groups are vulnerable to being trafficked.
7. Bilateral labor agreements between source and destination governments that allow employers to confiscate/withhold travel documents and allow summary deportation of workers without trafficking victim protections.
8. Lack of education available to women, girls, and other populations, which blocks them from mainstream economic advancement and leaves them vulnerable to trafficking.
9. Internal migration controls. When populations within a country can move within the country’s borders only with special permission, they often turn to the underground economy where traffickers flourish.
10. Clumsily conceived “anti-trafficking” activities, such as wholesale raids of worksites or brothel districts without initial investigation to determine whether trafficking is occurring, or of the suspension of emigration or immigration or other activities (in the name of fighting trafficking) for an entire country or nationality.

Thousands of children attending Koranic schools in Senegal are exploited by their teachers. The children – most under 12 and some as young as 4 – are forced to beg on city streets and are subjected to often brutal physical and psychological abuse.





## DOMESTIC WORK IS WORK: TOWARD INCREASED FREEDOM FOR HOUSEHOLD SERVANTS

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Millions of migrant domestic workers around the world – including some employed by diplomats (see p. 38) – are particularly vulnerable to forced labor. Overwhelmingly female and typically from developing countries in Asia, Africa, and Latin America, they assume great risks when migrating abroad. As a recent ILO report noted, the origins of domestic work trace back to a “master-servant” relationship rooted in slavery and other forms of servitude. Despite such linkages, many countries, including the United States, do not offer protection to domestic workers under prevailing labor laws, perceiving their work as something other than regular employment. This lack of legal protections – combined with the social isolation and a lack of personal autonomy inherent in live-in domestic service – provides an enabling environment for slavery.

Domestic workers are vulnerable to all forms of abuse, though forced labor is one of the most severe. Such abuses often include confinement, confiscation of travel documents, withholding of salary, physical and sexual abuse, and threats of harm, including the threat of arrest and summary deportation as an undocumented migrant. For domestic workers from another country, freedom often is proscribed by law; some countries’ “sponsorship” laws grant the employer of a foreign domestic worker the power to decide when she can leave the workplace and when she can leave the country, even if the servant has escaped and reported abuse.

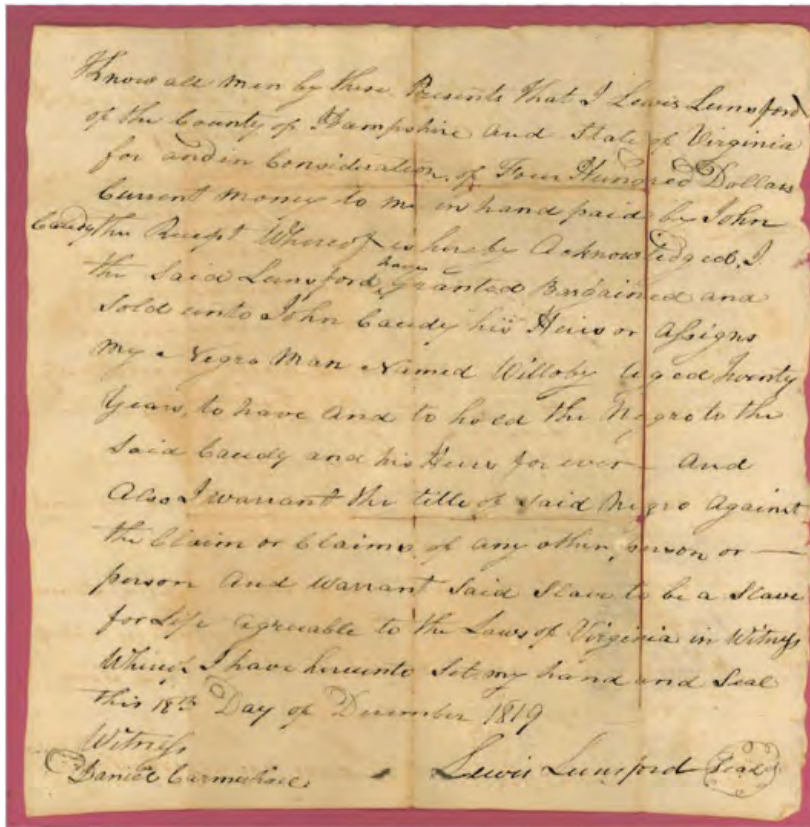
The ILO notes that in many countries, domestic work is largely performed by children. When children are used as servants instead of being educated, the situation should be remedied. When the child is abused, the employer should face criminal, not administrative, sanctions.

The cost to these millions of migrant workers – mostly from Asian countries like Indonesia, Sri Lanka, India, and the Philippines – is serious and appears to be rising. According to analysis conducted in Indonesia by a reputable international organization, the number of Indonesian domestic workers killed abroad rose from 33 in 2001 to more than 100 in 2009. Recent health examinations by an international organization found that almost all of nearly 600 domestic workers returning to Indonesia after their domestic work in the Middle East found almost 100 percent had sexually transmitted diseases, including HIV/AIDS. In addition, NGOs have reported increased sexual violence experienced by domestic workers in the Middle East.

Some domestic workers’ source-country governments attempt to solve the problem of trafficking by crudely banning the emigration of all females under a certain age. This misguided use of migration barriers inevitably pushes migrants – who still feel the “pull” factors of greater economic opportunities – to migrate through illegal channels, which perversely increases their chances of becoming a victim of trafficking. Far more effective would be a global movement to apply to this uniquely vulnerable group international norms for protecting victims of forced labor and for punishing offenders – such as those found in the UN’s Palermo Protocol.



# BOUGHT AND RELEASED: DOCUMENTS OF SLAVERY



A bill of sale dated 1819 documents the receipt of \$400 in exchange for a “Negro Man Named Willoby aged twenty years ... to be a Slave for Life Agreeable to the Laws of Virginia.”



An 2007 official release certificate confirms that a 52-year-old Indian man “has been found to be a bonded labourer against his wishes and forced to work without reasonable wages ... in order to extinguish the debt, under physical threat to his life.” The certificate declares the man free from all obligations and debt liabilities and directs his previous employer “not to suppress or intimidate the released bonded labourer or his family members.”

“The familiar remedies of food, shelter, schools and medicine are urgent, but they do not address the root cause of aggressive violence that manifests itself in slavery – indefensible abuse of the vulnerable by the more powerful. Addressing this issue will require a systemic and sustained commitment to effective public justice systems that protect the global poor.”

Gary Haugen, president of International Justice Mission



A produce truck houses the Florida Modern-Day Slavery Museum. The truck is similar to the vehicle used to enslave farm workers in Immokalee, FL, in a case prosecuted in 2008. The Coalition of Immokalee Workers, a Florida-based organization that advocates for the rights of farm workers, created the traveling museum, which toured the state in April.

## KAZAKHSTAN

Darya divorced her husband and left her village in rural Kazakhstan to look for a job in the capital city, Astana. But when she arrived, her brother-in-law took her documents and sold her to a pimp. After two years of forced prostitution, Darya escaped and was found by police during an anti-trafficking operation. She was 20 weeks pregnant when she arrived at a shelter for trafficking victims. Darya is being trained as a manicurist at the shelter and will leave once she finds a job and an apartment.

*“The reality is detestable, nauseating — but we cannot allow ourselves to turn away. In order to put an end to this worldwide injustice, we must become as organized, as sophisticated, and as relentless as the criminal syndicates who perpetrate it.”*

**Lucy Liu, actress and UNICEF ambassador**

## HUMAN TRAFFICKING AS A WOMEN’S ISSUE

“[W]omen concentrate in temporary, casual, and flexible labor primarily due to their subordinate social and economic status, [and they] are hired as cheap, compliant labor that can be hired and fired more easily.”

*“A Pro-Poor Analysis of the Shrimp Sector in Bangladesh,” United States Agency for International Development, 2006*

Women comprise at least 56 percent of the world’s trafficking victims. They are exploited in fields and brothels, in homes and conflicts, and in factories and fisheries. More women are being pushed out of developing countries due to economic, familial, and societal pressures – becoming ever more vulnerable to modern slavery.

This feminization of migration is seen in Indonesia, where millions of girls and women – almost 70 percent of all departing migrants – leave to find work abroad, including as domestic servants in more developed countries in East Asia and the Middle East. They often end up in places void of protections from abuse and enslavement, and some feel compelled to make the journey more than once to try earning the money they were initially promised. New routes of feminized migration have appeared in recent years – from Madagascar to Lebanon, from Ethiopia to the Persian Gulf states, and from Indonesia to Malaysia and the Middle East.

Women continue to be enslaved in commercial sex around the world. They are often arrested for participating in a crime that victimizes them when they should instead be provided with services and benefit from a well-trained police force implementing proven and compassionate victim identification measures.

Women continue to toil in sweatshop factories without food or break, sewing garments, peeling shrimp, and weaving carpets under threat of violence. Bonded by debt and force, they pick cotton, mine conflict minerals, and harvest rice alongside their children. They toil in diplomatic households and suburban residences as domestic workers often without anyone knowing they are there let alone being abused.

Women are not just the victims; in so many countries, they are the solution. In the United States, the victim-centered approach of the TVPA was patterned on the lessons of legal reforms targeting domestic violence and sexual assault.

# HUMAN TRAFFICKING CONSIDERATIONS IN DISASTER RESPONSE

From cyclones and floods in Southern Africa to the earthquake in Haiti, the last year has seen a multitude of natural disasters leading to increased physical and economic insecurity. These disasters disproportionately affected the most vulnerable sectors of society – migrants, job seekers, and poor families – making them easy targets for exploitation and enslavement.

The following are useful considerations for the international community and governments responding to modern slavery in the context of natural disaster response.

- *Counter-trafficking interventions must start in the emergency phase of disaster response.* While human trafficking generally does not increase in the immediate days and weeks following a disaster, proper planning starting in the immediate term helps reduce the number of gaps traffickers can later exploit when the emergency phase has passed.
- *Definitions matter.* The key question under the Palermo Protocol is not whether someone has been moved, it is whether they are in compelled service, whether such service is termed enslavement, involuntary servitude, debt bondage, sex trafficking, forced labor, or practices similar to slavery. Focusing on movement instead of exploitation results in misdeployment of countertrafficking resources to border areas instead of interior enforcement, results in confusion over practices such as adoption, and undercuts local organizations' pre-disaster anti-slavery efforts.
- *Institutional support is the key to sustainability.* Efforts should be made to support the government institutions that play a role in effective anti-trafficking response, including those responsible for social welfare, education, child protection, and the judiciary. International efforts should focus on supporting the government in playing the predominant role, avoid fostering dependence on the international community, and be well coordinated to leverage resources and avoid duplication of efforts.
- *Engagement of local stakeholders and consideration of cultural factors are essential.* Sustainable trafficking interventions depend on the robust engagement of civil society with government. They also should take into account cultural factors, such as practices surrounding child custody. In many areas, this requires a concerted effort to build the capacity of civil society, including NGOs, schools, civic associations, and community leaders, to identify the needs of the community, plan effective interventions, and obtain the necessary support for their implementation.
- *Trafficking interventions should pay particular attention to the most vulnerable sectors of the population.* Efforts should be made to rapidly identify, register, and provide interim care for separated and unaccompanied children while family tracing is done. Exploitation reduction efforts should be undertaken for displaced and migrating workers, whether moving within their own country or seeking employment opportunities in nearby countries. Special care should be taken to protect women and girls from gender-based violence, particularly in spontaneous settlements and displaced persons camps.
- *Governments should assess the existing vulnerabilities and ensure policies, legislative tools, and social norms are adequate to respond.* Education campaigns to warn populations about the potential for trafficking and inform them about how to receive help are important. Codes of conduct should be promulgated within rebuilding efforts and economic recovery plans, including job creation for rubble and debris removal, recovery and burial of the deceased, construction, and microenterprise. Inadequate legislation or government policies to address trafficking should be strengthened.

An estimated 225,000 children were enslaved as restaveks in Haiti prior to the 2010 earthquake. Now, in the earthquake's aftermath, even more children are vulnerable to exploitation.



# HUMAN TRAFFICKING RESEARCH: INFORMING POLICIES AND PROGRAMS

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Research is an integral vehicle for enhancing the U.S. government's understanding of human trafficking and guiding its countertrafficking policies and programs. During the last decade, there has been a spike in journal articles, reports, and books on human trafficking. Most of these documents were descriptive, and were neither driven by empirical research nor peer reviewed. There is growing government support for evidence-based research that suggests effective strategies for combating the crime and highlights successes among current countertrafficking initiatives.

Several recent studies have made inroads by closing knowledge gaps. The following reports present key findings useful for law enforcement and service providers.

- **Finding Victims of Human Trafficking** (University of Chicago); and **Understanding and Improving Law Enforcement Responses to Human Trafficking** (Northeastern University)  
These reports compiled information from 60 counties, 42 federally funded task forces, and 3,000 local law enforcement agencies across the United States. They found where there was education and training, there was a better understanding of trafficking, a greater likelihood of proactive strategies, and increased identification of trafficking victims. Jurisdictions with interagency task forces identified more trafficking cases, made more arrests, and brought more charges. Key contributing factors included police leadership, special units, training, and systematic interagency cooperation.
- **Global Database on Human Trafficking** (IOM)  
The database contains information from 13,650 victims that IOM has assisted in more than 100 source and destination countries over a 10-year period. It shows there is more recognition of trafficking in males, greater identification of an older victim population, and increased forced labor cases, including women in domestic work. It also shows traffickers are changing their methods of control; they are using more female recruiters, more subtle forms of exploitation, and greater psychological abuse.
- **Male Trafficking in Serbia** (The Victimology Society of Serbia)  
While the forced prostitution of women and girls remains the leading form of trafficking in Serbia, this report found that the police and border officials had identified an increasing number of male victims in the construction industry. The men had been threatened, had their passports taken, had their movements restricted, and were not paid. It also noted a paucity of assistance for male victims.
- **Strategic Information Response Network (SIREN)** (United Nations Inter-Agency Project on Human Trafficking in Bangkok, Thailand)  
SIREN interviews samples of deportees at border checkpoints and migrants in hotspots to track trends in human trafficking. Analysis of data from the past year revealed that the likelihood of a Cambodian labor migrant being trafficked increases 1.5 times with every additional broker involved in the process. Also, Cambodian men are twice as likely as women to be trafficked across borders because men tend to use brokers more readily than women do. Labor exploitation is substantially higher in the fishing industry compared with other labor industries such as construction or agriculture, with numerous documented cases of severe abuse, nonpayment, and murder. The analysis has informed law enforcement agencies on the prevalence of trafficking in multiple countries, by documenting specifics on broker-trafficker networks, including locations, tricks used to deceive victims, and amounts of money exchanging hands.
- **Trafficking of Men – A Case Less Considered: The Case of Belarus and Ukraine** (IOM and the NEXUS Institute)  
The study examined the pre- and post-trafficking experiences of 685 Belarusian and Ukrainian men. Key findings indicate most had children and some technical training, and most were seeking better circumstances. They were trafficked for construction and labored seven days a week under exploitative conditions with no freedom of movement. The study called for increased assistance for these victims, including medical, psychological, and housing support – all necessary for reintegration.



The UN's Blue Heart Campaign seeks to inspire people and mobilize support for action against human trafficking. The campaign enables citizens to show their support for the cause and to create urgency around the fight to end this crime. The intention is that the blue heart becomes the worldwide symbol for human trafficking.



Migrant workers congregate at a labor camp outside Dubai, where hundreds of thousands of men reside amidst garbage and raw sewage. Up to 20 men often share small rooms, and employers often withhold wages of these workers with the intent of preventing them from leaving.

## INDIA

Vipul was born into extreme poverty in a village in Bihar, the poorest state in India. His mother was desperate to keep him and his five brothers from starving, so she accepted \$15 as an advance from a local trafficker, who promised more money once 9-year-old Vipul started working many miles away in a carpet factory. The loom owner treated Vipul like any other low-value industrial tool. He forced Vipul and the other slaves to work for 19 hours a day, never allowed them to leave the loom, and beat them savagely when they made a mistake in the intricate designs of the rugs, which were sold in Western markets. The work itself tore into Vipul's small hands, and when he cried in pain, the owner stuck Vipul's finger in boiling oil to cauterize the wound and then told him to keep working. After five years, local police, with the help of NGO activists, freed Vipul and nine other emaciated boys.

*"You have to carry 50 kg bricks and blocks of cement in the worst heat imaginable ... This heat – it is like nothing else. You sweat so much you can't pee, not for days or weeks. It's like all the liquid comes out through your skin and you stink. You become dizzy and sick but you aren't allowed to stop, except for an hour in the afternoon. You know if you drop anything or slip, you could die. If you take time off sick, your wages are docked, and you are trapped here even longer."*

**Bangladeshi construction worker in Dubai**  
**(*"The dark side of Dubai," The Independent,***  
**April 7, 2009)**

# DIPLOMATS AND DOMESTIC WORKERS

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Worldwide, domestic workers employed by diplomats suffer abuses ranging from wage exploitation to trafficking offenses. Diplomats are government officials who serve their governments abroad and are generally able to apply for visas enabling domestic workers – often from third countries – to accompany them on their foreign assignments.

Because domestic servants working for diplomats work behind closed doors – cleaning, cooking, and caring for children – they can become invisible to the neighborhoods and communities they live in. Domestic workers brought into a country by diplomats face potentially greater isolation than other workers because of language and cultural barriers, ignorance of the law, and sheer distance from family and friends. They work for government officials who may appear to them to hold exceptional power and/or influence. The resulting invisibility and isolation of such workers raises concerns about the potential for diplomatic employers to ignore the terms of their employment contracts and to restrict their domestic workers’ freedom of movement and subject them to various abuses. Because diplomats generally enjoy immunity from civil and criminal jurisdiction while on assignment, legal recourse and remedies available to domestic workers in their employ – and the criminal response otherwise available to the host government – are often significantly limited.

The U.S. government has undertaken a number of steps to reduce the vulnerability of domestic workers employed by diplomats to all aspects of labor exploitation, including trafficking offenses. Some questions any government might ask itself in order to prevent abuse and offer protection are as follows:

- Do you instruct your government’s diplomats assigned to duty overseas about the treatment to be accorded their domestic workers and the repercussions for any abuse or exploitation of such workers?
- Do you hold your own diplomats accountable for their treatment of domestic workers?
- Do you provide domestic workers of diplomats with information about their rights and how to obtain help if they need it in a language and format that they understand?
- Are domestic workers able to legally transfer to another employer?
- Do you allow domestic workers to remain legally in your country to pursue legal remedies against a former employer?
- Do you require the employment agreement between diplomats and domestic workers include mandatory provisions that include, for example, the requirements they be paid the minimum wage and not be deprived of possession of their passport?
- Is the employment agreement reviewed by anyone within the government prior to the issuance of a visa to the domestic servant?
- Do you require the domestic servants of diplomats to be paid in a manner that permits reliable accountability for deposits and withdrawals?
- Have you taken any steps to advise domestic workers employed by diplomats of their rights once they are working in your country?

*“The involuntary servitude and mistreatment that this victim endured is intolerable in a nation founded on freedom and individual rights”*

**Thomas Perez,**  
**Assistant Attorney General for Civil Rights, upon the**  
**sentencing of a Texas couple for enslaving their maid.**



Many victims of trafficking who try to escape conditions of forced labor or commercial sexual exploitation end up in immigration detention centers without access to legal aid, counseling, or medical care.



At a protest in Beirut, Lebanon, an Eritrean woman carries a banner in Arabic that reads: "On International Women's Day, for the rights of foreign domestic workers."

"Over 120 years since the United States acquired peonage from New Mexico and over a century after Congress passed a statute outlawing the practice, it continues. Concerned people on the local level who recognize the evil and try to crush it are continually frustrated now, as in the past. For peonage has been like the dark side of the moon; it existed, but only exceptional circumstances enabled one to see it. Nor was the average citizen concerned with such dark and dangerous places. So it remained largely unexplored, charted only in law books and statutes which remained regrettably removed from the reality, from the vertiginous but stagnant world of peonage."

**Pete Daniel in *The Shadow of Slavery* (1969)**

# BLIND SWEEPS AND SMART RAIDS

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Law enforcement raids are most effective when they involve good information gathering and planning, and that is certainly the case in fighting modern slavery. While it is unrealistic to expect every intervention will have complete information, learning enough to know with a high degree of certainty that trafficking victims are present in labor and commercial sex sites is important before mounting an operation. Victim information is usually obtained through the accounts of escaped or rescued victims, by law enforcement agents working undercover or through strategically recruited informants.

“Smart” raids can free trafficking victims while minimizing harm to others. They are based on real evidence, have a well-defined goal grounded in law, and are planned to ensure the safety of everyone involved. They should include arrangements to segregate supervisors, to conduct victim-centered interviews, to cross-reference victims’ accounts, and to quickly transition to post-rescue care and shelter for identified victims.

On the other hand, some raids are “blind”: they are executed against a target without adequate prior attempts to verify the existence of trafficking victims in those locations. They are based on assumptions, or are simply round-ups meant to clean out a red light district. They often do not have a legal theory or any evidentiary basis driving them, and do not include victim identification processes. Blind raids can lead to poor results while harming those not involved in human trafficking. Officers often become disheartened after such unsuccessful raids, especially if they naively assumed exploited people would be found enthusiastically awaiting liberation. Bad experiences with blind raids can lead to less effort to actually find and raid sites where labor or sex trafficking is continuing, or can lead to cynicism in government and civil society regarding even the existence of human trafficking as a crime phenomenon.

## **Identifying victims of trafficking**

The violence – physical and psychological – and intimidation marking involuntary servitude means victims are often reluctant to identify themselves as victims. This is true around the world and occurs for various reasons. Victims are usually taught to fear law enforcement authorities and NGOs. If victims are underage, they are often coerced by traffickers and brothel keepers to claim they are adults consensually involved in prostitution. Adult trafficking victims may be threatened to keep them from revealing any indicators of trafficking such as involuntary confinement, debt bondage, or threats of violence against them and their families. Labor managers and brothel keepers often threaten victims or their relatives with future harm if they tell the truth to authorities.

Suspected victims must be removed from the site of exploitation – a threatening environment – and taken to a safe place. Bosses and guards should be identified and segregated, lest they threaten the victims or chill them by their mere presence. The state needs to have temporary custody of these suspected victims as victims or witnesses of serious crimes. In a place where they can be interviewed in a non-confrontational setting, victims of human trafficking are more likely to reveal at least a portion of their true situations. The true ages of victims can be learned through self-reporting or consensual medical examinations. Police and social counselors need time to interview and counsel suspected victims. This counseling period, ranging from a few days to two weeks, should become a standard practice in countries with significant trafficking problems. Once a person’s status as a victim of trafficking has been determined, the opportunity for long-term care can be offered to facilitate rehabilitation, though victims should not be pressured to accept such assistance.

## **Children Used for Commercial Sex**

U.S. government policy on children (under the age of 18) used for commercial sex is unambiguous: they must be removed from exploitation as soon as they are found. The use of children in the commercial sex trade is prohibited under both U.S. and international law. There can be no exceptions, no cultural or socio-economic rationalizations to prevent the rescue of children from sexual servitude.

## **NGO involvement**

NGOs often help law enforcement officers carry out raids and rescues. They can offer psychosocial counseling skills to help identify trafficking victims, usually after they are removed from trafficking situations.

NGOs and media representatives can also play a valuable role in holding law enforcement authorities to legal standards of crime prevention and victim care by bearing witness and demanding accountability. NGOs, however, should not play a lead role in a raid or rescue, as they lack authority to perform law enforcement actions and could easily be caught in a cross-fire. NGOs and the media should avoid any practices harmful to the rights of children or others. While it may be attractive as a public relations tool, including broadcast media in counter-trafficking raids is an invasion of victims’ privacy and puts them at risk.

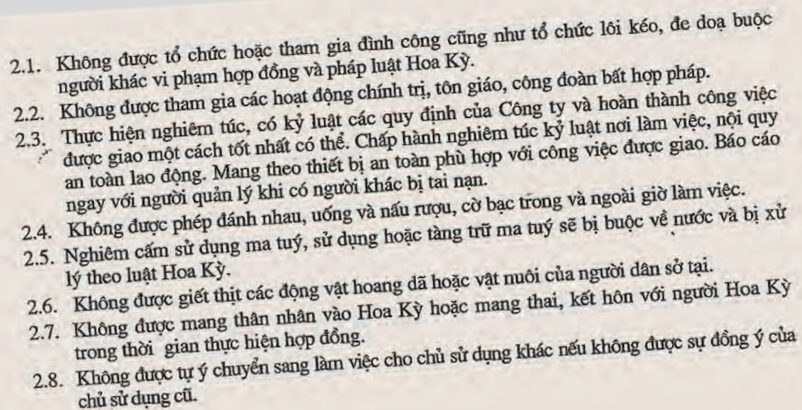


# CONTRACT FRAUD AND CONTRACT SWITCHING

Contract switching increases a migrant worker's vulnerability to human trafficking. Upon arrival in destination countries, many migrants find the jobs and working conditions differ substantially from those they agreed to in their original employment contracts, whether written or oral. Some employers make employees sign new contracts at their destination, while others alter contracts without the knowledge or consent of workers. Such fraud in original employment offers can be used by labor recruiters, labor agents, sponsors, and employers as a tool to induce workers into forced labor.

Here is how it often works: many workers who are employed abroad agree verbally to terms of employment set forth by a recruiter and, in reliance on the promised wages, take out massive debts to pay recruiting fees. Workers are later asked to sign written contracts after already having paid significant fees, in some cases just before they are about to board a plane to their destination. At this point, they are not permitted to read the contract or cannot read it because it is in a foreign language.

Workers are also often denied a copy of their signed contract. They are not only unable to prove the terms promised to them verbally, but they are unaware of the terms to which they have agreed in writing. In some cases, recruitment agencies have workers sign two separate contracts in different languages with different terms.

- 
- 2.1. Không được tổ chức hoặc tham gia đình công cũng như tổ chức lôi kéo, đe dọa buộc người khác vi phạm hợp đồng và pháp luật Hoa Kỳ.
  - 2.2. Không được tham gia các hoạt động chính trị, tôn giáo, công đoàn bất hợp pháp.
  - 2.3. Thực hiện nghiêm túc, có kỷ luật các quy định của Công ty và hoàn thành công việc được giao một cách tốt nhất có thể. Chấp hành nghiêm túc kỷ luật nơi làm việc, nội quy an toàn lao động. Mang theo thiết bị an toàn phù hợp với công việc được giao. Báo cáo ngay với người quản lý khi có người khác bị tai nạn.
  - 2.4. Không được phép đánh nhau, uống và nấu rượu, cờ bạc trong và ngoài giờ làm việc.
  - 2.5. Nghiêm cấm sử dụng ma túy, sử dụng hoặc tàng trữ ma túy sẽ bị buộc về nước và bị xử lý theo luật Hoa Kỳ.
  - 2.6. Không được giết thịt các động vật hoang dã hoặc vật nuôi của người dân sở tại.
  - 2.7. Không được mang thân nhân vào Hoa Kỳ hoặc mang thai, kết hôn với người Hoa Kỳ trong thời gian thực hiện hợp đồng.
  - 2.8. Không được tự ý chuyển sang làm việc cho chủ sử dụng khác nếu không được sự đồng ý của chủ sử dụng cũ.

2.1. Employee shall not organize or partake in strikes or organize to instigate or use threats to threaten to force others to violate the contract or U.S. law.

2.2. Employee shall not participate in any activities involving politics, religion, or unions that are illegal.

2.7. Employee shall not bring relatives to the United States or get pregnant or get married to an American during the time of this contract.

2.8. Employee shall not leave or organize or instigate others to break the contract and leave (the workplace).

A portion of a Vietnamese contract with provisions considered illegal in the United States and Vietnam.

In 2008, a Vietnamese worker was asked to sign multiple versions of two contracts – one in English and one in Vietnamese – just before boarding a plane to the United States; this is in contravention with U.S. and Vietnamese law. He believed the contracts were identical. However, the terms and conditions of the contracts differed, and at least one version of both the English and Vietnamese contracts included articles that are illegal in the United States and Vietnam.

One English contract promised multiple guaranteed contract extensions, a term of employment that cannot be promised under the H-2B visa. Another version of the English contract did not include this provision.

The Vietnamese contract included provisions considered to be illegal in the United States and Vietnam, including restrictions on “illegal political or religious or labor union affiliation,” “organizing or participating in a worker strike,” “getting pregnant,” “getting married to Americans,” and “bringing relatives to the United States.”

Changing the terms and conditions of employment, particularly after workers have invested money in the recruitment process or taken on debt to do so, can also increase a worker's vulnerability to forced labor. Analysis of the ILO's May 2009 report on global forced labor found two types of this contract fraud among some Pakistani temporary contract workers recruited for work in the Persian Gulf states: the issuance, after arrival, of a contract with new terms and conditions; and the issuance of a new written contract with terms and conditions not clear to the worker (sometimes because the new contract was written in a foreign language) and presented for signature only at the time of the employer's first salary payment. In some cases, the new contract provided wages estimated to be some 10 percent lower than the contract signed in Pakistan prior to the worker's departure.

# 2010 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals are NGO workers, lawmakers, police officers, and concerned citizens who are committed to ending modern slavery. They are recognized for their tireless efforts – despite resistance, opposition, and threats to their lives – to protect victims, punish offenders, and raise awareness of ongoing criminal practices in their countries and abroad.



## Mauritania

In 2009, **Aminetou Mint Moctar**, spearheaded highly visible public campaigns to denounce trafficking of young Mauritanian girls to Gulf States and the exploitation of Mauritanian and West African women living in domestic servitude. Because of the work of Ms. Mint Moctar and others

like her, the Government of Mauritania now recognizes the existence of these practices. Ms. Mint Moctar has fought for these women – whose voices are not heard in Mauritanian society – to create a legal framework to protect victims and fight impunity. She has been a vocal opponent of the traditional practice of early marriages, which increases girls' chances of being trafficked or sexually exploited. She heads the Association Femmes Chefs de Familles, an organization she founded in 1999 to provide assistance to victims of domestic violence, rape, and slavery. For her work with these sensitive and often taboo issues, Ms. Mint Moctar has been accused of being a bad Muslim and a traitor to her country and has received innumerable threats. But Ms. Moctar continues her dedication and commitment to assisting female trafficking victims and raising awareness about their plight on a national and international level.



## Uzbekistan

**Natalia Abdullayeva** has been working since 2003 to combat human trafficking in northwestern Uzbekistan, focusing her efforts on prevention. She has published anti-trafficking advertisements and disseminated them in the markets and buses heading for Kazakhstan, a primary destination

point, and she has conducted labor trafficking information sessions on regular private shuttle vans *en route* to the border. She created a small group of lawyers and volunteers to reach the most remote areas of the Karakalpakstan region, particularly targeting those segments of the population who are without access to television, radio, and newspapers.

Ms. Abdullayeva has also developed partnerships with the private sector, cooperating with the local cellular phone company to disseminate free text messages with anti-trafficking information and a hotline number to subscribers. Moreover, she has established a cooperative relationship with the regional government, working closely with local officials to address trafficking prevention and repatriation of victims.



## Jordan

**Linda Al-Kalash**, of Tamkeen for Legal Aid and Human Rights in Amman, stands with and assists trafficking victims as they seek justice and take their traffickers to court. In the organization's first 10 months, she received more than 200 complaints of forced labor in numerous sectors and, along with her small team, directly filed lawsuits or worked with prosecutors to file criminal charges in more than 20 cases. These included two ground-breaking cases involving employers who allegedly sexually assaulted, abused, detained, and withheld payments from their domestic workers. Moreover, Ms. Al-Kalash won all 20 cases involving nonpayment of wages and successfully negotiated the payment of wages, release of travel documents, and other remedies for many more migrant workers. Ms. Al-Kalash and her team have received numerous e-mail,

telephone, and handwritten threats from a variety of sources. Organizations and individuals who work with Ms. Al-Kalash have also been threatened. Despite the threats, Ms. Kalash remains determined to help the most vulnerable members of society.



### Mongolia

After years of leading innovative efforts for victims of domestic violence and children, **Ganbayasgakh Geleg** founded the Gender Equality Center (GEC) in 2002 to provide shelter, psychological and legal counseling, rehabilitation, and advocacy for victims of sex and labor trafficking. Under her leadership, the GEC has become a pioneer in urging

the Mongolian government to recognize and address human trafficking as a crime. The organization has assisted nearly 300 trafficking victims to date, and its hotline is the primary means for domestic and overseas victims to report their situations and seek counseling in Mongolian.

Ms. Ganbayasgakh has designed university curriculums, textbooks, and pamphlets on the nature of human trafficking. She has organized more than 400 trainings for government officials, police, border forces, social workers, doctors, teachers, and members of civil society. The trainings raised public awareness and focused on prevention, victim protection, and other means of combating the crime.

Ms. Ganbayasgakh's efforts extend beyond the borders of Mongolia. Recognizing the routes traffickers use, she helped craft an agreement between the police departments of Zamiin-Uud and Erlan, China, to share information and cooperate in combating trafficking.



### India

**Sattaru Umaphathi**, the anti-human trafficking officer of the Crime Investigation Department for the state of Andhra Pradesh, has led numerous interstate and intrastate rescue operations across India. Officer Umaphathi has played a key role in rescuing victims and arresting traffickers; he has contributed to multiple convictions, leading

to sentences ranging from four to 14 years' imprisonment. He also forged partnerships with NGOs across the country and implemented UNODC anti-trafficking protocols in his state police department.

Officer Umaphathi has changed the mindset of his state's law enforcement community by teaching officials to stop treating trafficking victims as criminals. He has organized judicial conferences and addressed a colloquium in New Delhi, helping educate the judiciary about the need to treat victims with empathy. Officer Umaphathi argued for application of the more stringent sections of Indian law in trafficking cases, such as laws related to minors in prostitution, import of foreign girls, and unlawful compulsory labor. He successfully implemented a rescue protocol that included the payment of \$220 as interim relief for trafficking victims. Thanks to Officer Umaphathi's dedicated efforts, Andhra Pradesh is becoming a model for other Indian states fighting human trafficking.



### Burundi

**Christine Sabiyumva** is a pioneer in Burundi as one of the first women to become an army officer. Now a commander of the National Police's Women and Children's Brigade, Mrs. Sabiyumva is well known on the streets of Bujumbura, where she personally searches for children in prostitution

and human traffickers. In 2008 and 2009, Ms. Sabiyumva broke a human trafficking ring in which businessmen and women lured 17 young victims across borders to Rwanda, Kenya, and Uganda for sexual exploitation. She continues her work with dedication and determination despite the lack of technical support and human resources available to her, such as dedicated police vehicles or communications equipment. Mrs. Sabiyumva has taken the lead role in reducing trafficking in Bujumbura through investigations, protection, and public awareness campaigns. She is currently traveling across Burundi, with international donor support, to sensitize local officials to the dangers of human trafficking and to raise awareness among local populations about the different types of human trafficking and gender-based violence prevalent within the country.



### Hungary

**Irén Adamné Dunai** is the deputy head of the Department for Gender Equality at the Ministry of Social Affairs and Labor. She was a founding member of the inter-ministerial human trafficking working group and has organized numerous training opportunities for professionals and

NGOs to improve assistance for trafficking victims. In 2005, Ms. Dunai negotiated an agreement between the Ministry of Interior and the Ministry of Foreign Affairs to provide a 50-bed facility and fund a service contract to open the first shelter for victims of sex trafficking in Hungary. The same year, she helped establish the crisis hotline, which has referred more than 70 trafficking victims to crisis centers. Ms. Dunai personally ensured crisis center workers located near the borders were trained to identify trafficking victims and support their special needs. As a result, these centers now offer short-term shelter to trafficking victims prior to transferring them to the trafficking shelter. In 2009, she secured financial support to open a second shelter for trafficking victims.



**Brazil**

**Brother Xavier Plassat**, a French Dominican friar, came to Brazil in 1983 and began to work with the Pastoral Land Commission (CPT) in 1989 on behalf of the rural poor in the rapidly growing northern part of the country. Since 1997, he has been the coordinator of CPT's National Campaign Against

Slave Labor. He leads an extensive network of volunteers who denounce cases of slave labor, provide necessary services for the rehabilitation of rescued victims of forced labor, and advocate for legal enforcement and consistency of public policies against modern slavery. CPT works closely with NGOs, trade unions, landless movements, and small farmers in all 26 states and the Federal District. The organization receives complaints directly from escaped laborers, collects and publishes extensive data on the slave-labor problem, and runs a number of programs to provide alternative employment and income for freed workers.

Brother Plassat has represented CPT on the National Commission for the Eradication of Slave Labor since 2003. He received the Chico Mendes Resistance Medal in 2006 and the National Human Rights Prize of the Presidency of the Republic in 2008. On behalf of CPT, he received the Harriet Tubman Freedom Award in 2008 from Free the Slaves and the John Templeton Foundation.



**United States**

**Laura Germino** coordinates the Anti-Slavery Campaign for the Florida-based Coalition of Immokalee Workers (CIW), a community organization of more than 4,000 migrant farm workers. Since the early 1990s, she and her co-workers have investigated

numerous violent slavery operations in the agricultural industry of the southeastern United States, resulting in the federal prosecutions of the ringleaders and the liberation of more than 1,000 workers. The CIW's Campaign for Fair Food calls on the world's largest food corporations to demand an end to slavery and other human rights abuses in their produce supply chains.

Ms. Germino has helped develop curriculum for the Florida Department of Law Enforcement on advanced investigative techniques in human trafficking and for the National Sheriffs' Association on first response to victims of crime. As a co-founder of the Freedom Network Training Institute, she trains NGOs and law enforcement agencies on how to identify and put a stop to modern slavery operations. She has presented on forced labor at the OSCE's technical seminar in Vienna on agricultural labor trafficking and at the 15th World Congress on Criminology in Barcelona. While CIW has been honored on many occasions, Ms. Germino's insistence that the focus be on the workers has largely kept her out of the limelight.



Secretary of State Hillary Rodham Clinton met with key members of anti-trafficking task forces from Moldova, Mongolia, Argentina, and South Africa in May 2010 at the Department of State.

## GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Reauthorization Act (TVPRA) of 2003 added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking (Tier I). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	6,885	3,026		39
2005	6,593	4,766		41
2006	5,808	3,160		21
2007	5,655 (490)	3,427 (326)		28
2008	5,212 (312)	2,983 (104)	30,961	26
2009	5,606 (432)	4,166 (335)	49,105	33

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*

## GOVERNMENT CONTRACTORS AND GOVERNMENT PROCUREMENT OF LABOR

Governments are massive consumers of services and goods. Therefore, government contracts should address modern slavery to ensure that government funds do not inadvertently contribute to trafficking offenses.

Too often it is reported that workers – particularly in combat zones – have been misinformed about their contracts, are poorly housed, have their passports confiscated, and are required to pay back large recruitment fees. Bidding for government business is often based in part on cost, but governments must let contractors and subcontractors know up front any cost advantage will be, at best, illusory if obtained by force, fraud, or coercion.

Governments should have the ability to terminate any contract under which a contractor or an employee engages in human trafficking. Contracts should clearly require contractors to inform governments immediately of any allegations of human trafficking by subcontractors or employees during the period of performance of the contract and to take appropriate actions against their employees for any such offenses. Contracts can require companies to undertake countertrafficking training and demand reduction activities.

Governments should also work together to criminally prosecute human trafficking violations by contractors, subcontractors, or their employees. Coordination between governments is needed since prosecution of such cases requires a significant amount of evidence and cooperation. Only when governments clearly promote zero-tolerance policies will contractors and subcontractors respond by ensuring the goods and services they provide are free of exploitation.

Rural Burmese families often sell their young children to work at tea shops in bigger cities.







## THE TIERS

### TIER 1

Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards

### TIER 2

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards

### TIER 2 WATCH LIST

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, AND:

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

### TIER 3

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

# TIER RAKINGS

AFGHANISTAN	2WL	GREECE	2	OMAN	2
ALBANIA	2	GUATEMALA	2WL	PAKISTAN	2
ALGERIA	2WL	GUINEA	2WL	PALAU	2
ANGOLA	2	GUINEA-BISSAU	2WL	PANAMA	2WL
ANTIGUA & BARBUDA	2	GUYANA	2WL	PAPUA NEW GUINEA	3
ARGENTINA	2	HONDURAS	2	PARAGUAY	2
ARMENIA	2	HONG KONG	2	PERU	2
AUSTRALIA	1	HUNGARY	2	PHILIPPINES	2WL
AUSTRIA	1	ICELAND	2	POLAND	1
AZERBAIJAN	2WL	INDIA	2WL	PORTUGAL	2
THE BAHAMAS	2	INDONESIA	2	QATAR	2WL
BAHRAIN	2	IRAN	3	ROMANIA	2
BANGLADESH	2WL	IRAQ	2WL	RUSSIA	2WL
BARBADOS	2WL	IRELAND	1	RWANDA	2
BELARUS	2	ISRAEL	2	ST. VINCENT & THE GREN.	2WL
BELGIUM	1	ITALY	1	SAUDI ARABIA	3
BELIZE	2WL	JAMAICA	2	SENEGAL	2WL
BENIN	2	JAPAN	2	SERBIA	2
BOLIVIA	2	JORDAN	2	SIERRA LEONE	2
BOSNIA & HERZEGOVINA	1	KAZAKHSTAN	2WL	SINGAPORE	2WL
BOTSWANA	2	KENYA	2	SLOVAK REPUBLIC	2
BRAZIL	2	KIRIBATI	2WL	SLOVENIA	1
BRUNEI	2WL	KOREA, NORTH	3	SOUTH AFRICA	2
BULGARIA	2	KOREA, SOUTH	1	SPAIN	1
BURKINA FASO	2	KOSOVO	2	SRI LANKA	2WL
BURMA	3	KUWAIT	3	SUDAN	3
BURUNDI	2	KYRGYZ REPUBLIC	2	SURINAME	2
CAMBODIA	2	LAOS	2WL	SWAZILAND	2WL
CAMEROON	2WL	LATVIA	2	SWEDEN	1
CANADA	1	LEBANON	2WL	SWITZERLAND	2
CENTRAL AFRICAN REP.	2WL	LESOTHO	2WL	SYRIA	2WL
CHAD	2WL	LIBERIA	2	TAIWAN	1
CHILE	2	LIBYA	2WL	TAJIKISTAN	2WL
CHINA (PRC)	2WL	LITHUANIA	1	TANZANIA	2WL
COLOMBIA	1	LUXEMBOURG	1	THAILAND	2WL
CONGO (DRC)	3	MACAU	2	TIMOR-LESTE	2
CONGO (ROC)	2WL	MACEDONIA	2	TOGO	2
COSTA RICA	2	MADAGASCAR	2WL	TRINIDAD & TOBAGO	2WL
COTE D'IVOIRE	2WL	MALAWI	2	TUNISIA	2WL
CROATIA	1	MALAYSIA	2WL	TURKEY	2
CUBA	3	MALDIVES	2WL	TURKMENISTAN	2WL
CYPRUS	2	MALI	2WL	UGANDA	2
CZECH REPUBLIC	1	MALTA	2WL	UKRAINE	2
DENMARK	1	MAURITANIA	3	UNITED ARAB EMIRATES	2
DJIBOUTI	2	MAURITIUS	1	UNITED KINGDOM	1
DOMINICAN REPUBLIC	3	MEXICO	2	UNITED STATES OF AMERICA	1
ECUADOR	2	MICRONESIA	2WL	URUGUAY	2
EGYPT	2	MOLDOVA	2WL	UZBEKISTAN	2WL
EL SALVADOR	2	MONGOLIA	2	VENEZUELA	2WL
EQUATORIAL GUINEA	2WL	MONTENEGRO	2	VIETNAM	2WL
ERITREA	3	MOROCCO	2	YEMEN	2WL
ESTONIA	2	MOZAMBIQUE	2WL	ZAMBIA	2
ETHIOPIA	2	NAMIBIA	2	ZIMBABWE	3
FIJI	2WL	NEPAL	2		
FINLAND	1	NETHERLANDS	1	HAITI	SC
FRANCE	1	NETH. ANTILLES*	2	SOMALIA	SC
GABON	2WL	NEW ZEALAND	1		
THE GAMBIA	2	NICARAGUA	2WL		
GEORGIA	1	NIGER	2WL		
GERMANY	1	NIGERIA	1		
GHANA	2	NORWAY	1		

\* SEE PAGE 249





# AFRICA

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	134	29		7
2005	194	58		12
2006	170	51		3
2007	123 (28)	63 (26)		5
2008	109 (18)	90 (20)	7,799	10
2009	325 (47)	117 (30)	10,861	8

### Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3
  Special Cases

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*



# EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	438	348		3
2005	2,580	2,347		5
2006	1,321	763		3
2007	1,047 (7)	651 (7)		4
2008	1,083 (106)	643 (35)	3,374	2
2009	357 (113)	256 (72)	5,238	3

## Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*



# EUROPE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	3,270	993		20
2005	2,521	1,792		12
2006	2,950	1,821		7
2007	2,820 (111)	1,941 (80)		7
2008	2,808 (83)	1,721 (16)	8,981	1
2009	2,208 (160)	1,733 (149)	14,650	14

\* SEE PAGE 249

## Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

The numbers in parentheses are those of labor trafficking prosecutions and convictions.



# NEAR EAST

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	134	59		1
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6

## Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*



# SOUTH & CENTRAL ASIA

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	2,764	1,541		1
2005	1,041	406		0
2006	629	275		0
2007	824 (162)	298 (33)		4
2008	644 (7)	342 (7)	3,510	2
2009	1,989 (56)	1,450 (10)	8,325	1

## Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*

# WESTERN HEMISPHERE



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	145	56		7
2005	170	59		9
2006	443	63		6
2007	426 (1)	113 (1)		7
2008	448 (42)	161 (24)	6,609	5
2009	647 (47)	553 (66)	9,020	1

## Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3
  Special Cases

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*