



# TRAFFICKING IN PERSONS REPORT

JUNE 2011







Dear Reader:

Last year, I visited a shelter for trafficking survivors. I was embraced by children who should have been in grade school, but were instead recovering from having been enslaved in a brothel. We know trafficking in persons affects every region and every country in the world, but looking into the eyes of those girls and hearing their stories firsthand brought home for me once again the very real and personal tragedy of modern slavery. That's why over the past decade the United States and the international community have made the solemn commitment to fight this scourge wherever it exists. Those girls, and the millions of people they represent around the world, are a call to action to deliver on the promises of the last decade.

The 2011 Trafficking in Persons Report includes more than 180 narratives that assess governments on their efforts to combat trafficking in persons. In keeping with the language and values of the UN Trafficking Protocol, which seek to guarantee prevention, prosecution, and protection for the maximum number of victims, the United States defines trafficking in persons to include all of the conduct involved in forced labor as well as the trafficking of adults and children for commercial sexual exploitation. As we assess ourselves and governments around the world, the true test of a country's anti-trafficking efforts is not just whether a government has enacted strong laws consistent with that approach, but whether these laws are being implemented broadly and effectively. In short, it's whether they deliver.

In this decade of delivery, we must ensure that our efforts continue to address all forms of trafficking, whether for sex or labor, internal or transnational, or affecting men, women, or children. We must prevent this crime by forging partnerships that will hold source countries responsible for exploitative recruiting and ensure that destination countries employ vigorous victim identification efforts and forcefully prosecute traffickers. We must work with industry leaders so that consumers can know that the products or services they buy come from responsible sources. And we must improve the capacity of governments to protect victims and hold traffickers accountable. Countries known for well-established adherence to the rule of law cannot just rest on their laurels, but must work to deliver the justice and services that trafficking victims deserve.

This annual Report embodies the United States' continued dedication to fighting traffickers no matter where they may be, because fighting slavery and standing up for human rights is part of our national identity. For the girls in the shelter – and for all those who have been victimized by this crime – we will remain steadfast in our efforts and truthful in our assessments. We must deliver on our promises to protect victims, punish abusers, and restore the lives of survivors so that someday they will have the opportunity to realize their God-given potential.

Sincerely,

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

Hillary Rodham Clinton



Dear Reader:

If the 2010 Trafficking in Persons (TIP) Report marked anniversaries and reflected on progress made, the 2011 TIP Report introduces a new era of truly comprehensive approaches to combating human trafficking. In the past decade, the community of nations has moved away from reflexive denial that this crime still exists and has adopted instead a wide range of policies and partnerships. This shift has been driven in no small part by the impact of the annual TIP Reports, the rapid acceptance of the United Nations' Palermo Protocol, and the insistence of civil society that this crime not be ignored.

Governments now acknowledge the modern methods used to compel service and the impact on its victims. There is broad consensus on the appropriate response; 142 countries have ratified the Palermo Protocol, and 128 countries have enacted laws prohibiting all forms of human trafficking. Each year sees advances in prosecutions, victim identification, and protection and prevention measures. And unlike a decade ago, the language of abolition has reached the upper echelons of government. The fact that a form of slavery still exists in the modern era and that it must be confronted is now spoken of by heads of state and CEOs, at shareholder meetings, in church groups, and around the blogosphere.

And yet modern slavery continues to be a reality for millions of people, rather than for an isolated few. And the only solution to it is for governments to step up. The responsibility of governments to prosecute traffickers and provide justice to trafficking victims cannot be outsourced to NGOs, and victim protection should not be. The systemic and structural steps needed to prevent human trafficking must reflect a cultural change that rejects modern slavery, addresses the demand that fuels this crime, and requires personal responsibility. But the foundations of such efforts must be found in government action.

This year's TIP Report focuses on how governments can move toward a more targeted, purposeful approach that fully addresses the minimum standards to fight trafficking in persons. It also addresses governmental systems and policies that contribute to human trafficking. For a maturing modern approach, it is fitting to move beyond mere adoption of laws. Rather, we must measure our success or failure by victims served, by traffickers punished, and by abuse averted. It is time to treat the "3P" paradigm as not just a rhetorical device: prosecution alone will not rid the world of this misery but must be fully complemented by protection and prevention. Every country — on every tier — can and must do more.

Just as we acknowledge the last 10 years as a decade of development, let us embrace the next 10 years as a decade of delivery.

Sincerely,

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

Ambassador Luis CdeBaca

# IN MEMORIAM

Richard Holbrooke  
(1941-2010)

*"[E]nding this crime so monstrous is not a political issue; it is an American imperative, and a human responsibility. This is why there are still modern-day abolitionists. And this is why the rest of us should join them."*

– Richard Holbrooke, 2008



Late last year, the State Department mourned the loss of Ambassador Richard Holbrooke, a man who exemplified the best in public service. Many are familiar with his storied history in Vietnam, his service as one of the youngest Assistant Secretaries in history, his central role in ending the Balkan wars, his service as Ambassador to the United Nations, and, finally, his work as Special Representative for Afghanistan and Pakistan. But few people know about Richard Holbrooke's heartfelt commitment to fighting modern slavery.

In 2009, while serving as Special Representative for Afghanistan and Pakistan, Ambassador Holbrooke learned of a group of workers in Pakistan who were being held in debt bondage. He did not dismiss their plight as a local dispute or beneath his notice. He did not write them off to an entrenched social system in Pakistan, or fear that raising the issue would introduce a discordant note into his critically important discussions with the Pakistani government. Rather, Ambassador Holbrooke did what he did best – he cajoled, worked the phones, convened meetings, and energized the bureaucracies of two countries through sheer force of will. The result of this whirlwind of a week? Almost 200 people who had been held captive through force and threats are now free because of Richard Holbrooke.

This was not an isolated incident. Throughout his career, Ambassador Holbrooke saw not only the geopolitical stakes and the back and forth of negotiations, but the people that mattered, even in a hidden issue like modern slavery. His own words express it best:

*"One must never forget that slaves are first and foremost people. Their lives are filled with sorrow and injustice – but also . . . they are touched with humor and joy. Just like regular people. Just like free people."*

Here at the State Department and at our embassies around the world, American diplomats strive to live up to his challenge, and his example. Whether it is engagement with the host governments, funding NGOs to provide front-line services, or even uncovering and responding to trafficking cases in the countries to which they are posted, our diplomats are making a difference. That's how we strive to honor the memory of Ambassador Holbrooke. That's how we try to live up to the expectations of the public we serve. We grieve for the victims, we mourn for the fallen, and through our reporting and diplomacy we recommit ourselves to be worthy of their example.



Ghana is the 10th largest producer of gold in the world. According to *Free the Slaves*, much of Ghana's mining industry is made up of artisanal miners, including some 10,000 children, who often operate in unregulated, illegal mines.

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*"Now, this report is very thorough. It has very specific recommendations. And some countries have listened and the results speak for themselves. Others have not. ... the easiest way to get out of the Tier 3 and get off the watch list is to really act."*

U.S. Secretary of State Hillary Rodham Clinton

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# CONTENTS

Definitions and Methodology	7
What is Trafficking in Persons?	7
Methodology	11
Tier Placement	11
A Guide to The Tiers	13
Penalties for Tier 3 Countries	14
Moving Toward a Decade of Delivery	15
Government Responsibility	15
Prevention	18-29
Government: Focusing on Demand	
Watch What You Eat: Slavery and Food	
Promulgating Business Standards	
People are Not Collateral	
Sending and Receiving: The Challenge of Labor in a Global Society	
Prosecution	30-39
Interviewing Trafficking Victims: A Little Goes a Long Way	
Obstacles to Effective Prosecutions: Notions of Consent and Denouncement	
Protection	40-42
Proactive Victim Identification	
Comprehensive Services	
Laws to Protect Domestic and Agricultural Workers	
Partnership	43-45
The Need for Interagency Coordination	
The Value of Partnering with NGOs	
<b>Topics of Special Interest</b>	
Child Soldiers	12
The TVPA and the Palermo Protocol	16
Beyond Tier 1	17
Key Procurement Guidelines	19
Identifying Local Demand for Commercial Sexual Exploitation of Children	20
Optimal Regulatory Approach for Labor Recruiting	22
The Athens Ethical Principles and Luxor Implementation Guidelines	23
Techniques of Control Used by Sex Traffickers and Pimps	25
Slavery and Food Security: The Fishing Fleet	32
New Media for a New Fight	35
Potential Achievements of an Intragovernmental Anti-Trafficking Body	36
Global Law Enforcement Data	38
2011 TIP Report Heroes	46
Tier Placements/Maps	52
How to Read a Country Narrative	60
Country Narratives	61
Relevant International Conventions	398
TVPA Minimum Standards	404
Stopping Human Trafficking by International Peacekeepers	406
International, Regional and Sub-regional Organizations	
Combating Trafficking in Persons	408
Glossary of Acronyms	410
Photo Credits	410

This Report and subsequent updates are available at [www.state.gov/g/tip](http://www.state.gov/g/tip)

*World Vision and PhotoVoice sponsored photo-advocacy workshops for youth in Romania, Armenia, Lebanon, and Pakistan. The participants, many of whom are street or working children, captured inside perspectives of their own vulnerability to exploitation.*

## VICTIMS' STORIES

The victims' testimonies included in this report are meant to be representative only and do not include all forms of trafficking that occur. 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 they occur. No country is immune. 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 2011 TRAFFICKING IN PERSONS (TIP) REPORT

## DEFINITIONS AND METHODOLOGY

### 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 Trafficking Victims Protection Act (TVPA) describes this compelled service using a number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

Under the UN’s Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) and the TVPA, people may be trafficking victims regardless of whether they were born into a state of servitude or were transported to the exploitative situation, whether they once consented to work for a trafficker, or whether they participated in a crime as a direct result of being trafficked. 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**

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.

#### **Sex 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 also can 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 benefits outlined in the Palermo Protocol and applicable domestic laws.

### MOLDOVA-UAE

Olga, 23, came to Dubai from Moldova on a visitor visa after hearing about a job opportunity there. A Russian woman and an Indian man picked her up at the airport when she arrived. They took her to their apartment and told her she would instead be prostituted. When she refused, they beat her and threatened to kill her and bury her in the desert. They threatened to harm her if she did not pay them back for her travel expenses, and then sent Olga to a local hotel to meet customers and collect money from them. After two weeks, Olga met another woman from Moldova in the hotel and told her about her condition. The woman advised her to report her situation to the police, who raided the apartment and arrested the suspected traffickers.

#### **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 the term 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

## HUMAN TRAFFICKING DEFINED

The TVPA defines “severe forms of trafficking in persons” 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.



*According to Human Rights Watch, South Asian migrant workers in Bahrain often experience withheld wages, passport confiscation, unsafe housing, excessive work hours, and physical abuse. A May 2010 draft labor law would hopefully make it easier for migrant workers to seek redress for abuses.*

unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers also may 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 imposition 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 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 workplaces are 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, including bonded and forced labor of children, should be eradicated. 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. When children are enslaved, however, their abusers

should not escape criminal punishment by virtue of long-standing administrative responses to child labor practices.

### **Child Soldiers**

Child soldiering is a manifestation of human trafficking when 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 unlawfully made 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.

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*“There are no quick fixes to human trafficking, forced labor, debt bondage, and child labor. Though I have documented these offences on all six continents, nothing I have seen anywhere approaches the scale of these crimes as I have seen in South Asia.”*

Siddharth Kara, author and human trafficking fellow at Harvard University

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### **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



*A girl carries her sister as she breaks rocks into smaller pieces to be sold for construction purposes in Juba, South Sudan.*

## BANGLADESH-LIBYA

Mansur sold family land to pay a Dhaka employment agency that promised him well-paying work in Libya. When he and some 40 other Bangladeshi workers landed at the Tripoli airport, two men from the agency met them and immediately took away their passports. The agents then took the workers to an abandoned warehouse in a suburb of Tripoli and told them to wait there. They threatened to deport the men if they disobeyed. Not able to speak any language other than Bangla, Mansur and the others remained in that warehouse for two months, helpless and nearly starving. When the agents finally took the men to work, they deducted more than half of the promised monthly salaries for food and accommodation. When fighting erupted in Libya in February, Mansur and the group of Bangladeshi workers fled with whatever little money they had managed to save. The men were robbed and joined more than 10,000 other Asian and African migrant workers at a refugee camp near the Tunisia-Libya border, waiting to go home empty handed after years of toil.

sex trade is prohibited under both the Palermo Protocol and U.S. law 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.

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*"The employers have paid so much to get the maids in, but when they run away, we have to pay again to get another maid. This is a big burden. How are we to restrict them from running?"*

Malaysian employer of an Indonesian maid, on why employers should hold their maids' passports

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*Thousands of African and Asian migrant workers wait in line for food at a refugee camp, having fled from the violence in Libya. Fleeing workers reported document confiscation and debt bondage.*

## Methodology

The Department of State prepared this report using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, research trips to every region, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov). This email address provides a means by which organizations and individuals can share information with the Department of State on government progress in addressing trafficking.

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on 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. U.S. missions overseas are dedicated to covering human trafficking issues.

## Tier Placement

The Department places each country in the 2011 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 404).

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. Rather, a Tier 1 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 1 ranking. Indeed, Tier 1 represents a responsibility rather than a reprieve.

**Tier rankings and narratives in the 2011 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;
- criminal penalties prescribed for human trafficking offenses with a maximum of at



*A child harvests coffee beans in Honduras.*

least four years' deprivation of liberty, or a more severe penalty;

- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
- proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- 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 in an environment of minimal pressure;
- victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which the victim would face retribution or hardship;
- 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;

## 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 having 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, 2010 and ending February 28, 2011.

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 years 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, 2011 and effective throughout FY 2012, 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 2011 CSPA list consists of governments in the following countries:

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



*A young boy leads al-Shabaab fighters as they conduct a military exercise in Mogadishu, Somalia. The country's continuous violence appears to have increased recruiting efforts – by all parties in conflict – of minors who can easily be indoctrinated.*

- the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims; and
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking including forced labor, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants excessive fees.

Tier rankings and narratives are NOT affected by the following:

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

## 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



*A boy sleeps with his begging bowl covering his face in an unfinished building which serves as both classroom and living space for a Koranic school in Dakar, Senegal. Senegal's government announced in August 2010 that it would crack down on the practice in which tens of thousands of Koranic students wander barefoot and swarm cars for change to meet quotas imposed by their teachers.*

- c) the determination that a country is making significant efforts to bring itself 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 additional factors through which to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3. First, the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking. Second, 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 third, reasonable measures required 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.

In 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act included a provision that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 for the next year. This provision comes into effect for the first time in this year's report. The Secretary of State, through delegation, can waive the automatic downgrade based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to comply with the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. Governments subject to the automatic downgrade provision are noted as such within the country narratives.

### 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 or withdraw nonhumanitarian, non-trade-related foreign assistance. 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,

## MAURITANIA

Mattalla spent most of his life as a slave. He often watched his owners beat his mother and sisters. When he protested, they beat him too. Matalla's job was to take care of livestock and make charcoal. His family lived in a small area of the owners' settlement surrounded by cloth. They were given no food except for the occasional leftovers and often cooked and ate lizards they caught in the desert. Escape in the Sahara would almost always lead to death by hunger or thirst or at the hands of slave owners who would find them. Mattalla was beaten if he lost a camel, if he sat on the same mat as his owners, or if he disobeyed them. When Mattalla met some soldiers on the road, he told them he'd rather be shot dead than return to his owners. The soldiers helped him escape and receive support from a local NGO. His family remained with the owners.

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, 2011; however, all or part of the TVPA's sanctions 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 United States' national interest. The TVPA also provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.

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



*In a campaign with global reach, The Body Shop and ECPAT partner to combat child sex trafficking.*



## MOVING TOWARD A DECADE OF DELIVERY

### Government Responsibility

Speaking on behalf of the nine anti-trafficking heroes honored in last year's TIP Report, Laura Germino from the Coalition of Immokalee Workers said, "We commit ourselves, our continued efforts, to our collective fight to wipe slavery off the face of this earth. We are fighting for Tier Zero."

Each year, heroes are driven not by tier rankings but by a vision for a world without slavery. Some work to combat root causes – to end the demand for commercial sexual exploitation, to end the constant downward price pressure that often connects corporate supply chains to the shackles of compelled service, and to provide options for women and girls so that risky migration is not their only choice. Others risk their safety and make it their life's work to fight for a more accountable justice system or to build back the trust of the men, women, and children victimized by human trafficking. They serve ably and nobly, filling gaps created by collective

failures of our humanity and governance, working for a world that no longer requires their heroism.

That is the vision of the emerging global abolitionist movement. What then is the vision of governments?

The UN's Palermo Protocol and the United States' TVPA have helped to guide governmental understanding of the tools required to fight this crime. The 2010 TIP Report covered in great detail the progress of the last decade: the rise of laws criminalizing all forms of human trafficking; the increase in public awareness and accountability for purchases of any product that could propagate the exploitation of another person; and the 142 parties to the Palermo Protocol and that adopted the "3P" paradigm of preventing trafficking, prosecuting traffickers, and protecting survivors.



*Migrant salt workers in a vast area of arid land about 120 kilometers (about 75 miles) from Ahmadabad, India, have no access to safe drinking water, health services, education, and residential facilities, reports say.*

## THE TVPA AND THE PALERMO PROTOCOL

The Trafficking in Persons Report monitors countries' anti-trafficking efforts against minimum standards set forth in the U.S. Trafficking Victims Protection Act of 2000 (Div. A, Pub. L. 106-386), as amended (TVPA), not the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which supplements the UN Convention Against Transnational Organized Crime. The standards in the TVPA, however, are largely consistent with the framework for addressing trafficking set forth in the Palermo Protocol, both in form and content. Both define trafficking in persons as a set of acts, means, and purposes. Both emphasize the use of force, fraud, or coercion to obtain the services of another person. And both acknowledge that movement is not required, framing the crime around the extreme exploitation that characterizes this form of abuse.

Enacted just six weeks before the Palermo Protocol, the TVPA not only meaningfully effects the Thirteenth Amendment to the U.S. Constitution, but also reflects the norms of international anti-slavery law. Section 102(b)(23) of the TVPA explains:

[t]he international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; [and] the International Covenant on Civil and Political Rights...

The TVPA's minimum standards measure a country's efforts to combat trafficking under the "3P" paradigm: prosecution, protection, and prevention. Those three Ps are also themes in the first sentence of the preamble to the Palermo Protocol: "Declaring that effective action to prevent and combat trafficking in persons, . . . includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking" (emphasis added).

Indeed, this approach permeates both instruments:

- **Prosecution:** Article 5 of the Protocol requires that States Parties criminalize "trafficking in persons," as defined by the Protocol, and the first of the TVPA's four minimum standards measures whether countries prohibit and punish all "severe forms of trafficking in persons", as defined by the Act. These international and U.S. law definitions, although divergent in some respects, largely cover the same body of criminal conduct.
- In addition, Article 11 of the UN Convention Against Transnational Organized Crime, which applies to the provision of the Palermo Protocol *mutatis mutandi*, requires that States Parties ensure that criminal sanctions for trafficking in persons take into account the gravity of the offense, and the TVPA's second and third minimum standards similarly measure countries' punishments for trafficking.
- **Protection:** Articles 6 and 7 of the Palermo Protocol call on States Parties to adopt specific measures for victim recovery and to consider adopting measures to allow victims to remain in the country's territory in appropriate cases; likewise, one criterion relevant to the TVPA's fourth minimum standard – that a government makes serious and sustained efforts to eliminate trafficking – measures the strength of countries' victim protection efforts, including whether legal alternatives to removal exist.
- **Prevention:** Palermo Protocol Article 9 requires States Parties to establish "comprehensive policies" to prevent trafficking and adopt or strengthen measures to reduce demand that fosters exploitation; while three criteria relevant to the fourth minimum standard in the TVPA also measure governments' prevention and demand reduction efforts.

Thus, although each TIP Report presents assessments under American law, the standards they build from are firmly rooted in international law.

*“ ... the TIP Reports (sic) are not displacing a potentially superior alternative or performing a function that could be better discharged by the international community. Without the Reports, our collective knowledge of trafficking-related exploitation would likely be less; individual governments would likely have greater control over the flow of information that properly belongs in the public domain; and even the most egregious failure on the part of a state to deal with trafficking-related exploitation would likely come at little reputational or other cost. For the committed multilateralist, such conclusions are cause for sober reflection.”*

Anne Gallagher, international anti-trafficking expert

The first decade following the UN’s adoption of the Palermo Protocol can be described as a time of building the framework and passing laws that focused largely on the criminalization of human trafficking and the creation of victim assistance mechanisms. Now is the time to build a robust global response rooted in increased implementation of this framework at the national level. Government responses need to trace trafficking to the points of exploitation and exert pressure where it will do the most good. This is in keeping with what governments do: they grant visas and regulate businesses, negotiate trade agreements, and oversee both social services and criminal justice responses. In a post-Palermo world, all of these functions must reflect the “3P” approach and the guarantee of freedom set forth in Article 4 of the Universal Declaration of Human Rights.

These principles are most fully set forth in the Palermo Protocol and in the minimum standards to combat trafficking established by the TVPA; the text of the minimum standards can be found on page 404. Governments can evaluate their compliance by asking three simple questions:

- Does the government criminalize all forms of trafficking and prescribe sentences commensurate with the gravity of the offenses?

## BEYOND TIER 1

While Tier 1 is the TIP Report’s highest ranking, it does not mean that a Tier 1 country has no human trafficking problem. Nor does it mean that a Tier 1 country has devised perfect solutions or has ended modern slavery within its borders. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and in so doing is meeting the TVPA’s minimum standards.

All countries – especially those on Tier 1 – can make serious and sustained efforts that rise above the baseline minimum standards and the standards spelled out in the Palermo Protocol to put forth a truly comprehensive governmental response that includes:

- » Integration of policies to combat human trafficking at all levels of policymaking and implementation, i.e. national security, immigration, labor, procurement, and trade;
- » Adherence to international obligations, particularly those with regard for human rights and labor standards;
- » Intolerance of any form of sexual exploitation of children and adults;
- » Adoption of a robust labor inspection and enforcement regime and available criminal and civil remedies;
- » Education of the foreign and citizen workforce about their rights and how to access assistance;
- » Regulation of and collaboration with private industries to eradicate forced labor from their supply chains;
- » Programs to attack the demand for commercial sex that fuels trafficking;
- » Support for and collaboration with civil society to develop anti-trafficking responses;
- » Inclusion of human trafficking survivors in the development of anti-trafficking responses;
- » Availability of education, health care, and employment for trafficking survivors;
- » Labor law protections that cover all categories of workers;
- » Permeation of human trafficking knowledge and proactive investigations at all levels of law enforcement; and
- » Construction of and adherence to a victim rights system that sets forth the aid, assistance, and treatment of trafficking victims.

Consistent with the UN Convention Against Transnational Organized Crime, governments should prescribe maximum criminal penalties of no fewer than four years. Penalties prescribed for sex trafficking offenses should be equivalent to the penalties for rape and other serious crimes.

## USA

Alissa, 16, met an older man at a convenience store in Dallas and after a few dates accepted his invitation to move in with him. But soon Alissa's new boyfriend convinced her to be an escort for him, accompanying men on dates and having sex with them for money. He took her to an area known for street prostitution and forced her to hand over all of her earnings. He made Alissa get a tattoo of his nicknames, branding her as his property, and he posted prostitution advertisements with her picture on an Internet site. He rented hotel rooms around Dallas and forced Alissa to have sex with men who responded to the ads. The man, who kept an assault rifle in the closet of his apartment, threatened Alissa and physically assaulted her on multiple occasions. The man later pled guilty to trafficking Alissa.

- Does the government use its laws to vigorously investigate and prosecute all forms of human trafficking that exist in the country?

Many countries fail to pursue prosecutions diligently or ignore certain types of human trafficking, such as the forced labor of men and boys. Some countries limit their enforcement efforts to either foreign trafficking victims or their own citizens. These shortcomings are noted in the narratives and reflected in the tier rankings.

And finally,

- Is the government doing what it can to protect victims and prevent trafficking?

Around the globe, governments have pledged to undertake victim protection, though victims continue to go unfound, or worse, they are found, unidentified, and further victimized. Robust victim identification and rehabilitation is what is most needed but is most lacking.

The answers to these questions highlight failures, successes, and emerging global lessons which are profiled throughout this introduction.

## Prevention

As long ago as 1904, governments agreed to work together to prevent the "white slave traffic." More than 100 years later, traffickers continue to find new victims and, in many jurisdictions, operate with impunity. Public awareness of human trafficking – including awareness of warning signs and required responses – is critical and must be ongoing. But public awareness is just one component of prevention. There are systemic contributors within the control of governments that can and must be changed. For example, many governments in the developing world encourage labor migration as a means of fueling foreign exchange remittances, yet they do not adequately control private recruiters who exploit migrants and make them vulnerable to trafficking. Greater efforts to regulate and monitor such recruitment and other contributing practices can shut down traffickers' access to vulnerable populations as well as drive them out of their illegitimate businesses.

By acknowledging and addressing its own "slavery footprint," – government procurement of goods made and services provided on the backs of forced laborers – each government can drastically shift the economic policies that perpetuate modern slavery.

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*"I wish that every time a government official picked up that TIP report, all crisp and clean from the printer, that he would have to first look into the face of a mother whose husband disappeared and whose wages never came back and whose daughter was taken to be schooled but has never written home. Only then would he know what human trafficking ... really means."*

Nikki Junker, Executive Director of With More Than Purpose

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### Government: Focusing on Demand

The demand for cheap goods, services, labor, and sex opens opportunities for the exploitation of vulnerable populations. And it is on this demand that human trafficking thrives. People are bought and sold as commodities within and across borders to satisfy demand from buyers. Poverty, unemployment, lack of opportunity, social upheaval, and political instability facilitate traffickers' ability to recruit victims, but they do not in themselves cause trafficking. The economic reality is that human trafficking is driven by profits. If nobody paid for sex, sex trafficking would not exist. If nobody paid for goods produced with any amount of slavery, forced labor in manufacturing would be a thing of the past. Increasingly, anti-trafficking actors are looking to combat modern slavery from the demand side rather than focusing on arrests and prosecutions (the supply side) alone.

Governments have a duty to bring traffickers to justice and help victims, but they are also large consumers, spending hundreds of billions of dollars each year on goods and services ranging from construction and weaponry to office supplies and technology equipment. As such, they can have an immediate impact on demand. Governments should review their procurement supply chains and seek to significantly reduce the exploitation of vulnerable populations.

Governments can go a long way toward tackling demand. They can, for example, require that government contractors and subcontractors ensure that employees are not hired or recruited through fraudulent means or the use of excessive fees. Such policies would increase transparency and make it more difficult for unscrupulous labor brokers to use debt bondage as a means of providing cheap labor for government contracts. This is particularly important for third-country nationals, who are often imported for large construction projects and who are more susceptible to exploitation due to distance and isolation, language barriers, and dependence on the employer for visas or work permits, among other factors. Public-private partnerships that create transparency in supply chains can have a significant impact on demand reduction, helping to make freedom the business of both governments and the private sector.

## KEY PROCUREMENT GUIDELINES

As some of the world's largest employers, governments can have a major impact on eradicating slavery by employing best practices to reduce the exploitation of vulnerable populations. Such measures could begin with incorporating mandatory "zero-tolerance," anti-trafficking clauses into all government contracts (prohibiting both forced labor and the procurement of commercial sex for all contracted and subcontracted personnel), which would include:

- » Prohibiting the withholding of workers' passports or inhibiting their free movement as a means of keeping them in a situation of compelled service;
- » Prohibiting the use of physical force or threat of force to compel labor, services, or sexual activity from any worker;
- » Prohibiting employers from using sponsorship for work permits and immigration benefits as leverage to compel service;
- » Empowering workers by providing in their native languages the standard labor contracts and the contractor's policies on wages, overtime, allowances, salary increases, the contract term, leave accrual, and other personnel matters;
- » Briefing employees on their rights under local labor laws; and
- » Reporting publicly on recruitment practices.



*Human rights activists train police in Delhi, India on the proper implementation of human trafficking laws, particularly in cases with child victims.*

## IDENTIFYING LOCAL DEMAND FOR COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

From Brazil to Cambodia, anti-trafficking experts and advocates have attempted for years to gain a better understanding of demand sources for the commercial sexual exploitation of children. In countries where this crime is prevalent such as Cambodia, Thailand, the Philippines, India, Brazil, Jamaica, and Kenya, popular perception attributes the main source of demand to foreign and predominantly Western child sex tourists. In Cambodia, for example, the media focus on sex crimes committed by foreigners, leading to a misconception that there are fewer local offenders. Such a perception leads to a disproportionate focus on addressing the issue of child sex tourism as opposed to the equally significant issue of child prostitution.

In a 2010 study conducted by End Child Prostitution and Trafficking (ECPAT) in Cambodia, all but one of 43 prostituted children surveyed in the Cambodian capital of Phnom Penh said their regular purchasers were Cambodian men. Of the 13 prostituted children who reported having been sold as a virgin, eight said their rapists had been Cambodian.

A recent UNICEF study found that in Kenya, it is Kenyans who make up the majority of purchasers of children in prostitution. A 2008 ILO study found that there was widespread local tolerance in Central America and the Dominican Republic for the commercial sexual exploitation of teenage girls. Sixty percent of the survey's respondents attributed responsibility for the crime to the victim or the victim's family, rather than to the purchaser.

Law enforcement responses to the commercial sexual exploitation of children often reflect popular perception, leading to a lack of efforts to focus on local demand for child prostitution. In a few parts of the world, however, law enforcement actions are starting to reflect the realities of local demand. In Cambodia, a country where numerous foreign pedophiles have been prosecuted locally or extradited for prosecution in the United States and elsewhere, law enforcement officials are beginning to recognize the need to improve on this record. In Central and South America, law enforcement statistics already show that many trafficking-related convictions involve cases of local demand for child prostitution. While foreign sex tourists are still a source of demand for child prostitution and must be held accountable, they are often not the main source. Governments must ensure that in targeting sex tourists, they are not also ignoring sources of local demand.



Governments can attack demand for commercial sex by establishing “zero tolerance” policies for government employees and contractors who participate in trafficking or procure commercial sex acts. Such policies should make clear that contracting and subcontracting companies are responsible for notifying employees of the prohibited behavior, and they should provide penalties for violations as severe as termination of the contract and/or debarment from future government contracting. This gives companies, many of whom stand to lose multimillion dollar contracts if penalized, a major incentive to ensure that their employees and subcontractors are in no way contributing to the demand that contributes to sex trafficking.

Although prohibiting trafficking in all government contracts is an important first step, without appropriate follow up, new policies can be meaningless. Governments must provide resources for training, technical assistance, and auditing to ensure that trafficking is fully eradicated from their supply chains.

### Watch What You Eat: Slavery and Food

The dusty images of slaves working on plantations line bookshelves and museum walls, but the demand for cheap goods in a globalized economy sustains slavery today in fields and farms. Transcontinental slavery and the Triangle Trade drove the bygone mercantile empires of Europe and the Americas. But the International Labour Organization (ILO) estimates 60 percent of child labor worldwide is in agriculture, and agricultural products comprise the largest category of items on the List of Goods Produced by Child Labor or Forced Labor published by the U.S. Department of Labor (DOL).



*Reminiscent of modern fair-trade labeling, abolitionist sentiment in 1820s England prompted some merchants to advertise their sugar as slavery-free.*

From the cocoa farms of West Africa to the cotton fields of Uzbekistan to the tomato fields of the United States, this modern form of slavery remains common in the agricultural industry and is marked by techniques that are anything but modern. According to DOL, there may be more forced child laborers in farming than in manufacturing. In some countries, particularly in South Asia, families of farmers continue to inherit the debts of their ancestors that, in many cases, have been passed down for generations. And slavery reportedly extends into the oceans, with forced labor rampant in the commercial fishing industries in some regions.

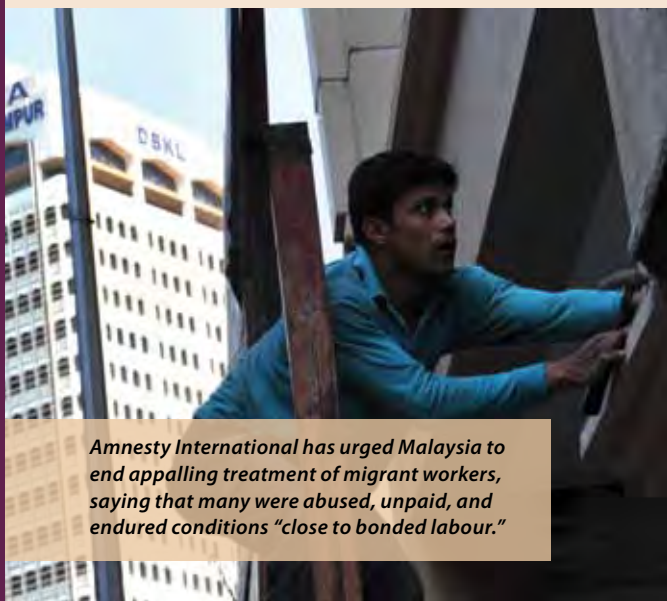
## PERU

Karina was 19 when Nestor, an acquaintance from her neighborhood, offered her a job at a restaurant in the capital. Karina thought it was a great opportunity for her to leave her small town and earn her own income. She went to Lima with Nestor and began to work as a waitress in a seafood restaurant. She soon fell in love with Nestor's friend Edy, who, after gaining Karina's trust, forced her to have sex with men in various Lima nightclubs. Edy then moved Karina around among nightclubs in various cities, including one in her own home town, for two years. With a friend's help, Karina managed to escape and returned to her family. Edy continued to call her with threats and demands. He also started threatening the friend who helped Karina escape. Although she has filed a police report against Edy and has the support of a public attorney, Karina continues to live in fear, without any protection for herself or her family.

Businesses and governments both have important roles to play in eradicating slavery in supply chains. In this age of increasingly aware customers, companies will have to be more thorough in tracing their raw materials and monitoring their supply chains. Governments must be more diligent in enforcing existing laws and regulations. With the passage of new laws, raw material traceability is shifting from a voluntary best practice into a legal obligation. Companies in all industries are facing growing pressure to understand the conditions under which their raw materials were attained.

## OPTIMAL REGULATORY APPROACH FOR LABOR RECRUITING:

- » Ensure that private recruitment agencies have a recruitment fee limit in an amount that can cover minimal expenses. For example no more than one month's wages abroad for a 12-month contract, or 4.2 percent of the wages expected to be earned under a 24-month contract.
- » Ensure competition among private recruitment agencies to foster the lowest recruitment fees and the best services offered to potential migrants.
- » Enact criminal laws that penalize fraudulent recruitment or usurious fees.
- » Impose sanctions on private recruitment agencies that break the law and include compensation mechanisms for the affected workers.
- » Vigorously investigate and prosecute recruitment agencies or brokers who willfully do not register in order to avoid worker protections.
- » Establish adequate complaint procedures to identify and examine allegations of violations, including representative employers', workers', and migrants' organizations in the complaint process.



*Amnesty International has urged Malaysia to end appalling treatment of migrant workers, saying that many were abused, unpaid, and endured conditions "close to bonded labour."*

### Promulgating Business Standards

In today's globalized economy, there are often complex intersections between legal business operations and illegal human trafficking. Increasingly, the private sector is acknowledging its role in eradicating human trafficking, both in preventative measures to ensure that corporations are not fueling demand for forced labor and in proactive initiatives to alleviate or ameliorate such abuses. There is also growing public interest to know where and how goods and foods are produced, manufactured, processed, and distributed. Consumers, activists, and investors are urging companies to sign and implement ethical codes of conduct.

Businesses play a crucial role in ensuring that forced labor does not contribute to the products we buy. Given the complexity of today's supply chains, however, the most effective solutions for ending forced labor will come from collaboration among governments, corporations, civil society, and consumers. Some recent examples of multi-stakeholder approaches to addressing slavery in supply chains have shown great promise.

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*"This crime is inhumane and directly affects not only the integrity of human beings but also the integrity and image of [Aruba] if we do nothing."*

Arthur Dowers, Justice Minister of Aruba, which appears in the TIP Report for the first time this year

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The Consultative Group (CG) to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products was established by the 2008 Farm Bill to make recommendations to the U.S. Secretary of Agriculture regarding guidelines to reduce the likelihood that agricultural products coming into the United States contribute to slavery. The CG consists of members of government, industry, civil society, and higher education and research institutions. Their combined expertise helped craft a set of voluntary industry guidelines that outline best practices for independent third-party monitoring and verification, remediation efforts, and transparency. The guidelines can be found at [http://www.fas.usda.gov/info/Child\\_labor/Childlabor.asp](http://www.fas.usda.gov/info/Child_labor/Childlabor.asp).

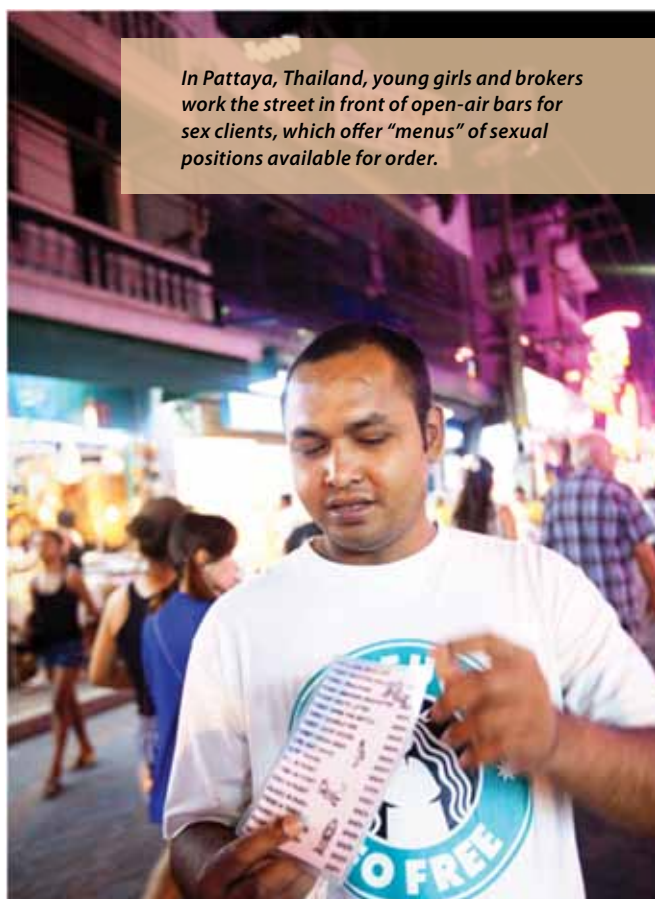


## THE ATHENS ETHICAL PRINCIPLES AND LUXOR IMPLEMENTATION GUIDELINES

In January 2006, CEOs from the private sector and representatives of NGOs, international organizations, and governments came together in Athens, Greece to share their expertise and develop business measures to counter human trafficking. The group adopted the Athens Ethical Principles against human trafficking and launched a campaign to promote private-sector endorsement of these principles. The Athens Ethical Principles contain seven core values, the first of which is a zero-tolerance policy on human trafficking. More than 12,000 companies have pledged to abide by these principles.

With time, there has been recognition that concrete guidelines are needed to direct the implementation of these broad-based, aspirational principles. In December 2010, the Luxor Implementation Guidelines to the Athens Ethical Principles were established as a result of an international human trafficking forum in Luxor, Egypt. The guidelines provide concrete ways for businesses to operationalize each anti-trafficking principle through policy, public awareness, strategic planning, supply chain tracing, government advocacy, and strengthened transparency. The overarching goal is for businesses to incorporate codes of conduct, anti-trafficking measures, and self-regulatory mechanisms into both daily business activity and long-term strategy. The guidelines call on corporations to encourage their business partners and suppliers to apply ethical principles against human trafficking. Corporations also are asked to leverage their market power by obtaining raw materials and locating manufacturing facilities in certain countries as a reward to governments that have strong anti-trafficking records. Companies are already embracing these guidelines in hopes that consumers will respond favorably to their commitment to the eradication of slavery.

The California Transparency in Supply Chains Act of 2010 requires retail sellers and manufacturers in California to publicly disclose their efforts to eradicate slavery and human trafficking throughout their direct supply chains. The legislation applies to retailers and manufacturers with more than \$100 million in annual worldwide gross receipts. It affects more than 3,000 companies doing business in California. These companies represent approximately 87 percent of economic activity in the state, which has the eighth largest economy in the world. Beginning in January 2012, companies affected by the act will have to post on their websites what policies they have in place to ensure that their supply chains are free of slavery and human trafficking. These policies can include evaluating and addressing the risk of human trafficking, auditing suppliers, and training employees and management on human trafficking and slavery. The text of the California law can be found at <http://go.usa.gov/D8n>.



## HONDURAS-USA

Maira was 15 when two well-dressed men driving a nice car approached her and two friends in a small Honduran village. They told the girls they were businessmen and offered to take them to the United States to work in a textile factory. Maira thought it was the perfect opportunity to help her single mother, who struggled to support seven children.

But upon arriving in Houston, the girls were held captive, beaten, raped, and forced to work in cantinas that doubled as brothels. Men would come to the cantina and choose a beer and a girl, sometimes as young as 12. They would pay for the beer and sit with the girl while she drank it. If they wanted to have sex with the girl, they would take her to the back and pay cash for a mattress, paper towels, and spermicide. The captors beat the girls daily if they did not make enough money.

After six years, Maira was able to escape the cantina and return to her mother with the help of a kind American family. Her two friends remain missing.

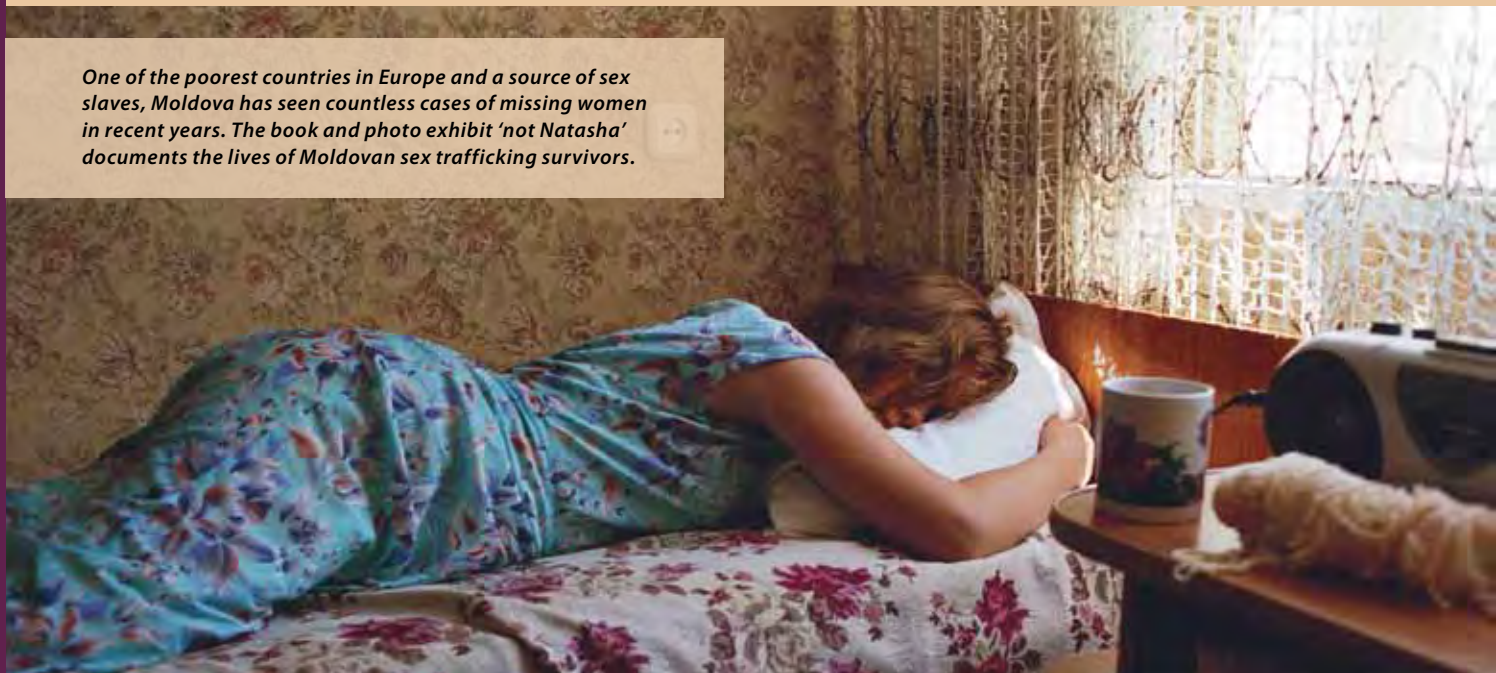
enough to aspire to a better life but have few good options for fulfilling those aspirations. They have attended a girls' school and now realize they are overeducated for the few options in their villages. They have seen someone return home with money to provide for their families. They have watched a television show that depicts the excitement of city life, or they simply have enough courage to try and make a better life for themselves, if only they knew where to start.

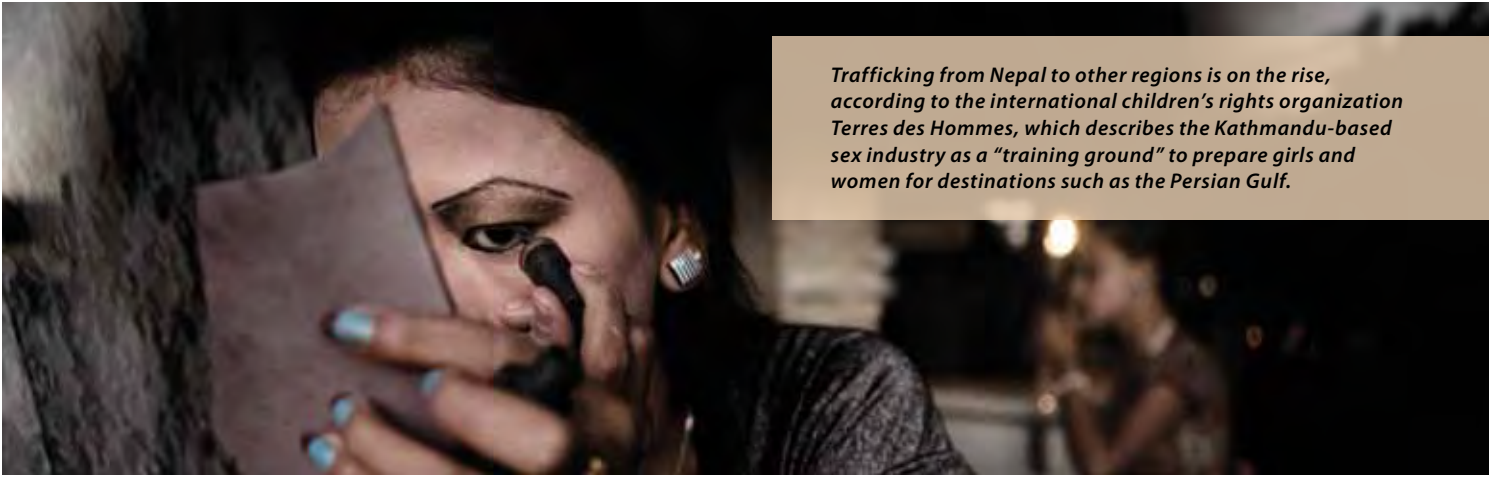
That's where the traffickers come in. Exploiting the information gap, they offer to make that connection – to a good job, a better life, a transportation option. They prey on their victims' innate hope and ability to conceive of some opportunity for a better life. They exploit their victims' trust and confidence in their own ability to succeed. They find people who have nothing and coerce them into using their lives and freedom as collateral to guarantee a better future. While broad-based economic initiatives cannot automatically be construed as anti-trafficking prevention activities, governments must recognize the inequality of access to capital when considering efforts to reduce vulnerability to modern slavery. Migrant workers should not need to incur debt from labor brokers to secure jobs overseas. Instead, governments could provide small-scale loans to cover travel costs and protect workers' rights while they are abroad. Entire villages should not be trapped in bonded labor because of debts inherited from previous generations. Instead, governments could provide legal alternatives for credit and enforce decades-old laws banning generational debt bondage.

### People are Not Collateral

One of the most common assumptions about "average" trafficking victims is that they come from the poorest, most isolated communities. Studies of populations in countries of origin for transnational and internal trafficking have shown that the incidence of trafficking is highest among those who have become empowered

*One of the poorest countries in Europe and a source of sex slaves, Moldova has seen countless cases of missing women in recent years. The book and photo exhibit 'not Natasha' documents the lives of Moldovan sex trafficking survivors.*





*Trafficking from Nepal to other regions is on the rise, according to the international children's rights organization Terres des Hommes, which describes the Kathmandu-based sex industry as a "training ground" to prepare girls and women for destinations such as the Persian Gulf.*

## TECHNIQUES OF CONTROL USED BY SEX TRAFFICKERS AND PIMPS

A sophisticated understanding of the realities on the ground is necessary to ensure that sex trafficking victims are not wrongly discounted as consenting adults. Too often, police, prosecutors, judges, and policymakers assume a victim has free will if she has the physical ability to walk away. This assumption is wholly inconsistent with what is known about the nature of pimping and sex trafficking. The use of force, fraud, and coercion is pervasive but often overlooked. In its most obvious manifestation, a pimp will physically restrain a prostituted person's movements and use physical violence to ensure the customers' satisfaction. While this is undoubtedly a severe form of trafficking as set forth in the TVPA, there are other more subtle forms of fraud and coercion that also prevent a person from escaping compelled servitude.

A prostituted person may have initially consented, may believe that she is in love with her trafficker, may not self-identify as a victim, may have traveled away from the pimp, or may have been away from his physical control with what seemed to be ample opportunity to ask for help or flee. She may have a criminal record and refuse to tell her story. She may have started in prostitution as an adult or as a child. None of these factors, taken alone or in sum, means that she is not a victim of a severe form of trafficking; rather, if such facts are prejudicial at all, they should move law enforcement to consider that they may not have the whole story. And all of these concerns are just as valid for men and boys in prostitution as they are for women and girls. Indeed, male victims may be less likely to admit that they were held through fear or threats.

The TVPA's modern approach recognizes the power of psychological coercion. Research and field experience suggest that violence and restraint – though hallmarks of the commercial sex industry – are far from the most effective means of control. Pimps use a variety of psychological methods, sometimes referred to as "seasoning" or "grooming," to gain full control. They recruit vulnerable women or girls, pretend to be in love with them, ply them with alcohol or drugs, build their dependencies for basic needs or chemical escapes, place other women in supervisory roles over them and encourage them to compete for affection and favor, use an interlocking system of reward and punishment reminiscent of a battering relationship, and threaten their recruits with the shame of their families and a punitive, rather than protective, law enforcement response.

In this context, it is little wonder why anti-trafficking efforts may be received skeptically by a woman who has been told – and maybe even shown – that law enforcement would not protect her and that the only people who care about her are her pimp and his entourage.

It is the government's responsibility to protect those caught in compelled service, to take the time and build the expertise to identify victims, even when victims can't or won't identify themselves. Governments should identify victims whether they are enslaved in a legal or an illegal activity. Governments should be judged not on their response to the most "deserving" of victims, but on their perseverance with the most challenging.

Modern history has proven that microcredit and microfinance can improve the status of women, promote better nutrition, increase access to healthcare and education, and broaden communities' access to credit. When combined with targeted anti-trafficking programming, microfinance initiatives can act as liberators, providing opportunities without risk and rehabilitation with a money-backed future. And micro-lending is not the only solution – putting traffickers in prison and distributing their ill-gotten gains to their victims is the ultimate debt forgiveness program.

### **Sending and Receiving: The Challenge of Labor in a Global Society**

Migrants are vulnerable to modern slavery. Women travel with dreams of better lives and jobs as waitresses or maids, only to be enslaved in prostitution or domestic servitude. Workers are trapped in debt bondage – in myriad ways, as a result of the costs of migration, such as recruitment fees. And it is not just illegal migration; the 2011 reporting year saw cases around the world where the victims traveled to their destination country through legal means, only to be enslaved after arrival.

According to the World Bank and the International Organization for Migration, the number of international migrants in the world today has increased rapidly over the last few decades: 215 million in 2010, up from 191

## MIDDLE EAST-UK

Amita came to London from the Middle East as a domestic servant for a family that treated her well and paid her decently. When her employer moved into a high-level job that provided house staff, the family no longer needed Amita. They helped her find work with another family. Amita's new employers took her passport as soon as she arrived and made her sleep on the floor in the living room to prevent her from stealing things and hiding them in her room. They did not pay her or allow her out of the house, and they threatened to report her to the police as an illegal if she tried to run away. Amita worked in the family's house from 6 a.m. to 8 p.m. After that, she was taken to clean various office buildings until midnight or early morning. One night, the employer's son and his friends were drunk in the house and attempted to rape Amita. After that, she decided to run away and managed to escape with the help of a security guard.

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*"My advice is that whenever you see someone promising excess profit, it is important for one to ask yourself whether you are not being targeted by fraudsters. We should all be very careful."*

Christopher Bizimungu, Rwandan commissioner for criminal investigations, during a televised talk show on human trafficking and cyber crime

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million in 2005. In 2010, worldwide remittance flows are estimated to have exceeded \$440 billion (compared with \$275 billion in 2005), with developing countries receiving \$325 billion in remittances (compared with \$192 billion in 2005). In 2009, the share of remittances in GDP for some smaller countries was extremely large: Tajikistan recorded a remittance/GDP ratio of 36 percent; Tonga, 28 percent; Lesotho, 25 percent; Moldova, 31 percent; and Nepal, 23 percent.

While migration is an important tool for economic development from the individual level to the national level, there is an urgent need to strengthen international cooperation and standards to manage labor migration. According to the IOM, most countries in the world – and not just in the developing world – lack the capacity to manage effectively the international mobility of people today. The increased flows and the dramatic growth of a profit-minded recruitment industry that operates across borders mean that today's migrants are vulnerable to a wide range of abuses, including situations of forced labor and sex trafficking.

International migration is relatively unregulated. At best, it is dominated by a handful of bilateral agreements – with varying degrees of implementations – and nonbinding bilateral memoranda of understanding or regional arrangements. At worst, it is controlled by unscrupulous private recruiters whose deceit and surcharges can quickly place migrants in debt bondage.

Even when policies are in place to allow for legal labor migration, governments must act to ensure the protection of migrants throughout the process. Where there are government-to-government agreements (increasingly common between sending and destination countries), they do not diminish the need for worker protections in "sponsorship" or "guestworker" programs. Much needs to be done to prevent migrant laborers from subsequent exploitation under



## DRC

The Lord's Resistance Army (LRA), an armed group that originated in northern Uganda 20 years ago, now operates in the border areas of the Democratic Republic of the Congo (DRC), South Sudan, and the Central African Republic. When the group attacked Josephine's village, she and her family had too little time to flee. A group of about 80 LRA men surrounded her house. They tied up the family and shot and killed Josephine's grandfather in front of her. They took Josephine and her three brothers into the bush. After an hour of walking, the men separated the children into pairs. Josephine and her 14-year-old brother Patrick never saw their other two brothers again. Josephine remained on the move with the LRA for eight months, never staying in one place for more than a week. She was forced to carry heavy loads, find food, and cook. She and other girls, some as young as 12, were forced to become LRA "wives." Josephine was assigned to a boy who had also been kidnapped and forced to be an LRA fighter. She watched as the men forced him to kill another boy by striking him on the back of the head with a machete. Josephine managed to run away one day when she was sent out to look for food. She walked 40 km and found safety in a village in Sudan. Her brother Patrick escaped two months later during a Ugandan army attack on the LRA.

these programs. The high level of documented exploitation of low-skilled workers – particularly domestic workers – throughout the Middle East, for example, is proof of this vulnerability.

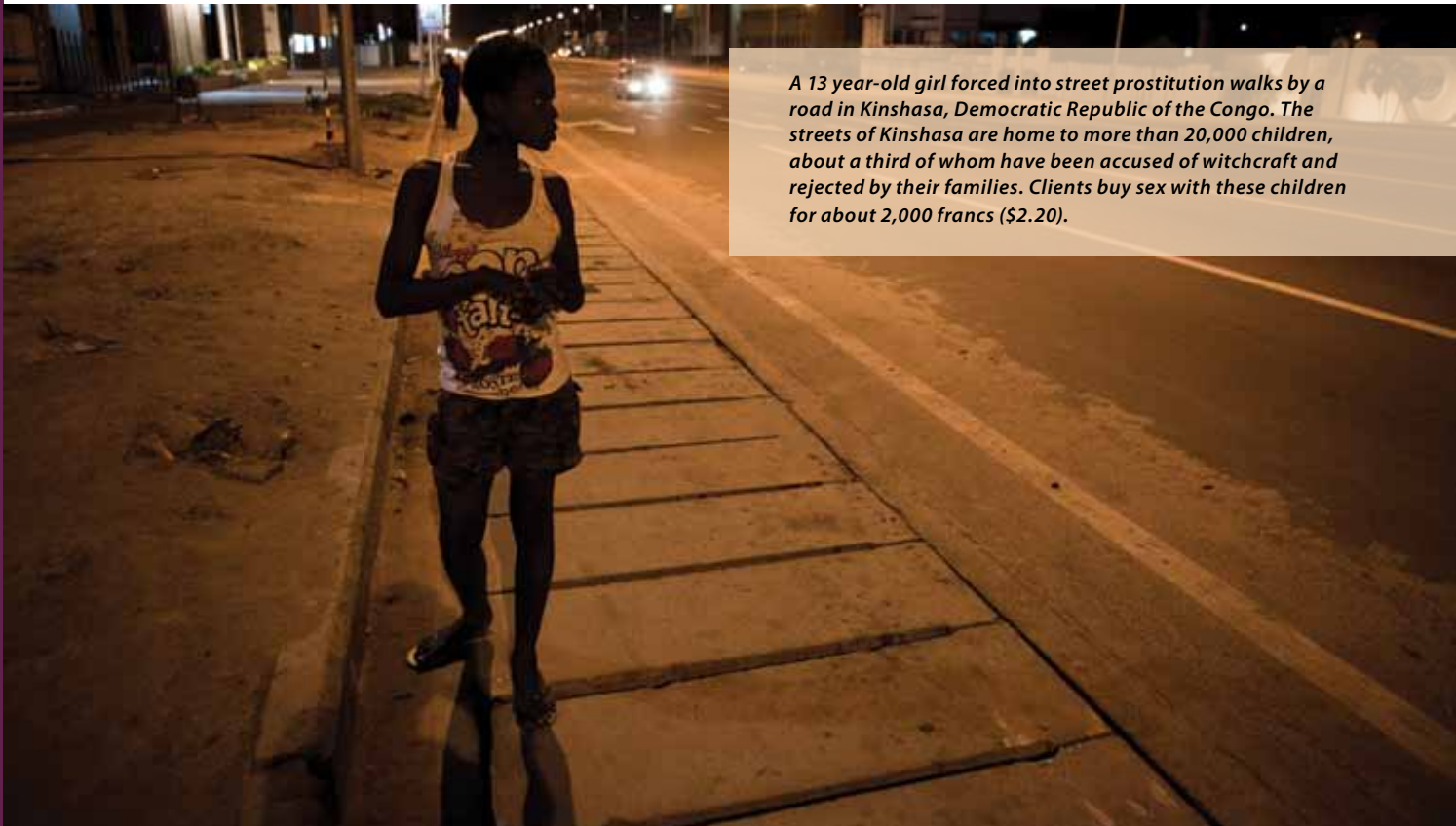
As the 2010 TIP Report highlighted, migrant labor flows worldwide have become increasingly feminized, and as women are emigrating to search for jobs that currently exist outside of normal labor protections, such as domestic service. The mass migration of female domestic workers from places such as Indonesia and Nepal to Gulf states and Malaysia is intrinsically perilous, with physical and sexual abuse of domestic workers commonplace and protections for abused maids scarce.

Reflecting, at least in part, these concerns over the abuse of migrants, countries have moved to restrict Asian workers from working in the Middle East and East Asia. These cases do not occur simply because there is an abusive boss on the other side. Many of the problems are structural. International labor migration is increasingly dominated by labor recruiters – both licensed and unlicensed. Rather than fostering competition and efficiencies that are passed onto potential workers or employers,

the dramatic expansion of this market has had a predatory effect.

Exorbitant recruitment fees are all too common, as are bait-and-switch scenarios that trick workers into jobs that are substantially different than what was promised or jobs that simply do not exist. In the worst cases, this exploitation can metastasize into a situation of forced labor, with restrictions on workers' movements, nonpayment of wages, threats, and physical or sexual abuse, all within the context of a burdensome recruitment fee.

The 2011 reporting period showed a disturbing trend: cases in which domestic servant guestworkers who had suffered sexual abuse in the home were then turned over by their bosses to third parties for prostitution, unable to seek help because of restrictive guestworker laws and the debts that they owed.



*A 13 year-old girl forced into street prostitution walks by a road in Kinshasa, Democratic Republic of the Congo. The streets of Kinshasa are home to more than 20,000 children, about a third of whom have been accused of witchcraft and rejected by their families. Clients buy sex with these children for about 2,000 francs (\$2.20).*

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*"If there is a heart of darkness, I believe without question that the unrelenting, unpunished, and craven exploitation of millions of human beings for labor, sex, and hundreds of sub-categories thereof is simply the most appalling and damaging expression of so-called human civilization we have ever seen."*

Robert Bilheimer, director of "Not My Life", a documentary on human trafficking around the world

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These abuses are possible because the normal employer-employee relationship is skewed by the financial pressure of recruiting fees that are out of balance with the services rendered or that represent much of the money the migrants would earn if everything went perfectly. Sometimes, the most effective threats by employers who want to keep foreign employees fearful and working are threats not to allow them to work. Because guestworkers are often restricted from obtaining outside employment, being banned from the workplace does not represent freedom but can be, in itself, the coercion that the Palermo Protocol seeks to preclude. For example, when workers attempt to claim the salary they've earned or even

just to get enough food to live, employers often threaten to confine them to a dormitory, where they will be unable to seek outside employment and forced to watch their debt mount.

Governments must enforce tighter controls over private recruiters. Associations of private labor recruitment agencies – such as BAIRA in Bangladesh and ACRA in Cambodia – must be held to their assurances that they provide the workers with safe and regulated migration experiences. If the government is the labor broker, safeguards against corruption are necessary, as well as mechanisms to ensure that police or security services back home will not be used to force workers into compliance while they are overseas. National legislation and law enforcement agencies should enforce regulations that balance the interests of the private recruitment agents with the rights of the workers, especially the right to report abuse without having to fear deportation or retaliation. And violations should not be addressed exclusively by remedies that can be absorbed into the cost of doing business, such as just suspension or administrative fines, but with criminal penalties as well.

Two models are often cited by international organizations as best practices. In the Philippines, recruitment agencies cannot legally solicit employees for overseas work without the authorization from the Philippine Overseas Employment Administration (POEA).

POEA, which has authority to place agencies on probation, includes trafficking awareness training in its pre-employment orientation seminars and pre-departure counseling programs for overseas employment applicants. In the last year, recruiters have been prosecuted in the Philippines, even when the abuse happened overseas. South Korea uses a labor trafficking prevention model, in which the government itself recruits workers from 13 countries, requires training and awareness-raising, and locates migrant worker resource centers near workplaces. But even with these examples, national and bilateral approaches to labor migration management are at best a patchwork.

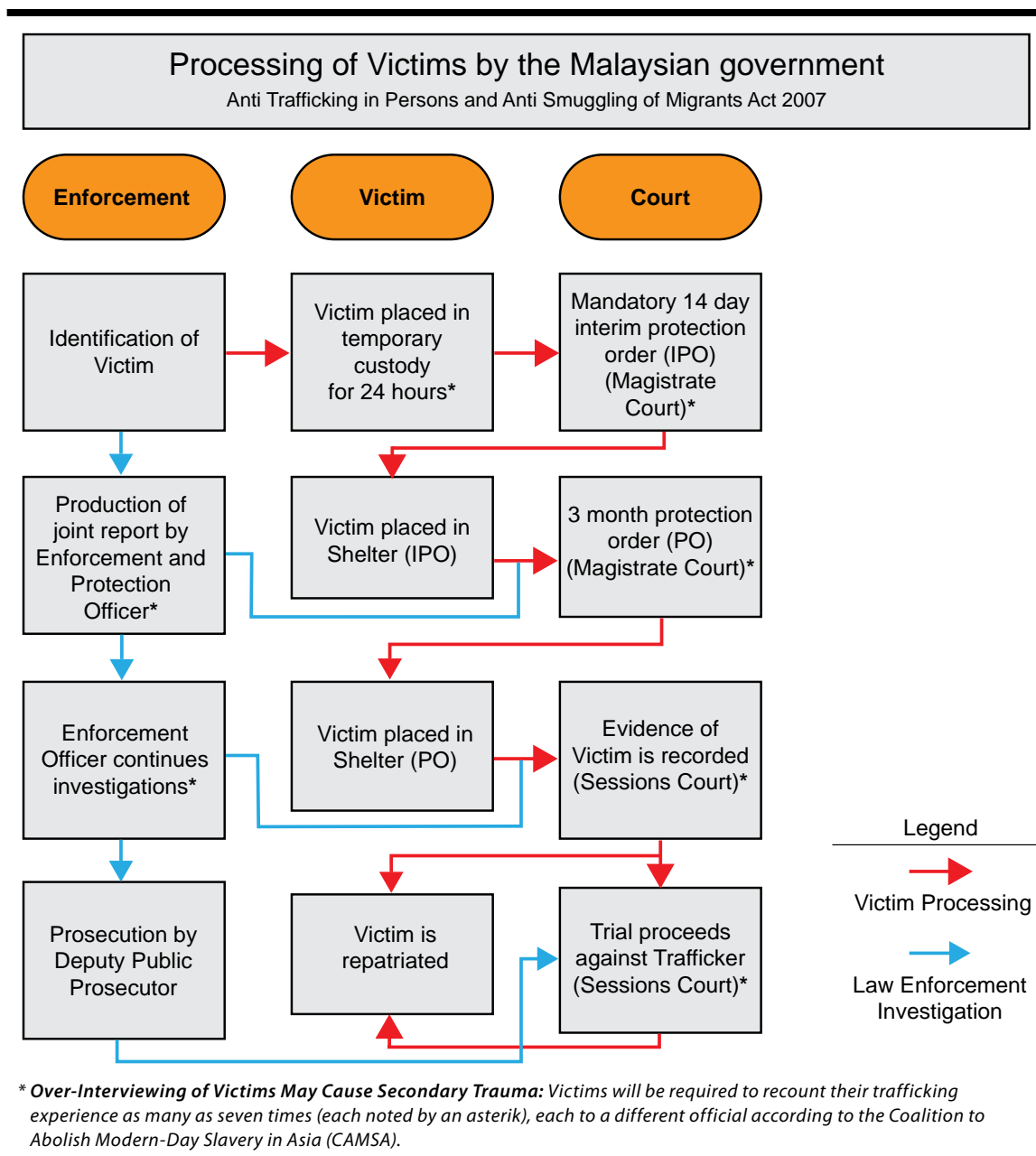
Continued identification of trafficking victims among migrant populations underlines the need for a strong international framework to manage labor migration. Migration governance must focus on facilitating humane and orderly migration policies for the benefit of all. This must be done at the national, regional, and international levels, as suggested by the ILO's Multilateral Framework on Labor Migration. Without an adequate framework, the exploitation and abuse of migrant workers will become increasingly dire as labor migration continues to grow.

## FRANCE

Sabine was 23 when her parents gave her to another family as partial payment for a used car. The family who took Sabine used her as a domestic slave for three years, making her look after their seven children and hiring her out to other men for sex. They burned her with an iron and cigarettes and beat her with iron bars and sticks, took her identity papers and claimed her unemployment benefits for themselves, and chained her up in a squalid shed at night to prevent her from escaping. They threw scraps of food on the ground for her to eat, treating her worse than an animal. When Sabine fell ill, the family dumped her outside a Paris hospital. She had no teeth and weighed less than 84 lbs. Her nose and ears had been mutilated, and she needed corrective surgery. A French court sentenced Sabine's parents to 30 years in prison, the maximum sentence under French law. Ten other defendants received prison sentences of between two and 25 years.



*Police attack a child garment worker while suppressing demonstrations in Dhaka, Bangladesh. Police fired tear gas and used water cannons to disperse at least 15,000 workers, who sewed clothes for some of the top names in Western retail.*



## Prosecution

The majority of the world's countries have ratified the Palermo Protocol, which requires the prohibition and punishment of human trafficking crimes. Most of these countries have enacted adequate legislation to criminalize trafficking in persons as defined by the Palermo Protocol. Although 62 countries have yet to achieve a trafficking conviction, the aggregate number of prosecutions and convictions has been steadily rising over the last three years – from 5,212 prosecutions and 2,983 convictions obtained globally in 2008, to 6,017 prosecutions and 3,619 convictions in 2010.

Sadly, the number of prosecutions is far outweighed by the number of arrests and

investigations. And successful prosecutions of sex trafficking offenses far outnumber successful forced labor prosecutions. Confronting labor trafficking can be more difficult, both politically and socially. Unlike sex trafficking, labor trafficking crimes are often committed by persons perceived as respected members of society or accomplished business leaders, who are less likely to be investigated than unsavory characters involved in organized crime or living unlawfully off the proceeds of the commercial sex trade. Despite this obstacle, an increasing number of countries have been able to identify, prosecute, and criminally punish forced labor cases. These successes are driven by commitments of political will, ongoing law enforcement training, and a fuller understanding of trafficking as a crime of modern slavery. These successes can





*In Malaysia, male victims of labor trafficking are kept confined in handcuffs while awaiting resolution of the prosecution of their traffickers.*

be intensified by publicity that opens the public's eyes to the full scope of this crime and outreach that assures vulnerable groups that they will be protected if they seek help.

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*"A key to stemming demand is that local and multinational companies, as well as end consumers, must take responsibility and investigate whether they are purchasing maid services, sexual services, or goods made by trafficked persons."*

Stimson report, 2010

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### **Interviewing Trafficking Victims: A Little Goes a Long Way**

Building a successful prosecution against a trafficker will typically require some level of assistance and cooperation from the victim. By employing careful interviewing strategies, law enforcement officials are more likely to gain victims' trust, thereby increasing the odds of their participation in the criminal justice process.

## TAJIKISTAN-RUSSIA

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Farshad, 22, signed a contract with an employment agency in Dushanbe that promised him a well-paid construction job in Russia. The agency also promised to provide housing and three meals a day. The agency's lawyer traveled on the train with Farshad and about 50 other young men, who gave the lawyer money for train tickets, bribes for the customs officials, and migration cards. In four days of travel, the men were given only water. When they arrived in Russia, the lawyer abandoned the group, and the men learned that the agency had not organized any work for them there. Another agency that the men found offered help but then confiscated their passports and sold the men to a local factory director. When the factory director found out some of the workers were planning to escape, he returned their passports only after they agreed to sign statements absolving the firm of any forced labor. Farshad and the others were once again stuck in Russia without work or money to return home.

## SLAVERY AND FOOD SECURITY: THE FISHING FLEET

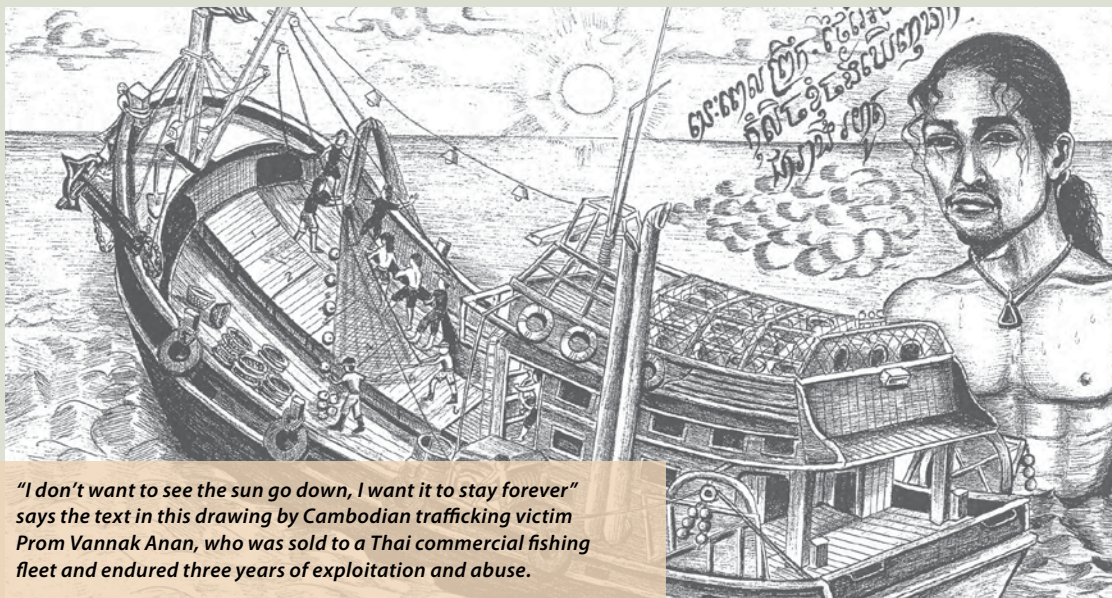
About 3,000 miles east of Jakarta, the remote island of Tual has become a depository for hundreds of exploited Burmese fishermen who are no longer deemed useful or who have escaped the boats on which they were held in servitude. This is just the most dramatic manifestation of a subset of modern slavery that continues to plague the high seas – the men of the Pacific and Indian Ocean fisheries.

IOM indicates most crew members on Thai-owned long-haul fishing vessels are undocumented Burmese and Cambodians, many of whom are forced or deceived into working grueling hours for many months, even years, before being allowed off the boats. Filipino seafarers fall into debt bondage and are victims of confinement after being recruited in the Philippines to work aboard long-haul fishing boats that dock in Southeast Asian ports, including Singapore. The fishing boats are often flagged in Taiwan or other major fishing economies.

Slavery at sea, first highlighted in this report in 2007, remains prevalent and may have increased. Capitalizing on unclear jurisdictions and the difficulty of inspecting boats in deep water, some owners of Asian fishing fleets and seafood companies that depend on their catches are relying on forced labor to harvest ever-diminishing fish stocks. As Thai boats have overfished their country's own territorial waters and Thai seafarers have largely abandoned the Thai fishing industry in favor of better jobs on land, the Thai fishing fleets use undocumented foreign migrants and have headed out to Burmese, Indonesian, and Malaysian waters.

The UN Environmental Program warns that continued fishing at current levels, particularly in South and Southeast Asia, the Pacific Islands, and even in West Africa, is not sustainable and will threaten global food security. Furthermore, an IOM report released in early 2011 and research done by the United Nations' Inter-Agency Project on Human Trafficking (UNIAP) indicate that much of this unsustainable fishing is even more tainted – by modern slavery. UNIAP surveyed Burmese workers exploited on such boats and found that 59 percent have witnessed their Thai boat captains murdering one of their colleagues. IOM reports that most of the more than 700 Thai boats fishing in Indonesian waters are not registered with the Indonesian government and do not abide by a 2006 agreement between the Indonesian and Thai governments requiring that a percentage of fish caught in Indonesian waters be offloaded and processed in Indonesian ports. They also violate Indonesian law requiring that all fishing boat crew members carry adequate documentation.

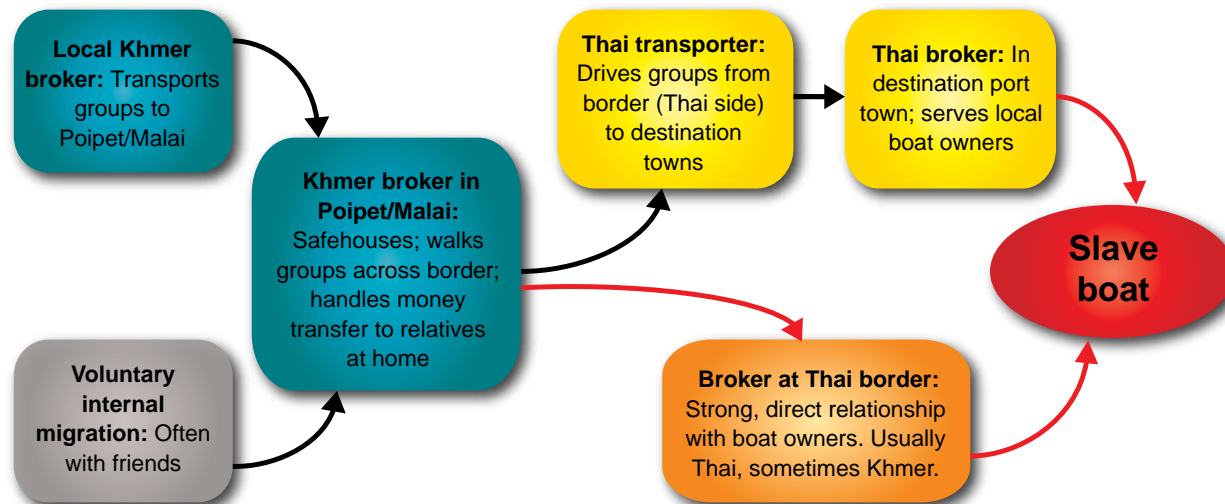
Seeking to avoid catch restrictions, taxes on fish catches, and the possible escape or rescue of enslaved crew, the Thai fishing boats have taken to off-loading catches and on-loading fuel and supplies off the Indonesian coast without docking on dry land, allowing the boats to remain at sea for extended periods and eliminating the one chance the men might have to escape. Without a coordinated effort by governments in the region, the enslavement of foreign migrants in the East Asian waters will continue to contribute to an impending food security crisis.



*"I don't want to see the sun go down, I want it to stay forever" says the text in this drawing by Cambodian trafficking victim Prom Vannak Anan, who was sold to a Thai commercial fishing fleet and endured three years of exploitation and abuse.*

**Pathways to slavery. Broker/trafficker networks feeding exploitative long-haul fishing boats.**

*\*Red arrows indicate clear linkages to exploitation. The yellow and orange pathways were about evenly represented in the sample. Enforcement responses should focus on the links to exploitation.*



United Nations Inter-Agency Project on Human Trafficking, 2009

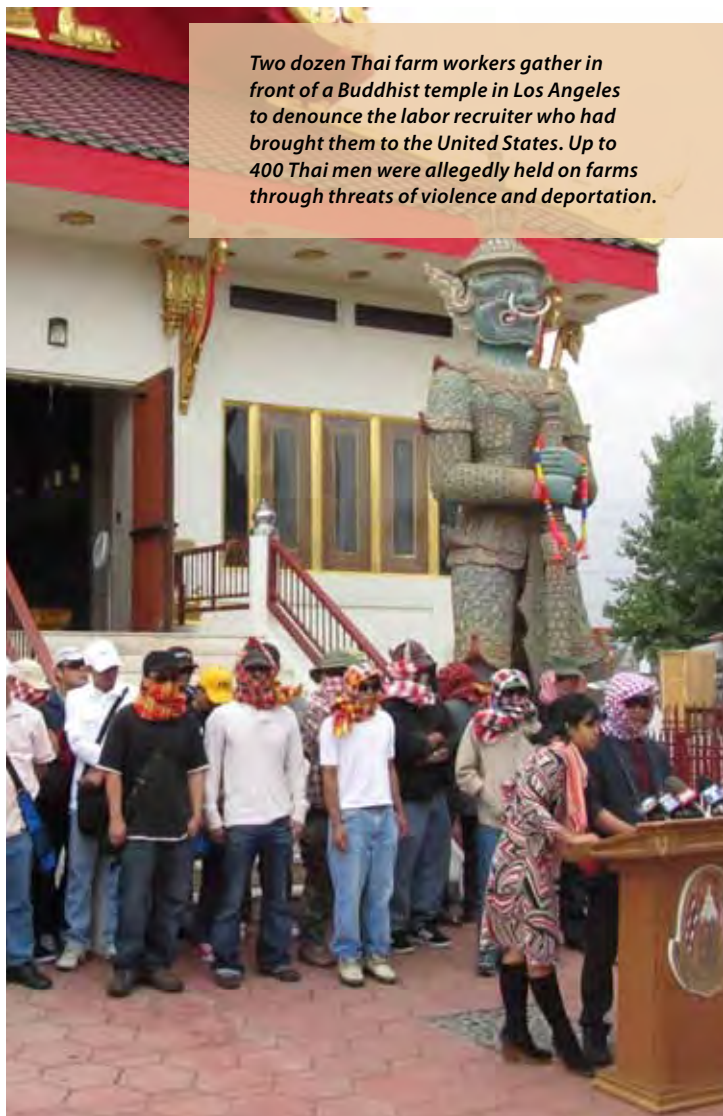
Many trafficked persons have suffered months or years of physical and psychological abuse, displacement from familiar surroundings, and negative interactions with law enforcement or other government officials. Law enforcement officials must consider the fear the victim may be experiencing, the victim’s fragile emotional state, and the victim’s physical needs, and they must adapt the interview accordingly.

While specialized police or prosecution units can focus on cultivating interviewing expertise, everyone can benefit from the following basic victim-centered interview techniques.

**Allay fears.** Traffickers often hold victims in servitude through fear of their arrest and deportation by police and immigration authorities. Once identified by law enforcement, victims’ first thoughts are often not of rescue, but of the trauma of a raid and fear of arrest, deportation, and potential retaliation by the trafficker. They may have been provided with a cover story by their captors. Thus, their initial statements are often either incomplete or even falsely exculpate the trafficker.

To help avoid this situation, the following techniques have proven effective:

- Hold the interview in a non-threatening and comfortable location;





*About 250 runaway housemaids who escaped abuse by their Kuwaiti sponsors lived in a makeshift shelter inside the Philippines embassy in Kuwait City, awaiting a chance to go home.*

- Hold the interview outside the presence of others swept up in the operation that freed the victim (even other potential victims can have a negative effect, not to mention enforcers or accomplices who have blended in with the victim population);
- Never interview the victim within sight of the trafficker;
- Explain that the focus of the investigation is the trafficker, not the victim;
- Describe the victim's rights, the interview process, and the roles of everyone involved;
- Express prior knowledge and experience with similar cases;
- Cross-reference information from other interviews being conducted and incorporate facts into the questions, giving the victim the feeling that the interviewer has done a sophisticated investigation into the traffickers' operation and that the traffickers will not be released or able to retaliate;
- Make it known that a non-governmental service provider will arrange shelter, medical care, and food for the victim; and
- Ask if the victim has any questions or fears.

## PHILIPPINES-USA

Maria came to the United States with some 50 other Filipino nationals who were promised housing, transportation, and lucrative jobs at country clubs and hotels under the H2B guest worker program. Like the others, Maria dutifully paid the substantial recruitment fees to come to the United States. But when she arrived, she found that there was no employment secured for her. She did not work for weeks, but the recruiters seized her passport and prohibited her from leaving their house. She and other workers slept side-by-side on the floors of the kitchen, garage, and dining room. They were fed primarily chicken feet and innards. When the workers complained, the recruiters threatened to call the police or immigration services to arrest and deport them. A federal grand jury indicted the two defendants for conspiracy to hold the workers in a condition of forced labor.

**Demonstrate care and respect.** Counteracting the victim's preconceptions or fear of law enforcement can put survivors at ease and encourage candor. Police and prosecutors can use the following simple techniques to emphasize that they are trying to assist rather than arrest:

- Wear street clothes without obvious signs of law enforcement status, such as weapons;

## NEW MEDIA FOR A NEW FIGHT

As shown in the recent events in the Middle East and North Africa, the growing reach of new and social media platforms has empowered grassroots activists with an unprecedented means to disseminate information and foster popular movements. For a movement such as the fight against modern slavery, which draws much of its strength from grassroots efforts, new media may emerge as powerful tools for identifying victims and bringing their traffickers to justice. Just as modern slavery crosses borders through migrant populations and globalized supply chains, new media can provide international tools for raising awareness, sharing best practices, and demanding government action.

New media is already seeing good use on websites such as [www.change.org](http://www.change.org), which launches petitions and shares news and information to draw attention to human trafficking issues. Whether through issue-specific media, or far-reaching platforms such as Facebook and Twitter, the growing capacity of new media allows concerned parties around the world to connect and share information with a speed and breadth of access unimaginable at the start of the modern anti-slavery movement just a decade ago.

But for the anti-trafficking movement to realize the full potential of new media, it cannot just be a tool for NGOs and civil society to disseminate information. New media must also be a resource for helping governments strengthen their anti-trafficking efforts. Many U.S. government programs focus on capacity-building for law enforcement and criminal justice systems. Harnessing new media presents an opportunity to enhance such efforts by using a global network to share training materials, intelligence, and success stories. Because of this global capacity, new media can serve to track modern slavery as it crosses borders, helping countries work together with shared information so that anti-trafficking efforts are not isolated as individual domestic concerns.

As the modern anti-slavery movement enters its second decade, and more knowledge emerges about supply chains, demand, and the international nature of trafficking, new media will play a critical role in bringing together those committed to this fight.

- Provide food and drink, and incidentals including tissues, regular breaks, and a place where the victim can gain their composure;
- Use a professional interpreter who signed a confidentiality agreement to ensure accurate communications and to ensure that the trafficker's associates are not involved and that the victim's community is not informed of the crime;
- Be knowledgeable about the victim's cultural background including social etiquette, religious observances, societal status, ethnic ties, clothing, and attitudes toward prostitution;
- Accommodate, when appropriate, the victim's preference for an interviewer and interpreter of a specific gender or culture.

**Meet physical needs.** If immediate basic needs such as medical care, food, and housing are not met, it may be difficult for a victim to engage fully in an interview process. To overcome this potential impediment, law enforcement could conduct a brief initial interview and then plan

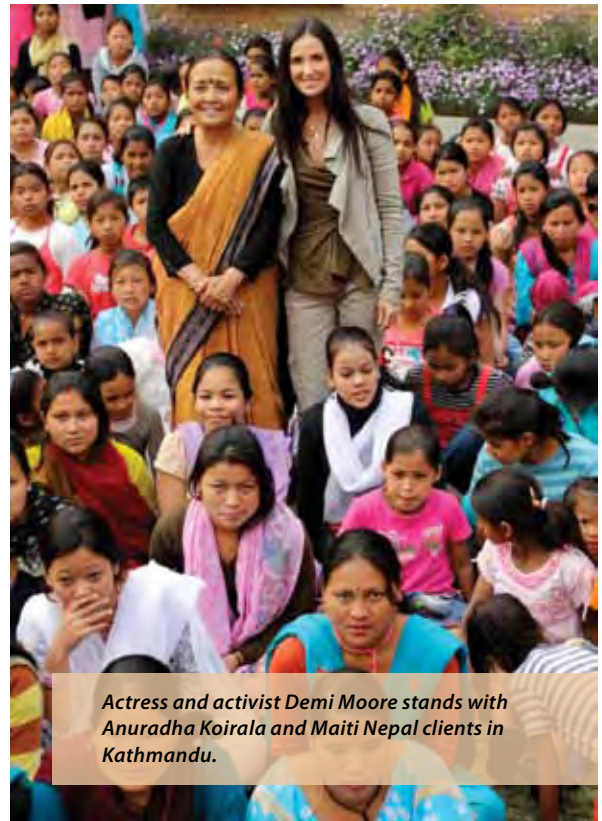
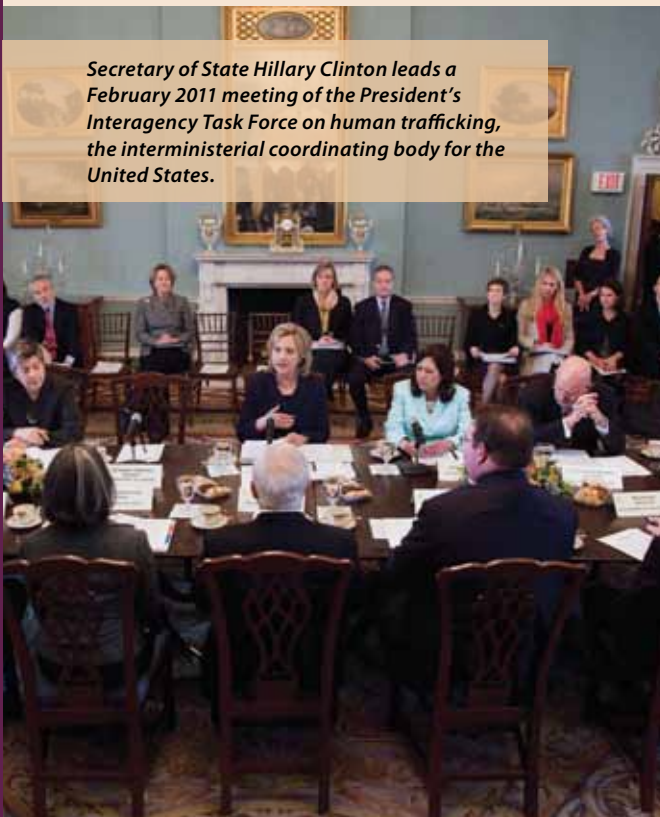


*In November 2010, Dutch national police seized the websites of two escort businesses due to possible involvement in trafficking, and sent this text message to approximately 1,300 mobile phone users who had contacted the websites.*

## POTENTIAL ACHIEVEMENTS OF AN INTRAGOVERNMENTAL ANTI-TRAFFICKING BODY:

- » Integrate domestic and international strategies and activities to ensure each agency's efforts advance a shared vision and avoid internal contradictions.
- » Maximize impact of anti-trafficking efforts by reducing duplication.
- » Institutionalize a high profile and a high level of prioritization for anti-trafficking actions within the government.
- » Offer a forum for civil society and the public to provide feedback on governmental coordination, policies, and implementation.
- » Encourage dialogue between agencies and promote new ideas.
- » Provide a forum to advance implementation of relevant laws and assess effectiveness of implemented policies.

*Secretary of State Hillary Clinton leads a February 2011 meeting of the President's Interagency Task Force on human trafficking, the interministerial coordinating body for the United States.*



*Actress and activist Demi Moore stands with Anuradha Koirala and Maiti Nepal clients in Kathmandu.*

*"It was hard to trust at first because I was thinking maybe I said too much. You have to keep information secret because you never know where it goes."*

Russian woman trafficked to the United States, on the impulse to withhold information from law enforcement after developing distrust of club owners and others in her pimps' network

for a more extensive interview after the victim has been assisted by a non-governmental service provider. When mounting a rescue for which there has been advance notice, United States Immigration and Customs Enforcement agents now use a pre-packed care kit that contains a casual shirt and pants, underwear, socks, and basic toiletries, and they will often provide victims with temporary housing so they can sleep and eat before being interviewed. Relationships between law enforcement agencies and service providers are extremely beneficial; the latter can be available during a pre-planned trafficking raid, and the former can have reliable referrals at a moment's notice.

At best, NGOs could participate in raid planning so that they are prepared to engage quickly and bring their insight into the victims' particular culture or ethnic community.



*A Sri Lankan house maid gives a statement to police at a hospital in Sri Lanka, having returned after five months in Saudi Arabia. When she complained of a too heavy workload, her employers tortured her by hammering 24 nails into her hands, legs, and forehead.*



### Obstacles to Effective Prosecutions: Notions of Consent and Denouncement

Article 3(b) of the Palermo Protocol establishes that the consent of trafficking victims to their exploitation shall be irrelevant where any of the means set forth in the protocol have been used. These means include threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, and the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. In a nutshell, victims' initial agreement to immigrate illegally or to do a certain type of activity – such as farm labor or prostitution – does not excuse their subsequent enslavement in that activity. This legal norm is in keeping with the notion that core human rights cannot be waived.

In many countries, however, due to an incomplete understanding of Palermo provisions or of human trafficking as modern slavery, victims are blamed for being trafficked, and prosecutions fall apart. This directly undercuts the modern recognition that force, fraud, and coercion overbear the victims' will. The notion that people exercised agency in their initial agreement to work or travel does not show that they did not later withdraw their consent to

## SAUDI ARABIA

For Mylee, a young single mother from the Philippines, employment as a maid for a family in Saudi Arabia was a possible route out of poverty. Her employer was an officer in the Saudi Royal Navy. While his wife was away, he raped Mylee. She was subsequently raped repeatedly but was too scared to run away.

Mylee was given just one piece of bread to eat at meal time. When she fell and cut herself while cleaning, blood gushed from her wound, but her employer refused to take her to the hospital. He told her, "You might as well die." Mylee wrapped the wound with her own clothes.

After several months, Mylee managed to contact Philippine labor authorities in Saudi Arabia, and they arrived at her residence with local police. While they gathered outside, Mylee's employer raped her for the fifth time. The police finally rescued her after hearing her screams from outside the house, and they arrested her employer. The criminal investigation is ongoing.



According to UNHCR, children among the 240,000 internally displaced Afghans face a wide range of protection concerns, including child labor, early or forced marriages, and human trafficking. Sex trafficking of both girls and boys is all too common.



appalling working conditions, little or no pay, and intimidation or violence. Likewise, sex trafficking victims' previous engagement in prostitution does not mean that they consented to activities like forced drug use, unprotected sex, forced abortions, or sex against their will for the profit of a pimp. In the case of children, moreover, no improper means need to be established for the trafficking act to constitute a criminal offense, as children cannot consent in these circumstances.

A similar impediment to trafficking prosecutions is that some governments, including many in Latin America, require a formal complaint, or denunciation, to be filed by a private citizen for a trafficking prosecution to be initiated. In countries with high levels of organized crime or violence, an NGO or private citizens who are not trafficking victims often refrain from linking their names with such public complaints for fear of compromising their own safety. Victims themselves will typically refrain from filing an official complaint because they fear retaliation, distrust that the system will work for them as opposed to the trafficker, or desire anonymity. This may be the most rational choice where victim protections are nonexistent, inadequate, or insufficient in protecting the victims' families.

## GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Protection 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 1). 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		
2005	6,178	4,379		40
2006	5,808	3,160		21
2007	5,682 (490)	3,427 (326)		28
2008	5,212 (312)	2,983 (104)	30,961	26
2009	5606 (432)	4,166 (335)	49,105	33
2010	6,017 (607)	3,619 (237)	33,113	17

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




But if the system is waiting for a denunciation, and nobody comes forward, then there will be no prosecutions, and traffickers will operate with impunity.

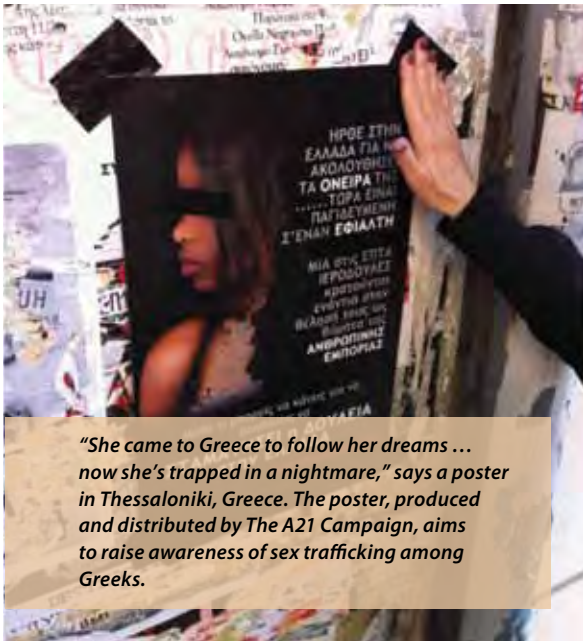
A solution to this problem is a legal system allowing authorities to initiate investigations and prosecutions of human trafficking offenses without a complaint filed by the victim or a private individual. This can take the form of a proactive investigation into organized crime networks or a system that allows the state, rather than the victim, to file the complaint, an innovative legal reform recently announced by the Government of Argentina for forced labor cases.

## INDIA-USA

Ravi was among hundreds of workers lured to the United States from India by an oil rig construction company operating in the Gulf Coast. Lacking skilled welders and pipefitters to help rebuild after Hurricane Katrina struck the area in 2005, the company brought Ravi and others from India on H-2B visas, promising them permanent visas and residency. But, the promises were false. Instead, Ravi was forced to live with 23 other men in a small room with no privacy and two toilets. The camp was lined with barbed wire and security guards, so no one on the outside knew Ravi's whereabouts. The company charged so much for food and a bunk bed that Ravi was unable to send any money home or repay the money he borrowed for his travel expenses to the United States. When the workers began organizing to protest their working conditions, the company began arbitrary firings and private deportations of the protest leaders. Those who remained filed a class action lawsuit and applied for TVPA immigration services.



*A 6-year-old boy polishes shoes at a makeshift shop in Gauhati, India. Rights activists say the number of child workers in India is as high as 60 million, with one estimate saying that 20 percent of India's economy is dependent on children under 14. Many of them work in labor-intensive jobs such as carpet-weaving or more dangerous industries like glass making.*



*"She came to Greece to follow her dreams ... now she's trapped in a nightmare," says a poster in Thessaloniki, Greece. The poster, produced and distributed by The A21 Campaign, aims to raise awareness of sex trafficking among Greeks.*

## Protection

Victim protection must be a critical component of any government's anti-trafficking efforts. It serves to meet the immediate needs of victims and to cultivate their long-term potential as they reintegrate. It also strengthens the ability of justice systems to identify and prosecute traffickers. Truly comprehensive victim protection involves much more than signing onto the Palermo Protocol and having a set of protections that exist only in the law books. It must extend to proactive victim identification, funding for comprehensive services that reflect lessons learned from survivors, immigration and sheltering programs that empower survivors by giving them choices, and legal guarantees that protect all classes of workers.

## BRAZIL

Samantha was born in Feira de Santana and grew up in poverty and with little education. At 15, she ran away from home to live on the streets after being sexually and physically abused by her father. A woman she met offered Samantha a job as a maid in another city in the state. Samantha accepted, excited by the opportunity to both earn money and move further away from home. But the destination house turned out to be a brothel, and Samantha was forced into prostitution and drug abuse. She was stripped of freedom and overcome by fear and sadness. After cycling through various assistance programs, government agencies, and shelters, Samantha went back to Feira de Santana, where she lives with a partner and his brother and sister. Her partner beats her and she still occasionally has sex with men for money.

*"The most important things for us today that even money cannot compensate are the freedom, righteousness, and family. Even though I was exposed to the worst in America, but at the same time I could also see the best that this country has to offer.*

Trafficking victim, in testimony to the U.S. Equal Employment Opportunity Commission

## Proactive Victim Identification

Many governments provide training to law enforcement on victim identification and then expect that law enforcement will encounter trafficking victims in the course of their regular duties as though by chance. The reality is far different. Victims typically cannot describe what they've been through in simple language, much less the technical terms of the Palermo Protocol or their national legislation; they rarely self-identify. Trafficking by its very nature continues to be one of the world's most hidden crimes, and it may also be one of the most misinterpreted crimes, with officers incorrectly classifying trafficking cases as assault, alien harboring, and prostitution, or not even recognizing that a crime has been committed.

Governments must provide incentives to police and other law enforcement to look purposefully for human trafficking and proactively investigate trafficking indicators. Some successful strategies have included proactive investigations in prostitution markets, targeting of workplaces where labor offenses have been persistent, and regular inspection of businesses that get many of their workers on guestworker visas. But law enforcement cannot be the only responders. Health care professionals, teachers, labor inspectors, immigration authorities, and child welfare advocates all have the potential to identify trafficking victims and intercede on their behalf. For them, being proactive means being aware that modern slavery can happen to anyone and seeing beyond cultural stereotypes and xenophobia. Governments must provide and, even better, should mandate training for all those entities that may come into contact with victims from the broadest potential victim populations.

One of the most likely populations to include trafficking victims is irregular migrants. Many such migrants come into contact with law enforcement, whether they are apprehended

*Three of Africa's main industries – agriculture, mining, and fishing – create the demand for cheap labor that is often satisfied by children who are beaten, subdued, and forced to work in hazardous conditions for little or no compensation.*



during an illegal entry or are arrested in interior enforcement operations and processed for deportation. Victim identification in this vulnerable population is lacking. Sentinel surveillance conducted by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) at the Thailand-Cambodia border suggests that one of every three workers deported from Thailand is a trafficking victim, having been subjected to conditions during their time in-country that satisfy the Palermo Protocol definition. The statistic is startling but reflects anecdotal evidence from around the world, including in the United States: victims are being arrested and deported, both knowingly or unknowingly. But if trafficking stories are exposed only after potential victims are administratively processed, deported to their country of origin, and barred from re-entry, it is too late for an investigation, too late for rehabilitation, and too late for prevention. The “3Ds” of denial, detention, and deportation are the antithesis of the modern “3P” approach.

### **Comprehensive Services**

Depending on the needs of individual victims, services required for recovery may include any or all of the following: medical care; emergency and transitional housing with long-term housing assistance; mental health counseling; job training and placement; family location and reunification; translation and interpretation; advocacy in

the criminal justice system; spiritual support; criminal, civil and immigration legal assistance; safety planning; and repatriation. While this list is long and daunting, dedicated NGOs worldwide have been refining their approaches, techniques, and services. They are both prepared and well-qualified to deliver this range of assistance. But what they often lack is financial support from host governments to be fully operational or to offer the full range of services that survivors need.

*Sister Eugenia Bonetti, who was featured as an anti-trafficking hero in the 2004 TIP Report, addresses a rally in Rome, Italy to protest high-profile allegations of child prostitution.*



*“They have to normalize exploitation. Without...language, education, and skills, they can only find low-wage exploitative work. And this is their number one goal – to work. Many will choose to go back to a situation of exploitation. What can we do?”*

California social worker, describing the plight of clients who have been exploited their whole lives

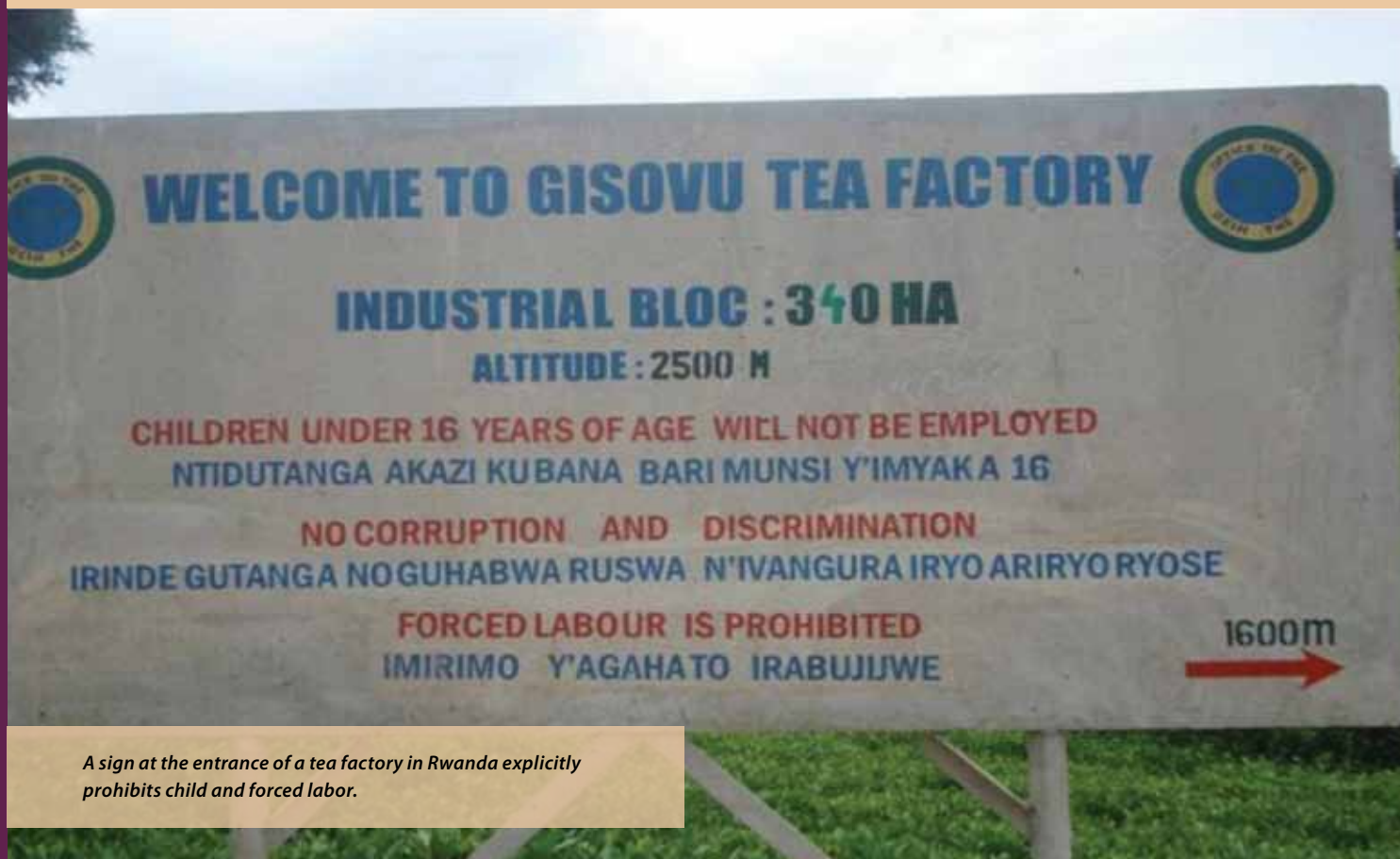
NGOs also are sometimes hampered in the types of assistance they can offer because their ability to serve their clients may be tied to programs that are conditioned on the victim cooperating with law enforcement. Even governments with “reflection periods” that seek to allow victims time to stabilize before they have to make the decision to cooperate have made a policy choice that a decision-point will eventually come. But when victims are simply put on hold without the right to work or to leave a shelter while the days tick by, the reflection period becomes indistinguishable from incarceration, proving what the trafficker may have told them would happen if they were discovered by the authorities.

Optimally, services would be available for victims who are willing to cooperate, even if their cooperation is not needed or their case does not go forward, and special provisions would be put in place for children and people who are unable to participate in proceedings because of trauma or injury. A survivor’s critical decision to tell the truth and see his or her abuser brought to justice must be made from a position of stability.

### Laws to Protect Domestic and Agricultural Workers

Domestic workers and agricultural workers are uniquely vulnerable to exploitation and trafficking. Domestic workers are isolated and invisible within the communities in which they are held behind closed doors. They are invisible within legal structures, typically not covered by labor protections and inspection regimes. Too often, domestic work is not regarded as work at all.

While multiple efforts are underway to bring domestic workers under the umbrella of international protections, including through the ILO, agricultural workers continue to find themselves beyond the reach of labor laws.



A sign at the entrance of a tea factory in Rwanda explicitly prohibits child and forced labor.



*Ugandan youth use music, dance, and drama to tell their life stories, some of which are characterized by exploitation and gross abuse. The performances, supported by the Uganda Youth Development Link, blend messages on child trafficking, children's rights, sexual abuse and exploitation, drug and substance abuse, life skills, and HIV prevention.*

## Partnership

### The Need for Interagency Coordination

While many see the concept of partnership as being between governments and outside actors such as business, academia, NGOs, or others, perhaps the most effective partnerships in fighting trafficking are those within governments. The interlocking “3P” paradigm drives the imperative for a highly coordinated counter-trafficking response and collaboration among and within governments, local communities, and international bodies. Such responses must begin in each country, with national coordination directed and overseen by heads of state, cabinet members, and ministerial leaders.

Men, women, and children are enslaved in every country in fields, factories, brothels, and homes. Many who suffer under slavery-like conditions may not even consider themselves victims. Given the diversity of victims’ experiences, a variety of government actors may come into contact with trafficking victims, from firefighters or police to labor inspectors, healthcare workers, educators, and immigration officials. Once identified, victims may need assistance from several different agencies to ensure that their needs — shelter, protection, health care, legal assistance,

and immigration status — are met. Successful prosecutions will require that victims’ needs are met by the responsible agencies and that relevant law enforcement actors coordinate with each other. In short, an effective response is one that is well-coordinated among many different parts of government.

Interagency coordination picks up where the enactment of legislation leaves off. A new anti-trafficking law must be both implemented and improved and modified in subsequent years to address newfound enforcement or protection gaps as well as emerging best practices. Interagency coordination within a central government can help ensure that implementation is effective and efficient. A coordinating body operating at the cabinet or ministerial level is in a position to organize a whole-of-government effort to achieve results in combating trafficking on all fronts, such as coordination in training of government personnel, consistent public messaging, and protection of victims that ensures they are not inappropriately penalized. Ministries or agencies with relevant responsibilities include not only criminal law enforcement agencies, but also those mandated to oversee civil enforcement, labor policy, victim outreach and services, public awareness, education and child safety, trade policy, women’s issues, international

*In July 2010, the Government of India launched a project to issue unique identification numbers to citizens – a measure which may prevent human trafficking. This Indian woman was among the first people to receive a number.*



development and foreign assistance, immigration policy, intelligence, and foreign policy.

Multilevel coordination between the central government and sub-national or local-level governments also is critical. Forms of viable coordination may depend on the size of a particular state, the extent of decentralization, and the resources that are available. States should consider mapping organizational charts of all government agencies that may come into contact with victims or perpetrators during the course of their regular duties. Data on human trafficking should be gathered nationwide and across different levels of government, and training should be made available vertically to ensure that state and local authorities are familiar with national programs that can benefit victims.

### **The Value of Partnering with NGOs**

NGOs offer care to trafficking victims, referrals for law enforcement, and feedback on government policies. Despite their tremendous value as a partner in combating human trafficking, and despite the tendency of many governments to outsource victim care responsibilities to NGOs, governments often fail to support NGOs financially, do not trust them to

participate in legal processes, and exclude them from anti-trafficking efforts.

Financial support of NGOs is necessary because governments are often not in the best position to offer the range of services that victims require. NGOs can be ideal partners for addressing gaps in protection, which may include victim shelters, legal aid related to immigration status, and counseling services. NGOs, however, should not be expected to carry the financial burden of a government's protection response. Financial support for NGOs can demonstrate a government's commitment to protection by increasing the availability of services offered. This support, in turn, enables victims to participate in investigations and prosecutions that enhance law enforcement efforts.

Unfortunately, governments are often wary of NGO partnerships. Distrust of NGOs might stem from a misunderstanding or ignorance of the work of NGOs, a prior unfavorable incident, or simply the absence of previous cooperation. It may reflect a generalized suspicion that civil society groups focused on caring for vulnerable populations may evolve into advocates for voting rights or democratic reforms, or it may stem from a desire to de-fund groups affiliated with previous leaders, the political opposition, or disfavored ethnic or religious populations.

Increased communication and concerted efforts to build relationships around concrete cases can help to overcome such barriers. The lasting partnerships that result serve both the interest of the state in pursuing criminal cases and keeping the peace, and the interest of the victims in obtaining justice, and regaining respect and a means of support. Once governments recognize the true value of NGOs, it is often easier to forge new relationships.

### **NGOs contribute to counter-trafficking efforts in the following primary ways:**

**Services.** Trafficking victims require assistance provided by a range of professionals including medical and mental health physicians, social workers, lawyers, and interpreters. A comprehensive response will include assessing and providing for any needs including physical and mental health care, food, shelter, clothing, safety planning, immigration assistance, criminal defense, repatriation, family reunification, job skills training, employment placement, victim advocacy, translation, and interpretation.

**Referrals.** NGOs are often trusted community-based organizations that are known by at-risk populations to be safe places. Victims often come to NGOs before law enforcement. For that reason, NGOs can be good sources of case referrals for human trafficking investigations. If NGOs have seen trafficking victims deported, detained, interrogated, or otherwise treated inappropriately, however, they will not counsel victims to report to law

enforcement. Indeed, they may instead become a sort of modern Underground Railroad, helping their clients in the shadows rather than bringing them forward to face a hostile governmental reaction. Ideally, NGOs and law enforcement will foster mutually trusting relationships in which referrals are made both ways.

**Feedback.** Over the last decade, governments have created legal frameworks and structures to combat trafficking. In many cases, NGOs at the grassroots level are the ones working with the structures and policies created by governments, so they know the advantages of them as well as the challenges to them. They are, therefore, an excellent source of information to improve government response. Their feedback on proposals can be valuable to successful implementation and continued NGO support. NGO advocacy sometimes can reveal uncomfortable truths, but it also can pressure legislative bodies and executives to respond to modern slavery by empowering and elevating government agencies.

**Information.** NGOs are often in the best position to identify trends that are helpful to evaluate and respond to the changing nature of human trafficking. For example, if there is a sudden influx of children from a particular country, or if the majority of cases are men in construction, or if there is a great need for legal services that is unmet, NGOs can contribute this valuable information to law enforcement and policy responses.



*The Siem Reap Center provides rehabilitation, vocational training, and social reintegration for Cambodian sex trafficking victims, some as young as 6. It is one of many shelters around the world supported by the U.S. Department of State.*

# 2011 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.



## LEONEL DUBON

*Guatemala*

Leonel Dubon has shown unflinching dedication to providing high-quality services to victims of human trafficking, while simultaneously

encouraging NGO-government partnerships and policy initiatives. In 2009, Mr. Dubon was the driving force behind the creation of the NGO *Children's Refuge House (El Refugio de la Ninez)* to provide a safe residential setting for 26 underage female victims of sex trafficking. In 2010, the organization, now a model for Guatemala and the region, provided shelter and services to 51 girls. And when the building's roof collapsed following a volcanic eruption in May and Tropical Storm Agatha, Mr. Dubon called on his friends in the NGO community to relocate the girls temporarily while he found money to repair the shelter. In January 2011, Mr. Dubon opened a second shelter for adolescents and young adults up to age 24. Not content to leave older victims without resources, he joined with other NGO leaders to engage with the Guatemalan government on the lack of services for adults. In March 2011, the president inaugurated a government shelter dedicated to serving adult victims of trafficking.

Mr. Dubon's work extends to rural areas around Guatemala, where his organization identifies victims, provides them with mental health and legal counseling, and conducts outreach and education programs to prevent trafficking among vulnerable populations. In 2011, Mr. Dubon is working with the government's Department of Social Welfare to train 30 foster families on how to provide a safe, loving environment to child trafficking victims who cannot access the shelters. Mr. Dubon also has partnered with international organizations, presented at numerous conferences, and been an active member of Guatemala's anti-trafficking NGO network.



## ESME KISTING

*Namibia*

Esme Kisting, executive director of Namibian NGO *The King's Daughters Organization*, works with passion and courage to confront a social

taboo and give women exploited in commercial sex another chance at life. Founded in 2006 by Kisting with assistance from the Council of Churches of Namibia, *The King's Daughters Organization* is devoted to lifting women exploited in commercial sex out of poverty and helping them leave the streets. During the rehabilitation process, Ms. Kisting helps the women, many of whom have suffered abuse and exploitation, understand that they are victims of trafficking. The organization offers the women – now more than 60 – groceries, bible study sessions, skills training, substance abuse programs, and counseling in an effort to meet their material, spiritual, and psychological needs. More than 80 percent of the women are HIV-positive, and most of them have young children.

Beyond assisting in their care, Ms. Kisting strives to teach the greater Namibian community from the experiences of these women. She leads the women in organizing public awareness campaigns around Namibia aimed at educating other exploited women, church and community leaders, and immigration officials about the lives of women in prostitution. Ms. Kisting encourages the women to tell their stories in hopes of sensitizing those who are in positions to protect others like them. The group's activities have inspired some church leaders to support the formation of similar organizations in their own communities. *The King's Daughters Organization* lacks a steady source of funding, relying mainly on contributions from the Pentecostal Protestant Church, the *King's Daughters Board* and volunteers. Ms. Kisting has personally invested much of her own money to support the group.





## DARLENE PAJARITO

*Philippines*

Darlene Pajarito is an assistant city prosecutor in Zamboanga City and is known as one of the strongest anti-trafficking advocates in the Philippines. After joining the Department of Justice in 2004, Ms. Pajarito secured the Philippines' first sex trafficking conviction in 2005 and the first labor trafficking conviction in 2011. With convictions against five traffickers in Zamboanga, she has secured more convictions than have been handed down in any other Philippine city. At any one time, Ms. Pajarito is prosecuting numerous trafficking cases. Ms. Pajarito has accomplished all this while juggling an average caseload of more than 300 other criminal cases in a country where criminal trials last an average of six years in the overburdened and backlogged judiciary.

Ms. Pajarito also encourages, supports, and trains law enforcement, social workers, specialized agents, and government entities on human trafficking issues, the Philippines' anti-trafficking law, and methods to prosecute traffickers effectively. Her advocacy rejuvenated the Regional Interagency Committee Against Trafficking and led to the formation of Sea-Based and Air-Based Anti-Trafficking Task Forces. In 2010, the justice secretary also selected her to lead the Region IX Anti-Trafficking Task Force. Her successful record has shown other prosecutors the value of police-prosecutors cooperation in the development of strong cases against traffickers.



## DILCYA GARCIA

*Mexico*

Dilcy Garcia is a pioneer in the Mexican justice system for her successful prosecution of human trafficking cases, her compassionate stance toward victims, and her tireless work to end both sex trafficking and labor trafficking. In 2009, Ms. Garcia, a deputy prosecutor in the Mexico City Attorney General's Office, prosecuted a landmark case that resulted in the first trafficking sentence in Mexico. In 2009 and 2010, she worked

with other authorities to raid the best-known trafficking district in Mexico's capital repeatedly.

Under her leadership, the Office for Assistance for Victims, Human Trafficking, and Domestic Violence also worked with civil society to provide more than 250 rescued sex and labor trafficking victims with comprehensive services, including shelter, and psychological and medical treatment. Ms. Garcia then developed indictments against more than 100 alleged traffickers, which her unit continues to prosecute. She also oversaw a sentence for 17 years, the longest trafficking sentence to-date in Mexico. In response to her lobbying, the Mexico City Legislative Assembly allotted funding in March 2011 for a human trafficking and domestic violence shelter in Mexico City.

Ms. Garcia has demonstrated that human trafficking legislation in Latin America can be used effectively to prosecute trafficking in court and inspired many in the government and civil society to take bolder steps against human traffickers.



## SHEILA ROSEAU

*Antigua and Barbuda*

Sheila Roseau is a longtime advocate for women's rights and the executive director of Antigua and Barbuda's Gender Affairs

Directorate. In 2010, Ms. Roseau was a driving force behind the passage of the country's first law that provides criminal penalties for human traffickers and extensive protections for victims. After steering the drafting of the legislation and lobbying for its passage, Ms. Roseau now champions its ongoing implementation. Ms. Roseau and her dedicated team have established a cross-departmental coalition to coordinate anti-trafficking efforts within the government, rolled out an information campaign tailored to the local context, and set up a public-private partnership for sheltering victims that specifically addresses the challenges of small-island privacy issues. Prior to 2010, she assisted trafficking victims, including one foreign child, who is now an adult integrated into Antiguan society thanks to Ms. Roseau's help. This is one of the only reported long-term assistance programs granted to a foreign trafficking victim by a government in the region.

The strength of Ms. Roseau's personality and the depth of her convictions have helped her projects succeed despite working in a challenging environment with serious limitations in resources. Yet she remains dedicated, energetic and enthusiastic. Because of her continued leadership, trafficking victims in Antigua and Barbuda now have legal protections.



### EVA BIAUDET

*Finland*

In establishing the Finnish National Rapporteur, the Government of Finland had the courage to examine its trafficking problem in its unvarnished form. But the success of this independent institution depended on the strength of the Rapporteur herself. Eva Biaudet, an international leader on women's rights and anti-trafficking efforts, has answered the challenge. The research and advocacy conducted by her and her team has motivated the country to take trafficking seriously and to work collaboratively to address systematic weaknesses in the government's response. Her report examines trafficking from diverse perspectives, identifying vulnerabilities in all areas of the government's anti-trafficking program and recommending policy changes. Her critique's frank and in-depth review of the current state of human trafficking in Finland served as a wake-up call to prompt legislative dialogue on initiatives to combat the crime, including discourse among lawmakers regarding the need for a dedicated anti-trafficking law enforcement unit. Her proposals led to a recommendation by the Parliamentary Steering Group to revise the country's penal code calling for enhanced victim identification efforts and this revision is expected to occur following the April 2011 elections.

Under Ms. Biaudet's guidance, the rapporteur's office has not only been a prolific reviewer of Finland's trafficking situations, but has led efforts to train authorities on victim assistance. It has collaborated with the media to ensure that human trafficking remains a matter of public concern. Ms. Biaudet's brave leadership of this independent institution sets the tone and raises the standard for countries' self-monitoring of trafficking efforts.

Ms. Biaudet was the OSCE's special representative for combating human trafficking in Vienna from 2006 to 2009. She is also active in a number of anti-trafficking and women's rights NGOs.



### CHARIMAYA TAMANG

*Nepal*

Born into a poor family made poorer by the passing of her father, Charimaya Tamang was 16 when she was trafficked to India.

She spent 22 months enslaved in a brothel before the Indian government rescued her and more than 200 other Nepali women in 1996. Upon her return to Nepal, Ms. Tamang faced social stigma and was outcast from her own community. But she courageously filed a case against her traffickers, becoming the first person to file personally a trafficking case with the district police. In 1997, the District Court – in a landmark decision – convicted and sentenced eight offenders involved in her case.

In 2000, Ms. Tamang and 15 other survivors established Shakti Sumaha, an anti-trafficking NGO. She received a national honor for her work in 2007 and is currently one of two trafficking survivors serving as members of the government-led National Committee to Combat Human Trafficking, which was founded in 2009. In that role, Ms. Tamang raised the importance of including survivors in each district-level working group. There are now five trafficking survivors serving as members of district-level committees around the country.



### SWATI CHAUHAN

*India*

Magistrate Swati Chauhan was appointed in 2008 to preside over Mumbai's newly created special court for administering the

Immoral Trafficking Prevention Act (ITPA). In that time, she has cleared hundreds of backlogged trafficking cases, issued rehabilitation orders for more than 1,200 rescued girls and women,

and ensured that sex trafficking victims were not punished under anti-prostitution provisions of the ITPA Indian law. Under her leadership, the court has secured 81 convictions against traffickers and brothel owners in 2009 and 164 convictions in 2010 – a high percentage of all the cases in a country of more than 1.2 billion people. In 2009, as an instructor at the National Institute of Rural Developments in Hyderabad, Ms. Chauhan trained more than 150 senior police officials and district-level officers from across India on effective implementation of the ITPA. Her work, which has been recognized internationally, has raised awareness of the importance of prosecuting traffickers and the utility of dedicated anti-trafficking courts. The Government of India nominated her to represent the country at the Asia-Pacific Conference on Rule of Law in Kuala Lumpur in January 2011.



### AMELA EFENDIC

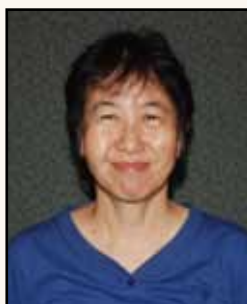
*Bosnia and Herzegovina*

Amela Efendic has been a tireless and compassionate caregiver for trafficking victims and an advocate for victim-protection issues

for more than 10 years. As head of office for the *International Forum of Solidarity-Emmaus* (IFS), Ms. Efendic manages one of Bosnia's largest and most active shelters for trafficking victims and coordinates IFS' trafficking awareness campaigns. Having developed close working relationships and trust with the State Coordinator's Office and Bosnia's law enforcement agencies, Ms. Efendic provides critical advice to the government in forming the country's trafficking monitoring teams and in crafting effective and humane procedures for treatment of trafficking victims. Despite numerous threats from trafficking offenders against herself and IFS staff, Ms. Efendic continues to work at an operational level with police, prosecutors and other responsible officials to ensure the protection of victims' rights.

Prior to her work with IFS, Ms. Efendic was an acting project manager at IOM for many years. She managed the implementation of more than \$6 million in IOM anti-trafficking projects and was directly involved in developing two consecutive national action plans for Bosnia and procedures for foreign victims of trafficking.

At both IOM and IFS, Ms. Efendic has gone above and beyond her duties to be personally involved in rescuing and reintegrating trafficking victims. In 2011, because of her dedication and wealth of experience and knowledge in victim protection, Bosnia's Anti-TIP Strike Force coordinator asked Ms. Efendic to join the Strike Force – a request never before posed to an NGO activist.



### BRIDGET LEW TAN

*Singapore*

For more than a decade, Bridget Lew Tan has been at the forefront of efforts to protect migrant laborers in Singapore, home to more than

800,000 migrants. Working in human resource management, Ms. Tan became familiar with local employment laws and the rights of workers. She was outraged to see that there were migrant workers who were suffering injustices at the hands of employers and employment agents. While volunteering with the Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People in 2002, Ms. Tan met a group of 30 Bangladeshi men assembled behind a coffee shop at midnight. After seeing their helplessness and fear, she set up two shelters to provide refuge for migrant workers – one for men and one for women.

In 2004, Ms. Tan founded the *Humanitarian Organisation for Migration Economics* (HOME) to respond to the specific needs of migrant workers. Since its inception, HOME has provided food, shelter, advocacy assistance and legal counsel to more than 50,000 migrants, many of whom are female domestic workers. HOME continues to operate and expand its assistance to migrant workers and trafficking victims despite limited funding. Ms. Tan works to increase public awareness of the hardships facing migrant workers and trafficking victims through the media. Despite threats and intimidation from employers and agents, Ms. Tan continues to lead HOME in challenging illegal employment practices and raising awareness on the plight of foreign workers in Singapore.



# THE TIERS

## TIER 1

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

## TIER 2

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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

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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 itself into compliance with minimum standards was based on **commitments by the country to take additional future steps over the next year.**

## TIER 3

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

# TIER PLACEMENTS

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



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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
2010	272 (168)	163 (113)	9,626	5

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

**Tier Placements**

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



# EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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
2010	427 (53)	177 (9)	2,597	0

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

### Tier Placements

- Tier 1
- Tier 2
- Tier 2 Watch List
- Tier 3





# EUROPE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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
2010	2,803 (47)	1,850 (38)	8,548	4

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

### Tier Placements

- Tier 1
- Tier 2
- Tier 2 Watch List
- Tier 3

\* See page 72

\*\* See page 138

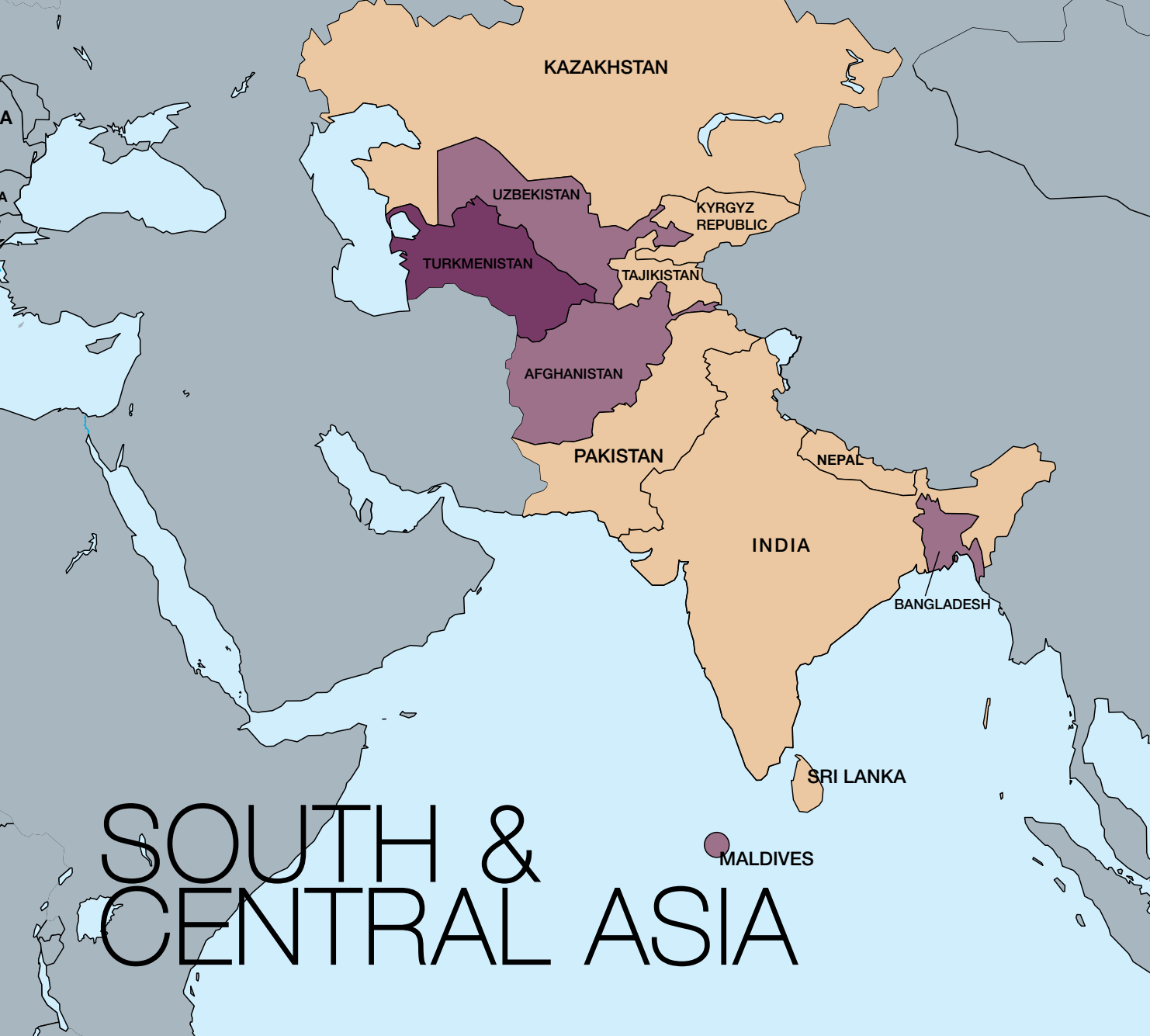


YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6
2010	323 (63)	68 (10)	1,304	1

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

**Tier Placements**

- Tier 1
- Tier 2
- Tier 2 Watch List
- Tier 3



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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
2010	1,460 (196)	1,068 (11)	4,357	1

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

#### Tier Placements

■ Tier 1    
 ■ Tier 2    
 ■ Tier 2 Watch List    
 ■ Tier 3

# WESTERN HEMISPHERE



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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
2010	732 (80)	293 (65)	6,681	6

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

### Tier Placements

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



*Even though only recently freed, these women in Uttaranchal Pradesh, India have taken a strong role in rebuilding their community. They have fought the local landlords who enslaved them, walking for hours to the district government center to lobby for their rights and to demand the food, education, and support that was denied to them as slaves.*