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The Role and Global Impact of the U.S. Trafficking in Persons Report

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Human Trafficking Conference
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THE ROLE AND GLOBAL IMPACT OF THE U.S. TRAFFICKING IN PERSONS REPORT

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Research questions

- ⦿ Influence of U.S. foreign policy on:
 - Anti-trafficking policies in different countries.
 - Anti-trafficking policies in the U.S.
 - Global and local discourse on human trafficking.
- ⦿ Research conducted through in-depth interviews with various stakeholders, supplemented by media coverage and archives.
- ⦿ Talk outline:
 - Crash course on the Trafficking in Persons Report.
 - Macro analysis of past reports.
 - Preliminary results from Israeli case study.

TVPA Minimal Standards

- ⦿ Severe forms of trafficking should be **prohibited**.
- ⦿ The punishment should:
 - **Commensurate with that for grave crimes**, such as forcible sexual assault.
 - Be **sufficiently stringent** to deter.
 - **Adequately reflect the heinous nature of the offense**.
- ⦿ The government of the country should make **serious and sustained efforts to eliminate** severe forms of trafficking in persons.
(3 P's: **Prosecution, Protection, Prevention**)

The Carrot

“The President is authorized to provide assistance to foreign countries [...] for programs, projects, and activities **designed to meet the minimum standards** for the elimination of trafficking, including:”

- ◉ Drafting of **laws**.
- ◉ **Investigation** and **prosecution**.
- ◉ Creation and maintenance of **victim services** facilities, programs, projects, and activities.
- ◉ Expansion of **exchange programs** and **international visitor programs**.

The Stick

“It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that-

- 1) **does not comply** with minimum standards for the elimination of trafficking; and
- 2) is not making **significant efforts** to bring itself into compliance with such standards.”

Tier Definitions

- ◎ **TIER 1**

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

- ◎ **TIER 2**

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

- ◎ **TIER 3**

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

Tier Definitions

- ◎ **TIER 2 WATCH LIST (since 2004)**

Countries whose governments **do not fully comply** [...], but are making significant efforts [...] AND:

a) The **absolute number of victims** [...] is **very significant or is significantly increasing**;

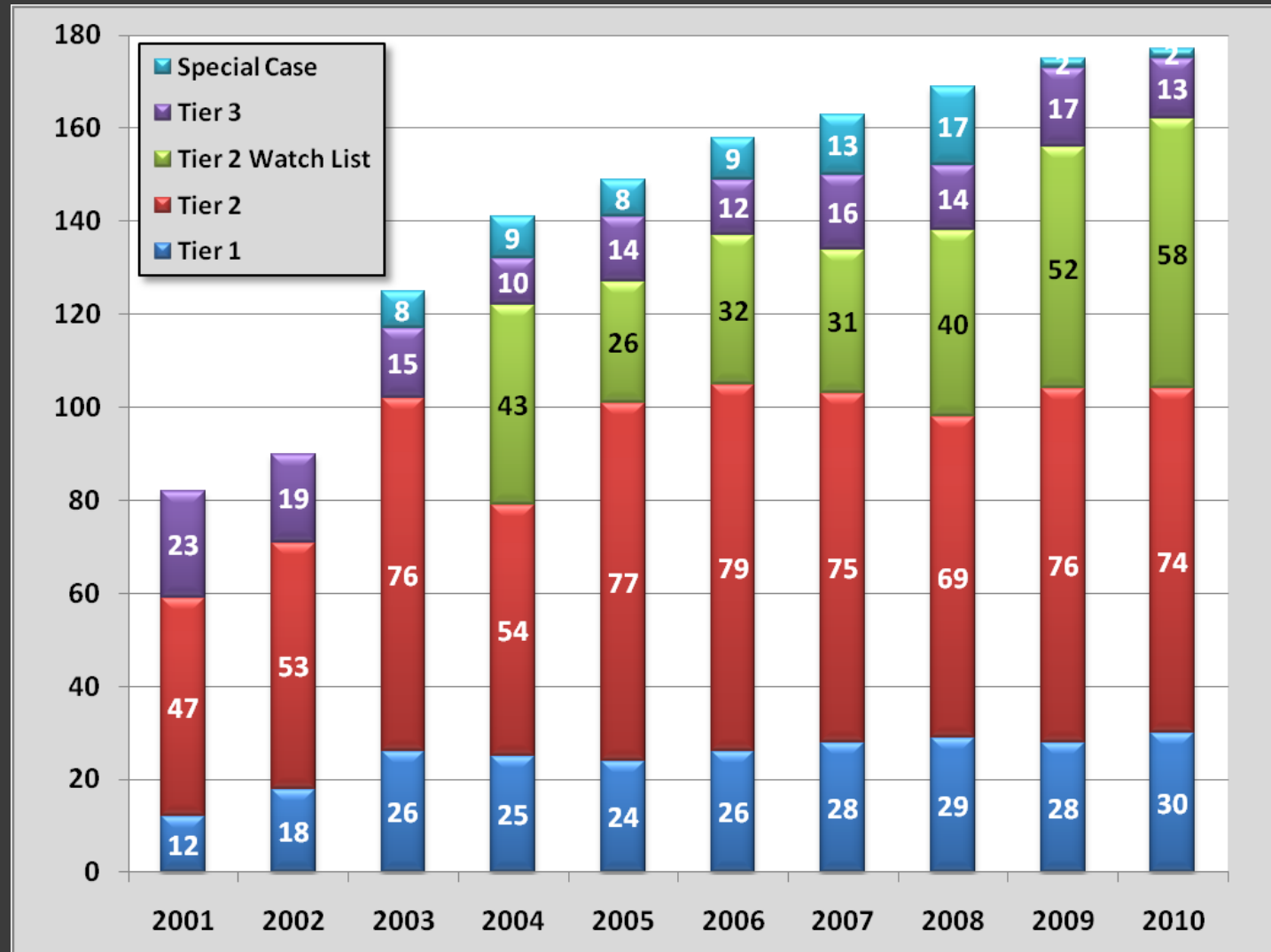
or

b) There is a **failure to provide evidence** of increasing efforts [...] from the previous year;

or

c) The determination that a country is making significant efforts [...] **was based on commitments by the country to take additional future steps** over the next year.

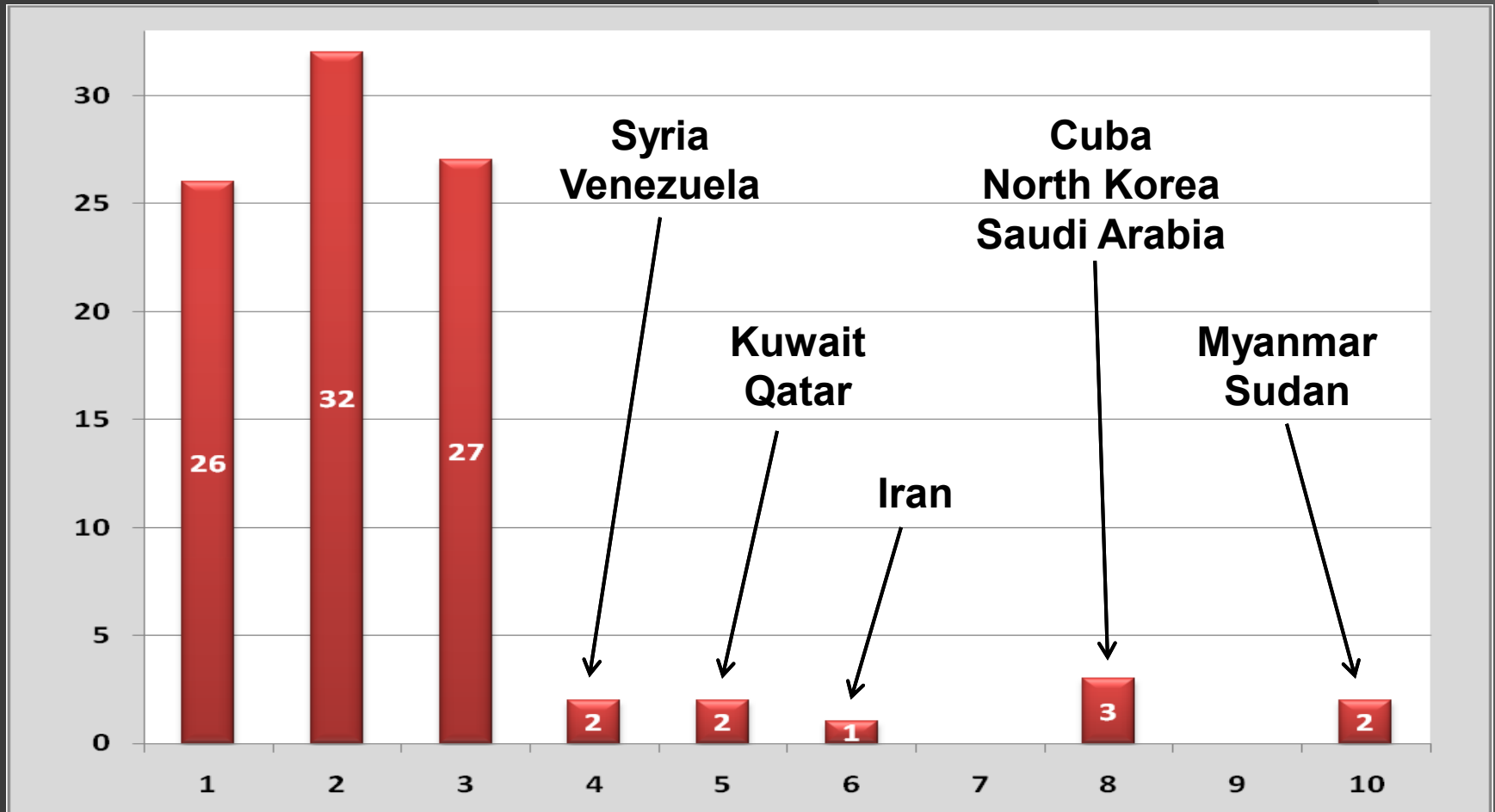
Tier Rankings



Working Paper Based on Preliminary Research -
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Tier 3 “Repeat Offenders”



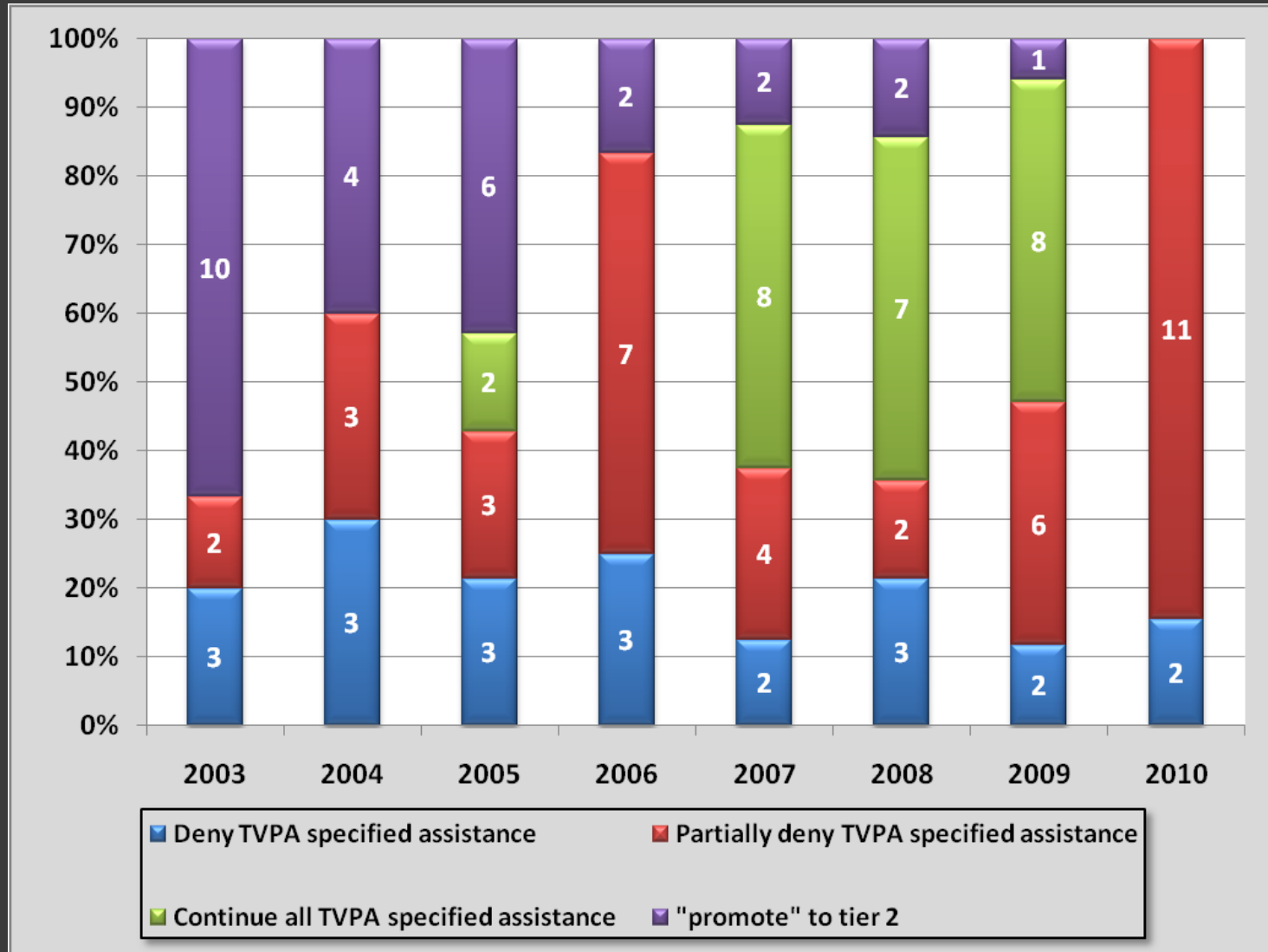
(Plus 120 that were never ranked on 3rd tier)

Presidential Determinations

Starting in **2003**, the President is required to make a determination as to all tier 3 countries:

- ⦿ **Withhold non-humanitarian non-trade related** foreign assistance.
- ⦿ **Maintain assistance** that promotes the purposes of the TVPA, “or is otherwise in the national interest of the United States.”
- ⦿ **“Promote” to Tier 2** - The government has come into compliance since the report (determined by Secretary of State).

Presidential Determinations



Presidential Determinations

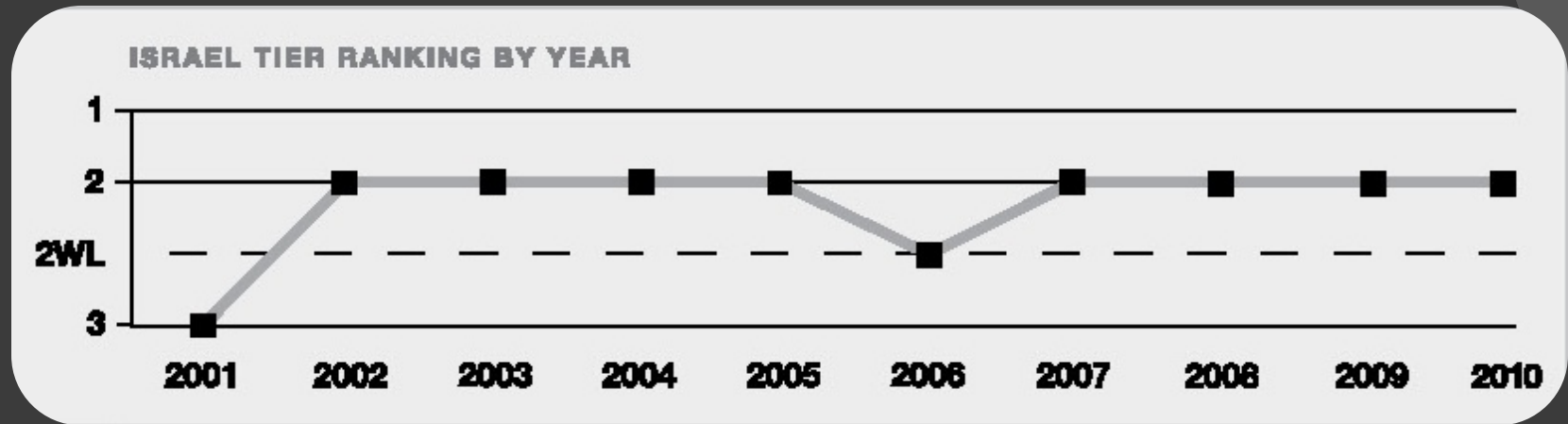
Year	Deny TVPA specified assistance	Partially deny TVPA specified assistance	Continue all TVPA specified assistance	“Promote” to Tier 2 (determined by the Secretary of State)
2003	Cuba, Myanmar, North Korea	Liberia, Sudan		Belize, Bosnia and Herzegovina, DR, Georgia, Greece, Haiti, Kazakhstan, Suriname, Turkey, Uzbekistan
2004	Cuba, Myanmar, North Korea	Equatorial Guinea, Sudan, Venezuela		Bangladesh, Ecuador, Guyana, Sierra Leone
2005	Cuba, Myanmar, North Korea	Cambodia, Ecuador, Venezuela	Kuwait, Saudi Arabia	Bolivia, Jamaica, Qatar, Sudan, Togo, United Arab Emirates
2006	Cuba, Myanmar, North Korea	Iran, Saudi Arabia, Sudan, Syria, Uzbekistan, Venezuela, Zimbabwe		Belize, Laos
2007	Cuba, Myanmar	Iran, North Korea, Syria, Venezuela	Algeria, Bahrain, Malaysia, Oman, Qatar, Saudi Arabia, Sudan, Uzbekistan	Equatorial Guinea, Kuwait
2008	Cuba, Myanmar, Syria	Iran, North Korea	Algeria, Fiji, Kuwait, Papua New Guinea, Qatar, Saudi Arabia, Sudan	Moldova, Oman
2009	Cuba, North Korea	Eritrea, Fiji, Iran, Myanmar, Syria, Zimbabwe	Chad, Kuwait, Malaysia, Mauritania, Niger, Papua New Guinea, Saudi Arabia, Sudan	Swaziland
2010	Eritrea, North Korea	Cuba, DRC, DR, Iran, Kuwait, Mauritania, Myanmar, Papua New Guinea, Saudi Arabia, Sudan, Zimbabwe		

(Countries in red font were ranked on 3rd tier 4 times or more)

Human Trafficking in Israel: General Characteristics

- ◎ Local exploitative industries:
 - Prostitution is not illegal, and is highly exploitative.
 - Exploitation of Palestinian workers in low-skilled jobs.
- ◎ During 1990s:
 - Influx of women from FSU into the local sex industry, at least in part by transnational organized crime networks.
 - Growing dependence on temporary migrant workers for low-skilled jobs.

Israel in the TIP Report



Penal Code amended to prohibit trafficking in women for the purpose of prostitution

Penal Code amended to prohibit all forms of trafficking in persons, including involuntary servitude and slavery

Factors affecting local policy

- ⦿ (Perceived) scope of problem.
- ⦿ Local pressure groups and political makeup.
- ⦿ Financial considerations.
- ⦿ International obligations (treaties, membership in organizations).
- ⦿ U.S. pressure (mitigated by relations with the U.S.)
- ⦿ Many other factors...

Benefits of TIP Report

- ◎ Best available tool for putting pressure on the political administration to:
 - Address the issue (discussion starter).
 - Include NGOs in the policy-making process.
 - Support and promote legislation (even though sanctions were never really on the table).

Also Good As a...

- Good source of information about what goes on in other countries.
- Tool to raise public awareness.
- Tool to pressure journalists to report on the issue.
- Self-monitoring tool (assessment cycle).

Disadvantages/Limitations

- ⦿ Patronizing/condescending approach – generated antagonism.
- ⦿ Was effective only because it gave push to existing local activities.
- ⦿ Not as effective anymore. (“There is no more trafficking in Israel”).

Thank you!

Questions?