

**US Department of State: Trafficking in Persons Report 2014**

John Kerry

Luis CdeBaca<sup>[SEP]</sup> Ambassador-at-Large to Monitor and Combat Trafficking in Persons  
44,000 survivors who have been identified in the past year, but also for the more than 20 million victims of trafficking who have not.

This year's theme—The Journey from Victim to Survivor  
finding the victims and getting them out of harm's way<sup>[SEP]</sup>

*The TVPA defines “severe forms of trafficking in persons” as:*

- *sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or<sup>[SEP]</sup>*
- *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.<sup>[SEP]</sup> A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.<sup>[SEP]</sup>*

Nearly 80 countries had laws that criminalize people on the basis of sexual orientation or gender identity.

LGBT homeless youth comprise 20 to 40 percent of the homeless youth population in the United States, and they are at high risk for prostitution

Countries in the TIP Report that are NOT States Parties to the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime: Afghanistan, Angola, Bangladesh, Barbados, Bhutan, Brunei, Comoros, Republic of the Congo, Czech Republic, Eritrea, Fiji, Iran, Japan, North Korea, South Korea, Maldives, Marshall Islands, Nepal, Pakistan, Palau, Papua New Guinea, Sierra Leone, Singapore, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Tonga, Uganda, Yemen

Countries need “menu of options” for the victims to choose from.

Place to stay that is safe, yet that also respects their freedom and autonomy.

Assistance options are most effective if they are flexible and adaptive.

Personalized approach to becoming a survivor

Government agencies themselves are often not the best direct providers of care

## THE USE OF FORCED CRIMINALITY: VICTIMS HIDDEN BEHIND A CRIME

theft, illicit drug production and transport, prostitution, terrorism, and murder

- the “3P” paradigm of prosecution, protection, and prevention
- Victim-centered approach to prosecutions, however, has proven effective in bringing more victims along as participants in the investigation and prosecution of their traffickers
- Victim-witness coordinators bring expertise in dealing directly with victims and experience in ascertaining their needs and willingness to collaborate with law enforcement.
- Ideal for victims to have access to their own legal counsel as well
- Poverty and “lack of schooling increase the vulnerability of millions of children worldwide to forced labor and debt bondage.
- Impose on traffickers an obligation to provide restitution for the loss that resulted from their victim’s enslavement and damages for any injuries
- In the US, restitution to trafficking victims is mandatory in criminal cases.
- Crime victim compensation programs

## MARGINALIZED COMMUNITIES: ROMANI VICTIMS OF TRAFFICKING

- forced begging, forced criminality, involuntary domestic servitude, and servile marriages
- throughout Europe - Western Europe, Central Europe, the Balkans
- lack of access to a variety of social services, education, and employment
- poor access to credit and employment opportunities, Romani often resort to using informal moneylenders that charge exorbitant interest rates, contributing to high levels of debt, which heighten trafficking vulnerability

Some policy recommendations addressing needs of Romani victims of human trafficking:

- ▶ Governments should include full and effective participation of Romani communities and organizations in anti-trafficking bodies, including anti-trafficking law enforcement and victim identification groups.<sup>[1]</sup><sup>[2]</sup>
- ▶ Trafficking prevention campaigns and efforts should be targeted to Romani communities, particularly those that are segregated and socially excluded.<sup>[1]</sup><sup>[2]</sup>
- ▶ Governments should improve access to prevention and protection services, such as public awareness campaigns for communities and law enforcement, and adequate shelters, legal and social services, and vocational assistance.<sup>[1]</sup><sup>[2]</sup>
- ▶ Law enforcement should not impose criminal liability on trafficking victims, including Romani, for crimes they were forced to commit.
- ▶ Anti-trafficking policies should explicitly recognize the Romani as a vulnerable group.<sup>[1]</sup><sup>[2]</sup>

## HUMAN TRAFFICKING AND MAJOR SPORTING EVENTS

- Prior to event - ensure labor laws meet international standards, regulate labor recruitment agencies, and frequently inspect construction sites for violations of labor laws
- Future Olympics - Brazil in 2016, South Korea in 2018, and Japan in 2020
- Future World Cups - Russia in 2018 and Qatar in 2022
- Game Day - combat trafficking by launching media campaigns, training law enforcement officials and event volunteers, and establishing partnerships to recognize indicators of human trafficking and to identify victims
- End It Movement launched a campaign at the 2013 NCAA Final Four basketball tournament in Atlanta, Georgia to bring awareness to the reality of sex trafficking in the United States

## PROMISING PRACTICES IN THE ERADICATION OF TRAFFICKING IN PERSONS

- MOBILE TECHNOLOGIES IN UGANDA
- “TEHCAMPS” IN PHNOM PENH AND TLAXCALA TECHNOLOGY TO IDENTIFY AND SERVE VICTIMS IDENTIFYING IRREGULAR FINANCIAL TRANSACTIONS
- <sup>{}L</sup><sub>{}SEP</sub> MAKING THE PROBLEM WORSE: OFF-DUTY LAW ENFORCEMENT OFFICERS PROVIDING SECURITY IN HIGH-RISK ESTABLISHMENTS

## REACTIVATING TRAUMA IN SEX TRAFFICKING TESTIMONY

- Sometimes victims are not ideal witnesses.
- Lose relationship with the trafficker (also known as trauma bonding), has a deep-rooted distrust of law enforcement, or fears retaliation, a victim may be a reluctant or ineffective witness

Best practices include:

- ▶ Interviewing victims in a comfortable, non-group setting with a legal advocate present where possible.<sup>{}L</sup><sub>{}SEP</sub>
- ▶ Providing the option, where legally possible, to pre-record statements for use as evidence to avoid<sup>{}L</sup><sub>{}SEP</sub> the need for repeated accounts of abuse.<sup>{}L</sup><sub>{}SEP</sub>
- ▶ Adopting evidentiary rules to preclude introduction of prior sexual history.<sup>{}L</sup><sub>{}SEP</sub>
- ▶ Providing support—such as victim advocates, free legal counsel, and change in immigration status—that is not conditional on live trial testimony.<sup>{}L</sup><sub>{}SEP</sub>

## DEFINITION AND METHODOLOGY

the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.

The Trafficking Victims Protection Act (TVPA) of 2000 - amended Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol)

Human trafficking can include, but does not require, movement.

*Sex Trafficking*

*Child Sex Trafficking*

No exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are prostituted are trafficking victims

*Forced labor*

*Bonded labor or Debt Bondage*

One form of coercion is the use of a bond or debt

U.S. law prohibits the use of a debt or other threats of financial harm as a form of coercion and the Palermo Protocol requires states to criminalize threats and other forms of coercion for the purpose of forced labor or services or practices similar to slavery or servitude.

ancestors' debts, initial debt assumed as a term of employment

*Involuntary domestic servitude*

work in a private residence

*Forced Child labor*

Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education

*Unlawful recruitment and Use of child soldiers*

## MEDIA BEST PRACTICES

Language matters, Dangers of re-victimization, Survivor stories, Half the story, Numbers game, Human trafficking happens, Advocacy journalism

## HUMAN TRAFFICKING AND THE DEMAND FOR ORGANS

- 114,000 organ transplants are reportedly performed every year around the world, satisfies less than 10 % of global need, 1/3 of these oppressions include kidneys/livers from living donors
- Many countries have also criminalized the buying and selling of human organs
- Frequently adult male laborers from less-developed countries exploited
- The sale and purchase of organs themselves, while a crime in many countries, does not per se constitute human trafficking

Poverty alone—without abuse of that vulnerability in a manner to make a victim’s submission to exploitation the “only real and acceptable option”—is not enough to support a trafficking case, whether the exploitation is sexual exploitation, forced labor, or the removal of organs.

## VICTIMS’ CONSENT

- On the issue of victims’ consent to exploitation, the Palermo Protocol is clear: if any coercive means have been used, a victim’s consent “shall be irrelevant.”
- If a state’s laws conform to the Palermo Protocol requirements, a trafficker would not be able to successfully defend a trafficking charge by presenting evidence that a victim previously engaged in prostitution, knew the purpose of travel, or in any other way consented or agreed to work for someone who subsequently used coercion to exploit the victim.
- With regard to children, the Palermo Protocol provides that proof of coercive means is not relevant. Thus, a child is considered to be a victim of human trafficking simply if she or he is subjected to forced labor or prostitution by a third party, regardless of whether any form of coercion was used at any stage in the process.
- Some countries have thrown out cases / not tried cases when prosecutors have been unable to prove that the victims were coerced at the outset of recruitment
- A risk that the judge or jury will view the victim as a criminal rather than a victim.
- Consent cannot be a valid defense to the charge of trafficking and to educate judge/jury on the various forms that apparent consent may take.

## VULNERABILITY OF INDIGENOUS PERSONS TO HUMAN TRAFFICKING

More than 370 million indigenous people worldwide

Disproportionately affected by environmental degradation and armed conflict

Self-identification of indigenous peoples at an individual and community level;

- ▶ Historical continuity with pre-colonial and/or pre-settler societies;
- ▶ Strong link to territories and surrounding natural resources;
- ▶ Distinct social, economic, or political systems;
- ▶ Distinct language, culture, and beliefs;
- ▶ Membership in non-dominant groups of society; and/or
- ▶ Resolve to maintain and reproduce their ancestral environments and system as distinctive peoples and communities.

Withelma “T” Ortiz Walker Pettigrew - one of TIME Magazine’s “100 Most Influential People.”

## CHILD SOLDIERS

Child Soldiers Prevention Act of 2008 (CSPA)

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.

“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.

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, as amended, prohibits assistance to governments that are identified in the list under the following authorities: International Military Education and Training, Foreign Military Financing, Excess Defense Articles, and Peacekeeping Operations, with exceptions for some programs undertaken pursuant to the Peacekeeping Operations authority.

The 2014 CSPA List includes governments in the following countries:

Burma, Central African Republic, Democratic Republic of the Congo, Rwanda, Somalia, South Sudan, Sudan<sup>[L]</sup><sub>[SEP]</sub>, Syria, Yemen<sup>[L]</sup><sub>[SEP]</sub>

#### SPECIAL COURT OF SIERRA LEONE: ACCOUNTABILITY AT THE HIGHEST LEVEL FOR CHILD SOLDIERING OFFENSES

- During Sierra Leone’s civil war, all parties to the conflict recruited and used child soldiers.
- In 2013, the Special Court reached another milestone by upholding the conviction of former Liberian President Charles Taylor.

#### TIER PLACEMENT

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the 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.

##### 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 Watch List

- 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

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

<sup>[L]</sup><sub>[SEP]</sub>

## PENALTIES FOR TIER 3 COUNTRIES

The U.S. government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance. In addition, certain countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs.

## THE INTERSECTION BETWEEN ENVIRONMENTAL DEGRADATION AND HUMAN TRAFFICKING

- **AGRICULTURE (CROPS AND LIVESTOCK)**
- Many agricultural workers are vulnerable to human trafficking due to their exclusion from coverage by local labor laws, pressure on growers to reduce costs, insufficient internal monitoring and audits of labor policies, and lack of government oversight
- **FISHING AND AQUACULTURE**
- **LOGGING**
- One out of five people in the world relies directly upon forests for food, income, building materials, and medicine.
- **MINING**
- the mining sector is responsible for 37 percent of global mercury emissions

**United Nations Office on Drugs and Crimes: Human Trafficking page**

Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking in Persons Protocol)

Trafficking has three major elements - a) the act, b) the means, c) the purpose

The Act (What is done)

Recruitment, transportation, transfer, harbouring or receipt of persons

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs. Article 3 of the Trafficking in Persons Protocol calls for criminalization of traffickings, attempts to commit a trafficking offense, participation as an accomplice in such an offense, or organizing or directing others to commit trafficking

Domestic legislation does not need to follow the language of the Trafficking in Persons Protocol precisely, but should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol.

Adoption in 2000 by the United Nations General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children

Prevention of trafficking in persons

Protection of victims of human trafficking

Prosecution of trafficking offenders

UNODC's strategic approach to combating trafficking in persons and the smuggling of migrants —

- (1) research and awareness raising;
- (2) promotion of the Protocols and capacity-building; and,
- (3) the strengthening of partnerships and coordination.

**United Nations Office on Drugs and Crimes: Human Trafficking FAQs**

- The difference between human trafficking from migrant smuggling: (1) consent (2) exploitation (3) transnationality - smuggling is always transnational (4) sources of profit - in smuggling profits are derived from the transportation of stay of the person into another country, in trafficking profits are derived from exploitation.
- Smuggled migrants are particularly vulnerable to being trafficked - combating trafficking in persons requires that migrant smuggling be addressed as a priority.
- The consent of the trafficked person becomes irrelevant whenever any of the 'means' of trafficking are used. A child cannot consent even if the 'means' are not involved.
- The number of victims at any one time is estimated at 2.5 million.
- Most trafficking is national or regional.
- Europe is the destination for victims from the widest range of destinations, while victims from Asia are trafficked to the widest range of destinations.
- Sexual exploitation was noted as by far the most commonly identified form of human trafficking (79%) followed by forced labor (18%), though perhaps by statistics bias.
- Because it is more frequently reported, sexual exploitation has become the most documented type of trafficking.
- Most trafficking is carried out by people whose nationality is the same as that of their victim.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children - adopted by the United Nations General Assembly in 2000 and entered into force on 25 December 2003.
- The Trafficking Protocol, which supplements the United Nations Convention against Transnational Organized Crime, is the only international legal instrument addressing human trafficking as a crime and falls under the jurisdiction of the United Nations Office on Drugs and Crime (UNODC).
- The strict policy line of UNODC is to remain neutral on the issue of prostitution.

**United Nations Office on Drugs and Crimes: Status of Ratification**

The United States signed the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, but *not the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.*

**US Department of Homeland Security**

It is estimated that human trafficking generates many billions of dollars of profit per year, second only to drug trafficking as the most profitable form of transnational crime.

Here are some common indicators to help recognize human trafficking:

- Does the person appear disconnected from family, friends, community organizations, or houses of worship?
- Has a child stopped attending school?
- Has the person had a sudden or dramatic change in behavior?
- Is a juvenile engaged in commercial sex acts?
- Is the person disoriented or confused, or showing signs of mental or physical abuse?
- Does the person have bruises in various stages of healing?
- Is the person fearful, timid, or submissive?
- Does the person show signs of having been denied food, water, sleep, or medical care?
- Is the person often in the company of someone to whom he or she defers? Or someone who seems to be in control of the situation, e.g., where they go / who they talk to?
- Does the person appear to be coached on what to say?
- Is the person living in unsuitable conditions?
- Does the person lack personal possessions and appear not to have a stable living situation?
- Does the person have freedom of movement? Can the person freely leave where they live? Are there unreasonable security measures?

Under U.S. federal law, any minor under the age of 18 who is induced to perform commercial sex acts is a victim of human trafficking, regardless of whether he or she is forced or coerced.

**Polaris Project: Overview**

- The [National Human Trafficking Resource Center](#) hotline, operated by Polaris, received reports of 3,598 sex trafficking cases inside the United States.
- There are [4.5 million people trapped in forced sexual exploitation globally](#).
- The [National Center for Missing & Exploited Children](#) estimated that 1 in 6 endangered runaways reported to them were likely sex trafficking victims.
- Globally, the International Labor Organization estimates that there are [14.2 million people trapped in forced labor](#) in industries including agriculture, construction, domestic work and manufacturing.
- The International Labor Organization estimates that there are [20.9 million victims of human trafficking globally](#), including 5.5 million children. 55% are women and girls.
- In 2013, the [National Human Trafficking Resource Center](#) hotline, operated by Polaris, received multiple reports of human trafficking cases in all 50 states and D.C.
- The International Labor Organization estimates that forced labor and human trafficking is a [\\$150 billion industry worldwide](#).
- 100,000 children estimated to be in the sex trade in the United States each year.
- The number of human trafficking cases that Polaris learns about increases every year.
- From 2007 to 2014, 19,724 cases of human trafficking, 17,345 victims and survivors identified.
- Top Sex Trafficking venues: (1) commercial front brothel (2) internet ad, venue unknown (3) hotel/motel.
- Top Labor Trafficking Industries: (1) domestic work (2) traveling sales crews (3) restaurant/food service.
- BeFree Texting: Victims are reaching out for help by text message at a higher percentage than by phone call.
- 18% of texting conversations on Polaris's BeFree Texting Helpline were from victims of human trafficking compared to 9% of phone calls
- Texting is especially effective for reaching women victims of sex trafficking.
- 75% of the cases referenced sex trafficking victims, 68% of the cases referenced 68% victims, and 53% of the cases referenced adult victims
- Texting will continue to grow.
- The NHTRC experienced a 259% increase in calls between 2008 and 2012.
- In five years, the NHTRC received reports of 9,298 unique cases of human trafficking from 72,000 interactions.
- The three most common forms of sex trafficking reported to the hotline involved

- pimp-controlled prostitution, commercial-front brothels, and escort services. Labor trafficking was most frequently reported in domestic work, restaurants, peddling rings, and sales crews.
- 41% of sex trafficking cases and 20% of labor trafficking cases referenced U.S. citizens as victims.
  - Women were referenced as victims in 85% of sex trafficking cases, and men in 40% of labor trafficking cases.
  - Primary language of survivors contacting the hotline: (1) English (2) Spanish (3) Tagalog
  - Services requested by survivors in crisis cases: (1) immediate extraction (2) crisis case management or advocacy (3) emergency shelter (4) transportation

**McCain Institute for International Leadership: How do Fortune 100 Corporations Address Potential Links to Human Rights Violations in a Globally Integrated Economy?**

- Over half of all Fortune 100 companies (54 percent) have publicly available policies on forced labor and nearly two-thirds (66 percent) have policies on human trafficking. Of the Target Group companies, over three-fourths (76 percent) have publicly available policies on forced labor and two-thirds (66 percent) have policies on human trafficking.
- Fortune 100 companies have expressed a significant interest in addressing potential links to forced labor and human trafficking in their global supply chain.
- Fortune 100 companies have expressed a significant interest in addressing potential links to the trade in conflict minerals, but this applies only to some companies and may be largely based on a response to new federal regulations.
- Fortune 100 companies' policies on forced labor and human trafficking vary in substantive ways which provide guidelines for the development of best practices: supply chain monitoring, referencing international and domestic law, training and capacity building, complaint mechanisms, remediation.
- Fortune 100 companies are clearly engaged with key human rights issues, yet there is a need for more research and room for improvement.