

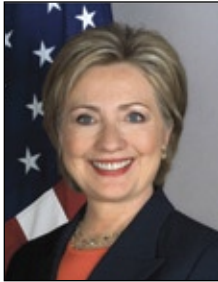


# TRAFFICKING IN PERSONS REPORT

JUNE 2009







Dear Reader:

Since President Clinton issued the first U.S. Government policy against human trafficking in 1998, we have seen unprecedented forward movement around the world in the fight to end human trafficking, a form of modern-day slavery. A majority of the world's countries now have criminal legislation prohibiting all forms of trafficking in persons, and global awareness has been immeasurably raised.

Yet much remains to be done, particularly in identifying and addressing the root causes of trafficking, including policies and practices that contribute to the trafficking of vulnerable populations. From girls denied schooling or coerced into under-aged marriages, to ethnic minorities without citizenship or birth registration, to migrant workers forced to work against their will by employers who abuse legal processes – the effectiveness of long-term prevention efforts will require us to look carefully at causal factors and commit to relevant reforms.

The ninth annual Trafficking in Persons Report sheds light on the faces of modern-day slavery and on new facets of this global problem. The human trafficking phenomenon affects virtually every country, including the United States. In acknowledging America's own struggle with modern-day slavery and slavery-related practices, we offer partnership. We call on every government to join us in working to build consensus and leverage resources to eliminate all forms of human trafficking. This year, there is new urgency in this call. As the ongoing financial crisis takes an increasing toll on many of the world's migrants – who often risk everything for the slim hope of a better future for their families – too often they are ensnared by traffickers who exploit their desperation. We recognize their immense suffering, and we commit to aiding their rescue and recovery.

As we move forward to meet the challenges of today, I am committed to sharing the lessons learned from our past efforts, and I offer our collective expertise to collaborate with you in bringing relief to victims, justice to perpetrators, and hope to future generations currently in peril.

Bringing an end to the global trade in people is a priority for the United States in keeping with American values that place a premium on human rights, democracy, and the rule of law. I am confident that together we can make a difference, all over the world, in the lives of people deprived of their freedom.

Sincerely,

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



Dear Reader:

The 2009 Trafficking in Persons Report reflects the commitment of Secretary Clinton and President Obama to address this crime at home and abroad. As President Obama has said:

Sadly, there are thousands who are trapped in various forms of enslavement, here in our country ... oftentimes young women who are caught up in prostitution. So, we've got to give prosecutors the tools to crack down on these human trafficking networks. Internationally, we've got to speak out. It is a debasement of our common humanity, whenever we see something like that taking place.

As a federal prosecutor, I have seen first-hand the impact of human trafficking. I saw the violence and greed of the traffickers, and the suffering and trauma of the victims. I came to understand that the survivors are not statistics – they are people who share not only the painful memories but also the joyful experience of healing. And I learned that when law enforcement authorities work with survivors and the NGOs who assist them, trafficking networks are dismantled and victims are empowered.

The international anti-trafficking movement has come a long way in the last decade. Around the world, new partnerships between police and NGOs have resulted in the prosecution of thousands of trafficking cases, and a new focus on victims' rights has resulted in assistance for many thousands of victims.

But there is still much to do. As documented by this report and a recent United Nations survey, many countries have not brought any cases under their trafficking statutes, and few labor trafficking cases are being prosecuted. NGOs that provide critical protections – including sustainable shelters and reintegration programs – are adversely affected as donor nations and philanthropists feel the strain of the financial crisis.

Not all progress will come through programs or prosecutions, however. Culturally, we need to see through to each individual's humanity and recognize how traffickers exploit their victims' vulnerabilities to hold them in servitude, whether in fields, factories, homes, or brothels. Likewise, we must see past the movement and migration that characterize so many human trafficking situations and focus on the compelled service that the Palermo Protocol and other international instruments place at the core of this phenomenon.

Globally, there are countless persons who labor in bondage and suffer in silence, feeling that they are trapped and alone. For too many, when they think of police, it is with fear, not with the promise of rescue. If they think of escape, it is a jump into the unknown that they dare not take, since so many do not know that NGOs stand ready to help them if they leave. This report is their story. It is the story of governments, organizations, and individuals who give such survivors a chance for freedom. It is on their behalf, and in the spirit of a common humanity, that we seek a global partnership for the abolition of modern slavery.

Sincerely,

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

Ambassador Luis CdeBaca

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

## VICTIMS' STORIES

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The victims' testimonies included in this report are meant to be representative only and do not include all forms of trafficking that occur. These stories could take place anywhere in the world and 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.



## INTRODUCTION

# THE 2009 TRAFFICKING IN PERSONS (TIP) REPORT

## Purpose

The Department of State is required by law to submit each year to the U.S. Congress a report on foreign governments' efforts to eliminate severe forms of trafficking in persons. This is the ninth annual TIP Report; it seeks to increase global awareness of the human trafficking phenomenon by shedding new light on various facets of the problem and highlighting shared and individual efforts of the international community, and to encourage foreign governments to take effective action against all forms of trafficking in persons.

The United States' Trafficking Victims Protection Act of 2000 (TVPA), as amended, guides efforts to combat human trafficking. The most recent amendments to the TVPA were enacted in December 2008. The purpose of the law is to punish traffickers, protect victims, and prevent trafficking from occurring. Freeing victims from this form of modern-day slavery is the ultimate goal of this report—and of the U.S. Government's anti-human trafficking policy.

Human trafficking is a multi-dimensional issue. It is a crime that deprives people of their human rights and freedoms, increases global health risks, fuels growing networks of organized crime, and can sustain levels of poverty and impede development in certain areas.

The impacts of human trafficking are devastating. Victims may suffer physical and emotional abuse, rape, threats against self and family, and even death. But the devastation also extends beyond individual victims; human trafficking undermines the health, safety, and security of all nations it touches.

## AZERBAIJAN

Azade, 22, left rural Azerbaijan to work at a massage parlor in Baku. But the massage parlor was a cover for a brothel. Soon after she arrived, a client who worked for the brothel owner forced himself on Azade and threatened to show a videotape of the assault to her father unless she engaged in prostitution at the brothel. Fearing the social stigma attached to rape and the consequences of bringing shame to her family, Azade submitted to several months of forced prostitution before she escaped with the help of an anti-trafficking NGO.

Women and girls on the street are highly vulnerable to commercial sexual exploitation.





Migrant workers from Nepal and Bangladesh take a break from laboring at a coal depot in northeast India. More than 90 percent of India's workforce is in the informal sector and are thus more vulnerable to conditions of debt bondage or forced labor.

## MALI- COTE D'IVOIRE

Ibrahim, 11, dreamed of buying a bicycle. When a man he had known for some time told him that he could work on a cocoa farm and make enough money for a bicycle, radio, clothes and more, Ibrahim didn't suspect the man to be a trafficker. The man took Ibrahim to Cote d'Ivoire and sold him to a cocoa farmer. Ibrahim and other trafficked boys worked long hours doing back-breaking and dangerous work farming cocoa and bananas. The farmer gave them little to eat, beat them severely, and forbade them from leaving the farm. Ibrahim suffered in forced labor for two years before he escaped and returned to Mali. He now works in a market garden but still doesn't earn enough to buy a bicycle.

A growing community of nations is making significant efforts to eliminate this atrocious crime. The TVPA outlines minimum standards for the elimination of trafficking in persons. Countries that do not make significant efforts to comply with the minimum standards receive a Tier 3 ranking in this report. Such an assessment could prompt the United States to withhold nonhumanitarian, non-trade-related foreign assistance.

In assessing foreign governments' efforts, the TIP Report highlights the "three P's"—prosecution, protection, and prevention. But a victim-centered approach to trafficking also requires attention to the "three R's"—rescue, rehabilitation, and reintegration. Sharing the best practices in these areas will encourage governments to go beyond the initial rescue of victims and restore to them dignity and the hope of productive lives.

### Human Trafficking Defined

The TVPA defines "severe forms of trafficking" as:

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation,



## THE ROLE OF PARENTS IN CHILD TRAFFICKING

*When Maria was five, her father's common-law wife started selling her for prostitution in Nicaragua. After a few years, NGO workers found Maria living in the city dump and took her to a home for little girls. She behaved in a sexually inappropriate manner with the other girls, as that was the only life she had ever known. She was asked to leave that children's home. Maria was taken to another children's home for her protection while investigators documented her abuse and worked to terminate her father's parental rights.*

Parents are often among the victims in child trafficking cases. Traffickers convince them to part with their children with false promises of schooling or prosperity. But in some cases parents may also play an active role in the trafficking of children.

In the last year, anti-trafficking police in Greece reported an increase in trafficking of children by their parents. Albanian Roma parents bring their children to Greece, where they force them to beg or sell goods on the street. According to some NGOs, Roma parents in Greece also rent or sell their children to third parties for forced labor.

A 2007 study by the International Organization for Migration (IOM) found that some Cambodian parents sell their children into prostitution or domestic servitude to repay debts. In Niger, boys trafficked for forced cattle herding sometimes escape their employers and return to their parents. The boys arrive home with visible signs of physical and psychological abuse. But many parents return their sons against their will to their employers, angry that the child has left an opportunity to learn a trade.

To combat these types of child trafficking, law enforcement must send a strong message that these practices will not be tolerated. Some countries have already started taking steps. In January 2008, Albania passed a law that specifically criminalizes forced begging of children by parents. Laws in Niger, Senegal, and Togo also prohibit trafficking by parents.

Despite the prevalence of the problem, police and judicial authorities often do not recognize it. In January 2008, a South African court dismissed a trafficking case after learning that the victims' parents had allowed the trafficker to take the children to Cape Town, where the exploitation occurred. Courts should not withdraw cases on the basis of parental consent.

Social workers and investigators must be educated about the role parents may play in trafficking scenarios. Researchers investigating child trafficking on West African cocoa farms mistakenly determined, for example, that where the employer is a close relative of the child laborer, the child is less likely to be trafficked.

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.

### **The Scope and Nature of Modern-Day Slavery**

The common denominator of trafficking scenarios is the use of force, fraud, or coercion to exploit a person for profit. Traffickers can subject victims to labor exploitation, sexual exploitation, or both. Trafficking for labor exploitation, the form of trafficking claiming the

greatest number of victims, includes traditional chattel slavery, forced labor, and debt bondage. Trafficking for sexual exploitation typically includes abuse within the commercial sex industry. In other cases, individuals exploit

*"The reality, sadly, comes not just closer to home but right into my home....Slavery globally touches not only my heart, but quite probably my table, my car, my clothing."*

Julia Ormond, UN goodwill ambassador on human trafficking.

victims in private homes, often demanding both sex and work. The use of force or coercion can be direct and violent or psychological.

A wide range of estimates exists on the scope

## INDIA

Jayati and her husband were bonded laborers at a rice mill in India for more than 30 years. From 2 a.m. to 6 p.m. every day, they separated and boiled rice, often suffering burns, injuries and illnesses. The owner of the mill threatened to hurt them if they tried to leave. Their children were forced to quit school and work alongside them in the mill. Their grandchildren were born into bonded servitude. In 2005, Jayati and her family were finally freed with the help of NGOs and local authorities. “I never dreamt of a day like this in my life,” she said after being freed.

Indian children shout slogans during a protest against child trafficking. Child trafficking is a crime under international law, but India does not have a comprehensive law against child trafficking or against human trafficking.

and magnitude of modern-day slavery. The International Labor Organization (ILO)—the United Nations agency charged with addressing labor standards, employment, and social protection issues—estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time.

Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56 percent of all forced labor victims are women and girls.

Human traffickers prey on the weak. Targeting vulnerable men, women, and children, they use creative and ruthless ploys designed to trick, coerce, and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities, or marriage.

The nationalities of trafficked people are as diverse as the world’s cultures. Some leave developing countries, seeking to improve their lives through low-skilled jobs in more prosperous countries. Others fall victim to forced or bonded labor in their own countries. Women, eager for a better future, are susceptible to promises of jobs abroad as babysitters, housekeepers, waitresses, or models—jobs that traffickers turn into the nightmare of forced



prostitution without exit. Some families give children to adults, often relatives, who promise education and opportunity but instead sell the children into exploitative situations for money. But poverty alone does not explain this tragedy, which is driven by fraudulent recruiters, employers, and corrupt officials who seek to reap profits from others' desperation.

### Focus of the 2009 TIP Report

The TIP Report is the most comprehensive worldwide report on governments' efforts to combat severe forms of trafficking in persons. It includes countries of origin, transit, or destination for trafficking victims. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it.

The 2009 TIP Report covers the period of April 2008 through March 2009. During this time and since the passage of the TVPA, the fight against trafficking passed an important milestone, as more than half of the world's countries have enacted criminal legislation prohibiting all forms of trafficking in persons. Over the last year alone, 26 countries enacted new anti-trafficking legislation, some going beyond the minimum standards of the TVPA and the 2000 UN TIP Protocol by offering the victims of trafficking restitution through court proceedings and other protections.

The last year was marked also by the onset of a global financial crisis, which has raised the specter of increased human trafficking around the world. As a result of the crisis, two concurrent trends—a shrinking global demand for labor and a growing supply of workers willing to take ever greater risks for economic opportunities—seem a recipe for increased forced labor cases of migrant workers and women in prostitution.

Because trafficking likely extends to every country in the world, the omission of a country from the report may indicate only a lack of adequate information. The country narratives describe the scope and nature of the trafficking problem, and the government's efforts to combat trafficking. Each narrative also contains an

assessment of the government's compliance with the minimum standards for the elimination of trafficking as laid out in the TVPA and includes suggestions for additional government actions. The remainder of the country narrative describes each government's efforts to enforce laws against trafficking, to protect victims, and to prevent trafficking. Each narrative explains the basis for ranking a country as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3. In particular, if a country has been placed on Tier 2 Watch List, the narrative will contain a statement of explanation, using the special criteria found in the TVPA for the Watch List.

### Methodology

The Department of State prepared this report using information from U.S. embassies, foreign 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 e-mail address allows NGOs and individuals to share information on government progress in addressing trafficking. U.S. diplomatic

*"If you give a maid a day off, she might use it in a negative way."*

Saudi housewife explaining that laws granting additional rights to foreign domestic servants could lead to more maids running away from employers.

posts reported on the trafficking situation and governmental action 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.

To compile this year's report, the Department reviewed credible information sources on every country and assessed each government's anti-trafficking efforts. In prior years a "significant number" (defined to be 100 or more) of trafficking victims had to be documented for a country to be ranked in the TIP Report.

## PUBLIC-PRIVATE SECTOR PARTNERSHIPS: A POWERFUL TOOL

With limited resources in great demand, government, corporate, and NGO leaders are coming together to find new ways to combat human trafficking. These partnerships have varied in size, scale, and duration, though they have one key common element: the desire to harness various competencies to tackle human trafficking.

- In 2008, LexisNexis, an online database service, partnered with the U.S. National Human Trafficking Resource Center (NHTRC) to develop a national database of social service providers for the Center's hotline. In Southeast Asia, LexisNexis partnered with a leading anti-trafficking NGO and taught technical skills to the shelter's staff. The company also created an online resource center for attorneys who work with human trafficking victims; it collaborated with the American Bar Association (ABA) to support a training institute on civil remedies for TIP victims, which trained lawyers from six countries and across the United States.
- Wyndham Hotel Group partnered with the anti-trafficking NGO Polaris Project and made hundreds of free hotel rooms available for trafficking victims in emergency situations.
- U.S. information technology company Microsoft has supported local NGO partners in Asia. By providing basic information skills training, Microsoft has helped people in underserved communities find meaningful employment that lower their vulnerabilities to human trafficking. Microsoft has also partnered with the International Center for Missing and Exploited Children, child protection NGOs, the ABA, and U.S. law enforcement to conduct law enforcement training on computer-related crimes involving the commercial sexual exploitation of children.
- Travel corporation Carlson Companies partnered with NGOs to develop training materials for its hotel staff on how to recognize and report on child sex tourism. Carlson Companies also provided hotel conference facilities for training of local travel, tourism, and hospitality employees.
- Media and film companies have been vehicles for raising awareness on human trafficking. The U.S. Government partnered with Priority Films to make the film "Holly" about child sex trafficking and sponsor expert discussions; it partnered with Lifetime Television to provide the television movie "Human Trafficking" to every U.S. Embassy for local screenings; and it partnered with Worldwide Documentaries to disseminate a DVD on human trafficking in conjunction with the release of the 2008 Trafficking in Persons Report.

Through partnerships like these, private sector companies gain trust and legitimacy from consumers and earn the support of socially conscious buyers and investors. For the anti-trafficking community, these partnerships extend expertise, deepen resources, and stimulate creativity to fight human trafficking around the world.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) eliminated this requirement, thereby expanding the scope of countries included in this year's report.

Some countries have held conferences and established task forces or national action plans to create goals for anti-trafficking efforts. While such activities are useful and can serve as a catalyst toward concrete law enforcement, protection, and prevention activities in the future, these conferences, plans, and task forces alone are not weighed heavily in assessing country efforts. Rather, the report focuses on governments' concrete actions to fight

trafficking, especially prosecutions, convictions, and prison sentences for traffickers as well as victim protection measures and prevention efforts.

Although critical to increasing anti-trafficking efforts, the Report does not give great weight to laws in draft form or laws that have not yet been enacted. In general, the Report does not focus on governmental efforts that have indirect implications for trafficking, such as general efforts to keep children in school or general economic development programs, though the Report is making a stronger effort to identify trafficking vulnerabilities and measures taken by governments to prevent trafficking that may

result from such vulnerabilities.

Similarly, this report attempts to identify systemic contributing factors to particular forms of human trafficking. These include particular policies or practices, such as labor recruiters' charging of excessive fees to prospective migrants and governmental policies allowing employers to confiscate passports of foreign workers—factors that have been shown to contribute to forced labor.

### Tier Placement

The Department places each country in the 2009 TIP Report onto one of the three tier lists 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 that is also an important factor. The Department first evaluates whether the government fully complies with the TVPA's minimum standards for the elimination of trafficking (detailed on page 314). Governments that fully comply are placed on Tier 1. For other governments, the Department considers the extent of efforts to reach compliance.

Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers the Special Watch List criteria and, when applicable, moves Tier 2 countries to Tier 2 Watch List.

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

## PAKISTAN

Waleed, 45, was a bonded brick kiln worker until he was freed in 1997 by a historic Supreme Court decision that deemed bonded labor illegal. But he found it difficult to adjust to a life of freedom, not knowing how to support his family of six. Work at the kiln was the only life his family knew. So they went back. Ten years later, Waleed is once again in bondage, having accumulated more than \$700 in debt. He, his wife, two young daughters, son, and daughter-in-law all work as brick makers. Together they make 2,000 bricks a day, for which they are paid \$3. To cover their daily expenses—including food, electricity for a single 60-watt light bulb, and medical care for frequent mosquito-borne illnesses—the family takes more loans from the kiln owners and continues working to repay their debts.

Burmese immigrants sort fish in southern Thailand. As they flee economic collapse in military-ruled Burma, migrants search for work in Thailand, where many end up abused and exploited and subjected to conditions of forced labor.





Shyima Hall, now 19, sits in the windowless garage where she was kept for two years. Shyima was 10 when a wealthy Egyptian couple brought her from a poor village in northern Egypt to work in their California home. She awoke before dawn and often worked past midnight to iron their clothes, mop the marble floors, and dust the family's crystal. She earned \$45 a month, sometimes working up to 20 hours a day. The trafficking of children for domestic labor in the United States is an extension of an illegal but common practice among the upper classes in some societies.

## AZERBAIJAN

Dilara's sister had been tricked into an unregistered marriage to a trafficker who later abandoned her when she got pregnant. When Dilara confronted her sister's traffickers, she herself became a victim. She ended up in Turkey, where she and other abducted girls were tortured and forced to engage in prostitution. Dilara escaped with the help of Turkish police, who promptly arrested the nine men who trafficked Dilara and her sister. She then approached a local NGO for legal aid and counseling. The NGO also helped Dilara learn computer programming and find employment with a company in Baku.

### Tier 2 Watch List

The TVPA requires that certain countries be placed on a Special Watch List. This includes countries in which:

- 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, prosecutions, and convictions of trafficking crimes; increased assistance to victims; and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c. The determination that a country is making significant efforts to bring itself into compliance with the minimum standards was based on commitments by the country to take additional steps over the next year.

Countries that meet one of these three criteria are placed onto what the Department of State

has termed the “Tier 2 Watch List.” There were 40 countries on Tier 2 Watch List in the June 2008 report. Two additional countries were reassessed as Tier 2 Watch List countries in November 2008. The Department of State included these 42 countries in an “Interim Assessment” released on January 27, 2009.

Of these 42 countries on Tier 2 Watch List at the time of the Interim Assessment, 11 moved up to Tier 2 in this report, while four fell to Tier 3 and 27 remain on Tier 2 Watch List. Countries on Tier 2 Watch List in this report will be re-examined in the next Interim Assessment, which will be submitted to the U.S. Congress by February 1, 2010.

Amendments made by the TVPRA of 2008 provide that any country that has been ranked Tier 2 Watch List for two consecutive years (beginning with the 2009 Report) will be ranked Tier 3, unless the President waives application of this provision based on a determination that, among other things, the government has a written plan for meeting the TVPA’s minimum standards.

### Penalties for Tier 3 Countries

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. Government may withhold nonhumanitarian, non-trade-related foreign assistance. Countries that receive no such assistance may not receive such assistance and, in addition, may not receive funding for government employees’ participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Imposed sanctions will take effect October 1, 2009; 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 national interest of the United States. The TVPA also provides that sanctions can

## DEBUNKING COMMON TRAFFICKING MYTHS

**Initial Consent:** A person may agree to migrate legally or illegally or take a job willingly. But once that work or service is no longer voluntary, that person becomes a victim of forced labor or forced prostitution and should accordingly receive the protections contemplated by the 2000 UN TIP Protocol. Once a person’s work is recruited or compelled by the use or threat of physical violence or the abuse or threatened abuse of the legal process, the person’s previous consent or effort to obtain employment with the trafficker becomes irrelevant.

A person may agree to work for an employer initially but later decide to stop working because the conditions are not what they agreed to. If an employer then uses force, fraud, or coercion to retain the person’s labor or services, the employer becomes a trafficking offender and the employee becomes a victim.

In April 2008, this type of misplaced reliance on a worker’s initial consent led to the deportation of three Thai victims from a European country because, according to the head of the anti-trafficking police unit in that country, the victims had consented to the employment and had arrived voluntarily in that country as guest workers. The victims in this case discovered their employment conditions were vastly different from what they expected when they initially accepted their jobs and traveled to Europe; further, their employers retained their passports, forced them to sometimes work without compensation, and threatened to turn them over to police if they did not work as they were told.

**Prior Work History:** Previous employment choices also do not exclude the possibility that a person may be a victim of trafficking. Some government officials fail to identify victims of sex trafficking because they may have willingly worked in the sex industry prior to being trafficked. Law enforcement may fail also to identify victims of labor trafficking because they are migrant workers and may have previously worked in difficult conditions, either legally or illegally. Whether a person is a victim of labor trafficking turns on whether that person’s service or labor was induced by force, fraud, or coercion.

**Wage Payment:** Case law from U.S. criminal cases has established that payment of a wage or salary is not a definitive indicator that the labor or service is voluntary. If a person is compelled to labor through the use of force or coercion—including the use of nonphysical forms of coercion such as financial harm—then that work or service is forced, even if he is paid or compensated for the work.

## THE BALKANS

When Julia was 8, a man took her and her sisters to a neighboring country and forced them to beg on the streets until their early teens, when he sold them into prostitution. Julia's traffickers expected her to bring in a certain amount of money each day or face beatings. At 14, Julia ran away, eventually coming under the supervision of local authorities. They placed her in an orphanage where she was not allowed to go to school due to her undocumented status. After a few months, Julia ran away from the orphanage and became involved with a pimp who prostituted her to local men and tourists. Recently, Julia was arrested on narcotics charges. She will likely spend the next two years in a juvenile prison, where she will finally learn to read and write.

be waived if necessary to avoid significant adverse effects on vulnerable populations, including women and children. Sanctions would not apply if the President finds that, after this report is issued but before sanctions determinations are made, a government has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

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

### How the Report Is Used

The TIP Report is a diplomatic tool for the U.S. Government to use to encourage continued dialogue and to help focus resources on prosecution, protection, and prevention programs and policies. In the narrative of each ranked country, the Report provides specific recommendations to facilitate future progress. The Department of State will continue to engage governments on the Report's contents in order to strengthen cooperative efforts to eradicate trafficking.

In the coming year, the Report will inform programs that will address all aspects of trafficking, administered not only by the Office to Monitor and Combat Trafficking in Persons, but also tapping the longstanding expertise of others in the U.S. Government, such as the Department of State's Bureau of Democracy, Human Rights, and Labor and the Departments of Labor, Justice, and Health and Human Services. The Department hopes this report will be a catalyst for increased government and nongovernment efforts to combat human trafficking around the world.

## MAJOR FORMS OF TRAFFICKING IN PERSONS

### Forced Labor

The majority of human trafficking in the world takes the form of forced labor, according to the ILO's estimate on forced labor. Also known as involuntary servitude, forced labor may result when unscrupulous employers





# WHAT'S IN A NAME? HUMAN TRAFFICKING IN TRANSLATION

The British abolition movement in the late 18<sup>th</sup> century achieved a ban on the trade or transportation of slaves through the British Empire in 1807. That focus on the trade of slaves—as opposed to the servitude itself—continues to this day and is reflected in terminology used around the globe.

Finding the right words to describe the crime remains a persistent challenge in combating human trafficking. Most formulations used to describe trafficking focus on the trade or buying and selling of people, or they mean something closer to “smuggling,” which relates specifically to movement over borders. These words, including the word *trafficking* in English, may not adequately capture the most important aspect of the practice: exploitation.

In the Arabic phrase for human trafficking, *al-ittijaar b'il-bashar*, the word *al-ittijaar* derives from the root meaning “commerce” or “trade.” In the Russian phrase *torgovlyei lyudmi*, *torgovlyei* also translates to “trade.” And Germanic languages use the word *handel* or “trade” in their characterizations. The Mandarin Chinese phrase *guǎi mài*, which means “to trick someone and sell them,” has an added element of trickery but is still focused on selling. Another less common Mandarin phrase, *fàn mài rén kǒu*, translates to “the buying and selling of humans.”

The French *la traite des personnes* and the Spanish *la trata de personas* adopt the same terms used to discuss negotiations or trade agreements. Officials in some French-speaking countries hesitate to use *la traite* because of immediate association with *la traite des noirs*, describing the transatlantic slave trade from Africa. In many Spanish-speaking countries, *la trata* is quickly associated with *la trata de blancas*, an older legal term that refers specifically to the selling of white women into prostitution. Still, those phrases are preferred over *le trafic des migrants* and *el tráfico de personas*, which imply something closer to “smuggling.” In Latin America, *el tráfico* also is easily associated with drug and arms trade.

The issue is more complicated when considering local languages, many of which do not have any words to describe human trafficking, although the practice is widespread. In East Africa, the Swahili phrase *usafirishaji haramu wa binadamu* translates to “illegal transportation of human beings.” But use of this phrase has caused further confusion with police and conflation with “smuggling.” Some officials use *usafirishaji na biashara haramu ya watu*, which means “illegal transportation and trade in people.” But these words, like those in English and other languages, still fail to invoke concepts such as *unyonyaji* (“exploitation”) or *utumwa* (“slavery”)—the key elements of the crime.

These limited characterizations may lead to confusion in creating effective legislation or policies to prosecute offenders and protect victims of human trafficking. A focus on movement would ignore those people who are trafficked within their own countries, regions, or towns. A focus on trade or buying and selling does not highlight the fraud or coercion often involved in human trafficking. It excludes the many victims who are never “bought” or “sold” but rather “self-present” to exploiters who then traffic them and victims who are otherwise deceived or defrauded into a form of servitude.

Human trafficking, in essence, is a modern-day form of slavery. It involves exploitation and forced servitude. To recognize and address all forms of human trafficking, the language used to discuss it should focus on the harsh reality of victims' suffering and the horrific crimes of perpetrators.

*“Trafficking is a complex, diverse, and controversial phenomenon, which has made the search for a definition a ‘terminological minefield.’”*

Cathy Zimmerman and Charlotte Watts, gender violence and public health experts, in their 2007 article “Documenting the Effects of Trafficking in Women.”

## The language of human trafficking:

Language	Phrase	Literal Translation
Arabic	<i>Al-ittijaar b'il-bashar</i>	The commercial trade of people
Burmese	<i>Lu kon ku de</i>	Trade in people
French	<i>La traite des personnes</i>	The trade of people
Japanese	<i>Jinshin bai bai</i>	The buying and selling of people
Mandarin	<i>Guǎi mài</i>	The cheating/tricking and selling of people
Mandarin	<i>Fan mai ren kou</i>	The buying and selling of people
Russian	<i>Torgovlyei lyudmi</i>	The trade of people
Spanish	<i>La trata de personas</i>	The trade of people
Swahili	<i>Usafirishaji haramu wa binadamu</i>	The illegal transportation of human beings
Thai	<i>Garn ka manut</i>	The act of trading persons

## BRAZIL

Matheus was born and raised in one of the poorest backlands of Brazil. For the 39-year-old farmhand, the opportunity to work at a charcoal production site in the Amazon region was too good to miss. But the reality he faced at the work site was far from the opportunity he expected. The workers drank from the same river used by cattle. Smoke from the charcoal furnace stung their eyes all day and made it difficult to sleep at night. They knew the owners had weapons, and they feared the consequences of trying to escape. When anti-slavery activists arrived at the site, they found Matheus and 10 other workers disheveled, wearing torn trousers, filthy T-shirts, and rubber flip-flops.

Sugar cane cutters in northeast Brazil are transported in a cattle truck to a sugar-alcohol mill. Many of these workers are exploited through debt bondage.

take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals are also 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.

Forced labor is a form of human trafficking that is often harder to identify and estimate than sex trafficking. It may not involve the same criminal networks profiting from transnational sex trafficking. Instead, it may involve individuals who subject workers to involuntary servitude, perhaps through forced or coerced household or factory work.

### Bonded Labor

One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. This is referred to in law and policy as “bonded labor” or “debt bondage.” U.S. law prohibits debt bondage, and the UN TIP Protocol includes it as a form of trafficking-related exploitation. Workers around the world fall victim to debt bondage when traffickers



# HUMAN TRAFFICKING FOR ORGAN REMOVAL

Mohammad Salim Khan woke up in a strange house and felt an excruciating pain in his abdomen. Unsure where he was, Khan asked a man wearing a surgical mask what had happened. “We have taken your kidney,” the stranger said, according to a January 2008 Associated Press report. “If you tell anyone, we’ll shoot you.”

Six days earlier, Khan, a 33-year-old Indian day laborer from New Delhi, had been approached by a bearded man offering a construction job. The man explained that the work would pay \$4 a day – not unusual in India – and would last three months. Khan, a father of five, jumped at the chance for work.

He traveled with the man to a small town several hours away. Once there, Khan was locked in a room and forced at gunpoint to give a blood sample and take drugs that made him unconscious. He didn’t wake up until after surgery. Police raided the illegal clinic afterward, rescuing Khan and two other men. Khan never received money for his kidney, and it took months to recover physically. Indian authorities pursued charges against the doctor involved.

Khan was trafficked for the purpose of organ removal.

The UN TIP Protocol prohibits the use of human trafficking for the purpose of organ removal. This may include situations in which a trafficker causes the involuntary removal of another living person’s organ, either for profit or for another benefit, such as to practice traditional medicine or witchcraft.

A far greater number of organs are obtained from people in the developing world, sometimes through exploitative means, and sold in a highly lucrative international market. The UN TIP Protocol does not cover this voluntary sale of organs for money, which is considered lawful in most countries.

But the demand for organs is rising as the world’s rich are growing older. At the same time, the world’s poor are growing poorer, and the potential for more human trafficking cases like Khan’s is increasing. The World Health Organization (WHO) estimates that 10 percent of the 70,000 kidneys transplanted each year may originate on the black market.

or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment.

Workers may also inherit debt in more traditional systems of bonded labor. Traditional bonded labor in South Asia, for example, enslaves huge numbers of people from generation to generation. A January 2009 report by Anti-Slavery International, a London-based NGO, concluded that this form of forced labor, traditionally more prevalent in villages, is expanding into urban areas of the region, rather than diminishing on an aggregate level, as the result of development and modernization.

## Debt Bondage Among Migrant Laborers

The vulnerability of migrant laborers to trafficking schemes is especially disturbing because the population is sizeable in some regions. There are three potential contributing factors: (1) abuse of contracts; (2) inadequate local laws governing the recruitment and employment

of migrant laborers; and (3) intentional imposition of exploitative and often illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country.

Abuses of contracts and hazardous conditions

*“We are blind to trafficking all around us, and we should be more alert to the fact that trafficking is not a ‘remote’ issue but rather something that is local to us and impacts on our communities.”*

Nick Kinsella, Chief Executive Officer of the UK Human Trafficking Centre.

of employment do not in themselves constitute involuntary servitude. But the use or threat of physical force or restraint to keep a person working may convert a situation into one of forced labor. Costs imposed on laborers for the “privilege” of working abroad can make laborers

## VICTIM RESTITUTION: KEY TO JUSTICE, KEY TO REBUILDING A LIFE

In fiscal year 2008, U.S. courts ordered traffickers to pay restitution awards totaling more than \$4.2 million.

**Restitution:** The process in which a court calculates the monetary loss of a trafficking victim or other person as a result of the crime and orders the traffickers to pay that sum to the victim, usually carrying a punitive cost in excess of simple compensation for a victim's lost wages. This can be the product of a successful criminal prosecution of a trafficking offender or an entirely separate civil complaint filed by the victim. The United States is the only country in which a compensation claim for the victim is automatically part of the criminal proceedings in trafficking cases.

**Forfeiture:** The process in which the government takes physical possession of the proceeds from, or material possessions involved in, the trafficking crime (cash, buildings, vehicles, etc.).

These processes can be used to provide compensation to trafficking victims in the United States. The TVPA includes provisions for mandatory restitution to trafficking victims and a provision allowing victims to sue trafficking offenders for compensatory and punitive damages. Many other countries have included victims' rights to seek compensation through legal procedures.

Victim compensation meets the practical needs of survivors of human trafficking. It alleviates the monetary burden of the state and helps the victim pay for basic necessities, such as housing, food, and transportation, which can prevent their re-trafficking. It also allows compensation to third parties, such as medical and social service providers, who paid for services required as a result of the crime. But beyond providing for these immediate and critical needs, restitution has a restorative power. The philosophy behind restitution goes hand-in-hand with a victim-centered approach to trafficking. Providing the victim with their traffickers' ill-gotten gains is critical to restoring a victim's dignity, helping them gain power back from their exploiters who took advantage of their hope for a better life. Restitution and compensation attack the greed of the trafficker and the idea of a human being as a commodity. It is a way to ensure that victims receive access to justice.

vulnerable to debt bondage. While the costs alone do not constitute debt bondage, when they become excessive and involve exploitation by unscrupulous employers in the destination country, they can lead to involuntary servitude.

### **Involuntary Domestic Servitude**

A unique form of forced labor is that of involuntary domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. In some countries, large numbers of local children, often from less developed rural areas of the country, labor in urban households as domestic servants. Some of them may be vulnerable to conditions of involuntary servitude.

Foreign migrants, usually women, are recruited from less developed countries in South Asia, Southeast Asia, Africa, and Latin America to work as domestic servants and caretakers in more developed locations like the Gulf States, the Levant, Malaysia, Singapore, Taiwan, Europe, and the United States. But many of these places do not provide domestic servants the same legal protections that they provide for foreign workers in other sectors.

Without protections, foreign domestic workers may have fewer options for seeking help when faced with their employer's threat of or use of force. If they are confined to a home, either through physical restraint or through the confiscation of identity and travel documents, they may find it very difficult to reach out to NGOs or public authorities for assistance due to lack of awareness and fear of their employers.

This high degree of vulnerability calls for a vigorous law enforcement and victim protection response when domestic servants are found in conditions of involuntary servitude in a home. Those domestic servants who choose to escape from abusive employers are sometimes termed "runaways" and seen as criminals, though they should be considered as possible victims of trafficking.



A young boy works 12-hour days packing mud bricks in Liberia.

### Forced Child Labor

Most international organizations and national laws recognize that children may legally engage in light work. There is a growing consensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among the worst forms of child labor. Any child who is subject to involuntary servitude, debt bondage, peonage, or slavery through the use of force, fraud, or coercion, is a victim of human trafficking regardless of the location of that 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.

## DEMOCRATIC REPUBLIC OF THE CONGO

Lucien was studying at school when members of a militia group abducted him and 11 other boys from his secondary school. The soldiers drove them to a training camp and put them in a pit in the ground. Those who resisted were beaten. Lucien was stabbed in the stomach and tied up until he submitted to the training. Lucien endured difficult training with some 60 other children, including a number of girls. They were fed one plate of maize meal a day to share among 12 people. Lucien watched people die from starvation and illness. When the soldiers killed those who tried to escape, they forced Lucien and other children to bury the bodies. Lucien later managed to escape and now lives with a host family.



More than 30,000 children have been kidnapped to serve as soldiers and slaves by the rebel Lord's Resistance Army in its 20-year war against the Ugandan government. Boys in captivity are forced to loot and burn villages and torture and kill neighbors. Abducted girls are routinely raped and become sex slaves or "wives" of rebel commanders. These drawings express the traumas of war experienced by Ugandan children who have returned home.

*"If you see a young person wearing military clothes, carrying a gun, these are children who have lost their lives. Fighting is the last thing that a child should be doing."*

Ali, former child soldier who fought with rebels in Chad.

## Child Soldiers

Child soldiering is a unique and severe manifestation of trafficking in persons that involves the unlawful recruitment of children—often through force, fraud, or coercion—for labor or sexual exploitation in conflict areas. Perpetrators may be government forces, paramilitary organizations, or rebel groups. While the majority of child soldiers are between the ages of 15 and 18, some of whom may have been unlawfully recruited and used in hostilities, others are as young as 7 or 8, which is unlawful under international law.

Although it is impossible to accurately calculate the number of children involved in armed forces and groups, the Coalition to Stop the Use of Child Soldiers estimates that there are many tens of thousands of children exploited in conflict. Child soldiers exist in all regions of the world. According to the UN, 57 armed groups and forces were using children in 2007, up from 40 in 2006.

Many children are abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls are 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.

Some children have been forced to commit atrocities against their families and communities. Child soldiers are often killed or wounded, and survivors suffer multiple traumas and psychological scarring. Their personal development is irreparably damaged, and their home communities often reject them when they return.

Child soldiering is a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in conflict areas elsewhere also use children unlawfully. All nations must work together with international organizations and NGOs to take urgent action to disarm, demobilize, and reintegrate unlawful child soldiers.

### Sex Trafficking

Sex trafficking comprises a significant portion of overall human trafficking. When a person 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,

## MOROCCO-CYPRUS

Rania signed a contract she couldn't read and set off to earn money as a cleaner in Cyprus. But when she arrived, an agent told her she was going to work in a cabaret, have drinks with customers, and have sex with them if they wanted. She resisted and asked to be sent home but was told she had to repay her travel expenses first. Rania was raped. It was her first sexual experience. She knew if she returned to Morocco, her brother, a strict Muslim, would kill her for having sex before marriage and for damaging the family's reputation. When she finally ran away, social workers took Rania to a government shelter for victims of sexual exploitation. While police investigated the case, Rania stayed in Cyprus and worked as a cleaner.

Nikolai Rantchev's daughter Oxana left Russia for Cyprus duped into thinking she would work as a translator. Days later, she was found dead in the street. Rantchev believes she was killed by human traffickers who wanted to turn the honors student into a sex slave in a local cabaret.





A volunteer in Beijing, China created playing cards with details of missing children to hand out to residents and law enforcement in areas notorious for child trafficking.

## CHINA

Xiao Ping, 20, had spent most of her life in her small village in Sichuan Province. She was thrilled when her new boyfriend offered to take her on a weekend trip to his hometown. But her boyfriend and his friends took her instead to a desert village in the Inner Mongolia Autonomous Region and sold her to a farmer to be his wife. The farmer imprisoned Xiao Ping, beat her, and raped her for 32 months. In that time Xiao Ping grew depressed and homesick, and she became pregnant and had a son. Xiao Ping's family borrowed a substantial sum to pay for her rescue, but the farmer's family forced her to leave behind her 6-month-old baby. To cancel the debts, Xiao Ping married the man who provided the loan. But her husband regarded her as "stained goods," and the marriage did not last.

harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur alongside debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful "debt" purportedly incurred through their transportation or recruitment—or their crude "sale"—which exploiters insist they must pay off before they can be free.

### Child Sex Trafficking and Related Abuses

Analysis of child trafficking often leads to the consideration of other categories of child exploitation. The following guide attempts to clarify what is addressed in the TIP Report:

**Child Sex Trafficking:** According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both U.S. law and the UN TIP Protocol. There can be no exceptions and no cultural or socio-economic rationalizations that prevent 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.

**Commercial Sexual Exploitation of Children (CSEC)** is the sexual exploitation of children for the commercial gain of some person(s). CSEC includes all child prostitution as well as child pornography. This is not human trafficking *per se*, as some forms of CSEC such as child pornography are not always a form of human trafficking. Most forms of CSEC, however, are forms of human trafficking, such as child sex trafficking.

**Child Sex Tourism (CST)** is one form of "demand" for victims of child sex trafficking. It involves people who travel from their own country—often a country where child sexual



## CHILD TRAFFICKING IN GOLD MINES

Some 20 to 30 percent of the world's gold comes from artisanal mines throughout Africa, South America, and Asia. Artisanal mines are small-scale mines typically found in rural areas of developing countries. They offer communities and families a way to make a living in areas where few alternatives exist. But these mines are also the sites of modern-day slavery; of the two million children who work in goldmines worldwide, many are forced, often through debt bondage, to do back-breaking work in hazardous conditions.

Child laborers in gold mines face a number of dangers:

- **Exposure to hazardous elements.** Mercury is magnetically attracted to gold, making it a good tool for locating gold and separating it from the soil. In West Africa, children rub mercury into their hands before sifting soil through their fingers. In South America, children reportedly wash gold while standing in waist-deep water contaminated by mercury. Prolonged mercury exposure causes retardation, blindness, kidney damage, and tremors. To a lesser extent, child mine laborers are also exposed to cyanide and sulfur. A 2006 Harvard Medical School study found that children in gold mining communities in Ecuador showed neurological abnormalities resulting from mercury and cyanide exposure.
- **Mine collapses, explosions.** Artisanal mines frequently collapse, killing or injuring workers. Children are often lowered into narrow mine shafts as deep as 90 meters, sometimes for up to 18 hours. In Bolivia, trafficked boys as young as eight help detonate dynamite in the interior of gold mines.
- **Long hours, back-breaking work.** Traffickers in the Democratic Republic of the Congo subject children to debt bondage in gold mines, forcing them to work nine to ten hours daily digging tunnels and open-pit mines. In gold mines in Ethiopia, children are forced to work an average of 14 hours a day, six days a week. Children trafficked from Burkina Faso, Guinea, and Mali to gold mines in Côte d'Ivoire are held in slavery-like conditions and forced to work 10 hours a day, seven days a week. They receive little food and meager pay. In 2008, a Guinean child told the Associated Press he was promised \$2 a day for his work in a gold mine but received only \$40 after six months of back-breaking, coerced, and hazardous labor.

Most of the gold mined by these children enters the mainstream market. It is up to consumers to encourage the private sector and governments to take action against this exploitation. While some jewelers and mining companies formed the Council for Responsible Jewellery Practices in 2005 and developed a Code of Practices banning child labor, this code has not been enforced. The eradication of forced child labor in gold mines requires increased global activity, through implementation of corporate codes, enforcement of anti-trafficking and child labor laws, and development of programs to rescue children.

A 16-year-old boy descends into a 90-foot-deep shaft at a gold mine near the village of Tenkoto, Senegal.





Children forced to work in Lake Volta's fishing industry are sometimes freed as the result of negotiations for financial incentives offered to their exploiters; no exploiters are prosecuted or punished.

## BUYING OR NEGOTIATING A VICTIM'S FREEDOM

Among the repugnant aspects of human trafficking is the commodification of human lives: the assignment of a monetary value to the life of a woman, man, or child. Whether in an Indian brothel or in the Lake Volta fishing industry of Ghana, a price is placed on a victim's freedom.

Anti-slavery organizations and activists have sometimes opted to pay the price of victims' freedom from their exploiters. Negotiating a victim's freedom or paying the ransom brings instant results. In the past year, a well-known international organization in Ghana endorsed this approach by negotiating with and providing financial incentives to Lake Volta fisherman who had enslaved boys in the fishing industry. While this releases victims from the bonds of modern-day slavery, the implications of this practice are more complicated.

If trafficking victims are freed because of a payment or negotiation, the trafficker remains unpunished and unrepentant and is free to find new victims to perform the same service. By "purchasing" a victim's freedom, well-intentioned individuals or organizations may inadvertently provide traffickers with financial incentive to find new victims. While the numbers of victims rescued from compensated or negotiated releases can seem impressive, it is difficult to determine whether they lead to a net reduction in the number of victims. Still, the enslavement may continue without any cost or punishment to the trafficker or exploiter.

A more lasting and effective way to secure a victim's freedom is through the application of law: holding traffickers and those who exploit trafficking victims accountable under criminal justice systems. The minimum standards of the TVPA call for the criminalization of all acts of trafficking, as does the 2000 UN TIP Protocol. Criminal provisions assign a punitive cost to this trade in humans, a cost that the exploiters are likely to respect and fear. Applying criminal laws also provides society with a measure of justice and hope that the cycle of entrapping additional victims can be broken. Negotiating with traffickers provides none of this.

exploitation is illegal or culturally abhorrent—to another country where they engage in commercial sex acts with children. CST is a shameful assault on the dignity of children and a form of violent child abuse. It often involves trafficking, as a trafficking crime likely was committed in the provision of the child for the sex tourist's exploitation.

#### Addressing Child Sex Tourism in the TIP

**Report:** Efforts by a government to prevent its nationals from traveling abroad to engage in child sex tourism—including by prosecuting alleged child sex tourists for conduct they committed overseas—is cited in that country's narrative under the Prevention section. Likewise, efforts by a “destination” government to punish foreign nationals for alleged child sex tourism offenses are cited in the Prevention section of that country's narrative as an effort to “reduce demand for commercial sex acts” in general. Efforts by the same destination government to punish the trafficking of children for commercial sexual exploitation by any persons – foreign sex tourist or local resident – are credited in the Prosecution section of that country's narrative.

#### THE THREE P'S: PROSECUTION, PROTECTION, PREVENTION

The 2009 TIP Report analyzes foreign governments' anti-trafficking efforts by looking at the punishment of trafficking offenders, the

## SOUTHEAST EUROPE

A man trafficked for labor exploitation explains: “I once fainted and the owner took me to the hospital. There the doctor asked me why I didn't have any registration. I told him that my owner didn't let me leave the territory I worked. He seemed to have understood the situation I got into... I felt safe at that moment. I thought I would stay there for a long time and I would be able to go home... I was there for three days. On the third day the doctor told me that the treatment was over and the costs were covered by a charity organization. When I went out of the hospital, I saw my owner waiting for me.”

Migrant workers in Dubai, UAE, live and work without adequate rights in difficult conditions in labor camps. Up to 20 men often share small rooms. Employers often withhold wages of these workers with the intent of preventing them from leaving. This amounts to forced labor.



# STRENGTHENING PROHIBITIONS AGAINST FORCED LABOR AND FRAUDULENT RECRUITMENT OF FOREIGN WORKERS

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The enactment of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA of 2008) strengthened the U.S. Government's criminal statute on forced labor. It clarified nonphysical forms of coercion, which are recognized as potent tools used by traffickers. The act now explicitly provides a detailed explanation of "abuse or threatened abuse of law or legal process," a prohibited means of coercion under both the forced labor and sex trafficking statutes. This is often seen practically in acts such as an employer threatening to have a migrant arrested and deported as an undocumented alien if he or she refused to enter into or continue a form of labor or services. The statute also explains that "serious harm," another form of coercion, includes harming or threatening to harm someone financially in such a significant way that it would compel that person to enter into or continue a form of labor or services.

The TVPPRA of 2008 also created a new criminal statute prohibiting fraud in foreign labor contracting, which imposes criminal liability on those who, knowingly and with intent to defraud, recruit workers from outside the United States for employment within the United States by means of materially false or fraudulent representations. While not a trafficking-in-persons offense *per se*, this crime may be closely linked to forced labor. The new statute prescribes a punishment of up to five years' imprisonment.

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## Title 18 U.S. Code Section 1589 – Forced Labor.

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means:

- (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- (2) by means of serious harm or threats of serious harm to that person or another person;
- (3) by means of the abuse or threatened abuse of law or legal process; or
- (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

- (1) the term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (2) the term "serious harm" means any harm, whether physical or non-physical, including psychological, financial, or reputational harm that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both."

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## *Title 18 U.S. Code, Section 1351 (new statute) – Fraud in Foreign Labor Contracting*

*"Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both."*



A Pakistani boy works in a brick kiln on the outskirts of Lahore in Pakistan. His parents owe the brick kiln owner 5,000 Pakistani rupees (less than US \$100). Because of this debt, they work as bonded laborers.

protection of victims, and prevention efforts. The analysis is based on the TVPA standards.

### **Punishing Trafficking Offenders**

The minimum standards in the TVPA call on foreign governments to prohibit all forms of trafficking, to prescribe penalties that are sufficiently stringent to deter the crime and that adequately reflect the heinous nature of the crime, and to vigorously punish offenders convicted of these crimes.

**Legally Prescribed Penalties:** In assessing foreign governments' anti-trafficking efforts for the TIP Report, the Department of State holds that, consistent with the 2000 UN Convention Against Transnational Organized Crime (which is supplemented by the UN TIP Protocol), criminal penalties to meet this standard should include a maximum of at least four years' deprivation of liberty, or a more severe penalty.

**Imposed Penalties:** The Department of State holds that imposed sentences should involve significant jail time, with a majority of cases resulting in sentences on the order of one year of imprisonment or more. Sentences should take into account the severity of an individual's involvement in trafficking, imposed sentences

for other grave crimes, and the judiciary's right to hand down punishments consistent with that country's laws. This principle of seeking adequate imposed prison sentences and discouraging suspended sentences for convicted trafficking offenders was explicitly added to the TVPA's minimum standards through the TVPRA of 2008. Convictions obtained under other criminal laws and statutes can be counted as anti-trafficking if the government verifies that

*"My advice to parents is that they should beware of people who come promising to do one thing or the other for their children. They will only subject the children to hard labor, child labor and sometimes push them into brothels to prostitute. This is what we see everyday."*

Carol Ndaguba, former executive secretary of the National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP), Nigeria.

the offenses involve human trafficking.

### **Protecting Victims Adequately**

The TVPA minimum standards' criterion on victim protection reads:

## BURMA- MALAYSIA

When Mya, 59, and her husband feared for their lives in Burma, they fled and took refuge in Malaysia. One night, when her husband was at work, Malaysian officials raided Mya's home and took her to a local police station. For five days, groups of Chinese and Malay officers beat her violently, deprived her of food, and demanded to know where her husband was. A judge sentenced Mya to five months in prison for entering Malaysia illegally. Mya endured abusive conditions in both prison and immigration detention camps before she and other refugees were deported and sold to a Burmese man along the way. Those who could not repay the trafficker were sold to fish trawlers, into prostitution, or to be maids.

### TRAFFICKING AND EXTORTION OF BURMESE MIGRANTS IN MALAYSIA AND SOUTHERN THAILAND

A REPORT TO THE  
SENATE FOREIGN RELATIONS  
COMMITTEE

"Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims."

Every country narrative of the TIP Report specifically addresses these elements. In addition, the Department of State has decided to implement this criterion with the following guidelines:

In evaluating whether a country fully satisfies this part of the minimum standards on victim protection, the Department of State considers the following to be critical factors:

- 1) Proactive identification: Victims should not be expected to identify themselves. They typically are afraid of coming forward and fear authorities will consider them criminals, irregular migrants, or disposable people. Formal screening procedures should go beyond checking a person's papers. Some form of systematic procedure should be in place to guide law enforcement and other

Nur Mohammed, a member of the Rohingya Muslim minority group from Burma, said he was forced to work for the Burmese army, after being detained and tortured without charge. When he fled the country, he said he was exploited by Bangladeshi human traffickers, beaten by Thai officials, and then forced out to sea in an overcrowded boat that nearly sank off Indonesia's coast. In January 2009, Thai authorities detained a boat filled with Rohingya migrants, many of whom had lacerations and burns they said were inflicted by Burmese soldiers.



## TRAFFICKING OF BURMESE REFUGEES IN SOUTHEAST ASIA

Arun participated in the pro-democracy demonstrations 20 years ago in Burma as a university student. Identified and hunted by Burmese authorities, he fled to a neighboring country. There, the UN High Commissioner for Refugees issued refugee identity cards to Arun and his wife. A group of government-organized anti-migrant volunteers found the couple during a search for illegal immigrants; they destroyed their identity cards and sent them to a detention center. Several days later, in the early morning hours, immigration officials transported them by boat to the country's international border. Without the money to buy their freedom, immigration officials sold them each for \$200 to trafficking rings, which sent Arun to work on a fishing vessel and his wife to a brothel.

Persecution by the Burmese regime and bleak economic opportunities have led thousands of Burmese political dissidents and ethnic minorities to flee the country during the past 20 years with hopes of a better life elsewhere in Asia. In Burma, they face abuses including forced labor, forced relocations, restricted movement, denial of education and economic opportunities, and religious persecution. Persecuted groups are often desperate enough to escape by any means possible, making them highly vulnerable to human trafficking. The risk of being trafficked is heightened by their marginalized political status, lack of economic or educational opportunities, and severe poverty.

Even those who are able to reach another country remain vulnerable to exploitation. Many Burmese attempt to settle in Malaysia, where there are widespread reports that immigration authorities have been involved in the trafficking of Burmese refugees from immigration detention centers to the Thai-Malaysian border. Immigration officials have sold refugees to Thai traffickers, who demand a ransom in exchange for freedom. The traffickers sell those who are unable to pay to brothels, fishing vessels, and plantations. The situation for these Burmese refugees has become so desperate that many have begun pooling their money in informal "insurance" programs to pay for their freedom if deported by Malaysian authorities and sold to traffickers. Many Burmese refugees flee the country by boat or overland to Thailand, often compelled to hire smugglers, who also engage in trafficking.

The Rohingya are a stateless people (see page 31) who are denied citizenship and land ownership rights in Burma, where they face religious and ethnic persecution from the Burmese military regime. Lacking documents or citizenship status, the Rohingya may be vulnerable to trafficking, including situations of forced labor.

governmental or government-supported front-line responders in the process of victim identification.

- 2) Shelter and temporary care: A government should ensure that victims have access to primary health care, counseling, and shelter. Such provisions should allow victims to recount their trafficking experiences to trained social counselors and law enforcement at a pace with minimal pressure. Shelter and assistance can be provided in cooperation with NGOs.

Part of the host government's responsibility includes funding and referral to any NGOs that provide shelter and assistance. To the best extent possible, trafficking victims should not be held in immigration detention centers or other detention facilities.

*The Department of State gives positive consideration to two additional victim protection factors:*

- a. Victim/witness protection, rights and confidentiality: Governments should ensure



## UZBEKISTAN- INDIA

Nila and Miram, ages 20 and 22, traveled from rural Uzbekistan to India to work for a fashion design company after hearing a friend's stories of lavish parties and unending wealth. But once they arrived, their passports were taken and they were told they would not be designing clothing but instead servicing clients at various luxury hotels. Indian authorities eventually discovered the sex trafficking ring. The women returned to Uzbekistan and received necessary victim care and rehabilitative assistance from a shelter.

that victims are provided with legal and other assistance and that, consistent with its domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being. Confidentiality and privacy should be respected and protected to the extent possible under domestic law. Victims should be provided with information in a language they understand.

- b. Repatriation: Source and destination countries share responsibility in ensuring the safe, humane, and, to the extent possible, voluntary repatriation/reintegration of victims. At a minimum, destination countries should contact a competent governmental body, NGO, or international organization in the relevant source country to ensure that trafficked persons who return to their country of origin are provided with assistance and support necessary to their well-being. Trafficking victims should not be subjected to deportations or forced returns without



## STATELESSNESS: A KEY VULNERABILITY TO HUMAN TRAFFICKING

Statelessness affects groups of people in all regions of the world. The most vulnerable groups include individuals from the former Soviet bloc, the Rohingya in Burma and throughout Asia, the Bidun in the Middle East, many of Europe's Roma, the Bhutanese in Nepal, children of Haitian migrants in the Caribbean, denationalized Kurds, some Palestinians, some ethnic groups in Thailand and the Horn of Africa, and many others around the world, according to the NGO Refugees International.

A stateless person is someone who, under national laws, does not have nationality – the legal bond between a government and an individual – in any country. Citizenship gives a person a legal identity, a nationality, and the ability to participate in society with dignity. A stateless person often can't go to school; get health care; register a birth, marriage, or death; work or travel legally; own property; or open a bank account wherever they live. Although the Universal Declaration of Human Rights recognizes that everyone has the right to a nationality, an estimated 12 million people around the world are legally or *de facto* stateless today.

Stateless populations are easy targets for forced labor, land confiscation, displacement, and other forms of persecution and exploitation. Without a nationality or legal citizenship, they may lack protection from police or access to systems of justice. In their desperate struggle for survival, stateless people often turn to human smugglers and traffickers to help them escape discrimination or government persecution. They become victims again and again as the problems of statelessness, refugee issues, and trafficking intersect.

Stateless people who are trafficked face particular vulnerabilities. They often lack identity or travel documents, putting them at risk of arrest when they travel—voluntarily or by force—outside of their communities. Without documents or citizenship status, stateless trafficking victims have little protection from their country of habitual residence. They may find it impossible to return, while at the same time having no legal status in their new country. Repatriation is problematic for stateless people regardless of whether they were trafficked or not.

Sometimes human trafficking results in statelessness, as in the case of Vietnamese women trafficked as “mail-order brides” to Korea, Taiwan, People's Republic of China, and other places. Thousands of Vietnamese women marry foreigners each year, with 86 percent of such marriages contracted for economic reasons, according to the Viet Nam Women's Union of Ho Chi Minh City. The process of naturalizing in their husband's country often requires the women to renounce their Vietnamese citizenship. For those who are trafficked under the false pretense of marriage, the naturalization process is never completed and they become stateless, often passing their predicament on to their children. The Government of Vietnam is considering new nationality laws that would help prevent this problem by allowing dual citizenship.

Other measures to prevent and resolve situations of statelessness include birth registration campaigns and more efficient, transparent, and accessible avenues for acquiring legal residency or citizenship. Organizations working with trafficking victims can help by creating awareness, identifying stateless individuals, and assisting with procedures to acquire nationality. For countries or regions that share cross-border populations, harmonized approaches to documentation and civil registration can be key efforts to preventing statelessness and human trafficking.

safeguards or other measures to reduce the risk of hardship, retribution, or re-trafficking.

### **Prevention: Spotlight on Addressing Demand**

Human trafficking is a dehumanizing crime that reduces people to commodities. On the supply side, criminal networks, corruption, lack of education, poverty, and misinformation about employment opportunities and the degrading nature of the promised work make people

vulnerable to the lures of trafficking. This is true of both sex trafficking and forced labor. The movement to end human trafficking includes significant efforts to address these factors that “push” victims into being trafficked, but it also recognizes a “pull” factor as part of the cause. A voracious demand fuels the dark trade in human beings.

Unscrupulous employers create demand for forced labor when they seek to increase profits at the expense of vulnerable workers through force, fraud, or coercion. One key to addressing



such demand is raising awareness about the existence of forced labor in the production of goods. Many consumers and businesses would be troubled to know that their purchases—clothes, jewelry, and even food—are produced by individuals, including children, who are forced into slave-like conditions.

In the global marketplace for goods, ensuring that complex supply chains are untainted by forced labor is a challenge for both businesses and consumers. But denying access to foreign markets for products made with forced labor will reduce the incentive to exploit forced labor and encourage ethical business behavior.

Increased information on export products and production chains—drawn from a variety of sources, including other governments—makes such efforts more effective.

Any successful effort to combat human trafficking must confront not only the supply of trafficked humans, but also the demand for forced labor and commercial sex that fuels it. Partnerships between governments and private businesses that purchase products made with low-skilled labor are one commendable way to address potential demand for forced labor. Efforts by some governments to arrest, prosecute, and punish adults who seek to exploit children in the commercial sexual trade is one form of addressing demand for commercial sex acts.

## FINANCIAL CRISIS AND HUMAN TRAFFICKING

### Rising Unemployment Leads to Greater Trafficking Vulnerabilities

Numerous international organizations have warned of the trafficking consequences of the ongoing global financial crisis. In its January 2009 global employment report, the ILO said the economic crisis is causing dramatic increases

*“The severe downturn in the world economy will push more migrants into the hands of people traffickers as they seek better lives abroad. There has been a significant shift since 2003 in the circumstances driving people smuggling and trafficking within our region.”*

Australian Foreign Minister Stephen Smith at a gathering of ministers and high-level officials from more than 60 countries, mostly from the Asia-Pacific region.

in the numbers of unemployed, working poor, and those in vulnerable employment. If the crisis continues, more than 200 million workers, mostly in developing economies, could be pushed into extreme poverty, according to the report.

In Asia alone, the ILO predicted a worst-case scenario of 113 million unemployed in 2009. And money sent home from abroad will also drop. Remittances from the region's migrant workers slowed in late 2008, and the World Bank expects the decline to continue throughout 2009. In a March 2009 report, the World Bank revised its previous forecast on declining migrant worker remittance flows to a more negative 5 to 8 percent decline for 2009; this follows an 8.8 percent growth in remittances (to \$305 billion) in 2008.

The forced labor implications of the financial crisis are particularly stark for Asia, a region identified with an existing high level of job insecurity. Seventy percent of unemployment in South and Southeast Asia is in the informal sector, according to the Organization for

Economic Cooperation and Development (OECD). The region also has a high prevalence of existing forced labor; it is home to 77 percent of the world's forced labor victims, according to the ILO.

The ILO's May 2009 global report on forced labor found that migrant workers around the world lose more than \$20 billion through the "cost of coercion" (the Report's title)—and this cost of coercion could likely be exacerbated as the crisis continues and traffickers and exploitative employers prey on an expanding pool of more vulnerable and unprotected workers in this region. Among the causes is the recession in the United States, which accounts for significant sums of workers' money sent to East Asia, the Pacific, and South Asia.

Other regions are also feeling the hit. According to a Gallup report, remittances represented more than 27 percent of Kyrgyz Republic's gross domestic product in 2006. But a sharp drop in those funds resulting from the economic slowdown, combined with a surge in food prices and a stressed agricultural sector,

Migrant workers flood Shanghai Train Station in China. The world's third-largest economy is feeling the pressure of the global financial crisis. Unemployment is soaring as are concerns of greater labor exploitation and forced labor of those still employed.





Telephone poles covered in advertisements for overseas work are common in Chisinau, Moldova.

## CAMBODIA-THAILAND

In Cambodia, Phirun worked in the fields growing rice and vegetables. Promised higher wages for factory work in Thailand, Phirun and other men paid a recruiter to smuggle them across the border. But once in Thailand, the recruiter took their passports and locked them in a room. He then sold them to the owner of a fishing boat, on which the men worked all day and night slicing and gutting fish and repairing torn nets. They were given little food or fresh water, and they rarely saw land. Phirun was beaten nearly unconscious and watched the crew beat and shoot other workers and throw their bodies into the sea. Phirun endured this life at sea for two years before he persuaded his traffickers to release him.

*"We need to find ways to attack the problem at its core—by eradicating demand. Yes, it's crucial to help rescue victims of trafficking. However, unless we deal with the market, trafficking will continue to grow. It's more likely that we can curb the demand for commercial sex and labor before we solve the social inequities that contribute to the supply."*

Swanee Hunt, president of Hunt Alternatives Fund, which is focusing on fighting the demand for sex trafficking.

led the UN World Food Program to provide emergency food aid in November for the first time in recent years.

### More Supply for Human Trafficking

This growing poverty is making more people vulnerable to both labor and sex trafficking, boosting the supply side of human trafficking all over the world. For example, the current economic crisis has led to revenue losses in countries like Mongolia due to crashing copper prices and high inflation and has reduced real incomes significantly, slowing investment, and most probably costing jobs. The resulting pressure on the public is likely to cause more young women to seek work away from home or abroad and a corresponding increase in the risk of trafficking.

In Eastern Europe, international organizations and local authorities have already reported a rise in victims of labor exploitation. The global economic downturn is exacerbating this trend. In Belarus, more than 800,000 citizens are believed to be "missing," presumed to be working—voluntarily or otherwise—in Russia. Workers earning low wages or losing their jobs are succumbing to offers for illegal work abroad. In Moldova, Europe's poorest country, one-quarter of the population has migrated. In Ukraine, officials reported 53 criminal cases of labor exploitation in 2008, up from 23 cases in 2007 and just three in 2006—while the ILO's May 2009 report on global forced labor trends

notes that the number of identified victims of forced labor in Ukraine now surpasses that of sex trafficking victims.

Warning of the dangers of the ongoing economic crisis, the head of the ILO's program against forced labor in May 2009 noted that "vulnerable workers—particularly migrants, including young women and even children—are more exposed to forced labour, because under conditions of hardship they will be taking more risks than before."

While most of the world's labor pool is already feeling the ill effects of the crisis, there are a few notable exceptions in which suppliers of transnational labor are benefiting temporarily from the crisis. Bangladesh and Nepal, both low on the wage and protection scale, appear to have benefited somewhat – at least initially – from the readjustments to the global labor flows brought about by the crisis. In the first two months of 2009, both Nepal and Bangladesh reported significant increases

## DETAINING ADULT VICTIMS IN SHELTERS: A BAD PRACTICE

Governments often first encounter a victim or confirm the victim status of a person through the initial detention or even formal arrest of that person. Whether through raids on a brothel suspected of exploiting trafficking victims or through the detention of undocumented aliens, law enforcement actions are often the precursor to identifying trafficking victims.

Once positively identified, however, law enforcement authorities should remove victims as quickly as possible from detention centers or jails and refer them to appropriate care facilities where they can receive counseling, shelter, medical care, and legal aid. This should apply to all victims, regardless of nationality and regardless of immigration status.

For adult victims, the government should obtain their informed consent before committing them to more than a temporary stay in a shelter facility. Victims should be provided with available options. For child victims of trafficking, the government should designate an appropriate authority with responsibility for the care, custody, and best interests of the child. The state may take temporary or longer-term custody while the child is in a temporary shelter or with an appropriate care provider.

According to an August 2008 paper published by the Australian Agency for International Development, governments often neglect to obtain the full and informed consent of adult trafficking victims when placing them in a government-run or government-funded shelter. This detention can impede a victim's rehabilitation as the victim feels confined and denied basic freedoms—the hallmark of trafficking experiences. Lengthy detention without the ability to work and earn income can hurt a victim and a victim's family economically. As noted in a path-breaking recent report by the NEXUS Institute on victims of trafficking who reject assistance, adult victims must be given the option of receiving assistance on their own terms—without physical restraint or confinement—or of rejecting all assistance from the state or others. At the core of human trafficking is the loss of basic freedoms; any effective remedy for victims must include a restoration of all such freedoms.

School children pick cotton in rural Uzbekistan. In Central Asia, evidence suggests that many school children are compelled by local authorities to pick cotton every fall in order to meet production quotas set by national governments.



## GENDER IMBALANCE IN HUMAN TRAFFICKING

*“The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women’s migrations and trafficking in women...By failure to protect and promote women’s civil, political, economic and social rights, governments create situations in which trafficking flourishes.”*

**Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women**

According to the ILO, the majority of people trafficked for sexual exploitation or subjected to forced labor are female. According to researchers, both the supply and demand sides of the trade in human beings are fed by “gendered” vulnerabilities to trafficking. These vulnerabilities are the result of political, economic, and development processes that may leave some women socially and economically dependent on men. If that support from men becomes limited or withdrawn, women become dangerously susceptible to abuse. They often have no individual protection or recognition under the law, inadequate access to healthcare and education, poor employment prospects, little opportunity to own property, or high levels of social isolation. All this makes some women easy targets for harassment, violence, and human trafficking.

Research links the disproportionate demand for female trafficking victims to the growth of certain “feminized” economic sectors (commercial sex, the “bride trade,” domestic service) and other sectors characterized by low wages, hazardous conditions, and an absence of collective bargaining mechanisms. Exploitative employers prefer to use trafficked women—traditionally seen as submissive, cheap, and pliable—for simple and repetitive tasks in agriculture, food processing, labor-intensive manufacturing, and domestic servitude.

In countries where women’s economic status has improved, significantly fewer local women participate in commercial sex. Traffickers bring in more female victims to address the demand and also take advantage of women who migrate voluntarily to work in any industry. As commercial sex is illegal in most countries, traffickers use the resulting illegal status of migrant women that have been trafficked into commercial sex to threaten or coerce them against leaving.

Gendered vulnerabilities fostered by social and institutional weaknesses in some societies—discriminatory laws and practices that tie a woman’s legal recognition, property rights, and economic opportunities to someone else—make women more likely than men to become trafficking victims. A woman who exists only through a male guardian who controls her income, identification, citizenship, and physical well-being is more susceptible to becoming a trafficking victim.

In many cultures, new widows must adhere to strict mourning practices, such as a month of isolation, or become outcasts. Despite official inheritance laws, during her isolation the relatives of a deceased man may confiscate the man’s property from his widow and children. In many cases, without her husband’s permission the destitute widow may not withdraw money from her bank account, register her husband’s death or their child’s birth, receive a passport, or take a job. Without a birth certificate, she cannot enroll her child in public school or see the doctor at the local clinic. Desperate to feed her child, the widow becomes easy prey for human traffickers.



in the flows of workers leaving for work abroad and remittances coming back to bolster their respective economies; remittances in both countries account for more than 15 percent of gross domestic product. The March 2009 World Bank report acknowledged a surge in remittance flows to South Asia in 2008, but estimates a sharp slowdown in 2009.

### More Demand for Human Trafficking

The global economic crisis is also boosting the demand side of human trafficking. The UN's Office on Drugs and Crime published its second global trends in trafficking in persons in February 2009. UN officials said the worldwide rise in this form of modern-day slavery is a result of a growing demand for cheap goods and services. They expect the impact of the crisis to push more business underground to avoid taxes and unionized labor. And they anticipate increasing use of forced, cheap, and child labor by multinational companies strapped by financial struggles.

A rise in protests among migrant workers is a sign that the exploitation of workers is already reaching new heights. Employers facing a credit crunch are ceasing payments or coercing workers to accept less agreeable conditions. Chinese workers in some parts of Europe have experienced labor exploitation and may be vulnerable to forced labor as the crisis is prolonged. This has prompted an unprecedented official warning from the Chinese government in April 2009 that workers should avoid migrating to Europe because of the increasing threat of nonpayment or late payment and the potential for severe exploitation in the economic downturn. And press in the United Arab Emirates reported a 111 percent rise in complaints of nonpayment of wages among foreign workers in late 2008, compared with the same period in 2007.



## GUINEA

After her mother and brother died, Jeannette's father gave her away at age 8 to work as a domestic servant. Jeannette did housework for 18 hours a day, but she was never paid. She slept on the verandah and ate leftovers. Sometimes, she was denied food altogether. Jeannette was beaten frequently, particularly when she tried to rest. When his wife left the house, the male guardian raped Jeannette. She was not allowed to leave, but even if she was, she wouldn't know where to go. She didn't know if her father was still alive. Jeannette later received assistance from a local NGO.

A 40-year-old man sits with his 11-year-old child bride in Afghanistan. In March 2009, Afghanistan passed a controversial Shia family law that condones child marriage, which has been documented as a significant contributing factor to sex trafficking in Afghanistan.

## INDONESIA- GULF

Keni binti Carda, 28, left Indonesia to work as a domestic worker in a Gulf state. The woman who employed Keni allegedly burned her repeatedly with an iron, forced her to ingest feces, abused her psychologically, and applied household cleaners to Keni's open wounds. She poked Keni's tongue with a knife, pried her teeth loose and forced them down her throat, beat her own children when they tried to protest, and threatened to kill Keni if she tried to escape. Keni's employer made her work extremely long hours every day, locked her inside the house, and sent Keni back to Indonesia before she could seek help from the authorities. She has impaired vision in one eye, and her flesh is fused together in some places where her employer allegedly burned her.

*"Slavery proved as injurious to [my mistress] as it did to me. When I went there, she was a pious, warm, and tender-hearted woman. There was no sorrow or suffering for which she had not a tear. She had bread for the hungry, clothes for the naked, and comfort for every mourner that came within her reach. Slavery soon proved its ability to divest her of these heavenly qualities. Under its influence, the tender heart became stone, and the lamblike disposition gave way to one of tiger-like fierceness."*

Frederick Douglass, describing his experience enslaved in a Baltimore household. From his autobiography *Narrative of Frederick Douglass, an American Slave* (1845).



## INTERNATIONAL WOMAN OF COURAGE

### Hadizatou Mani, Niger

Hadizatou Mani was born into slavery. When she was 12, she was sold for \$500. Her new owner, a man in his 60s, sent her to work long hours in the field, beat her, raped her, and made her bear him three children.

When Niger criminalized slavery in 2003, Ms. Mani's owner kept the news from her and tried to convince village authorities that she was not a slave but one of his wives. When Ms. Mani finally won her "certificate of liberation" in 2005 and married a man of her choice, her former master charged her with bigamy. Ms. Mani served two months of a six-month prison sentence.

Ms. Mani worked with the local NGO Timidria and the British NGO Anti-Slavery International to bring a case to the Court of Justice of the Economic Community of West African States (ECOWAS), charging that the Government of Niger had not successfully protected her rights under its anti-slavery laws.

"It was very difficult to challenge my former master and to speak out when people see you as nothing more than a slave," Ms. Mani said in comments published by Anti-Slavery International. "But I knew that this was the only way to protect my child from suffering the same fate as myself. Nobody deserves to be enslaved. We are all equal and deserve to be treated the same...no woman should suffer the way I did."

Despite direct and indirect pressure to drop her suit, Ms. Mani pressed forward with her case. On October 27, 2008, ECOWAS condemned Ms. Mani's enslavement, ruled that the Government of Niger had not protected her rights, and ordered it to pay Ms. Mani the equivalent of \$19,800. To its credit, and as an indication of a desire to put slavery in the past, the Government of Niger accepted the verdict and paid the fine in March 2009.

Human rights laws are useless if not enforced. Timidria and other Nigerien NGOs had suggested before this verdict that Niger's anti-slavery laws were a "charm offensive" and were "passed for Westerners." Ms. Mani achieved a victory not only for herself, but for the people still enslaved in Niger and elsewhere in West Africa. Her bravery is a ray of hope to them. And the ECOWAS court decision is a step forward for the region, sending a strong message to the governments of Niger and other countries that anti-slavery laws must be more than words on paper.

Ms. Mani was among the recipients of the U.S. Secretary of State's 2009 Award for International Women of Courage.



## LEGAL ASSISTANCE FOR TRAFFICKING VICTIMS

Helping trafficking victims access legal avenues to justice, restitution, and other compensation for their suffering is a key element of any effective victim protection strategy. It is particularly crucial in addressing the needs of foreign victims who are not familiar with laws, customs, rights, and procedures in the country to which they were trafficked.

The laws and legal process in most countries are not easily accessed or understood by people who do not have legal training. Rescued human trafficking victims may fear possible criminal charges or deportation, retaliation by traffickers if they give information to police, or attacks against family members. At the same time, they need services such as medical care, food, clothing, and safe housing. Access to legal advice and information can help them through the stress and confusion in the weeks and months following their rescue.

Legal assistance helps trafficking victims know their rights, obtain key information, and understand the options that are available to them.

Legal systems vary throughout the world and the needs of trafficking victims must be considered individually. NGOs that assist and shelter trafficking victims should assist victims with the following legal issues:

- **Legal rights.** Victims should know their legal rights, status, and the legal process in which proceedings will take place. They should know how to access services or benefits that may be available to them, such as interpretation, medical care, housing, education, etc.
- **Immigration law and immigration proceedings.** Victims trafficked across a border may not have proper documentation and may need assistance in obtaining identity documents. Victims may need immigration relief, if available, after rescue or during an extended stay in the destination country.
- **Criminal law.** Victims should not be punished for unlawful acts committed as a direct result of being trafficked. But they may need legal assistance if they are arrested or detained in the course of rescue. Victims should also have access to legal advice regarding criminal proceedings related to their case and available options regarding giving evidence and testimony. If possible, an attorney should accompany a victim to legal proceedings related to the victim's case.
- **Civil law.** Victims should know of available avenues for restitution or compensation through a civil claim for damages against perpetrators or others responsible.
- **Child victims.** Trafficking victims under 18 should have access to legal representation related to custody, care, and juvenile law.

In these and other countries, foreign workers also fear large-scale layoffs, which could increase the number of illegal foreign workers in the host countries. And loss of legal status makes migrant workers vulnerable to greater exploitation, including forced labor.

Calling such exploitation “the anti-thesis of development,” UN Secretary-General Ban Ki-moon stated at a meeting in the Philippines: “Only by safeguarding the rights of migrants, and ensuring that migrants are treated with dignity and respect due any human being,

can we create the conditions which migration can contribute to development. In this time of financial hardships, we all need to be especially vigilant.”

The crisis is also affecting internal labor markets. In China, approximately 20 million of the 130 million migrant workers in the country had already returned home by February 2009 due to lack of work, according to official statistics based on a survey conducted by the Ministry of Agriculture. In addition, the ILO estimates 9,000 factory closures before spring and thousands



## SOUTHEAST EUROPE

Many victims don't know where to go for help when they escape from their traffickers or after they return home. A male victim of forced labor explains: "I knew nothing about the assistance available for trafficking victims. I didn't know who to address in the destination country in case I needed help. I thought I could go only to the police. There I didn't have enough courage to go to the police because the [traffickers] used to say that they bought the police. They threatened me with death in case I went to the police. I was afraid."

Afghan children, such as these two boys selling toilet paper at a market in Kabul, are being recruited by extremist groups and sexually exploited, according to UNICEF officials.

more after. In the Philippines, economists and labor officials predict a loss of up to 800,000 jobs in 2009.

### A Fraying Net

As more people become vulnerable to trafficking, fewer are likely to find local sources of assistance. Facing thin "safety nets" provided by their governments or the governments of labor-demand countries even in the best of times, workers now seem less likely to find services or legal recourse available to them when they face forced labor.

The tough times are also affecting the work of anti-trafficking NGOs, which often provide crucial services in the absence of adequate government or private-sector programs. Donors are tightening their belts, and organizations are finding it difficult to continue their operations.

# DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

*“Women still comprise the majority of the world’s poor, unfed, and unschooled. They are still subjected to rape as a tactic of war and exploited by traffickers globally in a billion dollar criminal business.”*

**Secretary Hillary Rodham Clinton, March 7, 2009**

The low status of women in some societies, insufficient access to education, limitations on legal rights, and other forms of discrimination are recognized as “push factors” that combine with other situational problems such as conflict, civil instability, or an economic crisis to prompt young women to leave their communities. In many communities and cultures, violence against women is all too common, and laws intended to protect women are inadequate or not enforced. In addition to physical attacks and injuries, women who are victims of spouse or intimate partner abuse are often subjected by the abuser to constant berating, severe psychological abuse, and excessive levels of control over nearly every aspect of daily life. A history of domestic violence (spouse or intimate partner abuse) represents an added risk factor that may cause a victim to feel an urgent need to escape and leave her home and community to survive – and thus her vulnerability to exploitation is heightened.

Research has shown a clear link between sex trafficking and both pre-trafficking domestic violence and trafficking-related gender-based violence. Cathy Zimmerman, a noted authority on victim trauma, identified domestic and sexual violence as a key “push” factor that makes a woman vulnerable to trafficking. Almost 70 percent of adult female trafficking victims using services at an assistance program in London reported having experienced violence before being exploited in the destination setting.

Though the link between domestic violence and sex trafficking is well-documented, the responses to each crime must be distinct. Victims of domestic violence and victims of sex trafficking suffer different traumas and require different therapies. Zimmerman’s research found that victims of sex trafficking often suffer symptoms of post-traumatic stress disorder that take up to 90 days to alleviate; this is not as prevalent in victims of domestic violence. Sometimes there is an added cultural obstacle to caring for both types of victims in the same facility: in some socially conservative populations, victims of domestic violence resent the perceived stigma of prostitution attached to the victims of sex trafficking with whom they are cohabitating.

Like human trafficking, global recognition of domestic violence as a crime is growing. Services for victims are insufficient but increasing in most countries. In countries where resources are limited programs established to assist victims of domestic violence have been tapped in emergencies to shelter victims of human trafficking. But assisting victims of these two crimes in one setting is very challenging. It should only be attempted when the facility can provide a safe and supportive environment and when staff are properly trained to understand the safety, legal, medical, mental health, social, and cultural needs of the victims.

# NIGERIA-GHANA-ITALY

Anita was trafficked from Nigeria through Ghana to Italy, where she was forced to have sex with more than 25 men a day. If she resisted, her “madam” would beat her with a belt, starve her, and threaten to deport her. Anita would rotate through Turin, Rome, and Milan, enduring mental torture and physical abuse at each base. Anita’s traffickers raped her several times, and she underwent several crude abortions. Anita survived, but some of her friends died in the ordeal.





## COMMENDABLE INITIATIVES AROUND THE WORLD

### **Uzbekistan: Bringing Victims Home**

The United Arab Emirates (UAE) is a key destination for Uzbek women and girls trafficked for sexual exploitation. Many victims violate visa and immigration requirements and end up incarcerated and too afraid to acknowledge their nationality. Officials from the Uzbek NGO Istiqbolli Avlod (Future Generations) make multiple trips to the UAE every year to work with local authorities and identify Uzbek victims in detention centers. They reach out to victims in their native languages (Uzbek or Russian) and, with the support of the Uzbek government, help them return home quickly and without legal consequences. While this has placed more of a burden on the only two shelters in Uzbekistan, it has also resulted in more victims receiving assistance. The innovative use of source country cultural and language expertise to identify and reach out to victims in the destination country has proven successful. In September 2008, Istiqbolli Avlod reported that there were 41 women, many of whom were trafficking victims, incarcerated in Emirati jails. By February 2009, a majority of those women had been repatriated to Uzbekistan.

### **Thailand: Coordinating Government and NGO Efforts Against Trafficking**

In Northern Thailand, TRAFCORD, the Anti-Trafficking Coordination Center, facilitates collaboration among government and non-

government agencies working to combat human trafficking, particularly cases involving women and children. TRAFCORD is an NGO that takes a multidisciplinary approach, in which employees work with police, social workers, prosecutors, and other government and NGO officials to rescue, rehabilitate, and repatriate child victims of sexual exploitation. By coordinating government and private agencies prior to, during, and after raids on suspected brothels, TRAFCORD helps ensure that victims receive better treatment and access to services and that criminal cases have a higher chance of being prosecuted. TRAFCORD's work helped inform portions of Thailand's new, comprehensive anti-trafficking law in June 2008, and the organization has been a catalyst in the implementation of updated procedures for dealing with human trafficking cases. Government and non-government agencies throughout Thailand have adopted TRAFCORD's multidisciplinary team approach, and international agencies have praised it as among the most effective ways to fight child prostitution and trafficking crimes.

### **UK: A Symbol for International Awareness**

The UK government's Blue Blindfold campaign's message is that human trafficking can happen in any town, community, or workplace. Its materials are free and available for use by any government or organization wanting to raise awareness. The campaign has four key audiences: victims themselves, law enforcement, the general public, and key professionals such as health and social service providers, who could help identify victims at an earlier stage. The UK government realizes that symbols are very powerful and are recognized worldwide immediately without the need for words. The goal of the campaign is to work multilaterally with other countries to establish an international symbol for human trafficking and promote a unified campaign that reaches across borders. The hope is that the blindfold symbol with a trusted phone number will become identifiable in source, transit, and destination countries and will help break the control traffickers have over victims.

### **Jordan: Victim Assistance Fund**

Jordan's Ministry of Labor has established the Humanitarian and Legal Assistance Fund to

provide financial support to victims of trafficking in Qualifying Industrial Zone factories and forced labor. Employers have deposited some \$336,000 into the fund, paying \$60 per employee to legalize workers with expired residency or work permits during a March to July 2008 amnesty period. The fund provides humanitarian assistance such as food, housing, and repatriation tickets, as well as legal fees for trafficking victims filing criminal or libel cases against their employers. In one example, when 38 Bangladeshi migrant workers were stranded after their factory closed, the fund paid for their food, accomodation, and repatriation. The fund is a creative way to register workers, punish employers for not renewing residency permits, and establish an assistance mechanism for trafficking victims and other workers in distress.

### **Indonesia: Communities Take a Stand Against Trafficking**

Local task forces have had a tremendous effect in combating trafficking of girls in one of Indonesia's most vulnerable communities. When legislation and government efforts to combat human trafficking in the impoverished North Sulawesi region were handicapped by a lack of understanding among law enforcement, the province began training task forces at the district level. In one district, the community was very concerned about the high number of girls being trafficked, but there was no policy or plan of action to combat the crime. The local task force mobilized, and by 2008 dozens of local agencies and NGOs were working together to help vulnerable families start businesses, inform farmers about trafficking, and assist in law enforcement. Their efforts succeeded in driving traffickers away from their villages and protected hundreds of girls from trafficking for sexual exploitation. Other districts in the region are following the example. The local task force in the provincial capital of Manado has created strong cooperation among government agencies, NGOs, community members, and law enforcement. As a result, traffickers largely avoid Manado as a transit point. Working with families and local NGOs, Manado police travel frequently to Papua to bring back victims who continue to be trafficked to bars in the rich mining areas there.

## IN MEMORIAM: NORMA HOTALING

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After overcoming sexual exploitation and drug addictions, Norma Hotaling devoted her life to ending the commercial sex trade in the United States. While she left behind a life of despair, homelessness, addiction, and prostitution, she used her experiences to educate others about the harms of sex trade. She became a passionate leader and was often called on to speak at conferences, counsel public policy experts, and testify before the U.S. Congress and state legislatures. She also addressed foreign audiences as a Department of State-funded speaker.

Ms. Hotaling co-founded the NGO Standing Against Global Exploitation (SAGE) in 1992 to provide resources, advocacy, and counseling for sexually exploited men and women. Her work led to a 2004 California law that allows prosecutors to charge pimps and johns with child abuse if they prostitute a minor.

In 1996, Ms. Hotaling helped the San Francisco District Attorney's Office create the First Offender Prostitution Program, a unique class for men caught soliciting prostitutes. The initiative allows first offenders to have their charges dropped if they pay a \$1,000 fine and participate in a six-hour course taught by sex trafficking experts, neighborhood activists, and doctors who discuss the downsides of prostitution. A 2008 U.S. Department of Justice study lauded the program, concluding that participants were 30 percent less likely than other men to be rearrested for soliciting prostitutes. The program is now replicated in 40 cities.

Ms. Hotaling was committed to demystifying and debunking the romantic notion of prostitution and getting people to understand that the practice treats women and girls as commodities. She worked to reframe prostitution as form of violence against women rather than a job. In 2008, while battling pancreatic cancer, Ms. Hotaling led a successful opposition to legislation that would have decriminalized prostitution in San Francisco.

In a 1997 interview, Ms. Hotaling described her life's work for *The San Francisco Chronicle*:

"It's like caring for orchids. They die so easily. But you take the dead-looking stem to someone who knows orchids and that person can look at the root and say, 'Look! There's still a little bit of life here.'"

Ms. Hotaling died in her San Francisco home in December. She was 57.

## 2009 TIP REPORT HEROES



### Albania

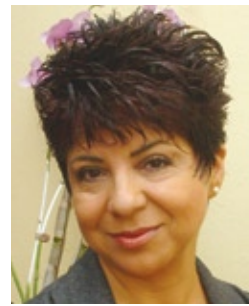
*Vera Lesko* was one of the first people in Albania to recognize the problem of human trafficking. Since 1997, she has risked danger to herself and her family to protect trafficking victims and prevent young women from falling prey to traffickers. In 2001, Ms. Lesko's organization, The Hearth Psycho-Social Center, opened the first shelter in the country for trafficked Albanian women and girls. Along with a safe place to stay, the shelter offers returned victims legal and medical counseling, educational training, employment assistance, and family mediation services. As a result of her work, Ms. Lesko has been beaten in public several times and felt it necessary to send her daughter to live with relatives in Italy because of threats to her safety. Despite these regular attacks and her recent battle with breast cancer, Ms. Lesko continues her commitment to protect women and combat human trafficking.



### Canada

*Benjamin Perrin* is a leading anti-trafficking activist in Canada and founder of The Future Group, an NGO dedicated to combating human trafficking and the child sex trade around the world. Mr. Perrin has advocated for the adoption of a Canadian national action plan and has pushed for stronger enforcement and more effective victim services. His 2006 report on Canada's treatment of victims led to the provision of temporary residence permits and medical assistance to trafficking victims. Mr. Perrin is the chair of the University of British Columbia's human trafficking working group. He has testified before

Parliament on trafficking issues and consulted on the development of the 2008 Rio de Janeiro Pact against sexual exploitation of children. His investigations have identified a nationwide sex trafficking ring and dozens of cases in which Canada has been a transit and destination country. Mr. Perrin has several ongoing research projects that will provide Canada's first comprehensive account of human trafficking and propose concrete policy recommendations to increase the prosecution of traffickers and the protection of victims.



### Costa Rica

*Mariliana Morales Berríos* became a pioneer in Costa Rica when she created the Rahab Foundation in 1997 to help trafficking victims find a new life with their families. She has succeeded in keeping her programs running and expanding despite limited resources. Ms. Morales, her staff, and their families have been threatened and attacked for trying to help women and children escape from their exploiters. But they continue undeterred, providing victims with spiritual attention, education, nutrition, psychological assistance, and vocational training. Rahab has now helped more than 3,000 people in the San Jose area and many more in other areas. From 2006 to 2008, Ms. Morales and Rahab ran a program focused on the tourist area in and around the resort town of Jaco. The pioneer project directly served 347 national and foreign victims of trafficking for labor and sexual exploitation and their families. It also trained more than 5,000 government leaders, police, tourism workers, and youth in human trafficking issues.



### Greece

*Major George Vanikiotis*, a commander in the Anti-Trafficking Unit of the Attica Police's Organized Crime Division, is one of Greece's most

knowledgeable anti-trafficking proponents. Major Vanikiotis provides training to police cadets, prosecutors, health professionals, labor inspectors, and NGOs throughout the country. He also leads anti-trafficking seminars at high schools and universities. Major Vanikiotis directs operations for the Anti-Trafficking Unit, which concentrated on tackling several major urban trafficking rings in 2008 and will focus on labor exploitation and international law enforcement cooperation in 2009.



### India

*Dr. Sunitha Krishnan* established the NGO Prajwala in 1996 after the evacuation of one of the oldest red-light districts in Hyderabad. Dr.

Krishnan, who survived sexual violence as a teenager, has rescued thousands of children from severely abusive conditions and restored their childhoods. Prajwala now runs a successful second-generation prevention program in 17 transition centers for children of prostituted women. The NGO's strategy is to remove women from brothels by giving their children educational and career opportunities. Dr. Krishnan and her staff train survivors in carpentry, welding, printing, masonry, and housekeeping. Prajwala has used videos of victim statements to advocate for better legal protection of trafficking survivors, and it has created an alliance of 30 citizen groups to replicate the organization's work in other Indian states.



### Indonesia

*Elly Anita* is a victim-turned-advocate who fights for the freedom of Indonesian workers trapped in the Middle East. In 2006, Ms. Anita accepted an offer to

work as a secretary in Dubai. But she ended up in Kurdistan, Iraq, where she was expected to work as a waitress or hotel receptionist. When she refused, the employment agent put a gun to her head, beat her, starved her, and kept her confined to the employment agency. Near death, she still refused to be forced into a job other than secretary. When the office was empty, Ms. Anita used the Internet to contact a friend. The friend directed her to the Indonesian Embassy in Amman and Indonesian NGO Migrant Care. She managed to escape Kurdistan at great risk with IOM assistance. Since returning to Indonesia, she has worked for Migrant Care and has helped rescue six other women who were trafficked to Iraq.



### Jordan

*Aida Abu Ras* created in 2003 the first NGO in Jordan to tackle human trafficking while working full time for the Swiss organization 1,000 Peace Women for the Nobel

Prize. Her NGO, Friends of Women Workers, provides legal counseling for migrant women and develops radio and print media campaigns to raise awareness of conditions faced by many foreign domestic workers. In one campaign, the organization sent more than 120,000 SMS messages and 2 million e-mails to Jordanians on the appropriate treatment of their workers. Ms. Abu Ras is now developing a training program for foreign domestic workers and is working with the Jordanian government to build capacity for enforcing regulations and assisting domestic

workers. While running her NGO, Ms. Abu Ras has also worked full time since 2006 as a program manager at the Jordanian National Commission for Women, continuing her advocacy for the rights of women and foreign domestic workers.



### Malaysia

*Alice Nah* is a founding member of the Migration Working Group, a network of lawyers, academics, and volunteers focused on caring for, protecting, and defending the rights of refugees and migrant workers who are especially vulnerable to becoming victims of forced labor. Through the network, Ms. Nah urges law enforcement agencies to identify and protect refugees and migrant workers who become trafficking victims. She raises government and public awareness through online articles describing the plight of trafficking victims, refugees, and migrant workers. In January 2009, Ms. Nah wrote about the trafficking of Burmese refugees along the Malaysia-Thailand border. Her article increased local and international attention to the issue and raised public awareness within Malaysia.



### Mozambique

*Inacio Sebastiao Mussanhane*, a Mozambican lawyer, was studying in South Africa when he heard that Mozambican girls were being kept as sex slaves at an upscale brothel in Pretoria. In 2008, he met three girls who had fallen victim to a powerful organized network that lures young girls from Mozambique for sexual exploitation. Pretending to be a client, Mr. Mussanhane went to the brothel and gained the confidence of the girls. Despite attempts by the criminal gang to bribe him, threaten his life, and kidnap him, Mr. Mussanhane began to work closely with the South African police, a local trafficking shelter, the Mozambican embassy, and the South African Ministry of Justice. Police freed the girls and arrested the network's organizer. The case went to court in October 2008 and is ongoing. Throughout the case, Mr. Mussanhane has been educating the Mozambican and South African governments, police, and courts on the nature of human trafficking. He continues to risk his life to protect the Mozambican girls, ensure the prosecution of the perpetrators, bring international attention to the issue, and disrupt a profitable multinational criminal organization.

Children wait in a police station after a raid by anti-child labor activists in New Delhi, India. More than 60 children were rescued from several embroidery units forcing children to work long hours for paltry wages.





## GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Reauthorization Act (TVPRA) of 2003 added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report data 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	NEW OR AMENDED LEGISLATION
2003	7,992	2,815	24
2004	6,885	3,025	39
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)	26

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

## FORCED LABOR COSTS CONSIDERABLE: A VIEW FROM THE ILO

The Trafficking in Persons Report in recent years has focused increased attention on labor forms of human trafficking. A newly released ILO report on forced labor in the world – *The Cost of Coercion* (May 2009) – breaks new ground in assessing the economic impact of forced labor, including the impact of fraudulent recruitment of migrant workers. The report's release is prescient, coming amidst a global financial crisis that affects a significant share of the world's migrant work force and underscores the need for much stronger governmental and business community responses to forced labor.

### Among the key conclusions of *Cost of Coercion*:

- Key manifestations of the global forced labor problem continue to be: slavery and abduction for labor; agriculture-based forced labor in rural areas; compulsory work on public projects; bonded labor in South Asia; forced labor exacted by the military – with a special emphasis on “Myanmar” (Burma); and forced labor related to labor migration – the “underside of globalization.”
- Forced labor represents a challenge for virtually every country in the world and is increasingly penetrating supply chains of mainstream companies in the formal economy.
- Forced labor can be induced by a number of means, including psychological (non-physical) coercion; abuse of legal processes – such as the threat of having a migrant detained and deported as an undocumented alien; threats of financial penalties, such as those linked with debts; and the confiscation of identity or travel documents.
- An estimated 8.1 million victims of forced labor in the world today are denied more than \$20 billion due to the perpetrators of forced labor. These opportunity costs, or “stolen” wages, are incurred largely in the developing world and most significantly in Asia and the Pacific, which accounts for \$8.9 billion, or almost half of forced labor's costs in the world. As wages denied and not remitted to workers' home countries, these costs can be viewed as an impediment to economic development.
- Little progress has been made since 2001 in improving data collection on forced labor; the process of estimating the problem “has hardly begun in most countries.” While victimizing far more people than sex trafficking, forced labor is also underrepresented by governments' law enforcement efforts against human trafficking.
- ILO research has shown a clear relationship between amounts spent by migrant workers during their recruitment and the probability of their becoming victims of forced labor; the higher the cost, the greater the likelihood of forced labor. Excessive and often unlawful recruitment fees are often a key contributing factor to forced labor. Particular attention should be paid to private employment agencies, given their documented role in trafficking for labor exploitation.
- Migrants in the fishing industry or serving as domestic workers are particularly vulnerable to forced labor.





# THE TIERS

## **TIER 1**

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

## **TIER 2**

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

### **TIER 2 WATCH LIST**

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

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

## **TIER 3**

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

# TIER PLACEMENTS

## Tier 1

AUSTRALIA	DENMARK	LITHUANIA	NORWAY
AUSTRIA	FINLAND	LUXEMBOURG	POLAND
BELGIUM	FRANCE	MACEDONIA	SLOVENIA
CANADA	GEORGIA	MAURITIUS	SPAIN
COLOMBIA	GERMANY	THE NETHERLANDS	SWEDEN
CROATIA	ITALY	NEW ZEALAND	SWITZERLAND
CZECH REPUBLIC	KOREA, REP. OF	NIGERIA	UNITED KINGDOM

## Tier 2

AFGHANISTAN	EL SALVADOR	LAOS	ROMANIA
ALBANIA	ESTONIA	LIBERIA	RWANDA
ANTIGUA & BARBUDA	ETHIOPIA	MACAU	SERBIA
ARMENIA	THE GAMBIA	MADAGASCAR	SIERRA LEONE
THE BAHAMAS	GREECE	MALAWI	SINGAPORE
BARBADOS	HONDURAS	THE MALDIVES	SLOVAK REPUBLIC
BELARUS	HONG KONG	MALTA	SOUTH AFRICA
BENIN	HUNGARY	MEXICO	SURINAME
BOLIVIA	ICELAND	MONGOLIA	TAIWAN
BOSNIA & HERZEGOVINA	INDONESIA	MOROCCO	TANZANIA
BOTSWANA	IRELAND	MOZAMBIQUE	THAILAND
BRAZIL	ISRAEL	NAMIBIA	TIMOR-LESTE
BRUNEI	JAMAICA	NEPAL	TOGO
BULGARIA	JAPAN	OMAN	TRINIDAD & TOBAGO
BURKINA FASO	JORDAN	PALAU	TURKEY
CHILE	KAZAKHSTAN	PANAMA	UGANDA
COSTA RICA	KENYA	PARAGUAY	URUGUAY
CYPRUS	KOSOVO	PERU	VIETNAM
ECUADOR	KYRGYZ REPUBLIC	PORTUGAL	ZAMBIA

## Tier 2 Watch List

ALGERIA	CONGO, REP. OF	IRAQ	QATAR
ANGOLA	COTE D'IVOIRE	LATVIA	RUSSIA
ARGENTINA	DJIBOUTI	LEBANON	ST. VINCENT & THE GREN.
AZERBAIJAN	DOMINICAN REPUBLIC	LESOTHO	SENEGAL
BAHRAIN	EGYPT	LIBYA	SRI LANKA
BANGLADESH	EQUATORIAL GUINEA	MALI	TAJIKISTAN
BELIZE	GABON	MICRONESIA	TUNISIA
BURUNDI	GHANA	MOLDOVA	TURKMENISTAN
CAMBODIA	GUATEMALA	MONTENEGRO	UKRAINE
CAMEROON	GUINEA	THE NETH. ANTILLES*	UNITED ARAB EMIRATES
CENTRAL AFRICAN REP.	GUINEA-BISSAU	NICARAGUA	UZBEKISTAN
CHINA (PRC)	GUYANA	PAKISTAN	VENEZUELA
CONGO (DRC)	INDIA	PHILIPPINES	YEMEN

## Tier 3

BURMA	IRAN	NORTH KOREA	SYRIA
CHAD	KUWAIT	PAPUA NEW GUINEA	ZIMBABWE
CUBA	MALAYSIA	SAUDI ARABIA	
ERITREA	MAURITANIA	SUDAN	
FIJI	NIGER	SWAZILAND	

\* See page 220.



# AFRICA

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	50	10	3
2004	134	29	7
2005	194	58	12
2006	170	51	3
2007	123 (28)	63 (26)	5
2008	109 (18)	90 (20)	10

### Tier Placements

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

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



# EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	1,727	583	1
2004	438	348	3
2005	2,580	2,347	5
2006	1,321	763	3
2007	1,047 (7)	651 (7)	4
2008	1,083 (106)	643 (35)	2

### Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

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



# EUROPE



YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	2,231	1,469	14
2004	3,270	993	20
2005	2,521	1,792	12
2006	2,950	1,821	7
2007	2,820 (111)	1,941 (80)	7
2008	2,808 (83)	1,721 (16)	1

\* See page 220.

### Tier Placements

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

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



# NEAR EAST

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	1,004	279	4
2004	134	59	1
2005	112	104	3
2006	295	187	2
2007	415 (181)	361 (179)	1
2008	120 (56)	26 (2)	6

**Tier Placements**

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

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





YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	2,805	447	0
2004	2,764	1,541	1
2005	1,041	406	0
2006	629	275	0
2007	824 (162)	298 (33)	4
2008	644 (7)	342 (7)	2

#### Tier Placements

Tier 1
  Tier 2
  Tier 2 Watch List
  Tier 3

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



# WESTERN HEMISPHERE\*

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	175	27	2
2004	145	56	7
2005	170	59	9
2006	443	63	6
2007	426 (1)	113 (1)	7
2008	448 (42)	161 (24)	5

\* Does not include the United States

### Tier Placements

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

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

## United States Government Domestic Anti-Trafficking in Persons Efforts

The United States is a destination country for thousands of men, women, and children trafficked largely from Mexico and East Asia, as well as countries in South Asia, Central America, Africa, and Europe, for the purposes of sexual and labor exploitation. Three-quarters of all foreign adult victims identified during the Fiscal Year (FY) 2008 were victims of trafficking for forced labor. Some trafficking victims, responding to fraudulent offers of employment in the United States, migrate willingly—legally and illegally—and are subsequently subjected to conditions of involuntary servitude or debt bondage at work sites or in commercial sex. An unknown number of American citizens and legal residents are trafficked within the country, primarily for sexual servitude.

The U.S. Government (USG) in 2008 continued to advance the goal of eradicating human trafficking in the United States. This coordinated effort includes several federal agencies and approximately \$23 million in FY 2008 for domestic programs to boost anti-trafficking law enforcement efforts, identify and protect victims of trafficking, and raise awareness of trafficking as a means of preventing new incidents.

### Recommendations

The USG annually assesses its efforts in a separate report compiled by the Department of Justice (DOJ) [see [www.usdoj.gov/olp/human\\_trafficking.htm](http://www.usdoj.gov/olp/human_trafficking.htm)]. As per recommendations from the May 2008 assessment, the USG is working to ensure that law enforcement agents and service-providing grantees, subcontractors, and partners collaborate expeditiously to identify U.S. and foreign victims, provide care, and secure immigration relief, if needed.

### Prosecution

The USG sustained anti-trafficking law enforcement efforts through the reporting period. The United States prohibits all forms of trafficking in persons through criminal statutes created or strengthened by the 2000 Trafficking Victims Protection Act (TVPA), as amended. Congress most recently reauthorized the TVPA in December 2008 and made numerous statutory improvements. In FY 2008, the DOJ's Civil Rights Division and U.S. Attorneys' Offices initiated 183 investigations, charged 82 individuals, and obtained 77 convictions in 40 human trafficking cases (13 labor trafficking, 27 sex trafficking). Under the TVPA, traffickers can be sentenced to up to 20 years' imprisonment per victim, and up to life imprisonment for aggravated circumstances. The average prison sentence imposed for trafficking crimes under the TVPA in FY 2008 was 112 months (9.3 years). The Federal Bureau of Investigation and the DOJ's Criminal Division continued to combat the exploitation of children in prostitution in the United States through the Innocence Lost National Initiative. In FY 2008, this initiative led to 486 arrests, 148 convictions at state and federal levels, and the recovery of 245 children. Along with the federal government, state governments play an important role in identifying and prosecuting trafficking cases. As of April 2009, 42 states had passed criminal anti-trafficking legislation.

### Protection

The USG continued to provide strong victim protection services through the year. In December 2008, the USG issued the interim final rule that will allow T-visa recipients to adjust their status and become lawful permanent residents. The Department of Health and Human Services (HHS) certified 286 foreign adult victims in FY 2008, and issued eligibility letters to 31 foreign minors. Forty-five percent of the 286 certified adult trafficking victims were male, a notable increase from the 30 percent adult male trafficking victims certified in FY 2007 and the six percent adult male trafficking victims certified in FY 2006. Certified victims came from 40 countries. Primary countries of origin were Mexico (66), Thailand (56), Philippines (46), Korea (12), and China (8). Certification and Eligibility Letters allow human trafficking survivors to access services and benefits, comparable to assistance provided by the United States to refugees. The HHS Per-Capita Services contract implemented by civil society partners currently covers 93 sites across the country providing "anytime, anywhere" services to foreign human trafficking victims.

The Department of Homeland Security (DHS) provides two principal types of immigration relief authorized by the TVPA: (1) continued presence (CP) to human trafficking victims who are potential witnesses during investigation or prosecution, and (2) T non-immigrant status or "T-visas," a special self-petitioned visa category for trafficking victims. In FY 2008, DHS/ICE's Law Enforcement Parole Branch approved 225 requests for CP and 101 requests for extensions of existing CPs. DHS U.S. Citizenship and Immigration Services (USCIS) issued 247 T-visas to foreign survivors of human trafficking identified in the United States and 171 T-visas to their immediate family members.

As part of the assistance provided under the TVPA, the Department of State's Bureau of Population, Refugees, and Migration funds the Return, Reintegration, and Family Reunification Program for Victims of Trafficking. In calendar year 2008, the program assisted 105 cases. Of these cases, two trafficking victims elected to return to their country of origin, and 103 family members were reunited with trafficking survivors in the United States. Since its inception in 2005, the program has assisted around 250 people from 35 countries.

### Prevention

Prevention efforts increased over the year. In FY 2008, DHS/ICE launched a human trafficking billboard campaign focused on raising public awareness and prevention and expanded the human trafficking public service announcement into several languages beyond English and Spanish, including Arabic, Chinese, French, Russian, Finnish, and Korean. HHS continued to fund the Rescue & Restore Victims of Human Trafficking public awareness campaign. HHS' National Human Trafficking Resource Center (NHTRC) provided national training and technical assistance and operated a national hotline (1-888-3737-888). From December 2007 through the end of FY 2008, the NHTRC received a total of 4,147 calls, including more than 550 tips on possible human trafficking cases and nearly 400 requests for victim care referrals. In FY 2008, HHS increased staff to oversee and promote child welfare best practices in the Office of Refugee Resettlement's child-serving programs, particularly in the Division of Unaccompanied Children's Services. HHS also hired a Child Protection Specialist to provide specialized training for identification and care of child trafficking victims.