

## **Office To Monitor & Combat Trafficking in Persons: TRAFFICKING IN PERSONS REPORT 2009**

### **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 Trafficking in Persons (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 risk, 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.

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 non-humanitarian, non-trade-related foreign assistance.

### **Assessing Foreign governments**

In assessing foreign governments' efforts, the TIP Report highlights the “**three P's**”— **prosecution, protection, and prevention**.

### **Victim-Centered approach**

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, 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 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 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 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. 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.

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.

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. Government may withhold non-humanitarian, 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 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.

## **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 follow on Final Page**

## 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
Cameron	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	