



# TRAFFICKING IN PERSONS REPORT

JUNE 2012







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Dear Reader:

Over the coming months we will celebrate the 150th anniversary of the Emancipation Proclamation, which Abraham Lincoln announced on September 22, 1862 and issued by Executive Order on January 1, 1863. In 1865, as the guns of the Civil War fell silent, the Congress passed and the states ratified as the 13th Amendment to the Constitution President Lincoln's commitment that "neither slavery nor involuntary servitude shall exist in the United States."

Like the United States, countries around the world have enacted laws and adopted international instruments to end slavery as a legal institution and to eliminate it as a criminal practice. The Universal Declaration of Human Rights prohibits slavery and involuntary servitude. More recently, the UN Palermo Protocol has made the abolition of modern-day slavery a part of international law and a policy-making priority. Governments across the globe are united in this struggle.

Yet, despite the adoption of treaties and laws prohibiting slavery, the evidence nevertheless shows that many men, women, and children continue to live in modern-day slavery through the scourge of trafficking in persons.

The anniversary of the Emancipation Proclamation marks not just a moment in our history, but an enduring commitment to freedom that we advocate and defend. Because we have not yet realized a world free from modern slavery, that commitment remains relevant today, and leads us to consider what abolition means in the face of modern-day slavery.

One way is to know on whose behalf we work – the survivors. Earlier this year, I visited a trafficking shelter in Kolkata. The young women and girls there had suffered terrible abuse. But with their own drive and determination and with the help of some remarkable women and men they were getting their lives back on track. I met one girl, about ten years old, who asked if I wanted to see the martial arts she had learned at the shelter. As she performed her routine, I was impressed with the skills she had learned; but more than that, I was moved by the pride in her eyes – her sense of accomplishment and strength.

Trafficking in persons deprives victims of their most basic freedom: to determine their own future. Our work in fulfilling the promise of freedom should be not only the pursuit of justice, but also a restoring of what was taken away. We should aim not only to put an end to this crime, but also to ensure that survivors can move beyond their exploitation and live the lives they choose for themselves.

This Report is a guide for our work. In the past decade, a global community of governments, non-governmental organizations, and countless other institutions and individuals have brought attention to this often-hidden crime. Through the work of many, this Report provides a clear and sobering analysis of the state of modern slavery. It tells us which governments are making progress, which innovations are working best, and how we can strengthen our efforts to bring an end to this crime.

A century and a half after the promise of freedom was fought and won in the United States, freedom remains elusive for millions. We know that this struggle will not truly be won until all those who toil in modern slavery, like those girls in Kolkata, are free to realize their God-given potential.

Sincerely,

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

Hillary Rodham Clinton  
Secretary of State



Dear Reader:

The voices ring through the ages. From the Biblical past through to the modern day, those who have escaped the bondage of slavery have told the stories of what they endured and how they moved forward on the path to freedom.

In the United States, chapters of our history are written in the voices of those who toiled in slavery. Whether through the memoirs of men and women who sought their freedom from a then-legal institution on the Underground Railroad or the impassioned pleas of African Americans and immigrants trapped in sharecropping and peonage in the years after the Civil War, slavery's brutal toll has been given witness time and again by those who suffered and survived.

What do they tell us? How do the voices of the past and present help inform our struggle against modern slavery?

They tell us that victims of this crime are not waiting helplessly for a rescuer, but are willing to take the chance to get out once they know it is possible. They tell us that modern-day slavery's victims are like anyone else—mothers and fathers, sons and daughters, seeking better lives for themselves and their families. Survivors tell us that what they want is the opportunity to move on with their lives.

Our challenge as we face the 150th anniversary of Emancipation is to deliver on that promise; to apply history's lessons to the modern crime.

This year's *Trafficking in Persons Report* focuses on how to make victim protection—part of the 3P Paradigm of prevention, prosecution, and protection—most effective for helping survivors get their lives back on track. In these pages are specific guides and examples of what victim protection looks like when it succeeds, as well as when it fails. But if a single notion should guide the way governments and caregivers come to the aid of victims, it is the goal of restoring what was lost and providing meaningful choices for the path forward. And that requires listening to their experiences and incorporating their perspectives, to make a reality of the concept "nothing about them without them."

This Report tells us that some governments are doing this well, using practices that work and making needed resources available. It also tells us that some governments are treating victims as criminals or ignoring them entirely. Ultimately, it tells us that everyone must do more, and that we do not yet have the solutions that will eradicate this crime once and for all. But every day, with the commitment of governments and civil society, the private sector and concerned individuals, those solutions are increasingly within reach.

The voices of survivors—whether calling from the past or ringing out in a courtroom in 2012—are a sad reminder that the struggle against modern-day slavery is a long fight still not won. They are a reminder that if governments shirk their responsibility to bring traffickers to justice and to help victims on their road to recovery, the intolerable yoke of modern-day slavery will persist. As we strive to deliver on the promise of freedom, let us vow together that survivors' stories will not be forgotten and that their lessons will guide us forward.

Sincerely,

A handwritten signature in black ink that reads "Luis CdeBaca". The signature is fluid and cursive.

Luis CdeBaca

Ambassador-at-Large to Monitor and  
Combat Trafficking in Persons



*"I wasn't allowed to go anywhere, they locked us in. They didn't lock us in the house, they locked us in our room. The three of us in a size of room that's not enough for one person ... I guess they rented us out, or landed us, or bought us? I don't understand what happened. They simply executed us physically, mentally and emotionally during that eight months while I was there. I still am afraid, what will happen if they find me, or when they leave jail. I can't go through that terror again, what I gone through while I was with them."*

**"Todor," labor trafficking survivor, in a statement submitted to sentencing judge**

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



*“Children, if you are tired, keep going; if you are hungry, keep going; if you want to taste freedom, keep going.”*

Harriet Tubman, describing how she would lead escaping slaves on the Underground Railroad

# THE 2012 TRAFFICKING IN PERSONS (TIP) REPORT

## THE PROMISE OF FREEDOM

**T**he United States' commitment to fighting modern slavery did not simply materialize 12 years ago with the passage of the Trafficking Victims Protection Act (TVPA) or the adoption the same year of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). This country's tragic history is not forgotten, nor are the bloodshed and lives lost in the fight to end state-sanctioned slavery.

The year 2012 will mark the 150th anniversary of the date Abraham Lincoln gave notice of the Emancipation Proclamation. That document and the 13th Amendment to the United States Constitution, following three years later, represent more than policies written on paper. They represent the promise of freedom.

The U.S. Congress subsequently passed laws and federal authorities prosecuted cases in the wake of the Civil War to make clear that this promise of freedom extended to all, from the Hispanic community in the Southwest, to immigrants arriving from Europe, to Chinese workers who built the western railroads, to Native Americans in the Alaska territory.

A century and a half later, slavery persists in the United States and around the globe, and many victims' stories remain sadly similar to those of the past. It is estimated that as many as 27 million men, women, and children around the world are victims of what is now often described with the umbrella term "human trafficking." The work that remains in combating this crime is the work of fulfilling the promise of freedom—freedom from slavery for those exploited and the freedom for survivors to carry on with their lives. The promise of freedom is not unique to the United States, but has become an international promise through Article 4 of the Universal Declaration of Human Rights and the Palermo Protocol to the Transnational Organized Crime Convention. The challenge facing all who work to end modern slavery is not just that of punishing traffickers and protecting those who are victimized by this crime, but of putting safeguards in place to ensure the freedom of future generations.

### VICTIMS' STORIES

The victims' testimonies included in this Report are meant to be illustrative only and do not reflect all forms of trafficking that occur. Any of these stories could take place anywhere in the world. They illustrate the many forms of trafficking and the wide variety of places in which they occur. Many of the victims' names have been changed in this Report. Most uncaptioned photographs are not images of confirmed trafficking victims, but they illustrate the myriad forms of exploitation that comprise trafficking and the variety of cultures in which trafficking victims are found.

### A CRIME, FIRST AND FOREMOST

A few years ago, stories about human trafficking appearing in the press tended to focus on a victim's suffering or a long-delayed arrest. Those stories still appear. But there is a shift underway. Today, reports on trafficking in persons are about not just the crimes that have been uncovered, but also the many things that people are doing in their communities to eradicate modern slavery. Modern slavery is the centerpiece of new, public-private partnerships and has become a focus for faith-based communities. New developments in supply chain monitoring and corporate social responsibility are producing valuable collaboration between governments and key industries. The modern abolitionist movement is expanding beyond a narrow band of civil society and pockets of concerned government officials. It is entering the public consciousness in a way that builds not just awareness and concern, but also activism and action, both globally and locally. A new generation of informed and interested citizens is beginning to look inward and making the choice to reject lifestyles sustained by exploitation. For all those who continue to live in bondage, this moment could not have come too soon.

As more voices cry out for action to respond to modern slavery, governments must redouble their own efforts and face this challenge head on.

## HUMAN TRAFFICKING DEFINED

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

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.



Three slave girls collect water for their slave-masters in Niger; despite laws abolishing hereditary slavery in several countries in the Sahel, girls born into slavery are still forced to marry men who buy them as “fifth wives” and subsequently subject them to forced labor and sexual servitude.

## MEXICO – UNITED STATES

Maria Elena was 13 years old when a family acquaintance told her she could make ten times as much money waiting tables in the United States than she could in her small village. She and several other girls were driven across the border, and then continued the rest of the way on foot. They traveled four days and nights through the desert, making their way into Texas, then crossing east toward Florida. Finally, Maria Elena and the other girls arrived at their destination, a rundown trailer where they were forced into prostitution. Maria Elena was gang-raped and locked in the trailer until she agreed to do what she was told. She lived under 24-hour watch and was forced to have sex with up to 30 men a day. When she got pregnant, she was forced to have an abortion and sent back to work the next day. Maria Elena finally made her escape only to be arrested along with her traffickers.

Traffickers are criminals. Governments—which alone have the power to punish criminals and provide legal recourse to survivors—cannot waver in their efforts to confront modern slavery.

Like previous editions, the 2012 Trafficking in Persons Report satisfies a statutory mandate to look closely at how governments around the world are fulfilling their obligations to combat this crime. It emphasizes continued and strong government action as the foundation upon which the fight against modern slavery is built. And it both makes government-specific recommendations, and calls upon the international community as a whole to advance a more robust victim-centered response to this crime.

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*“I never, in my life, felt more certain that I was doing right than I do in signing this paper.”*

President Abraham Lincoln, upon signing the Emancipation Proclamation into effect

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## THE VICTIM AT THE CENTER

Human trafficking appears in many guises. It might take the form of compelled commercial sexual exploitation, the prostitution of minors, debt bondage, or forced labor. The United States government, and increasingly, the international community, view “trafficking in persons” as the term through which all forms of modern slavery are criminalized.

Why, then, are so many different actions considered the same crime? Why are so many terms used to describe one human rights abuse? Exploitation lies at the core of modern slavery. Whether held on a worksite or trapped in prostitution, a victim of this crime has suffered an infringement of the right to be free from enslavement.

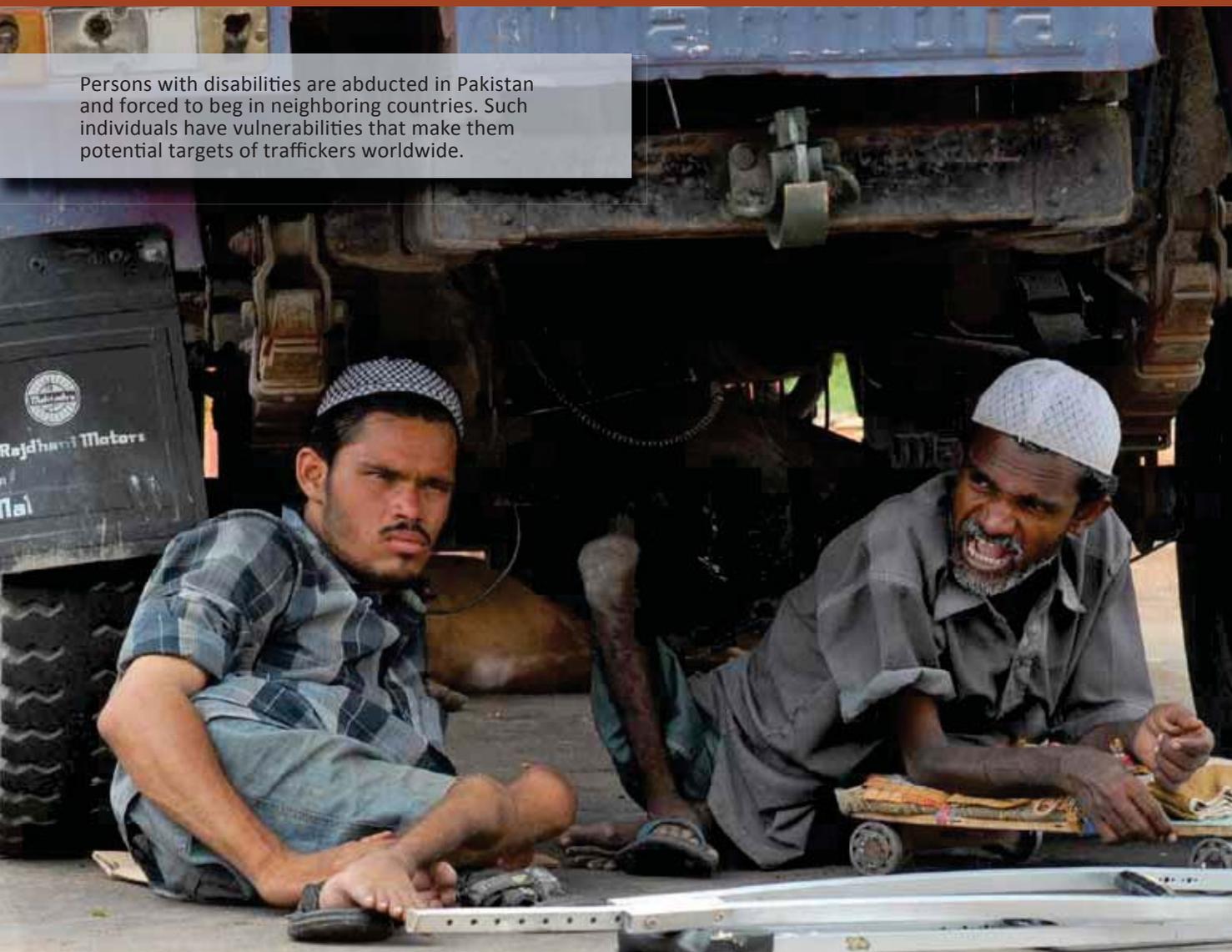
When that right has been compromised, governments are obligated to restore it. The Palermo Protocol’s “3P” paradigm of prevention, prosecution, and protection reflects a comprehensive victim-centered approach to ensuring that the rights of individuals

are guaranteed. Through prevention measures, governments can work to forestall the violation of rights. Prosecution efforts seek to punish those whose actions have subjugated the lives of their victims through enslavement. Protection efforts seek to provide appropriate services to the survivors, maximizing their opportunity for a comprehensive recovery.

In this paradigm, strong protection efforts bolster the effectiveness of law enforcement activities and successful prosecutions in turn serve to deter the crime from occurring. A fourth “P”—partnership—is integral to the success of any anti-trafficking strategy. Governments, civil society, the private sector, and the public at large working together will lead to the most effective response to modern slavery.

Like perpetrators of any crime, such as assault or murder, traffickers must be brought to justice. Governments are the only entities that can pass and enforce domestic laws. But just punishing the offender is not enough. Rights that are violated must be restored.

Persons with disabilities are abducted in Pakistan and forced to beg in neighboring countries. Such individuals have vulnerabilities that make them potential targets of traffickers worldwide.



The crime is not abstract; it is about people. Every single occurrence of modern slavery is happening to a person—someone’s sister, mother, brother, father, daughter, or son. Protection does not mean only rescue and isolation; although it may require getting someone out of harm’s way, protection must be as adaptable and dynamic as trafficking is insidious and unpredictable. Ultimately, true protection means giving victims access to and a choice among options—and recognizing that they are unlikely to choose to participate in shelter and rehabilitation programs that are restrictive or serve merely as pre-deportation waiting periods.

Because this crime undermines the most basic human rights, protection services must be considered just as important as investigating and prosecuting the offenders. The damage inflicted by traffickers can never be undone, but it may be repaired. If governments fail to provide comprehensive protection as a complement to prevention and prosecution efforts, they risk deepening, rather than alleviating, the original harm.

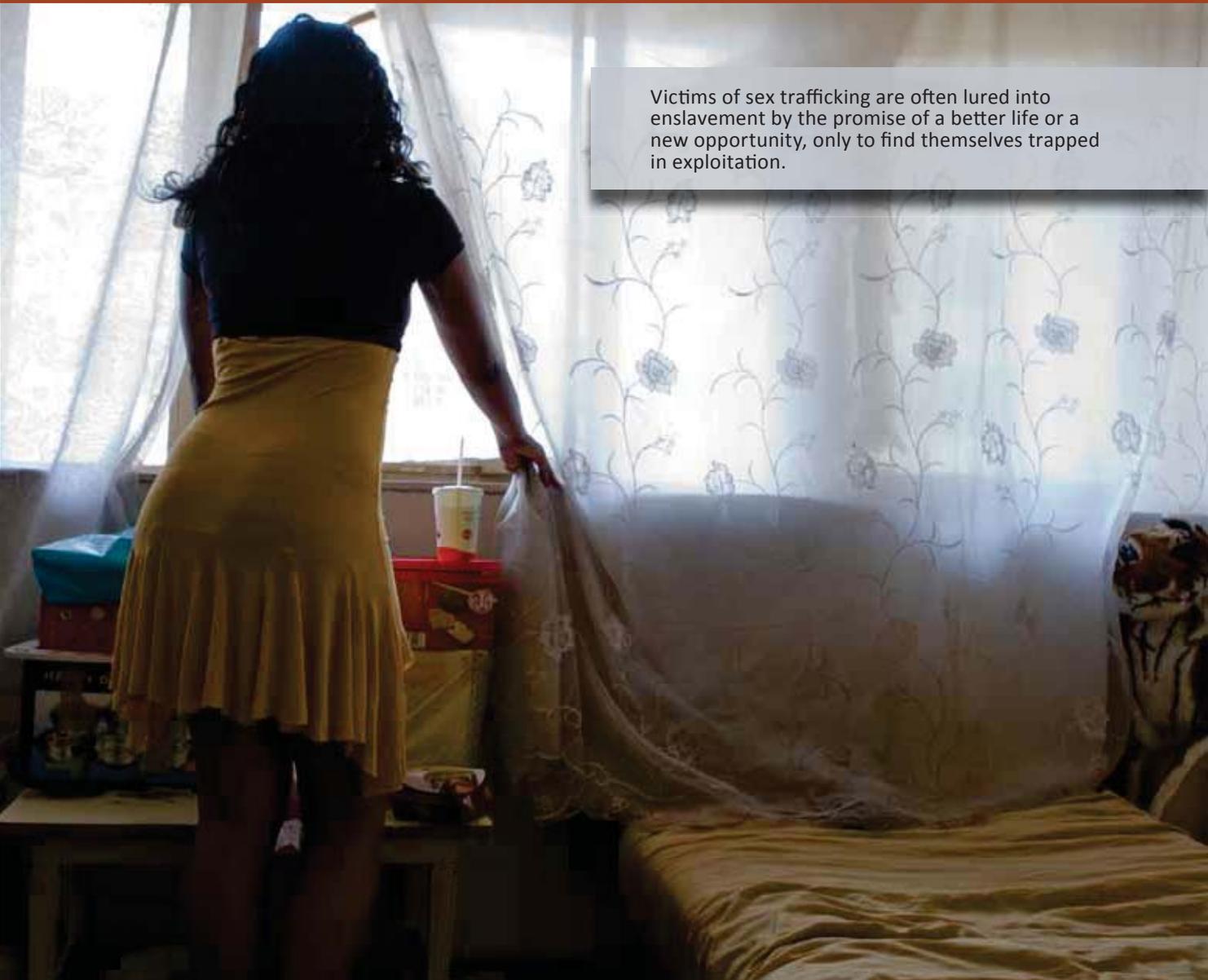
The following section of the Trafficking in Persons Report details promising practices, as well as potential pitfalls that governments should bear in mind when providing protection services to victims.

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*“The problem of modern trafficking may be entrenched, and it may seem like there is no end in sight. But if we act on the laws that have been passed and the commitments that have been made, it is solvable.”*

U.S. Secretary of State Hillary Rodham Clinton, June 28, 2011

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Victims of sex trafficking are often lured into enslavement by the promise of a better life or a new opportunity, only to find themselves trapped in exploitation.

## BANGLADESH – LEBANON

Amina left her home in Bangladesh to take a job in Lebanon as a maid. Despite the promise of opportunity, she found herself exploited at the hands of an abusive employer. She was tortured, molested, and confined to the house for three months. “I was hardly given any food,” she later said. “In solitary confinement in a room, I had no idea what Lebanon looked like.” Amina managed to escape and was repatriated at the expense of the recruitment agency that had sent her abroad. She still suffers pain from injuries to her eyes sustained at the hands of her employer, but because the broker confiscated her passport and job contract, she cannot file a complaint with the authorities or receive compensation.

### VICTIMS, SURVIVORS, AND PROVIDERS

Trafficked people have typically been tricked, lied to, threatened, assaulted, raped, or confined. But the term “victim” does not mean that a person who has suffered those crimes was necessarily incapable or helpless. In many cases, these people have shown tremendous strength in the face of horrible adversity.

Sound policy both acknowledges that a crime has occurred and honors victims’ agency and autonomy.

People fall victim to trafficking for many reasons. Some may simply be seeking a better life, a promising job, or even an adventure. Others may be poverty-stricken and forced to migrate for work, or they may be marginalized by their society. These vulnerabilities do not mean that those who are victimized are dependent on someone else to empower them. It often means that they had the courage to pursue an opportunity that they believed would change their lives and support their families. Traffickers see and understand this reality, and through imbalances in power and information—and a willingness to use coercion and violence—they take advantage of their victims’ hope for a better future.

Law enforcement agents, good Samaritans, and civil society, among others, are often instrumental in helping a victim escape the trafficking situation. For some, though, freedom comes as a result of summoning the courage to escape their abuser when the opportunity presents itself.

Global best practices can serve as useful guides for the effective provision of victim services. These include, for example, the immigration relief given to trafficking victims in Italy; the package of medical, psycho-social counseling, and legal aid provided to

## THE COST OF A JOB

Most people think only about how much they will earn from a job. But for people desperate to obtain employment to provide for and support their families, a job can also come with extreme costs, sometime in the form of modern slavery:

- ❖ The cost of a job for a 15-year-old Indian girl could be three years of her life spent working in a garment or textile factory, forced to work excessive hours in dangerous conditions, and often subject to verbal or sexual abuse. At the end of this three-year period, she might receive a payment of approximately \$645 - \$860, which would be used as a dowry to give to the family of her future husband.
- ❖ In the Middle East, the cost might be imprisonment because the employer fails to properly renew a worker’s visa.
- ❖ For a Guatemalan, the cost of a job could include becoming an undocumented worker in the United States when he or she is forced by traffickers to perform labor that is not covered by the visa provided by his or her labor broker. He or she would then have to repay the broker and travel fees, all while working nearly 80 hours a week for less than minimum wage.
- ❖ The cost of a job for Vietnamese migrant workers seeking work abroad may be the equivalent of \$4,250 or three times Vietnam’s per capita income. When they go abroad, some of these workers have debts that exceed the earnings they expect in the first year of typical three-year contracts.

As the ILO’s global report on forced labor, *Cost of Coercion*, shows, the cost of this exploitation worldwide is an estimated \$20 billion annually. This is the amount of wages and other benefits denied to migrant workers by fraudulent labor recruiters in their home countries, labor brokers in the country of work, and employers who refuse pay wages.

## ADDRESSING THE INTERNAL WOUNDS: THE PSYCHOLOGICAL AFTERMATH OF HUMAN TRAFFICKING

The trauma associated with trafficking and its psychological effects can be devastating and, if left unaddressed, can undermine victims' recovery and potentially contribute to vulnerability to re-victimization. Because traffickers dehumanize and objectify their victims, victims' innate sense of power, visibility, and dignity often become obscured. Traffickers also use coercive tactics and force to make their victims feel worthless and emotionally imprisoned. As a result, victims can lose their sense of identity and security.

A variety of psychological symptoms can surface over a period of time even after victims escape or are rescued from the trafficking environment. Thus, it is critically important to incorporate psychological support and treatment within victims' services and protocols.

Steps to reinstating psychological well being include:

- ❖ Establishing a dependable safety network for victims to utilize and ensuring all their basic needs are met;
- ❖ Ensuring privacy and confidentiality to protect victims and their families and friends;
- ❖ Soliciting the support of medical experts, social workers, and psychologists who are trained in human trafficking and can provide trauma-specific therapy;
- ❖ Attending to victims' physical well-being, as sometimes there are physical symptoms existing simultaneously with or indicative of underlying psychological disorders;
- ❖ Providing collaborative therapies that are culturally sensitive;
- ❖ Fostering an empowering environment in which victims actively participate as consumers of therapeutic and other services;
- ❖ Assessing victims for self-injurious and suicidal behavior;
- ❖ Screening for post-traumatic stress disorder (PTSD), substance abuse/dependence, depression, and anxiety – mental disorders that can develop as a result of being trafficked;
- ❖ Providing unconditional support, especially amidst victims' potential denial, distrust, reticence, shame, or anger;
- ❖ Working towards social and familial reintegration;
- ❖ Rebuilding identity; and
- ❖ Reestablishing skill-sets, self-esteem, and personal interests.



Under the direction of Khun Ja Supagon, the Anti Human Trafficking Center in Pattaya, Thailand, provides art therapy and other social services for boys who survived sexual exploitation and street peddling.



Migrant workers protest proposed changes to the domestic workers' visa program in London - changes workers say could leave them vulnerable to human trafficking.

suspected trafficking victims in the United Kingdom; or the work authorization given to victims in Taiwan. The specific actions comprising a victim services regime must allow for flexibility to tailor a response specific to individuals' experiences and needs.

## ADOPTING VICTIM-FRIENDLY LAWS AND REGULATIONS

The foundation of a government's victim-protection response must necessarily be rooted in that country's anti-trafficking law. An effective anti-trafficking statute provides a clear definition of who constitutes a trafficking victim and sets forth the legal status and recourse to which victims are entitled. This approach flows naturally from the victim-centered, rights-based approach of the modern era; governments should not base their response on nineteenth-century laws that viewed trafficking in persons as the transnational movement of prostituted women, and traffickers as violating state sovereignty by bringing "immoral" persons over the borders. Such an approach is inconsistent with the modern framework established by the

Palermo Protocol, which rejected and replaced this outdated formulation with a crime centered on the exploitation of the individual.

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*"The old way of slavery was that the boss really owned you ... But now legal recruiters and employers work in tandem to deceive workers who, vulnerable and isolated in a strange culture, are forced to accept harsh terms. It is in that context that you have endemic forced labor today."*

Rene Ofrenco, Director of the Center for Labor Justice, School of Labor and Industrial Relations, University of the Philippines

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## Who is a Victim?

Because trafficking in persons is manifested in a wide range of forms, anti-trafficking laws must consider the many different types of victims who are

exploited. Narrow definitions of trafficking could potentially exclude some victims from receiving the justice, protection, or benefits they deserve. If a law fails to protect all victims of trafficking under its provisions—excluding, for example, men, laborers, adults, or those who have not crossed a border before being enslaved—certain victims may find themselves accused of violating other, non-trafficking laws for actions that are connected to their victimization.

Unfortunately, the arrest, incarceration, and/or deportation of trafficking victims occurs far too often. These actions undermine the goals of a victim-centered response and constrain law enforcement efforts to bring traffickers to justice. Research reveals, for example, that a considerable number of prostituted minors and other trafficking victims are arrested every year in many countries, including the United States. According to the Palermo Protocol, however, all prostituted minors are considered victims of trafficking in persons. Without domestic laws consistent with this international standard nor proper efforts to screen for victims—such as training the law enforcement and justice officials likely to encounter these individuals—they can be swept into a system that views all persons in prostitution or undocumented immigrants as criminals and treats them accordingly.

A law must ensure to provide a victim-centered framework for fighting modern slavery in which

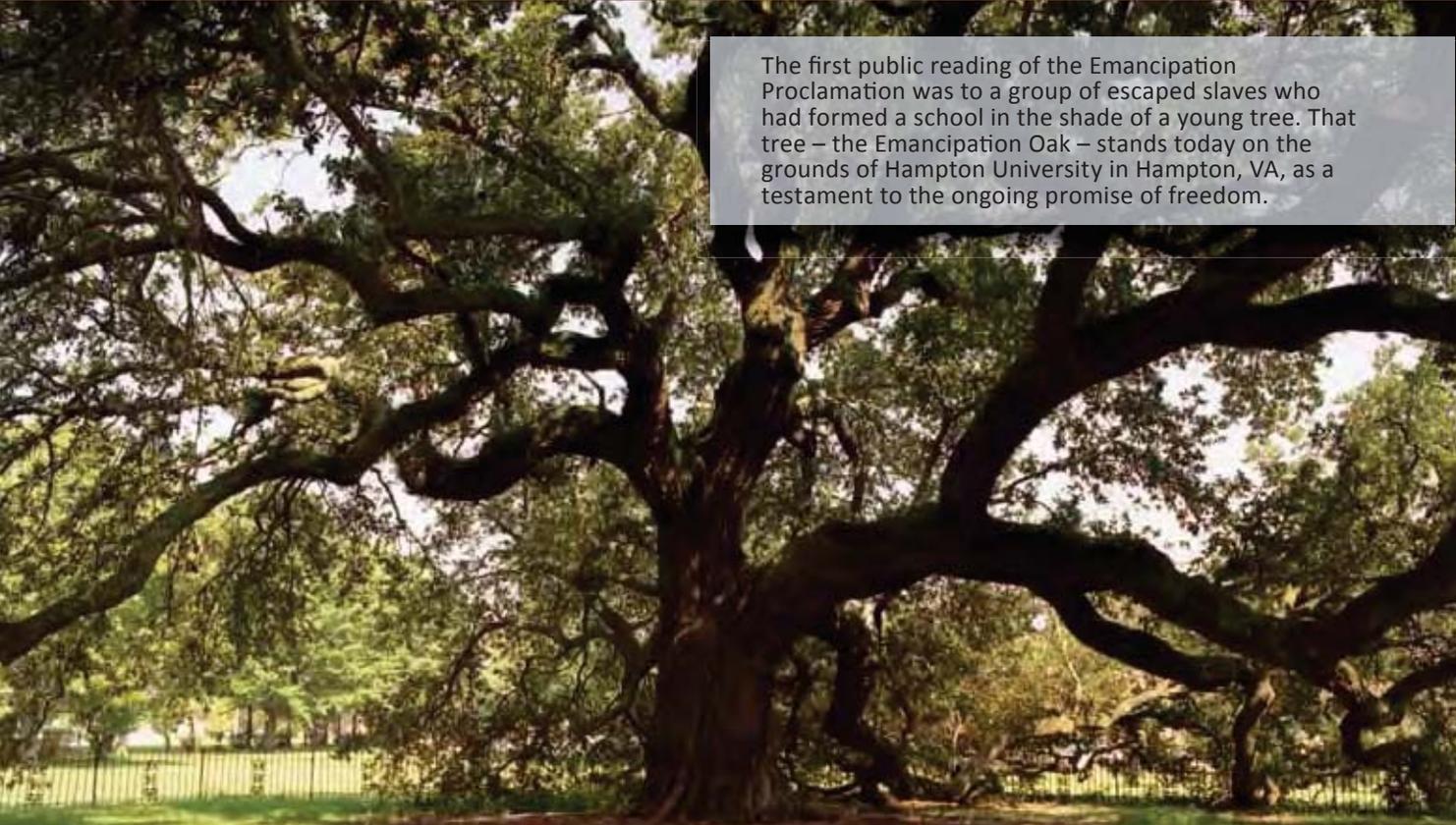
## INDIA

Gayan, a 15-year-old boy, was a school dropout when he was recruited by a broker who promised him a good job in the Jharsuguda district. Instead, Gayan, along with other boys, was confined to a factory to work, given little food, severely beaten, branded, burned with cigarettes, and allowed only a few hours' sleep each night. It was not until Gayan returned home a year later that his parents learned what he had endured. “[O]nly now have we realized that he was threatened... the owners were always present while he was talking on the phone [to us],” they said. After Gayan’s parents complained to officials, the three traffickers responsible were arrested. The police have also initiated rescue efforts for the other boys held in forced labor and debt bondage in the same facility.

everyone victimized by trafficking, whether for labor or commercial sexual exploitation, whether a citizen or immigrant, whether a man, woman or child, is considered a victim under the law.

### Indicators of Victimization

While no two experiences of human trafficking are exactly the same, many traffickers use similar methods to keep their victims enslaved. An understanding of common responses to trauma can also be used to determine whether an individual has been trafficked.



The first public reading of the Emancipation Proclamation was to a group of escaped slaves who had formed a school in the shade of a young tree. That tree – the Emancipation Oak – stands today on the grounds of Hampton University in Hampton, VA, as a testament to the ongoing promise of freedom.



Women emerge from a hidden tunnel in a bar during an anti-trafficking operation by Guatemalan authorities.

## IMMIGRATION RELIEF FOR FOREIGN TRAFFICKING VICTIMS: DEBUNKING THE FEAR OF MASSIVE FRAUD

Foreign victims not only face a fear of their traffickers in the countries where they are exploited, but also are afraid that their cooperation with authorities will lead to harm to their families in their home countries. Traffickers routinely threaten to harm or even kill victims or their families if victims ever report what is happening to law enforcement. Overcoming this fear is thus a hurdle for both law enforcement and victims. One approach for governments to encourage foreign trafficking victims to participate in prosecutions, and also provide them and their family members increased stability and protections, is to offer them a path to permanent residence – and potentially citizenship. Governments, however, sometimes fear that offering such longer-term immigration relief to foreign trafficking victims will lead to a massive number of illegal migrants fraudulently claiming to be victims of trafficking.

The concern of massive fraud related to the provision of immigration relief for victims of trafficking existed in the United States when the U.S. Congress passed the TVPA in 2000. To protect against fraud, a cap of 5,000 approvals per year was placed on the special status designated for trafficking victims – the “T” nonimmigrant status, also commonly referred to as “T visas” and named after section 1101(a)(15)(T) of title 5 of the U.S. Code. The feared rush on T visas, however, has not materialized. Although the number of applications for T nonimmigrant status is increasing every year, less than half of the yearly allotment of T visas for one year has been approved since 2002. This illustrates that, even with strong incentives, encouraging foreign victims to overcome their fears and come forward with their stories still remains a challenge.

Many NGOs and legal advocates also note that the eligibility requirements under U.S. law related to the T nonimmigrant status also serve to deter fraudulent applications. These eligibility requirements include demonstrating by credible evidence that the individual was a victim of human trafficking, is present in the United States on account of that trafficking, and is willing to cooperate with law enforcement in prosecuting traffickers (except for minors or especially traumatized victims), and that the victim would suffer extreme hardship, including severe and unusual harm, if removed from the United States.



Before flying to Saudi Arabia to work as maids, Indonesian women crowd into a migrant center awaiting a police inspection.

### **Common Methods of Control**

- ❖ Restriction of movement:
  - » Confiscating passports, visas, and/or identification documents
  - » Constantly accompanying the victim, insisting on answering questions on behalf of the victim, and/or translating all conversations
  - » Isolating the victim by not disclosing his or her location or address
  - » Requiring the victim to live and work in the same location
- ❖ Harmful living conditions:
  - » Restricting access to food and appropriate clothing
  - » Forbidding access to appropriate medical care
  - » Not allowing time off or sufficient time to sleep
- ❖ Harmful working conditions:
  - » In exchange for work opportunity, charging a large fee that is difficult or impossible to pay off
  - » Requiring unusually long work hours with few or no breaks
  - » Restricting the number of days off
  - » Providing little to no pay or irregular pay

### **Common responses to trauma and victimization**

- ❖ Physical Reactions:
  - » Weakened physical state
  - » Bruises, cuts, or other untreated medical ailments
  - » Complaints of stomach pain
  - » Heart palpitations
  - » Extreme changes in eating patterns
- ❖ Emotional Reactions:
  - » Loss of memory related to the traumatic event
  - » Frequent bouts of tearfulness
  - » Detachment
  - » Feelings of self-blame
  - » Emotional numbing or emotional response that does not fit the situation
  - » Flashbacks or nightmares

## ROMANIA – UK

Uta was seven years old when she was sent from Romania to work as a domestic servant in the United Kingdom. Her family thought this was an opportunity to get Uta away from poverty, but the Romanian couple who recruited her physically and verbally abused her daily and forced her to sleep on the floor. The couple also enslaved and raped another victim, Razvan, a 53-year-old Romanian man. After being severely beaten and seeing the way the couple treated Uta, Razvan escaped and reported the offenses to the police. When the police rescued Uta she was dressed in filthy clothes, had scabs covering her head, and her teeth were so rotten they had to be removed. She had never been to school and could not even count to ten in her own language. The Romanian couple was found guilty of trafficking and was sentenced to a maximum of 14 years in prison.

- » Anxiety and fear
- » Difficulty making decisions and/or concentrating
- » Avoidance of eye contact in a manner not related to culture

While the above signs taken alone do not indicate with certainty that an individual is a victim of trafficking, many victims describe these methods of control and exhibit these traumatic responses when they talk with first responders after obtaining freedom.

Because trafficked people often do not understand that what happened to them is a crime, their description of their victimization can be difficult to assess, especially when a first responder has not been trained to identify human trafficking. Many first responders note that, before they have learned more about human trafficking, victim stories may seem confusing and complex. It is essential that governments give trafficking victims a reasonable length of time to recover from the immediate trauma; individuals cannot be expected to self-identify or decide to cooperate with law enforcement in only a few short days, especially because they will typically still be in crisis for some time after their release. Instead, they should be accorded a period of time to overcome their immediate trauma and be able to make decisions about their lives. Foreign victims should not be returned to countries where they may face retribution or hardship. With trained personnel and sufficient time for victims to process their experiences, it becomes easier for law enforcement to get the full account of what victims' experienced, resulting in better evidence and more successful prosecutions.

### ***Legal Rights and Status***

Defining someone as a victim of human trafficking under relevant law or regulation is not a pejorative label or a means of setting him or her apart from the rest of society. Foreign nationals who are identified as trafficking victims should be eligible for immigration relief that not only keeps them safe, but also allows them to choose the best next steps for themselves and their families. Victims are often not able to move beyond their victimization until threats to their safety and the safety of their family members have been resolved. In these situations, the only reasonable option for foreign trafficking victims may be to remain safely in the country where they were trafficked and where they have started on the path to recovery. Immigration remedies that allow foreign victims a pathway to permanent residence or citizenship, assuring their safety and enabling them to integrate more fully into their new community, are best practices. Repatriation should be an accessible option with support and referral services throughout the process. Yet it should only be considered after a determination of what is in the best interests of the victim, rather than a process that requires a summary decision that results in foreign trafficking victims being returned to their home countries.

If a victim of trafficking wishes to confront his or her abuser in court, the law should make that possible, with provisions not just for the criminal process, but the opportunity to seek civil remedies as well. If a victim wants to remain in the country, the process for obtaining residency or citizenship should not be delayed until the criminal process—if any—has run its course, and should not be conditioned on the success of the prosecution. Furthermore, if the victim wants to work, a criminal record that reflects crimes committed as a result of the trafficking or other legal obstacles to work authorization should not stand in the way. Laws should likewise provide mechanisms for survivors to seek and be awarded restitution and damages from their traffickers. Victims should also be provided the assistance and information they need to understand their rights. Most importantly, victim status should provide voluntary access to a full range of services that should be afforded by governments to allow survivors to restore their lives.

## PAKISTAN – UK

Saeeda, a deaf Pakistani woman, was ten years old when she left Pakistan for Manchester, England for a job as a domestic worker. For nearly a decade, she was abused, raped, and beaten by her employers, a Pakistani couple. Now in her 20s, Saeeda told the courts that she was confined to a cellar and forced to work as a slave. Her abusers have been accused of human trafficking, sexual offenses, imprisonment, violence, and fraud; they have both pleaded not guilty to the alleged charges. It remains unknown why the couple was permitted to recruit a girl of this age as a domestic worker.



Children from ages four to 14 are subjected to forced labor, working as many as 18 hours a day to weave rugs destined for export markets such as the U.S. and Europe.

# THEN AND NOW: FLEEING SLAVERY

Ads, like the one pictured to the left, were common in U.S. newspapers in the 1700s and early 1800s before slavery was abolished. Now, ads like the one pictured to the right show that this practice continues in the modern era. Those who escape severe abuses from their employers risk hardships of fugitive life, danger of capture, and the threat of death.

## 19<sup>th</sup> Century

**RUNAWAYS**

**100 DOLLARS** Reward.—Runaway from the subscriber a negro man named Charles, about 24 years old and about 5 feet 8 inches high, rather stout built, quick spoken and smart, and wore when he left a heavy moustache. He was probably raised in Surry, as he was carried from that county to Richmond, where I bought him in last October. When last heard from he was within 44 miles of Petersburg, and it was thought he would endeavor to cross the Appomattox above Petersburg, and the James above Richmond, on his way North; or he may be lurking about Richmond. If delivered to me or lodged in jail, I will pay all necessary expenses and give \$100 reward. If he is apprehended about Richmond, report to McKinney, Dupuy & Archer, commission merchants, Shockoe Slip, or to  
WM R. HING,  
St Tammany P O, Mecklenburg.  
fo 10—6t

**100 DOLLARS** Reward.—Ran away from the farm of the subscriber, near Roxboro', N C, on Friday, the 5th inst, a likely mulatto girl, named Lucy, aged 17 or 18 years, short, thick set, and when she left was neatly attired. It is presumed that she is making her way to Richmond.—The above reward will be paid for her apprehension and delivery to me at the store of B Ellison & Bro, corner of 17th and Franklin sts.  
S A ELLISON  
fo 10—2\*

**100 DOLLARS** Reward.—Absconded from my farm, in Greenville county, Va, on Thursday night, Feb 4th, a mulatto man named Richard, about 35 years old and 6½ feet high. He belonged until September last, to a gentleman near King George Court-House, whose name I do not remember, where he has a wife, and will doubtless try to reach that place. The above reward will be paid for the delivery of Richard to me in Greenville county, Va, or to Mr L Grady, in Richmond.  
LEWIS WELLS  
fo 9—3t\*

**Two Hundred Dollars** Reward.—Ran away from the subscriber, about two weeks ago, a slave calling himself Robert Davis. He is about 30 years old, near 5 feet 10 inches high, quite dark, slightly deaf, talks rapidly, but stammers. He is supposed to have carried with him a suit of black broad cloth, a cap with a glass cover, and a heavy pair of shoes. He had been employed as a dining room servant in the American Hotel; but was brought up in Petersburg, Va. The above reward will be given to any one who will bring the above negro to me, or secure him in the Henrico Jail. J B JONES,  
fo 9—3t½ Cor of Marshall and 24 st

**Two Hundred Dollars** Reward.—Will be paid for the apprehension and delivery of my boy Tom, who absconded about 3 weeks ago, and is supposed to be now in or near the city of Richmond. He is about 12 years of age, brown color, and very sprightly; had on when he left a new suit of mixed jeans, cap, and pegged shoes. Address Warren P O, Albemarle co, Va.  
O L WINGFIELD, M D.  
fo 9—5t\*

**50 DOLLARS** Reward.—Left my residence on Monday morning, about 6 o'clock, my Negro boy Jesse. He is about 14 years of age, dark brown color, rather spare make, and grum appearance. He had on when he left a blue shaggy overcoat. He has doubtless left with some military company, or is attempting to go to the Yankee coast of Richmond. The above reward will be paid on his delivery to me, 203 Main st, Richmond.  
THOS J STARR.  
fo 9—2½t

These 19th Century ads offer rewards from \$50 to \$200 for the capture of escaped slaves.

## 21<sup>st</sup> Century

**REWARD OFFERED**

**\$1,000**



A reward of \$1,000 is offered for information that leads to the whereabouts of:

**KISMO PAKISTAN**

Date of Birth: 14 September 1982  
Nationality: Indonesian  
Occupation: Fisherman

This person deserted from his ship F.V. Oyang 70 at the port of Dunedin on Tuesday, June 5, 2007. He was last seen leaving his ship in a taxi at approximately midnight. His work permit issued by NZ Immigration has been revoked and he is now in breach of his NZ Entry Visa.

Any person who can provide information leading to the discovery of the whereabouts of KISMO PAKISTAN should contact:

[Redacted Name]  
[Redacted Address]  
Phone: [Redacted]  
Fax: [Redacted]  
E-mail: [Redacted]

This 21st Century ad offers a reward of \$1,000 for information leading to an escaped worker's capture.

## THE LIMITATIONS OF FAIR TRADE AND CODES OF CONDUCT FOR COMBATING HUMAN TRAFFICKING

The “3P” approach to combating human trafficking promotes collaboration among stakeholders across government, private-sector, and civil society. Businesses are increasingly aware of the role they can play in prevention efforts by decreasing the demand for products made by modern slaves. This is usually seen through “fair trade” schemes or labor codes of conduct, which seek to voluntarily regulate the social and environmental impacts of the production of certain goods. They reflect consumers’ growing awareness of the risk of labor exploitation and their willingness to factor ethical questions into their purchasing habits, despite paying a price premium for doing so.

Several instances highlighted by the media over the last year, however, brought to light some corporate buyers who in the past advertised their fair trade credentials loudly but were found to have not made a strong effort to know their supply chains and monitor them regularly to ensure they were free of forced labor. Whether they are products from Africa and Latin America or clothes made with cotton in West Africa or Central Asia, companies must be responsible for the full length of their extended supply chains.

While efforts to harness market power to drive down demand for modern slave-made goods can serve as preventive efforts to combat trafficking, private-sector initiatives should be seen as a complement to governmental efforts to prosecute traffickers, and government and civil society collaborations to protect victims. Because market-based initiatives rely on the market to correct itself, and lack sufficient mechanisms to ensure meaningful accountability, they are not a substitute for vigorous government efforts to end impunity through prosecuting and punishing those who subject others to compelled service.



A child laborer (center) holds a sack she uses for collecting cotton, while other laborers work during the day’s harvest in a field near Benvar, Burkina Faso.



## BRAZIL

For 10 years, Joel and Ronival were enslaved on a Brazilian ranch. They were forced to bathe in a reservoir contaminated with cattle manure, and they slept in a wooden hut. “There was no electricity, drinking water, or sanitation ... this is not human job, this is slave job,” stated Joel. Eventually, they left the ranch in the middle of the night and walked 14 miles to escape their exploitation. Joel, 30, risked his own life in order to help guide Ronival, 69, who had lost 55 pounds and broken a shoulder, to safety. They made it to an NGO that helped shelter them and assisted with filing a legal action against their traffickers. Because of their courage, Joel and Ronival obtained compensation from their traffickers and have restarted lives free from fear of those who held them captive for so many years.

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*“[The 150th Anniversary of the Emancipation Proclamation is] an opportunity to both create an aspirational goal for the problems of contemporary slavery and to give some hope to the victims of trafficking and slavery today that there can be a successful movement to achieve a freedom which has been so elusive.”*

Wade Henderson, President and CEO of The Leadership Conference on Civil and Human Rights

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### VICTIM IDENTIFICATION

Governments that have put in place victim protection structures cannot idly wait for victims to come forward on their own to seek protection. It is true that some victims escape exploitation through their own courage and determination, but after clearing that hurdle, a victim does not usually know where to turn. He or she is unlikely even to know how to gain access to services from a complex government system, or to have knowledge that a victim referral mechanism exists. Many times, victims do not even know that the abuse they suffered is considered a crime; indeed, they may hide from authorities for fear of punishment, arrest, or deportation.

Traffickers commonly instill such fears in their victims to ensure continued subjugation.

As part of a comprehensive victim protection effort, governments have the responsibility to proactively identify victims and potential victims of trafficking. They have a responsibility to extricate victims from exploitation and, whenever possible, to prevent the crime from occurring in the first place. They have a responsibility to provide victims with the ability not only to leave servitude, but to reenter society as a free man, woman, or child with adequate tools to resume their lives and contribute positively to society.

This is no small task. It requires training, education, and, perhaps most challenging, a change in the way government officials look at vulnerable populations. The first government official a trafficking victim is likely to meet is not a lawmaker or diplomat, but rather a local police officer. If such officers are not trained to identify trafficking victims and understand the nuances of the crime, the victim will likely not be properly identified even if able to articulate his or her story. The services and support described in the pages of a national action plan or an official referral mechanism are irrelevant if the victim cannot first be properly identified and referred to services and protection.

Ultimately, if governments take proactive measures to look for human trafficking, they will find it. It is simply not plausible to claim that, because victims are not self-reporting, trafficking does not occur.

## VICTIMS' EMPOWERMENT AND ACCESS

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The essence of the trafficking experience is the denial of freedom – including the freedom to choose where and how you live, the freedom to work or choose not to work, the freedom from threats, and the freedom of bodily integrity. Unless carefully crafted and adopted with flexibility, victim assistance programs can sometimes replicate the trafficking experience by removing victims' prerogative from questions of housing, employment, residency, and disclosure. For example, in order to stay in many government shelters throughout the world, victims surrender their right of movement – they are restricted to the shelter grounds or may only leave with the permission of shelter staff. In some countries, the disclosure of victims' identities by government authorities results in victims' stories and name being revealed to the press or to their families. A fundamental premise of victim assistance programs should be to place choices back into the hands of the trafficking victims.

The following “good practices” set the stage for a victim-centered approach to care that allows victims the opportunity to make choices in their care. These approaches can help victims put distance between the trafficking experience and the rest of their lives.

### **Open Shelters**

Victims should not be detained in shelters in any form. Victims should be allowed to leave the shelter at will and without chaperones. Staying in a shelter should be an option; many victims may have access to other accommodation and should be allowed to choose those alternatives.

### **Full Information to Victims**

Victims should be informed of their rights as early as possible in a language they understand. Victims should be informed about what will and will not be expected of them during a criminal trial. Victims should be educated about their options in the immigration context and told that they have right to consular or diplomatic access. Countries can accomplish this in a variety of ways, including appointing counsel for trafficking victims, appointing victim advocates for victims, or involving NGOs. Some countries develop brochures and other literature in many languages to facilitate early disclosures. Victims of trafficking crimes should also be put in touch with their country's embassy or consulate for additional assistance.

### **Confidentiality**

Victims should be given the choice of how much of their information is shared. They should not be exposed to media without their full and informed consent. It should be their choice whether their families are told about their trafficking.

### **Residency**

Generous benefits for trafficking victims, including permanent residency, facilitate the law enforcement process. Immigration regulations that offer victims permanent residence, rather than mandating forced return, are best practices. Residency schemes should allow some flexibility for victims of trafficking to have time to determine if they wish to participate in the criminal process, with special exemptions for victims who are minors or who have experienced severe trauma. There are many reasons a victim of trafficking may initially refuse to cooperate with an investigation. Sometimes victims do not trust the police to protect their rights; sometimes law enforcement has participated in a victim's exploitation; and sometimes victims are simply too traumatized by their experiences to discuss them with law enforcement.

### **Right to Work**

Countries should consider granting foreign national trafficking victims the right to work. In many countries, even formal entry to a victim assistance program does not give a victim the right to a work permit. Accordingly, without material aid, victims are again placed in vulnerable situations.

## NEPAL – INDIA

At a carpet factory in Nepal, Nayantara met a labor broker who promised her a good job as a domestic worker in Lebanon. The broker convinced her to take the job opportunity, assuring her that she did not have to pay anything. He instead took Nayantara to India, confiscated her passport, and sold her to a brothel where she was forced to have sex with at least 35 men each day with only five hours of sleep. When she tried to refuse, the brothel owner would beat Nayantara with an iron pole until she gave in. She was not allowed to contact her family or anyone else outside of the brothel and her freedom of movement was constantly controlled. After six months, the police raided the brothel and imprisoned all the women and girls. The owner was arrested with them, but was released five months earlier than her victims because she bribed the police. When Nayantara was released from jail after 17 months, she was returned to the brothel, and sold to another owner within a month. Coming to the realization that she would never be able to pay off her debts, she ran away and eventually found her way back to Nepal. She has found refuge in a shelter.

### ***Making Migration Safe***

Although not all trafficking involves migration, and not all migration is human trafficking, the vulnerabilities of migrants make them a tempting target for traffickers. From the young women of Indonesia who take significant risk to work as domestic servants in the Middle East, to Peruvian men migrating to the United States for work as sheep herders, labor forces are mobilizing as markets in every region of the world open. Such migration often occurs legally via bilateral labor agreements, and pursuant to national immigration provisions.

Migrant-sending countries experience the benefits of foreign exchange remittances. Remittances often finance homes, education for children, and medical care. The impact of remittances is readily visible and provides relief from poverty and unemployment. Yet governments in migrant-sending countries also see a darker side to labor migration: the enslavement of their citizens. Given the paucity of effective international norms on labor migration, the exploitation of workers is growing at an alarming rate. Recruiters, labor brokers, sponsors, and employers have found that they can abuse migrants. With little risk and with huge financial rewards, labor recruitment fraud often earns a guilty party little more than a fine (in the few countries that

Women in this Mauritanian training center that provides needed skills for trafficking victims, learn to sew, braid hair, dye fabric, and cook.





## LIBYA – MALTA

Shewaye, an Ethiopian woman, was forced to work as a nanny under abusive conditions and no pay for a family member of former Libyan leader Moammar Qadhafi. At the hands of her employer, Shewaye suffered severe abuse, including burns from scalding hot water poured over her head and body, and was never allowed medical treatment for festering wounds. After a year in servitude, Shewaye was found in August 2011 by a camera crew from CNN. The Government of Malta facilitated her departure from Libya to receive medical and rehabilitation services. The Maltese government has provided Shewaye with free accommodation, medical treatment, and legal assistance throughout her recovery process, and granted her temporary visa status.

criminalize it). The practice of deceiving migrants into traveling abroad for work—including the prevalent requirement of large recruitment fees—is a high-profit form of exploitation in many major labor sending countries. In its 2009 study titled *Cost of Coercion*, the ILO estimated that up to \$20 billion can be extorted annually from these workers worldwide.

No matter how well an individual country's laws address the issue of human trafficking, the vulnerability of migrants highlights the necessity of international collaboration. Countries that rely on remittances from their citizens abroad must take steps to educate emigrants about the potential dangers and warning signs of trafficking and must ensure proper oversight of recruitment agencies that facilitate overseas employment. Receiving countries need to adopt policies that assist them in detecting whether foreign nationals immigrating for work may be vulnerable to trafficking and to develop methods of identifying those who may have already been victimized. In both cases, countries need to ensure that if and when repatriation is appropriate, victims can be safely reintegrated into their home countries.

Pre-departure briefings and hotlines are important, but must be judged by their results rather than their mere existence. A hotline without appropriate

language capabilities, with limited hours, and with no effective services to which it can refer victims not only fails to protect victims, it also can create a false sense of accomplishment, as officials may believe that they have fulfilled their responsibilities merely by setting up the phone number. Moreover, in some destination countries, much of the victim care is provided in shelters run by sending countries' embassies. This is laudable, but if those shelters are not linked to law enforcement in sending and receiving countries to ensure that abusers are brought to justice and victims empowered, there is little hope of turning the tide of vulnerability and exploitation of future migrants.

Some source country governments, alarmed by the growing number of their citizens ending up as trafficking victims in the labor export business, have taken steps that seek to prevent additional exploitation. Since the last TIP Report, the Philippine government began implementing its 2010 Migrant Labor Law, which requires that a labor market (destination country) be certified as providing minimum protections for foreign workers. The Indonesian government imposed restrictions on Indonesian women seeking to migrate to Saudi Arabia, Jordan, and Malaysia to work in domestic service given unacceptable levels of abuse already

# COSTS OF MYTHS AND MISCONCEPTIONS OF TRAFFICKING IN PERSONS

Myths and misperceptions about trafficking in persons and its complexities continue to hinder governments' ability to identify victims, provide them the services they need, and bring their traffickers to justice. These challenges are made worse by the unfortunate tendency to conflate human trafficking and human smuggling. Persistent practices, including the following, contribute to this conflation:

- ❖ Prevailing concerns about illegal immigration continue to guide governments' initial responses to potential trafficking victims. Trafficking indicators are missed and victims are wrongly classified as illegal migrants and criminals.
- ❖ Narrow definitions and continued stereotypes of trafficking as a problem confined to women and girls in prostitution result in the mistreatment of other victims of trafficking. For example, instead of receiving protective services they need, migrant men in forced labor may face immigration charges or deportation if not identified as trafficking victims.
- ❖ A focus solely on initial recruitment of migrant workers and prostituted individuals – whether or not they consented to their situation – can impede the proper identification of subsequent trafficking. Authorities often fail to look beneath the surface for possible indicators of forced labor, debt bondage or sex trafficking.

The risk of conflation leading to the treatment of victims as criminals increases when responsibilities of anti-trafficking enforcement and victim identification lie solely with immigration, as opposed to criminal justice, authorities. As the anti-trafficking community continues to debunk these misperceptions, governments have an obligation to move away from flawed and outdated interpretations of human trafficking that focus on the process of bringing someone into exploitation, as opposed to the compelled service that often results *after* a migrant arrives in a country. Domestic law enforcement, not border interdiction, is usually what catches traffickers and frees victims from modern slavery.



A Cambodian policeman escorts 30 trafficked fishermen returning from Indonesia after being freed, or having escaped from slave-like conditions on Thai fishing vessels.

## ENDING HUMAN TRAFFICKING IS SMART BUSINESS

A growing number of companies are integrating “corporate social responsibility” into their business models and embracing the responsibility to protect human rights, promote economic and social development, and look after the environment. Many have learned through experience that ethical practices contribute to sustainable profits and economic advantage, and benefit both investors and employees. Globalization has led to increasingly complex supply chains. While challenging, supply chain monitoring enables companies to manage risk while protecting both their reputation and workers. Supply chain traceability is becoming a business necessity and initiatives like California’s Transparency in Supply Chains Act mean companies can no longer afford not to incorporate anti-trafficking measures into their corporate policies.

Companies do not have to reinvent the wheel in order to become good corporate citizens. Advocates have collaborated on a number of initiatives offering a wealth of proposals and ideas to help companies begin to implement policies to reduce the likelihood of modern slavery in their corporate supply chains.

For example, Verite, a U.S.-based NGO, developed a fair hiring toolkit that provides brands, suppliers, governments, investors, NGOs, and auditors with guidance to support the responsible recruitment and hiring of migrant workers in global supply chains. End Human Trafficking Now and UN.GIFT (the UN Global Initiative to Fight Human Trafficking) partnered with Microsoft to create an e-learning tool for business leaders, managers, and employees to identify the risks of human trafficking in their supply chains and point to actions they can take to address this risk. Generated by business, government, and civil society, the Luxor Implementation Guidelines facilitate integration of anti-trafficking values into corporate policies, while the multi-stakeholder driven Dhaka Principles outline measures for businesses to support migration with dignity. Members of the socially responsible investment community – the Interfaith Center on Corporate Responsibility, Christian Brothers Investment Services, and Calvert Investments – cooperated on a guide to effective supply chain accountability to assist investors with implementation of the California Transparency in Supply Chains Act.



Through community gatherings and radio dramas, BBC World Service Trust is building grassroots capacity to prevent bonded labor in India by promoting knowledge and advocacy among those most vulnerable.

documented in these countries. Although well-intentioned, such efforts may drive migration to illegal channels, making those who migrate more vulnerable to exploitation and abuse. Moreover, such efforts can be thwarted by competing business interests, or competing labor exporting countries can quickly fill any need for exploitable workers.

There has been little commitment among major receiving states to address the excesses of their migrant worker programs—called “sponsorship systems” in the Middle East. Yet without the participation of destination countries, regional and international efforts on labor migration have been blunted in their effectiveness. Of note, the United Arab Emirates (UAE) in 2008 initiated the Abu Dhabi Dialogue among migrant-labor sending and receiving states. Through the Abu Dhabi Dialogue, the governments seek to foster policies that offer greater transparency and protections for would-be migrants for labor source countries. But others in the region need to overhaul their sponsorship systems, as well as expand and improve efforts to protect these vulnerable workers. Other regional fora, such

*“Someone who has gone through counseling and psychosocial support can go through that, can testify. They need to overcome fear, they need to overcome the trauma.”*

Asan Kasingye, Director of Interpol, Uganda

as Southeast Asia’s ASEAN, could take up the call for uniform, region-wide standards to protect the millions of Southeast Asian migrants originating or working within this region. Far greater commitment is needed among the governments of destination countries to work with source governments to promulgate meaningful standards to protect workers from slavery and ensure that those who exploit workers will face criminal justice. Without a much greater international commitment to addressing these issues, a new slave trade will continue to operate in the shadows of the global labor market.

### **Workplace Inspections: A Weak Link in Identifying Forced Labor**

Government authorities’ inspections of formal worksites, such as factories or construction areas, can be effective in finding and liberating victims of forced child labor. Targeted inspection strategies

## UNITED STATES

When Ashley was 12-years-old she got into a fight with her mother and ran away from home. She ended up staying with her friend’s older brother at his house and intended to go home the next day, but when she tried to leave he told her that he was a pimp and that she was now his property. He locked her in a room, beat her daily, and advertised her for sex on websites. Once, she looked out a window and saw her mother on the street, crying and posting flyers with Ashley’s photo. When Ashley tried to shout her mother’s name from the window her pimp grabbed her by the hair and yanked her back, threatening “If you shout, I’ll kill you.” Ashley eventually escaped her confinement and is now at a treatment center for girls who have been sexually trafficked in New York.

can also incentivize businesses to adopt corporate social responsibility policies, and policies that adequately train inspectors can prove helpful in early identification of situations that may lead to labor exploitation. Such inspections, however, are less successful in identifying victims of forced labor. Key indicators of forced labor (such as psychological abuse and threats, coercion through threats of financial harm, or sexual abuse) can often only be identified once a victim establishes confidence in the interviewer. Building such confidence is difficult



*“It was the way she stood so straight, looked me in the eye, had a sense of pride and accomplishment about her.” – Secretary of State Hillary Rodham Clinton on her visit to a shelter for trafficking survivors in Kolkata, India.*

## BURMA – THAILAND

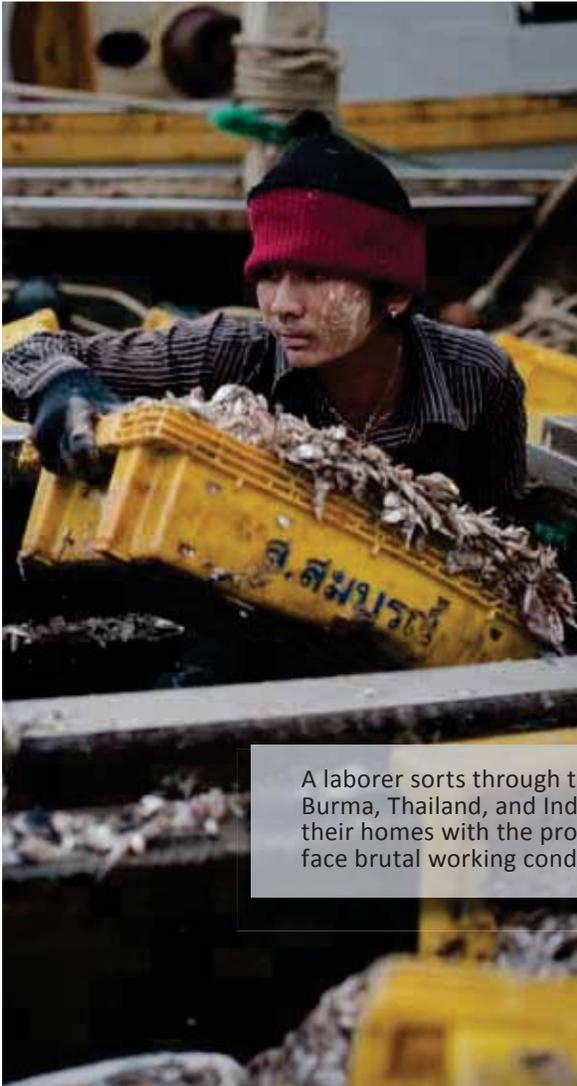
Raju, a migrant worker from Burma, traveled to Thailand when he was falsely promised 6,000 baht per month as a restaurant or factory worker—if he could first pay a 12,000 baht brokerage fee. Out of options, he agreed to borrow money for the fee and use his future earnings to repay it. Raju was instead forced and threatened at gun-point to board a fishing boat. Onboard the Thai vessel, Raju and the other workers were forced to work day and night, lived in cramped quarters, and were beaten if they took fish to cook and eat. Already saddled by debt, Raju never received his promised wages. Each time the fishing boat docked, the workers were taken to a house and locked in a room so that they could not escape. Raju recalled one worker who attempted to run away but was caught: “The man was tied to a post...the man was electrocuted and tortured with cigarette butts...later he was shot through the head.” Raju was finally able to escape the Thai fishing vessel by tying himself to a buoy, jumping overboard, and swimming six hours to shore.

*“These fishery operators are really fed up with the same problem of their workers running away even before they have recouped the money they paid for them in the registration process.”*

Unnamed fishing company representative in Thailand, on workers running away

during a brief inspection of a workplace. Research on forced labor among migrant workers in East Asia and the Middle East has found that many workers face conditions of debt bondage and threats of abuse of the legal process, particularly by threat of arrest or deportation if they refuse to continue their work or service. With this in mind, many workers do not disclose their true conditions during standard labor inspections, which in most developing countries are usually conducted on premises and in the presence of management.

On the other hand, hotlines, counseling centers, or other avenues of recourse for migrant workers can serve as effective means for identifying victims of forced labor while offering them confidentiality. Labor unions play a deterrent role by helping ensure that exploitation does not occur in the first place, lessening the likelihood that unscrupulous managers will be able to take advantage of migrants and other workers vulnerable to abuse. A victim is much more likely to come forward once he or she is presented with credible alternatives to staying in the exploitative work environment, such as shelter, legal aid, and—perhaps most importantly—the possibility of receiving restitution or compensation for lost wages and abusive conditions.



A laborer sorts through the catch on a Thai fishing vessel. Across Burma, Thailand, and Indonesia, recruiters draw men away from their homes with the promise of good jobs, but on the boats they face brutal working conditions and constant threats.

## LAW ENFORCEMENT AND HUMAN RIGHTS

Effectively responding to modern slavery requires law enforcement measures informed by concerns for trafficking victims' rights. Anti-trafficking law enforcement actions, such as raids on suspected sites of exploitation, are often essential for the identification and liberation of trafficking victims. Such raids, however, can negatively impact the vulnerable populations that are meant to be helped. For instance, some trafficking victims have been arrested for prostitution several times by law enforcement authorities' vice squads before finally being correctly identified as trafficking victims; some found the law enforcement interventions they experienced to be as distressing and confusing as their trafficking experience. Victims who have been threatened by traffickers with police action sometimes believe police action meant to protect them is actually directed against them.

Trafficking victims' rights can also be compromised by shelters that lock up victims in order to ensure they will testify during trials or to protect them from their traffickers. While victim testimony and security from re-trafficking and retribution are important, detention of victims in shelters amounts to a deprivation of liberty, which is a hallmark of the trafficking experience. Furthermore, many foreign national trafficking victims are desperate to pay off the large loans taken to fund their migration and presumed employment, and government policy or shelter rules may not facilitate their ability to find work during the judicial process. Employment is equally important for victims without debt. As alternatives, governments should support victims to ease the burden of testifying; police should be trained to assemble strong cases with supporting evidence that can withstand a lack of victim testimony; and governments should support non-traditional modes of testimony, such as video testimony. While these alternatives are under the purview of the government, civil society groups can help when governments face resource constraints.

Key to balancing these human rights and law enforcement equities is maintaining a victim-centered approach throughout criminal justice procedures in human trafficking cases. In Kosovo, for example, advocates represent victims of trafficking from the time police officers bring them to the police station. These advocates explain legal rights to victims, ensuring that they understand both what care is available and that they have the right to refuse care. These rights are established in standard operating procedures for the treatment of trafficking victims. This kind of collaboration between law enforcement and service providers can help ensure that anti-trafficking efforts are effective and keep the appropriate focus on the victim.



Scotland Yard Detective Roddy Llewellyn speaks at a conference on sex trafficking in Atlanta, Georgia.

## VICTIM PROTECTION ON A SHOESTRING

A survey of trafficking victims' protections around the world finds a number of countries with limited resources that have nevertheless developed innovative methods to protect victims. While the solutions vary, what they have in common are creative engagement with the private and non-profit sectors and high-level political will to address human trafficking. A local population that recognizes and condemns the trafficking problem as it exists on the ground is essential to forging effective partnerships. Widespread awareness of trafficking increases its visibility and importance to NGOs and businesses, making them more receptive to partner with the government in assisting victims. Governments can raise public awareness without large financial expenditures through media appearances and effective use of state news services. Those holding political office can also embrace human trafficking as one of their national priorities, encouraging local media outlets to report on the problem and government efforts to fight it.

Where high levels of community awareness exist, governments have effectively partnered with organizations to improve services to human trafficking victims. For example, in Aruba where there is no shelter tailored specifically for trafficking victims, the government has initiated a public-private partnership with several hotels for free or deeply discounted rooms for use as emergency shelters when urgently needed. This program has worked well to provide temporary shelter until long-term arrangements can be made. Addressing another area of victim protection, the Government of Antigua has developed a close working relationship with the local airports and airline companies to train staff to recognize trafficking indicators and obtain deep discounts on tickets for foreign victims voluntarily wishing to return to their home country. In Rwanda, the government supports an NGO that provides counseling to women in prostitution by offering a government-run community center as an operating space. Innovative and low- or no-cost measures like these present the potential for all governments to provide victim services when large budgets are not available.

## ADAPTABLE, COMPREHENSIVE VICTIM CARE

Just as the international norms of protecting victims must be vigorously upheld, the practice of providing victim services must be simultaneously comprehensive and adaptable. Modern slavery takes many forms that require caregivers to provide services reflecting the unique experiences of each survivor. Even if two people endure identical abuse, they may have very different needs.

If shelters are to serve an integral role in a survivor's recovery, they must be places of refuge, not detention centers. Some governments might opt to provide shelter to individual victims in temporary locations, such as rented apartments or hotels, rather than in a central, structured shelter. While that may be the most practical option, governments should recognize that the needs of survivors go well beyond a safe place to stay. They frequently require medical care and counseling, legal advice, and social services—not to mention the means to contact and reunify with their loved ones, if they so desire. Victim care must be designed to anticipate common needs, while responding in a way that is adaptable to each individual's situation.

To create a victim services model that adequately supports survivors, governments must work proactively to adopt best practices and to develop new and innovative efforts. In countries where a robust civil society plays a key role in advocacy and the provision of services to victims, governments should forge partnerships to benefit from the expertise of non-governmental organizations (NGOs) and other victim services providers and advocates. Such activity should not be viewed as a way for governments to shift responsibility onto other parties, but instead as an opportunity to forge cooperative arrangements that will take full advantage of the resources and support structures available. Adequate and consistent funding for victim services is a persistent challenge that must be met with a commitment of all involved to work and innovate together.

Additionally, as modern slavery affects a wide range of government concerns, all relevant government agencies should work together to ensure streamlined and effective provision of victim services. If the agencies responsible for immigration, labor, and health care are not communicating, the ability to identify and rescue victims, and to offer efficient and flexible services, will be limited. And if the victim care regime inexorably moves the identified victim toward a preordained outcome of repatriation, the law enforcement mission will suffer as well because victims will be less willing or able to participate in prosecutions of traffickers.

Without the appropriation of adequate resources, a government's approach to victim services can not be sufficiently effective, adaptable, or far-reaching. Around the world, a paucity of funding relative to the scale of the crime hinders those – both within and outside government – who strive to provide services to trafficking survivors. If governments and the international community are serious about making counter-trafficking efforts a priority, it is critical that service providers have the consistent resources and support they need to get the job done.

### **Law Enforcement – NGO Cooperation**

When victims of trafficking are identified, they often have complex needs that cannot all be met by one person or agency. It is necessary that government officials and service providers work together to provide a full range of support, services, and protection. Law enforcement and other government officials should build relationships with NGOs through task forces and community partnerships in order to facilitate this collaboration. For example, if law enforcement officials conduct a raid, NGO partners can be on call to assist with housing support, case management, and medical care. Law enforcement officials and advocates can then work together to provide appropriate safety planning for an individual or group.

The following are areas where a victim may need support:

- ❖ Protection from traffickers
- ❖ Basic necessities, including food and clothing
- ❖ Housing
- ❖ Medical and mental health care
- ❖ Legal services, including immigration and criminal justice advocacy
- ❖ Assistance in accessing public benefits
- ❖ Orientation to the local community, public transportation, and other life skills
- ❖ Language skills training
- ❖ Job training
- ❖ Family reunification

Pimps are increasingly tattooing their victims. In 2012, Spanish police rescued a 19-year-old woman who had been beaten, held in prostitution, and tattooed with a barcode and the amount of her debt.

## **NEXT STEPS**

Every country is affected by trafficking in persons, and while some countries in this Report have met the minimum standards, such an assessment does not mean a government has succeeded in eradicating modern slavery. Indeed, no country is doing enough to end it. As long as the people who survive this crime do not see their traffickers brought to justice and are not able to rebuild their lives, no government will be able to claim complete success in combating modern slavery.

The modern global abolitionist movement is less than a generation old. Success stories have shown us that survivors are eager to overcome their trauma. But too few victims are identified, not enough services are available to survivors, and too few traffickers receive criminal punishment. Many governments around the world have enacted anti-trafficking laws; the next steps in this struggle require governments to implement those laws broadly and effectively. Those who refuse to acknowledge the problem of trafficking are being overtaken by the chorus of governments, businesses, civil society, and men and women around the world who are calling for action and demanding progress in meeting the enormous challenge that remains.

Modern slavery is about people; and the way the world chooses to fight it must also be about people—restoring their hopes, their dreams, and most importantly, their freedom.





A teenager in a Bangladeshi brothel displays “the cow drug” – the veterinary steroid Oradexon that helps one gain fat and look older. Another girl told a Western reporter, “If you work in this brothel, you have to take this medicine. Everyone does. If you take the medicine you will look healthy and otherwise you will look ugly.”

## DEFINITIONS AND METHODOLOGY

### What Is Trafficking In Persons?

“Trafficking in persons” and “human trafficking” have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion. The Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386), as amended, and the Palermo Protocol describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

Human trafficking can include but does not require movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers’ goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so.

### The Face of Modern Slavery

#### Sex Trafficking

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through one of these means after initially consenting – that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, transporting, providing, or obtaining a person for that purpose are responsible for trafficking crimes. Sex trafficking also may occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. A person’s initial consent to participate in prostitution is not legally determinative: if one is thereafter held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

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*“I urge all Americans to educate themselves about all forms of modern slavery and the signs and consequences of human trafficking. Together, and in cooperation with our partners around the world, we can work to end this terrible injustice and protect the rights to life and liberty entrusted to us by our forebears and owed to our children.”*

U.S. President Barack Obama, December 30, 2011

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#### Child Sex Trafficking

When a child (under 18 years of age) is induced to perform a commercial sex act, proving force, fraud, or coercion against their pimp is not necessary for the offense to be characterized as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations should prevent the rescue of children from sexual servitude. The use of children in the commercial sex trade is prohibited both under U.S. law and by statute in most countries around the world. 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 even death.

#### Forced Labor

Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labor is exploited by such means, the person’s previous consent or effort to obtain employment with the trafficker becomes irrelevant. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

### Bonded Labor Or Debt Bondage

One form of coercion is the use of a bond or debt. U.S. law prohibits the use of a debt or other threats of financial harm as a form of coercion and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a term of employment.

Debt bondage of migrant laborers in their countries of origin, often with the support of labor agencies and employers in the destination country, can also contribute to a situation of debt bondage. Such circumstances may occur in the context of employment-based temporary work programs when a worker's legal status in the country is tied to the employer and workers fear seeking redress.

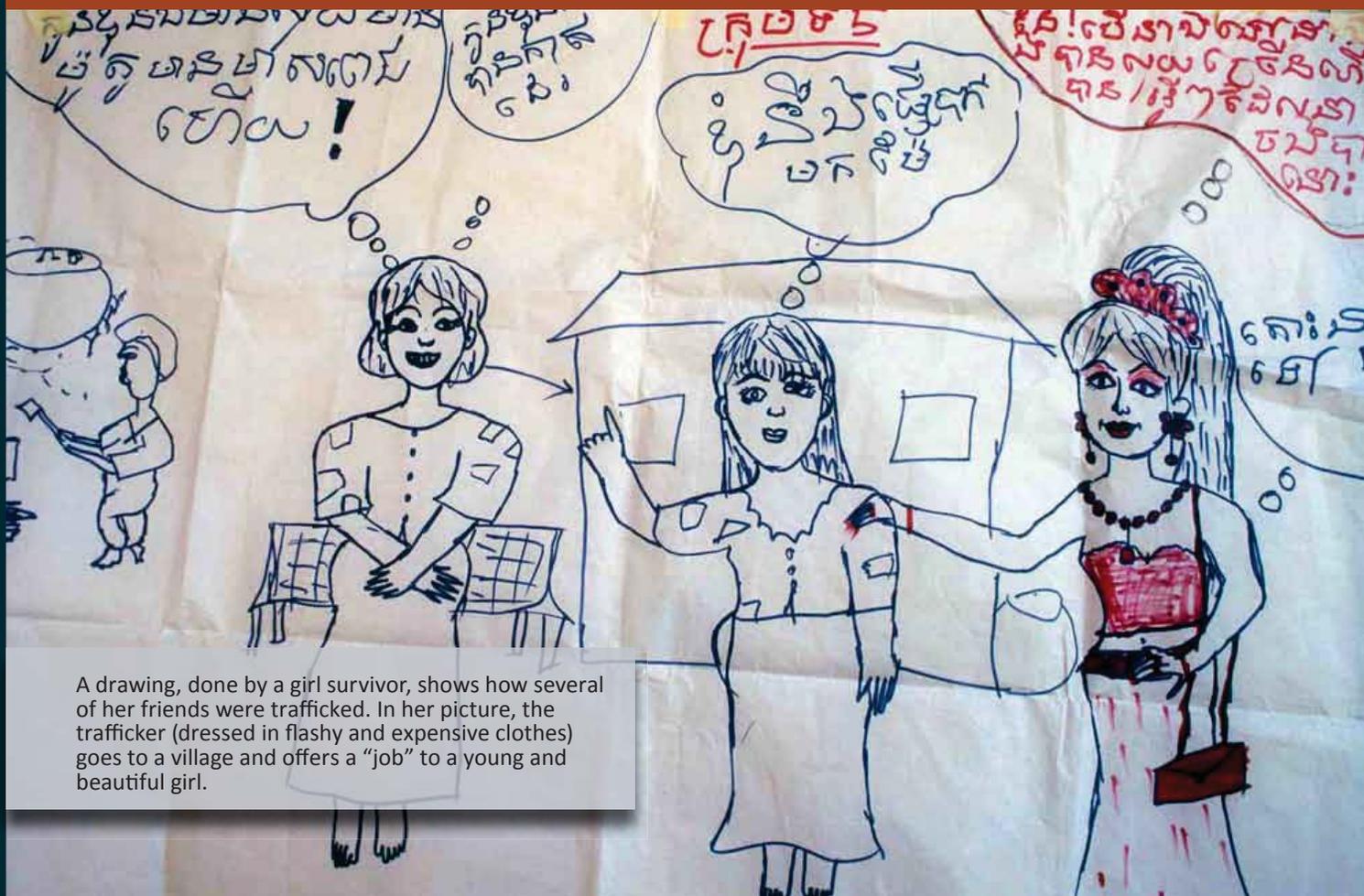
### Involuntary Domestic Servitude

Involuntary domestic servitude is a form of human trafficking found in unique circumstances—in informal work in a private residence—these circumstances create unique vulnerabilities for victims. Domestic workplaces are informal, connected to off-duty living quarters, and often not shared with other workers. Such an environment, which can isolate domestic

workers, is conducive to exploitation because authorities cannot inspect homes as easily as they can compared to formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

### Forced Child Labor

Although children may legally engage in certain forms of work, forms of slavery or slavery-like practices continue to exist as manifestations of human trafficking, despite legal prohibitions and widespread condemnation. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Some 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 requires the child to perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When children are enslaved, however, their abusers should not escape criminal punishment by taking weaker administrative responses to child labor practices.



A drawing, done by a girl survivor, shows how several of her friends were trafficked. In her picture, the trafficker (dressed in flashy and expensive clothes) goes to a village and offers a “job” to a young and beautiful girl.

Young girls from countries such as Togo, Benin, Nigeria, and Mali, are forced to work in domestic servitude and in market stalls in Gabon.



*"I always felt like a criminal. I never felt like a victim at all. Victims don't do time in jail, they work on the healing process. I was a criminal because I spent time in jail."*

"Tonya," trafficking survivor in the United States

### Unlawful Recruitment and Use of Child Soldiers

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children – through force, fraud, or coercion – by armed forces as combatants or other forms of labor. Some child soldiers are also sexually exploited by armed groups. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are unlawfully made to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female

child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

### PERU

Camila was only 14 when she was persuaded to leave her job as a maid and forced into prostitution in a bar in the Amazon. She was repeatedly restrained, raped and drugged. The traffickers coerced and bribed Camila with her freedom to get her to recruit her friend Sandra into sex trafficking as well. Camila was given her freedom but Sandra was then sexually exploited and humiliated. One night, while out riding with a customer, Sandra made a break from the car and shouted for help from the police. Instead of being rescued, they took her to a center for juvenile offenders where she was detained for two years. Camila was finally able to return home and filed a criminal complaint against her traffickers, but says she still feels trapped in her memories.

## CHILD SOLDIERS

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and became effective on June 21, 2009. The CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as having governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the Act. These determinations cover the reporting period beginning March 1, 2011 and ending February 29, 2012.

For the purpose of the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term “child soldier” means:

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

The term “child soldier” includes any person described in clauses (ii), (iii), or (iv) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA prohibits the following forms of assistance to governments that are identified in the list: international military education and training, foreign military financing, excess defense articles, section 1206 assistance, and the issuance of licenses for direct commercial sales of military equipment. Beginning October 1, 2012 and effective throughout FY 2013, these types of assistance will be prohibited to the countries listed, absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA.

The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and reporting from various United Nations entities, international organizations, local and international NGOs, and international media outlets.

**The 2012 CSPA List includes governments in the following countries:**

- |                                     |            |
|-------------------------------------|------------|
| 1. Burma                            | 5. Somalia |
| 2. Libya                            | 6. Sudan   |
| 3. Democratic Republic of the Congo | 7. Yemen   |
| 4. South Sudan                      |            |

In March 2012, the International Criminal Court (ICC) convicted Congolese warlord Thomas Lubanga (**pictured on page 37**) for enlisting or conscripting children under the age of 15 in 2002 and 2003 during the conflict in eastern Democratic Republic of Congo. As the leader of the Union of Congolese Patriots (UPC) and its armed wing, Lubanga was responsible for enlisting or conscripting boys and girls under the age of 15 – some as young as nine-years-old – to act as soldiers and bodyguards. Others were forced into sexual servitude. Lubanga’s conviction is the first verdict issued by the ICC; he faces a maximum sentence of life imprisonment.

In April 2012, the UN-backed Special Court for Sierra Leone in The Hague convicted former President of Liberia Charles Taylor (**pictured on page 37**) of 11 counts of war crimes and crimes against humanity, including the conscripting, enlisting, and using of child soldiers under the age of 15. Taylor was found guilty of aiding and abetting the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC) in the commission of such crimes between 1996 and 2002 during Sierra Leone’s civil war; the court’s judgment held him criminally liable for his participation in these crimes from Liberia. He is the first former head of state to be convicted by an international court for the use of child soldiers. In May 2012, he was sentenced to 50 years’ imprisonment as punishment for his role in these atrocities.

## Methodology

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

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. U.S. missions overseas are dedicated to covering human trafficking issues.

## Tier Placement

The Department places each country in the 2012 TIP Report onto one of four tiers, as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the problem. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards for the elimination of human trafficking (see page 388), which are consistent with the Palermo Protocol.

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*"Migrant workers from Nepal and other countries are like cattle in Kuwait. Actually, cattle are probably more expensive than migrant workers there. No one cares whether we die or are killed. Our lives have no value."*

Nepalese man trafficked to Kuwait, during an interview with Amnesty International

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Thomas Lubanga



Charles Taylor

## EXPLOITING THE WORLD'S OCEANS

Over the last year, a series of media, government, and NGO investigations have drawn attention to the high prevalence of forced labor on fishing boats around the world. Oftentimes, forced labor appears alongside illegal, unreported, and unregulated fishing that international organizations have identified as threatening food security and the preservation of marine resources. The March 2012 report of a ministerial inquiry commissioned by the New Zealand government found that migrant laborers recruited in Indonesia alleged physical and psychological abuses as well as severe underpayment or nonpayment of wages by Korean fishing vessels operating under contract to New Zealand companies. Other reports received during the year indicate that the Thai fishing fleet operating in open waters committed horrendous abuses of foreign crew members.

For years, the fishing industry has targeted vulnerable populations. In the case of boats operating in New Zealand's Exclusive Economic Zone, abuse allegedly begins when an Indonesian recruiter persuades a worker in his home country to sign a contract to work aboard one of the vessels. Once on the boats, some victims are forced by senior crew employed by fishing corporations to work 18 or more hours per day, threatened, prevented from leaving the boat, and in some instances were exposed to physical abuse or sexual harassment. Living quarters are cramped with little or no heating, fresh water is scarce, and food supplies are rationed and hidden away from crew members. Medical treatment for sick or injured victims can be inadequate.

Seafood caught by these vessels ends up in freezers and shelves in grocery stores and restaurants, and eventually on a consumer's plate. Because some purchasers of fish on the international market do not monitor their supply chains for slave labor, including the crew recruitment processes and treatment of fishermen on chartered vessels, an estimated 44.9 million people directly engaged in the fishing industry will continue to remain vulnerable to human trafficking.

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking. Indeed, Tier 1 represents a responsibility rather than a reprieve. A country is never finished with the job of fighting trafficking.

Tier rankings and narratives in the 2012 TIP Report reflect an assessment of the following:

- ❖ enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- ❖ criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
- ❖ implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
- ❖ proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- ❖ government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure;

### CAMEROON – SPAIN

Ivoline was at the top of her class in nursing studies at her hometown university in Cameroon. A woman from her village offered to help Ivoline complete her university degree in Europe. Ivoline and her father thought the offer was genuine and Ivoline's father spent his entire savings to help her get to Spain. The woman had Ivoline pose as her daughter, using false passports while they traveled together to Europe. Once in Spain, instead of being sent to school, Ivoline was forced into prostitution on the streets. Ivoline eventually escaped from the woman and was homeless for a few weeks before she built up enough courage to go to the police. Although her trafficker was not brought to justice, Ivoline's strength has given her new optimism and confidence; on her birthday this year, she toasted to hopes of finding work and creating a new life in Spain with her own family.

## DISABILITIES AS A RISK FACTOR

This Report includes recent reports of the abuse of deaf domestic workers in the United Kingdom, addicts forced to labor in fields in the United States, people with mental illnesses and developmental disabilities enslaved in Chinese kilns, and persons with developmental disabilities forced to work as peddlers on the streets of India. Persons with disabilities remain one of the groups most at risk of being trafficked. Due to disability-based discrimination and exclusion common in many places, however, governments often ignore this risk factor or fail to make provisions for persons with disabilities as part of anti-trafficking efforts.

The stigma and marginalization of a person with disabilities creates a particular vulnerability. For example, parents who see no hope of jobs or marriage for their disabled children may place those children in exploitative situations with the intent of shedding a “burden” or seeking income. Where schools fail to accommodate students with disabilities, high drop-out rates leave them on the streets and at much higher risk of being trafficked in forced begging or other criminal activities. The commonly held view that persons with disabilities are not sexually active increases the risk of sex trafficking for persons with disabilities, especially disabled women and girls. For example, a Global HIV/AIDS survey conducted by the World Bank and Yale University showed that women and girls with disabilities were assumed to be virgins and thus targeted for forced sex, including by HIV-positive individuals who believed that having sex with a virgin would cure them.

Societal barriers limit the access of persons with disabilities to systems of justice. Lack of training of police, prosecutors, and judges on how to accommodate persons with disabilities (through, for example, sign language interpreters, plain language, and physical access) can leave victims with disabilities unable to provide effective statements and report the abuse they have endured. Laws expressly prohibiting people with disabilities from being witnesses, especially those who are blind, deaf, or have mental or developmental disabilities, leave such victims excluded from processes that should provide them with redress. Even when the justice system is not to blame, societal prejudices that devalue or discount the experiences of persons with disabilities can mean that their evidence is given less weight, and that sentences given to perpetrators may be lower than comparable cases where non-disabled people are the victims. This exclusion of persons with disabilities from the justice system in turn contributes to their being targeted by traffickers, who might assume that such victims will be less likely to raise an alarm or seek help.

Even in instances in which victims of trafficking do not have disabilities, the experience of being trafficked substantially increases the risk of victims acquiring disabilities as a result of physical and psychological trauma. It is thus essential that victim service programs include resources for those with a wide range of physical, sensory, learning, mental, and developmental disabilities.



- ❖ victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- ❖ the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well being;
- ❖ the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims; and,
- ❖ governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants excessive fees.

Tier rankings and narratives are NOT affected by the following:

- ❖ efforts, however laudable, undertaken exclusively by non-governmental actors in the country;
- ❖ general public awareness events – government-sponsored or otherwise – lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking; and,
- ❖ broad-based law enforcement or developmental initiatives.

## A Guide To The Tiers

### Tier 1

Countries whose governments fully comply with the TVPA's minimum standards for the elimination of trafficking.

### Tier 2

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

### Tier 2 Watch List

Countries where 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 whose:

- a) the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take *additional steps over the next year*.



To meet government-imposed production quotas, thousands of Uzbek schoolchildren work in the cotton fields each year. Children who do not meet their production quotas can be expelled from school, and running away results in strict punishment.

Still recovering from the 2010 earthquake in Haiti, coordination of anti-trafficking activities remained a challenge. The groups most at risk were those from the lowest income backgrounds.



## EU DIRECTIVE ON HUMAN TRAFFICKING

In April 2011, the EU passed a new comprehensive anti-trafficking Directive (21011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims) defining human trafficking and setting standards for member states' responses to trafficking. Similar to the Minimum Standards for the Elimination of Trafficking of the TVPA, the standards set forth in the EU Directive require member states to criminalize all forms of trafficking and to assign significant penalties for trafficking offenses. Member states must investigate and prosecute trafficking cases without depending on victim testimony and may continue their investigations and prosecutions even when victims have withdrawn their statements. The Directive also requires member states to extend certain protections to trafficking victims, including appropriate assistance and support not conditioned on the victims' willingness to cooperate in criminal proceedings, and to ensure that victims of trafficking are not prosecuted for crimes they were compelled to commit. In addition, it requires that special measures be put in place to provide child trafficking victims with specialized care and support. Further, the Directive requires that member states establish provisions to prevent secondary victimization of victims during the law enforcement process. Finally, Member states are obliged to establish a national rapporteur or equivalent to assess trends and government actions to address trafficking, including the measuring of results of anti-trafficking actions and the gathering of statistics, in close cooperation with civil society. If implemented by member states, these new provisions carry a significant promise for enhanced investigations of trafficking and protection of its victims.

## JUSTICE FOR ALL: SAFEGUARDING THE RIGHTS OF VICTIMS AND THE ACCUSED

The Universal Declaration of Human Rights (UDHR) not only prohibits slavery and involuntary servitude (Art. 4), but also sets forth a number of other protections relevant to global efforts to address human trafficking. Some of these provisions, such as the guarantees of freedom of movement (Art. 13), freedom from forced marriage (Art. 16), and free choice of employment (Art. 23), protect victims and those who may be vulnerable to trafficking. Others, such as Article 11, provide baseline protections for the accused in criminal proceedings. Done correctly, law enforcement action can achieve not only the criminal justice goals of deterrence and punishment, but also fairness, due process, and the ability of crime victims to see their abusers brought to justice. Indeed, these goals are not in conflict.

In striving to implement best practices to address trafficking, and consistent with the standards of the UDHR, the Palermo Protocol, and the TVPA's minimum standards for the elimination of trafficking, governments should act in accordance with the UDHR's admonition in Article 11 that "[e]veryone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence." It is critical for countries to have clear and well-constructed trafficking laws, with elements of the offense that can be understood by police, courts, parties, civil society, and at-risk persons. It is also imperative that when governments vigorously enforce those laws, they apply them fairly based on careful and thorough investigation and in proceedings that protect the due process rights of the accused.

In recent years the victims' rights movement has made great strides in ensuring that those against whom a crime was committed are not then re-victimized by the very judicial system that should be protecting them. The re-traumatization possible in judicial proceedings can be minimized by a number of best practices, such as alternatives to in-person testimony or use of pseudonyms, access to a victim advocate, and the right to be heard in court proceedings, especially at sentencing. Moreover, vigorous victim identification mechanisms and use of prosecutorial discretion can identify and protect arrestees who may have committed crimes, as a result of having been trafficked.

Incorporating these rights-based best practices into the judicial process allows for better law enforcement training and increased victim identification, and ensures that the right people are brought to justice. The result? Justice for all, and the enhanced legitimacy of the governments' efforts to fight against modern slavery through systems that meet the fundamental rights and needs of all those involved.

Often far away from the homes of their abusers, those trapped in so-called "slave villages" toil in remote areas with no pay and under constant threat from the landowner.



Volunteer students present a drama depicting the tricks that traffickers used to lure victims. These students are trained by the NGO Lakshya based in Bihar, India to present the plays in their communities to raise awareness.



*"I walk around and carry the physical scars of the torture you put me through. The cigarette burns, the knife carvings, the piercings ... how a human being can see humor in the torture, manipulation, and brainwashing of another human being is beyond comprehension. You have given me a life sentence."*

Victim of sex trafficking in the United States, to her trafficker at his sentencing

### Tier 3

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

The TVPA lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3. First, the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking. Second, the extent to which the country's government does not comply with the TVPA's minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking. And third, reasonable measures required to bring the government into compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

A 2008 amendment to the TVPA provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. This automatic downgrade provision came

into effect for the first time in last year's report. The Secretary of State is authorized to waive the automatic downgrade based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to comply with the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The Secretary can only issue this waiver for two consecutive years. After the third year, a country must either go up to Tier 2, or down to Tier 3. Governments subject to the automatic downgrade provision are noted as such in the country narratives.

### Penalties for Tier 3 Countries

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. government may withhold or withdraw nonhumanitarian, non-trade-related foreign assistance. In addition, countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund and the World Bank.

Imposed sanctions will take effect upon the beginning of the U.S. Government's next Fiscal Year—October 1, 2012—however, all or part of the TVPA's sanctions can be waived if the President determines that the provision of such assistance to the government would promote the purposes of the statute or is otherwise in the United States' national interest. The TVPA also provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.

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

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*"I told my agents we're going to treat this little girl like she was our own daughter. We're going to hunt this little girl down and get her out of this trailer. [When we found her], I told her we'd been in touch with her sister and I shook her hand and I just gently led her right out the door."*

Ken Burkhardt, U.S. Immigration and Customs Enforcement agent, describing the liberation of a Latin American sex trafficking victim

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## GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	6,885	3,026		
2005	6,178	4,379		40
2006	5,808	3,160		21
2007	5,682 (490)	3,427 (326)		28
2008	5,212 (312)	2,983 (104)	30,961	26
2009	5,606 (432)	4,166 (335)	49,105	33
2010	6,017 (607)	3,619 (237)	33,113	17
2011	7,206 (508)	4,239 (320)	41,210	15

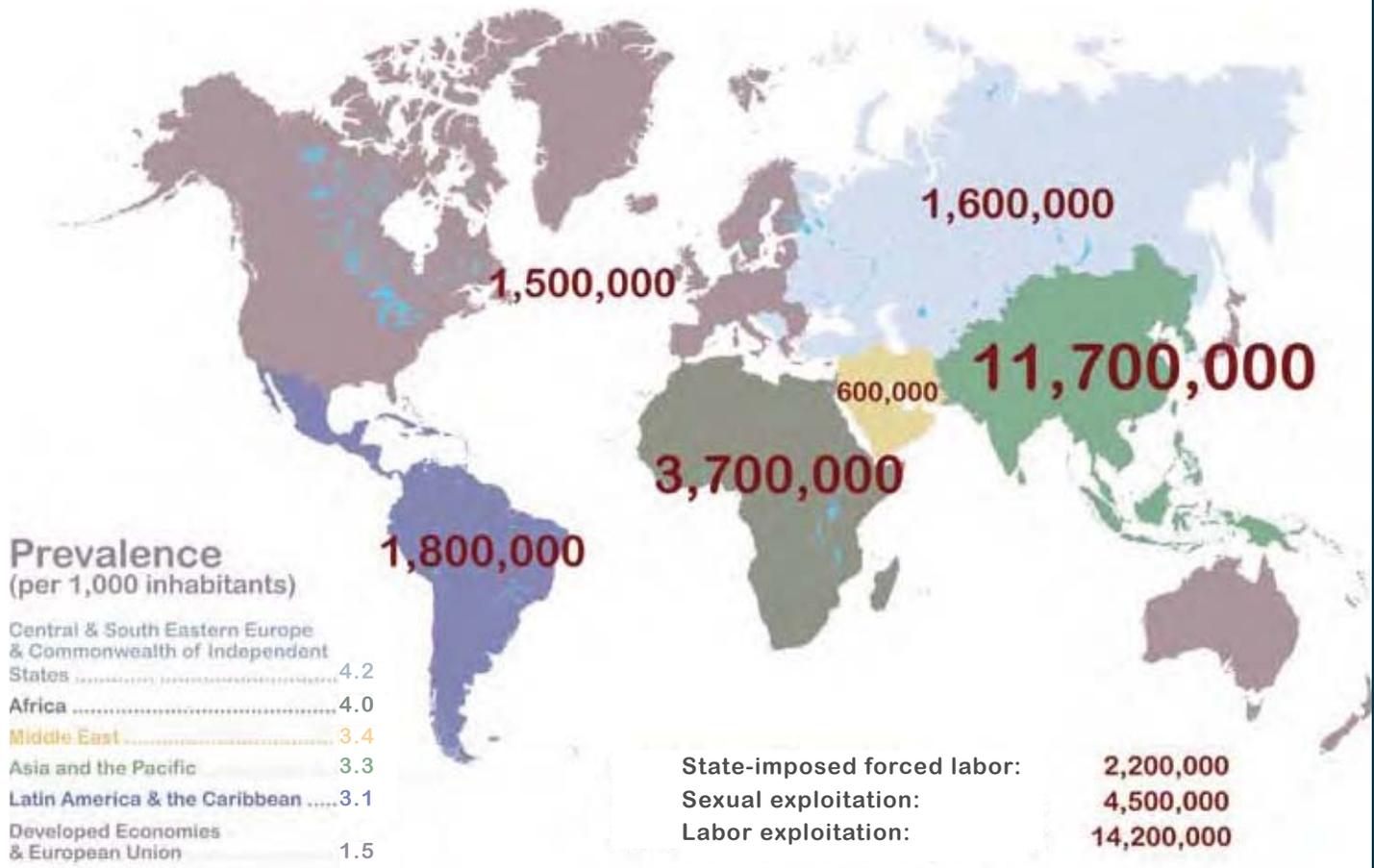
The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

# NEW ESTIMATE OF MODERN SLAVERY IN THE WORLD

On June 1, 2012, the International Labor Organization released its second global estimate of forced labor, which represents what the U.S. Government considers to be covered by the umbrella term “trafficking in persons.” Relying on an improved methodology and greater sources of data, this report estimates that modern slavery around the world claims 20.9 million victims at any time.

- ❖ The ILO’s first estimate of forced labor, in 2005, was 12.3 million victims of forced labor and sex trafficking.
- ❖ Unlike the 2005 estimate, this new finding does not disaggregate human trafficking victims as a subset of the global forced labor estimate. This recognizes that human trafficking is defined by exploitation, not by movement.
- ❖ The ILO estimates that 55 percent of forced labor victims are women and girls, as are 98 percent of sex trafficking victims.
- ❖ The ILO identified a higher percentage of sex trafficking victims, than in the 2005 Report.
- ❖ By region, the Asia and the Pacific region (which includes South Asia) remains largest in terms of number of victims, though the estimate of trafficking victims in Africa has grown since the 2005 estimate.

## Regional Figures Persons in Forced Labor



# 2012 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals are NGO workers, lawmakers, police officers, and concerned citizens who are committed to ending modern slavery. They are recognized for their tireless efforts – despite resistance, opposition, and threats to their lives – to protect victims, punish offenders, and raise awareness of ongoing criminal practices in their countries and abroad.



**MARCELO COLOMBO**

*Argentina*

As a prosecutor and head of the Specialized Office for Investigation of Kidnapping and Trafficking in Persons' cases (UFASE), Marcelo Colombo has undertaken significant efforts to improve and institutionalize procedures for the investigation of human trafficking cases.

While working in the UFASE, Mr. Colombo has improved data collection, formulated and distributed guidance on trafficking investigation best practices, and raised awareness and trained investigators. He oversaw the creation of a database containing all trafficking in persons' cases, helped law enforcement officers and prosecutors detect regional and socio-economic trends, and established an on-line resource available for prosecutors on legal doctrine and jurisprudence to facilitate human trafficking case preparation. Mr. Colombo has improved institutional cooperation within the government by formalizing partnerships with the judiciary's Office for Women and the executive's Ministry of Security and Office of Rescue to ensure best practices are implemented in rescue operations.

Mr. Colombo has profoundly influenced anti-trafficking efforts in Argentina, including the first human trafficking conviction in November 2009, the conviction of 19 traffickers in 2011, and the draft bill to amend the anti-trafficking law approved by the Senate in 2011. Last year, Mr. Colombo took a public stand against official complicity in human trafficking, charging 75 federal police officers with the crime and filing similar actions against policemen in other districts. While the courts have not yet rendered judgment on the cases, his action was one of many examples of his courage in combating human trafficking.



**JEANETTE RICHARDSON-BAARS**

*Aruba*

Despite a full-time job as deputy police commissioner of Aruba, Jeannette Richardson-Baars devotes countless extra hours to ensure Aruba achieves results in combating human trafficking. Under Mrs. Richardson-Baars's leadership, Aruba's interagency committee has uncovered both labor and sex trafficking cases, and shown serious commitment and political will through effective governmental policies to rescue victims and prosecute traffickers.

Although she had no specific budget assigned to her, Mrs. Richardson-Baars did not allow limited financial or human resources to become obstacles to anti-trafficking efforts. Using her own computer, she launched a multi-faceted public awareness campaign that was translated into various languages and displayed posters prominently all over the island. The campaign resulted in reports by the public of several possible trafficking situations. Mrs. Richardson-Baars sought creative solutions to help victims on this small island, where anonymity is a challenge, by utilizing a Kingdom of the Netherlands-wide Memorandum of Understanding (MOU) to shelter victims of trafficking elsewhere. She takes a collaborative and transparent approach to her work, sharing best practices at international forums and speaking openly about challenges, including complicity of public servants. Her courage to address human trafficking in a frank and constructive way stands out among other tourism-based islands, where fear of reporting bad news may hamper a proactive approach to the issue.



## ANNE GALLAGHER

*Australia*

As an international civil servant, legal practitioner, teacher, and scholar, Dr. Anne Gallagher, *Officer of the Order of Australia (AO)*, has exercised major

influence over the development of international law and policy on trafficking. Dr. Gallagher was a United Nations official from 1992 to 2003, and served as Advisor on Trafficking to the UN High Commissioner for Human Rights, from 1998 to 2002. During this time she represented the High Commissioner at negotiations on the Trafficking Protocol and guided the development of the UN Principles and Guidelines on Human Rights and Human Trafficking.

Since 2003, Dr. Gallagher has led an ambitious program, funded by the Australian Agency for International Development, aimed at strengthening legislative and criminal justice responses to trafficking in Southeast Asia. This initiative has been widely acclaimed for its positive impact on laws, policies and practices within and outside the Association of Southeast Asian Nations (ASEAN) region. Dr. Gallagher has made a substantial and highly appreciated contribution to identifying the core elements of an effective criminal justice response to trafficking – one that seeks to both end impunity of traffickers and secure justice for victims. Dr. Gallagher is considered the leading global expert on the international law on human trafficking. In June 2012 she was appointed AO, Australia's second-highest civic honor. This appointment was made for her "distinguished service to the law and human rights, as a practitioner, teacher and scholar, particularly in areas of human trafficking responses and criminal justice." She is the author of numerous scholarly publications, including *The International Law of Human Trafficking*, published by Cambridge University Press in 2010.



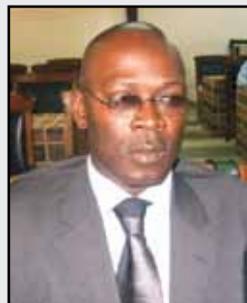
## VANNAK ANAN PRUM

*Cambodia*

Vannak Anan Prum was lured to Thailand by the promise of a lucrative job, but instead was deceived by a labor broker. He was

forced to work on a Thai fishing boat from 2005 to 2009 in slave-like conditions, never receiving a salary. During this time he was mistreated,

starved, and tortured. Mr. Prum escaped with another fisherman by jumping off the boat and swimming four kilometers to shore when the boat was anchored off Malaysian Borneo. According to his account, upon attempting unsuccessfully to obtain help returning to Cambodia, he was sold by corrupt officials to a palm oil plantation. After several months of forced labor on the plantation, an altercation with another worker landed him in detention. While in detention, he was able to establish contact with Malaysian and Cambodian human rights NGOs, which collaborated to have Mr. Prum repatriated to Cambodia, though not until he had spent several additional months in detention. Since then, Mr. Prum has been committed to ending human trafficking and has worked to raise awareness on human trafficking for labor exploitation in the Thai fishing industry through a series of drawings that recreate his experience. Mr. Prum has been interviewed about his experience and anti-human trafficking efforts by Radio Free Asia and has appeared in a Human Trafficking awareness video produced by MTV Exit.



## RAIMI VINCENT PARAIISO

*Republic of Congo*

Raimi Vincent Paraiso, coordinator of the Pointe Noire-based NGO ALTO, works tirelessly to improve the lives of child trafficking

and forced labor victims in Pointe-Noire. Mr. Paraiso has more than five years of experience in providing assistance to trafficking victims in the Republic of the Congo, and is a source of information on human trafficking for the Congolese government, embassies, and international organizations. His efforts to identify and provide aid to victims have resulted in threats and acts of violence against him and his wife from traffickers in the Beninese community of Pointe-Noire. But despite his fears that his life is in jeopardy, he continues to identify and support an increasing number of trafficking victims each year.

In 2011, in partnership with the Congolese government and alongside colleagues in ALTO, Mr. Paraiso identified 57 trafficking victims. He also communicated with Ministry of Social Affairs and Humanitarian Action and police authorities to coordinate the victims' protection, and traveled with several children during their repatriation to Benin. Mr. Paraiso joined the Government of the Republic of Congo delegation in Benin to develop and validate an action plan for the 2011 Republic of Congo-Benin anti-trafficking cooperation agreement.



## PHILIP HYLDGAARD

*Greece*

Philip Hyldgaard is one of the most prominent anti-human trafficking NGO leaders in Greece. As European Operations Manager for The A21 Campaign, an NGO dedicated to fighting human trafficking, Mr. Hyldgaard guided the launch of The A21 Campaign in Greece and facilitated the opening of The A21 Campaign's first shelter for victims of trafficking. Because of his dedication to victim protection and support, The A21 Campaign was able to offer shelter to 21 victims of sex trafficking in 2011. These victims also received vocational training, computer skills, life and education guidance, counseling, and access to legal assistance through its transition program, *Empower*.

Mr. Hyldgaard's vision and guidance have led to the establishment of a nationwide hotline to report suspected cases of human trafficking and to increase awareness among government officials, students, and the general public in Greece about the scourge of human trafficking. Under his leadership, The A21 Campaign continues to work tirelessly to educate and enlist new partners through its growing internship program and various outreach and awareness-raising initiatives. His energy and commitment have helped expand The A21 Campaign to other countries including Bulgaria, the Ukraine, the UK, and the United States.



## AZEZET HABTEZHGI KIDANE

*Israel*

Azezet Habtezhgi Kidane, also known as Sister Aziza, is a member of the Comboni Missionary Sisters from Eritrea who volunteers as a nurse for the NGO Physicians for Human Rights-Israel (PHR-I). During the past two years she has called attention to human trafficking in Sinai, Egypt, including sexual slavery and the torture of thousands of African asylum seekers. Her work led to a groundbreaking research project that has interviewed hundreds of victims living in Israel. This painstaking work was accomplished by the devotion of Sister Aziza who helped identify men, women, and children who had been kidnapped, repeatedly raped, or subjected to forced labor and

sexual servitude, in addition to being tortured for ransom payments, in the Sinai.

Sister Aziza's perseverance, heartfelt concern, and willingness to listen to countless hours of interviews enabled many victims to open up about their experiences of rape, torture, kidnapping, forced labor, and sexual slavery. Whereas previously little was known of the specific atrocities in Egypt, these documented first-hand accounts have led to widespread international media reporting and attention to human trafficking in the region. The State Department has relied on the work of Sister Aziza and PHR-I to promote awareness of this important issue.



## MARIA GRAZIA GIAMMARINARO

*Italy*

Since January 2010, Maria Grazia Giammarinaro has served as the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings. Her leadership has transformed the OSCE's anti-human trafficking efforts across the OSCE. In 2011, she traveled to 16 countries to engage with government officials, members of parliament, law enforcement, judiciary, and civil society on human trafficking. Dr. Giammarinaro has focused intensively on labor exploitation and domestic servitude. She has facilitated research, scheduled for release in 2012, on codes of conduct in the private sector to reduce demand for services of or goods produced by victims of trafficking.

Dr. Giammarinaro shepherded the Ministerial Declaration on combating trafficking to adoption at the Vilnius Ministerial 2011. She has strengthened the OSCE's partnership through the Alliance against Trafficking in Persons, an informal platform of advocacy including UN agencies, international organizations, social partners, and international NGOs dealing with human rights and trafficking. Dr. Giammarinaro has been a judge at the Criminal Court of Rome since 1991. Prior to joining the OSCE, she was instrumental in the development of the Italian legislation against trafficking in persons, the 2005 Council of Europe Convention, and the 2011 EU Directive on trafficking. She also coordinated the European Commission Group of Experts on Trafficking in Human Beings.



## FATIMATA M'BAYE

*Mauritania*

Fatimata M'Baye has demonstrated consistent and courageous advocacy for human rights over three decades. Ms. M'Baye is an attorney and the

president and co-founder of the human rights NGO Mauritanian Association for Human Rights, *Association Mauritanienne des Droits de l'Homme* (AMDH). As president of AMDH, Ms. M'Baye has assumed a proactive role in garnering support for the rule of law and for efforts to protect disenfranchised and vulnerable individuals, including human trafficking victims.

Despite being imprisoned several times and facing state-sponsored racism against Afro-Mauritians during the events of 1989-1991 known as the *passif humanitaire*, Ms. M'Baye prevailed as the first female attorney in Mauritania. As a human rights attorney, she works to address the most deep-seated human rights issues in Mauritania, including defending human rights activists in court and advocating for the prosecution and conviction of human traffickers. Ms. M'Baye's anti-human trafficking contributions in Mauritania have been of fundamental importance. She played a significant role in 2007 as a key drafter of the precedent-setting law criminalizing human trafficking, and she is now at the forefront of a campaign to ensure enforcement of the legislation. As a result of Ms. M'Baye's efforts, Mauritania accomplished a series of firsts from December 2010 to November 2011: the first conviction for child exploitation, the first indictment for slavery practices, and the first prison sentence applied under the 2007 anti-slavery law.



## GARY HAUGEN

*United States*

As President and CEO of International Justice Mission (IJM), the human rights organization he founded in 1997, Gary Haugen has built a global

team of hundreds of lawyers, investigators, and social workers. Directed by their faith and commitment to global justice, IJM staff partner with local governments to rescue and provide aftercare for victims and to hold traffickers accountable under local law. Before founding IJM, Mr. Haugen served as a trial attorney in the U.S. Department of Justice's Civil Rights Division, where he directed investigations into police misconduct, and served as Officer in Charge of the UN investigation in the aftermath of the Rwandan genocide.

Under Mr. Haugen's leadership, IJM has assisted nearly 4,000 victims of sex trafficking and forced labor since 2006 alone, leading to more than 220 criminal convictions and hundreds of ongoing trials. In addition to IJM's work against modern slavery, the organization is bringing its innovative model to address sexual violence, property seizure, illegal detention, and police brutality.

Mr. Haugen's vision has transformed the landscape of human rights advocacy and is empowering a new generation of activists to help local governments transform justice systems to protect the poor from violence. This powerful model is working: independent evaluation has demonstrated that after four years of IJM partnership with local law enforcement in Cebu, Philippines, the availability of minors for sex decreased by a stunning 79 percent.

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*"As the great day drew nearer, there was more singing in the slave quarters than usual. It was bolder, had more ring, and lasted later into the night. Most of the verses of the plantation songs had some reference to freedom....Some man who seemed to be a stranger (a United States officer, I presume) made a little speech and then read a rather long paper—the Emancipation Proclamation, I think. After the reading we were told that we were all free, and could go when and where we pleased. My mother who was standing by my side, leaned over and kissed her children, while tears of joy ran down her cheeks. She explained to us what it all meant, that this was the day for which she had been so long praying, but feared that she would never live to see."*

Booker T. Washington, UP FROM SLAVERY (1901)

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# THE TIERS

## TIER 1

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

## TIER 2

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

## TIER 2 WATCH LIST

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

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

## TIER 3

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

## TIER PLACEMENTS

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



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	194	58		12
2006	170	51		3
2007	123 (28)	63 (26)		5
2008	109 (18)	90 (20)	7,799	10
2009	325 (47)	117 (30)	10,861	8
2010	272 (168)	163 (113)	9,626	5
2011	257 (99)	218 (116)	10,094	2

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

**Tier Placements**

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



# EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	2,580	2,347		5
2006	1,321	763		3
2007	1,047 (7)	651 (7)		4
2008	1,083 (106)	643 (35)	3,374	2
2009	357 (113)	256 (72)	5,238	3
2010	427 (53)	177 (9)	2,597	0
2011	1,581 (55)	1,213 (55)	5,357	4

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

### Tier Placements

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



# EUROPE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	2,521	1,792		12
2006	2,950	1,821		7
2007	2,820 (111)	1,941 (80)		7
2008	2,808 (83)	1,721 (16)	8,981	1
2009	2,208 (160)	1,733 (149)	14,650	14
2010	2,803 (47)	1,850 (38)	8,548	4
2011	3,162 (271)	1,601 (81)	10,185	2

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

### Tier Placements

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

\* As part of the Kingdom of the Netherlands, Aruba and Curacao are covered by the State Department's Bureau of European Affairs.



# NEAR EAST

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6
2010	323 (63)	68 (10)	1,304	1
2011	209 (17)	60 (5)	1,831	2

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

### Tier Placements

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



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	1,041	406		0
2006	629	275		0
2007	824 (162)	298 (33)		4
2008	644 (7)	342 (7)	3,510	2
2009	1,989 (56)	1,450 (10)	8,325	1
2010	1,460 (196)	1,068 (11)	4,357	1
2011	974 (24)	829 (11)	3,907	2

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

**Tier Placements**

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

# WESTERN HEMISPHERE



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	170	59		9
2006	443	63		6
2007	426 (1)	113 (1)		7
2008	448 (42)	161 (24)	6,609	5
2009	647 (47)	553 (66)	9,020	1
2010	732 (80)	293 (65)	6,681	6
2011	1,023 (42)	318 (52)	9,836	3

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions and convictions.

### Tier Placements

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

Bangladeshi child laborers work at a balloon factory in Dhaka, Bangladesh from morning to evening without protective clothing against chemical materials being used during the balloon production process.

