



# Combating Human Trafficking: *The US Experience*

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Presentation at Inter-University Center Dubrovnik

March 2010



# One Role of NGOs?

## *Fighting Human Trafficking*

***Prevention***


***Victim Assistance***

***Termination of Human Trafficking***



# The International Human Rights Law Institute (IHRLI)



- ***Capacity Building***
  - ***HR Documentation & Analysis***
  - ***Post-Conflict Justice***
  - ***Gender Rights***
  - ***Human Trafficking***
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# IHRLI Begins Researching Human Trafficking - 1998

- **Analyzed international reports by UN, Special Rapporteurs, & national laws**
- **Examined trafficking of women, children, & adolescents for purposes of commercial sexual exploitation within a HR framework**
- **Targeted Latin America & Caribbean in 2000**



# IHRLI Work in Latin America 2001

**Provided data to civil society to combat trafficking;  
- Educated families, schools, media, public officials re: prevention**

**Provided governments & legislatures with factual bases needed to enact legislation**

**Provided OAS & member-states with factual bases to develop regional treaties**

**Increased awareness of trafficking thru worldwide dissemination of Investigations' findings**

**Improved capabilities to undertake the same type of fieldwork in other regions of the world**

# IHRLI in Brazil 2003



## **Researched Trafficking of Women & Children for Commercial Sexual Exploitation :**

- **Encouraged broad social participation**
- **IHRLI contributed specialized knowledge of human trafficking**
- **Emphasized HR & multi-disciplinary approach to combat trafficking**

# *In Modern Bondage Series* 2002-2005



- **2002: Central America & Caribbean**
- **2005: Central America, Caribbean, Brazil**
- **Analyzed human trafficking Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama**
- **Made public policy recommendations re: combating human trafficking at National & Regional level**



# **Sex Tourism Opposition & Prevention (STOP) 2004-2006**

- **Investigated sex tourism in Costa Rica**
- **Conducted research with local NGOs**
- **Developed legal strategies to assist victims & prevent abuses**



# Demand Dynamics Series 2003-2007



- **Analyzed Forces of Demand in Global Sex Trafficking (2003–2004 )**
- **Made recommendations for policies & legislation to thwart demand**
- **Recommended adoption of basic principles & standard terminology for human trafficking, outreach programs, legal reform, activism, & research**

# Demand Dynamics Series

## 2003-2007



- **Pornography: Driving Demand in International Sex Trafficking (2005–07)**
- **Identified linkages b/t pornography, prostitution & demand**
- **Brought leaders together to collaborate to address demand**



# IHRLI in Vietnam 2009



- **Analyzed human trafficking in Vietnam**
- **Published in Vietnamese Journals**
- **Pending grant for innovative programs to combat trafficking – programs have worked in Greater Sub-Mekong Region**



# International Human Rights Law Colloquium 2010



- **Course on Int. HR Law at DePaul Univ.**
- **Kari Kammel, Deputy Executive Director of IHRLI**
- **Focus on activities of organized crime**
  - **Arms**
  - **Drugs**
  - **Human Trafficking**

# Human Trafficking Database 2009-2010



- **Compiling comprehensive info re: human trafficking. Including data re:**
  - **Governmental data**
  - **National & International legislation**
  - **Inter-gov org data & legislation**
  - **NGO data**
  - **Books, Articles, Reports, Pamphlets**

**For researchers, legislators & others**

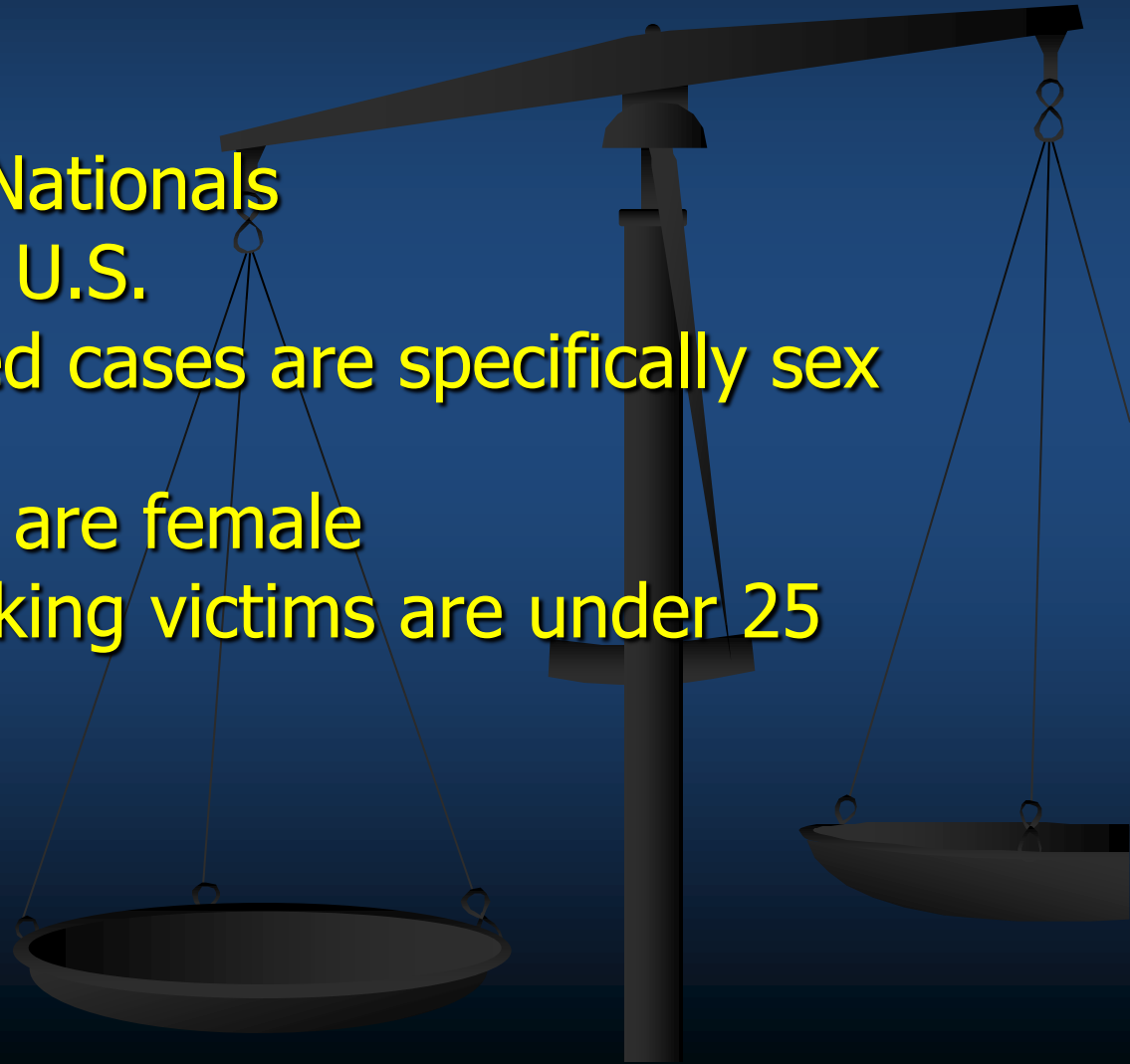
# IHRLI & ISISC



- **Istituto Superiore Internazionale di Scienze Criminali (ISISC)**
- **Partner Institute of IHRLI in Siracusa**
- **Consultative status w/UN & Council of Europe**
- **International Criminal Law Specialization Course: *Human Trafficking for Commercial Sexual Exploitation***
- **Presentation of IHRLI paper on evolution of int'l law concerning human trafficking**

# Human Trafficking in the United States\*

- 37% are Foreign Nationals
- 63% are from the U.S.
- 83% of all reported cases are specifically sex trafficking Cases
- 90% of all victims are female
- 71% of sex trafficking victims are under 25 years of age

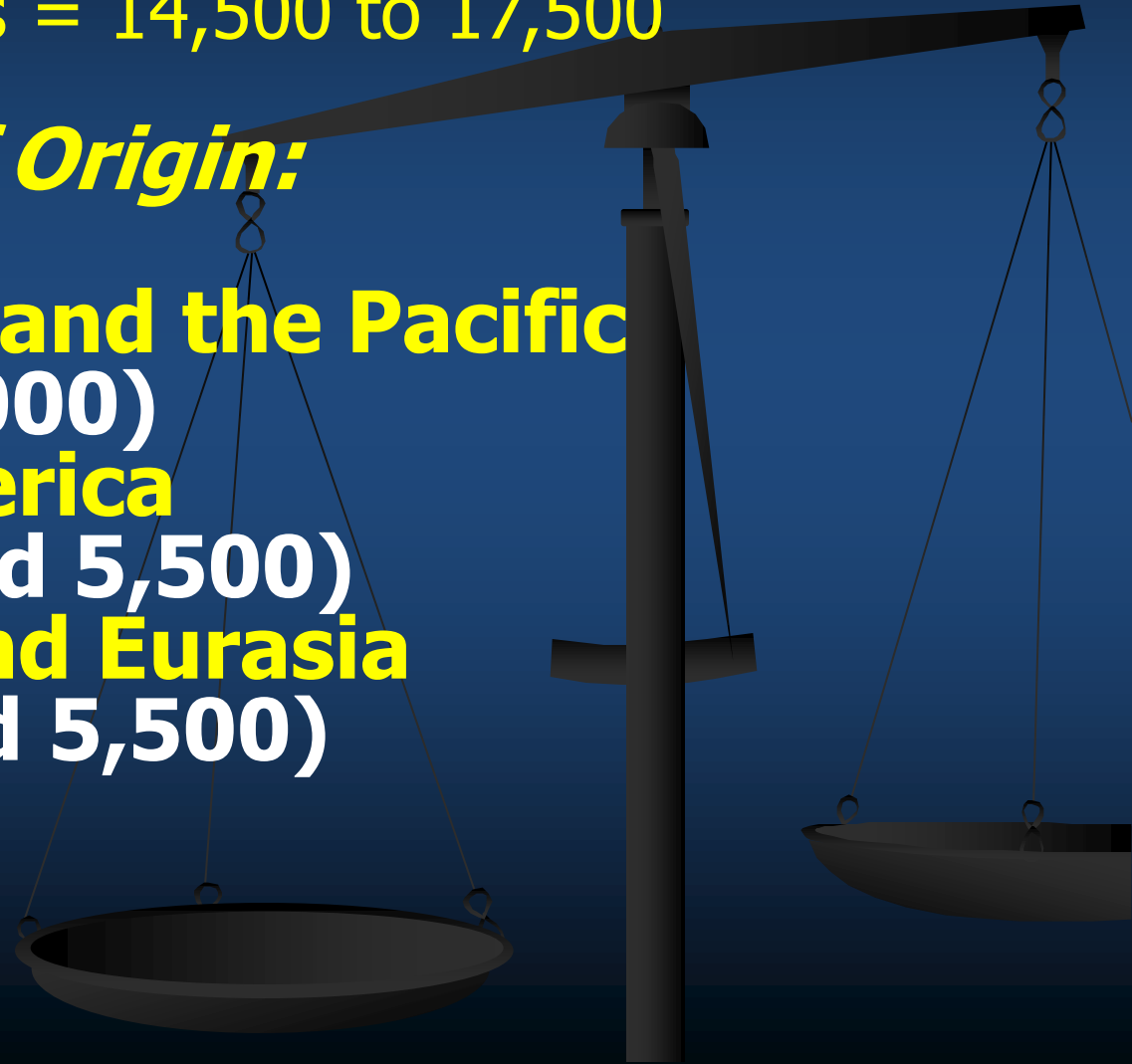


# FOREIGN NATIONAL VICTIMS

37% of sex trafficking victims are foreign nationals = 14,500 to 17,500

## *Countries of Origin:*

- **East Asia and the Pacific**  
(5,000-7,000)
- **Latin America**  
(3,500 and 5,500)
- **Europe and Eurasia**  
(3,500 and 5,500)



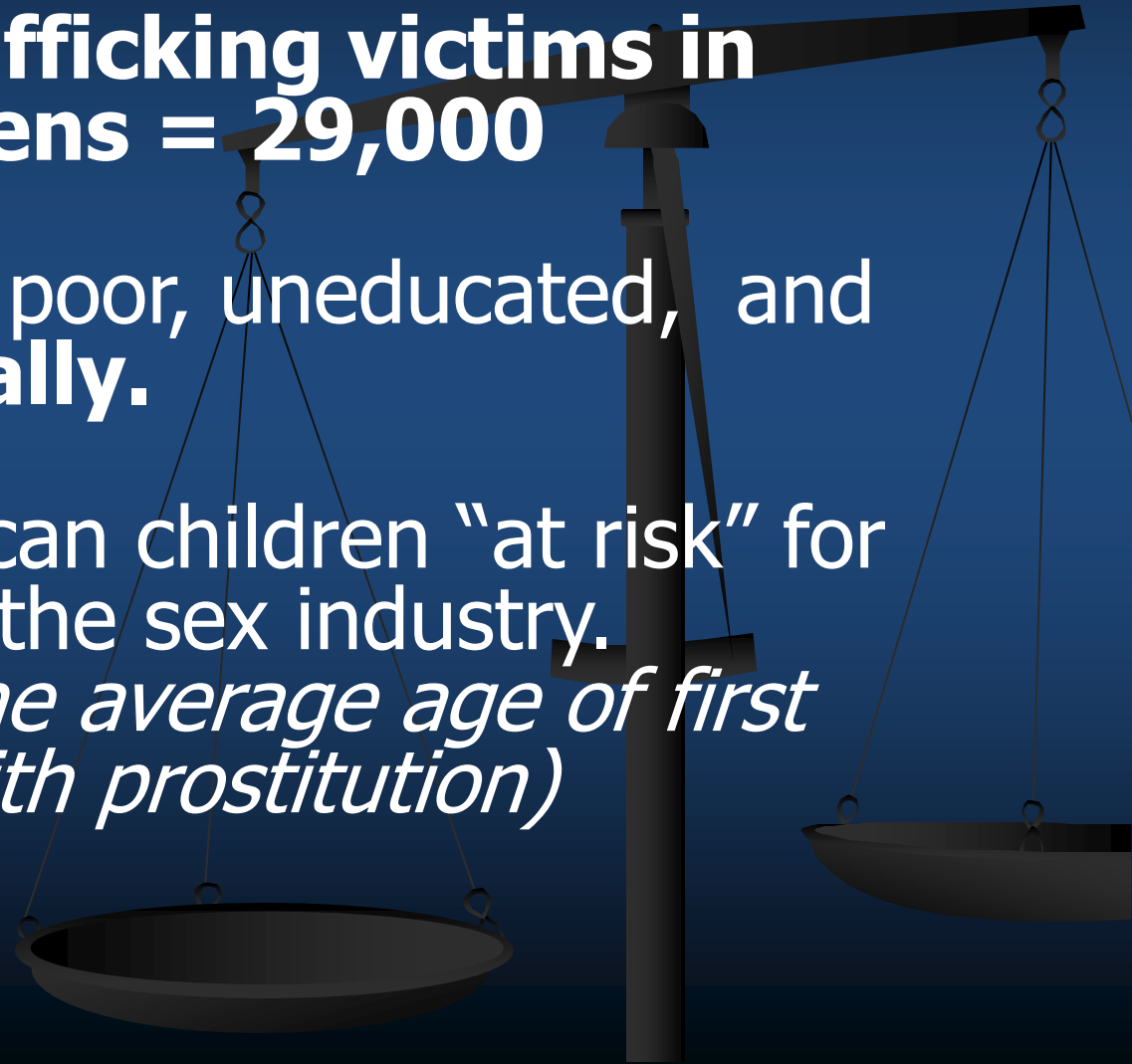


# US CITIZEN VICTIMS

- **63% of sex trafficking victims in the US are citizens = 29,000**

- **At risk groups – poor, uneducated, and children especially.**

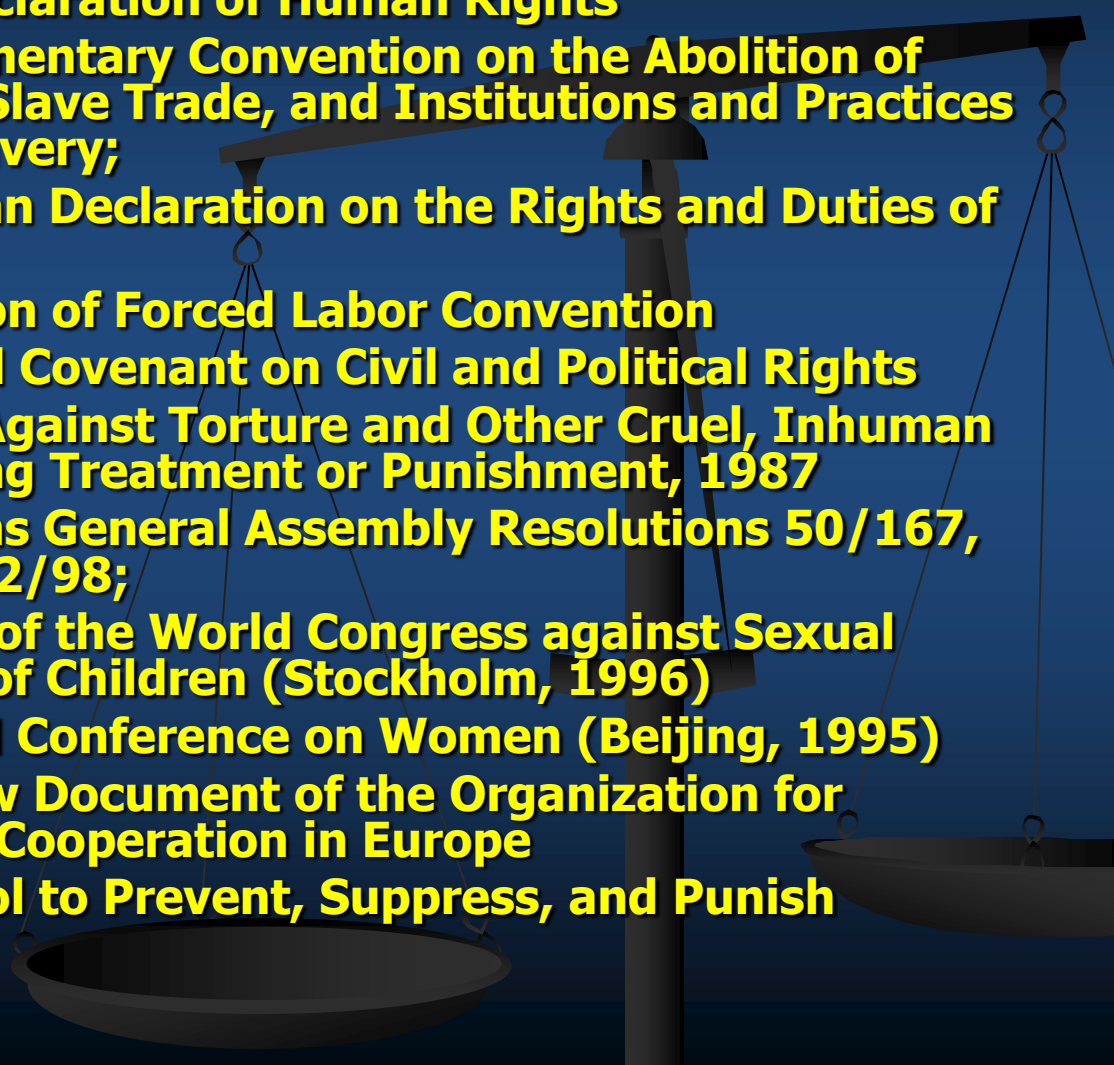
244,000 American children “at risk” for trafficking into the sex industry.  
*(12-14 yrs is the average age of first involvement with prostitution)*



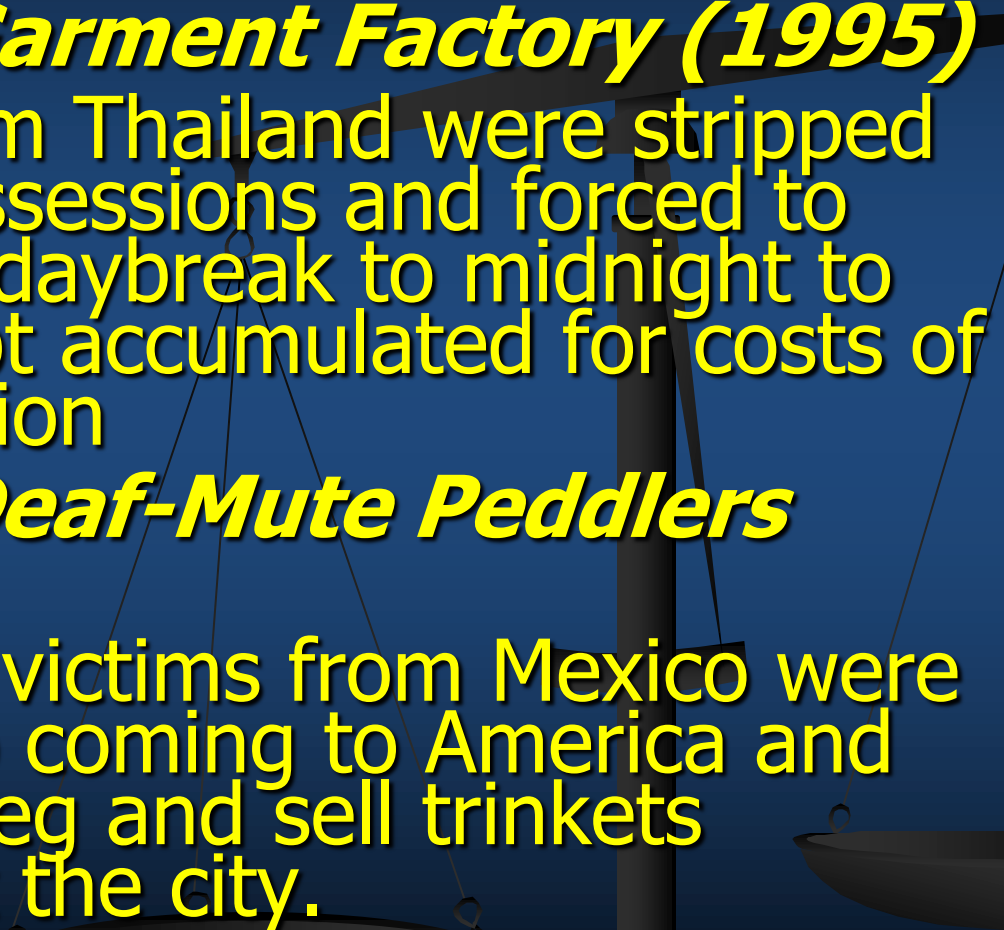
# International Framework Binding on the United States



1. **Universal Declaration of Human Rights**
2. **1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;**
3. **1948 American Declaration on the Rights and Duties of Man;**
4. **1957 Abolition of Forced Labor Convention**
5. **International Covenant on Civil and Political Rights**
6. **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987**
7. **United Nations General Assembly Resolutions 50/167, 51/66, and 52/98;**
8. **Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996)**
9. **Fourth World Conference on Women (Beijing, 1995)**
10. **1991 Moscow Document of the Organization for Security and Cooperation in Europe**
11. **2000 Protocol to Prevent, Suppress, and Punish Trafficking.**



# 1990s: Trafficking on the Rise

- ***California Garment Factory (1995)***
    - Victims from Thailand were stripped of their possessions and forced to work from daybreak to midnight to pay off debt accumulated for costs of transportation
  - ***New York Deaf-Mute Peddlers (1997)***
    - Deaf-mute victims from Mexico were tricked into coming to America and forced to beg and sell trinkets throughout the city.
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# Prosecuting trafficking crimes in the 1990S

## ■ *Laws Used*

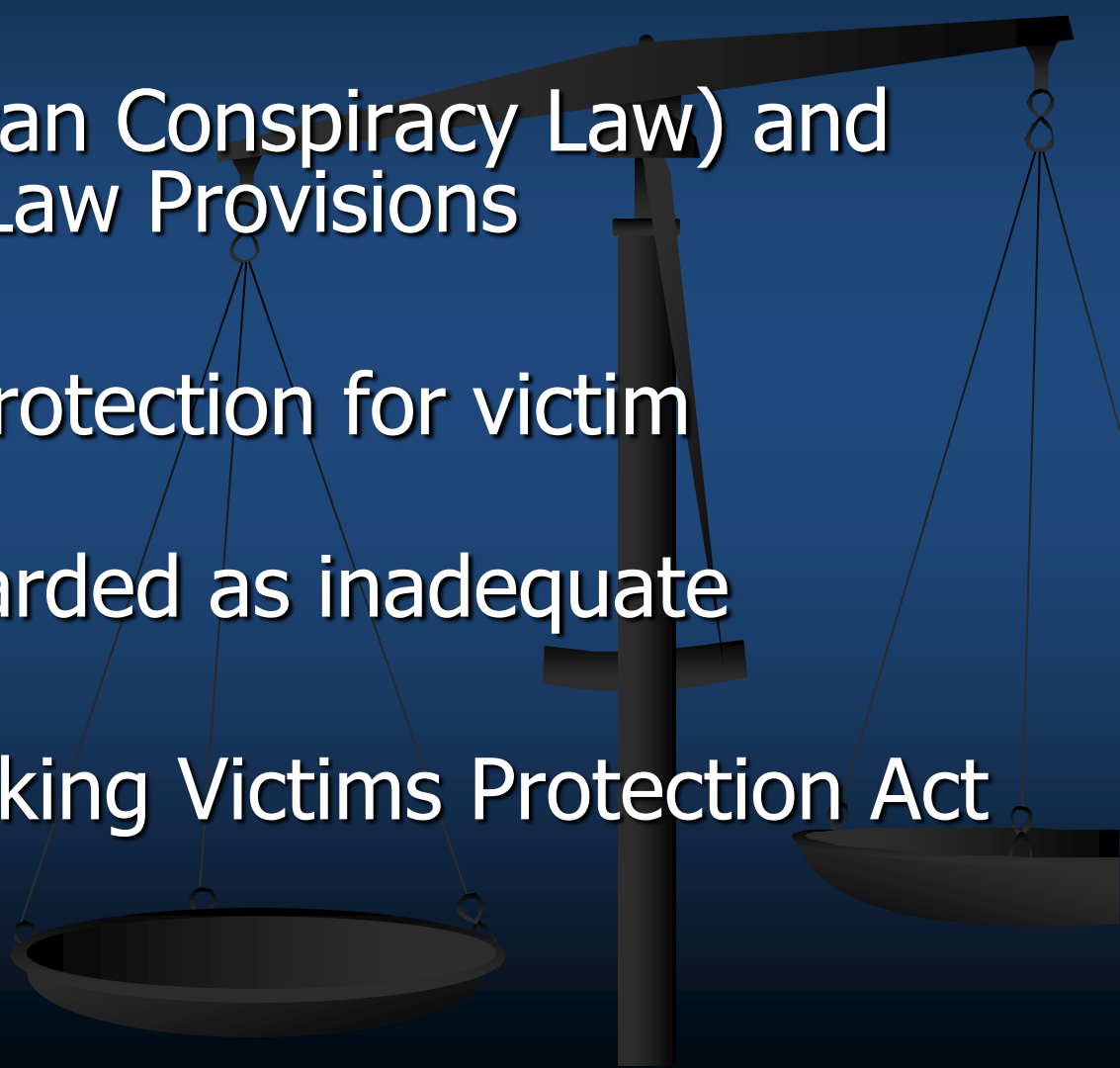
- RICO (American Conspiracy Law) and Immigration Law Provisions

## ■ *Problem*

- Inadequate protection for victim witnesses
- Penalties regarded as inadequate

## ■ *Solution*

- TVPA –Trafficking Victims Protection Act



**T.V.P.A. 2000**

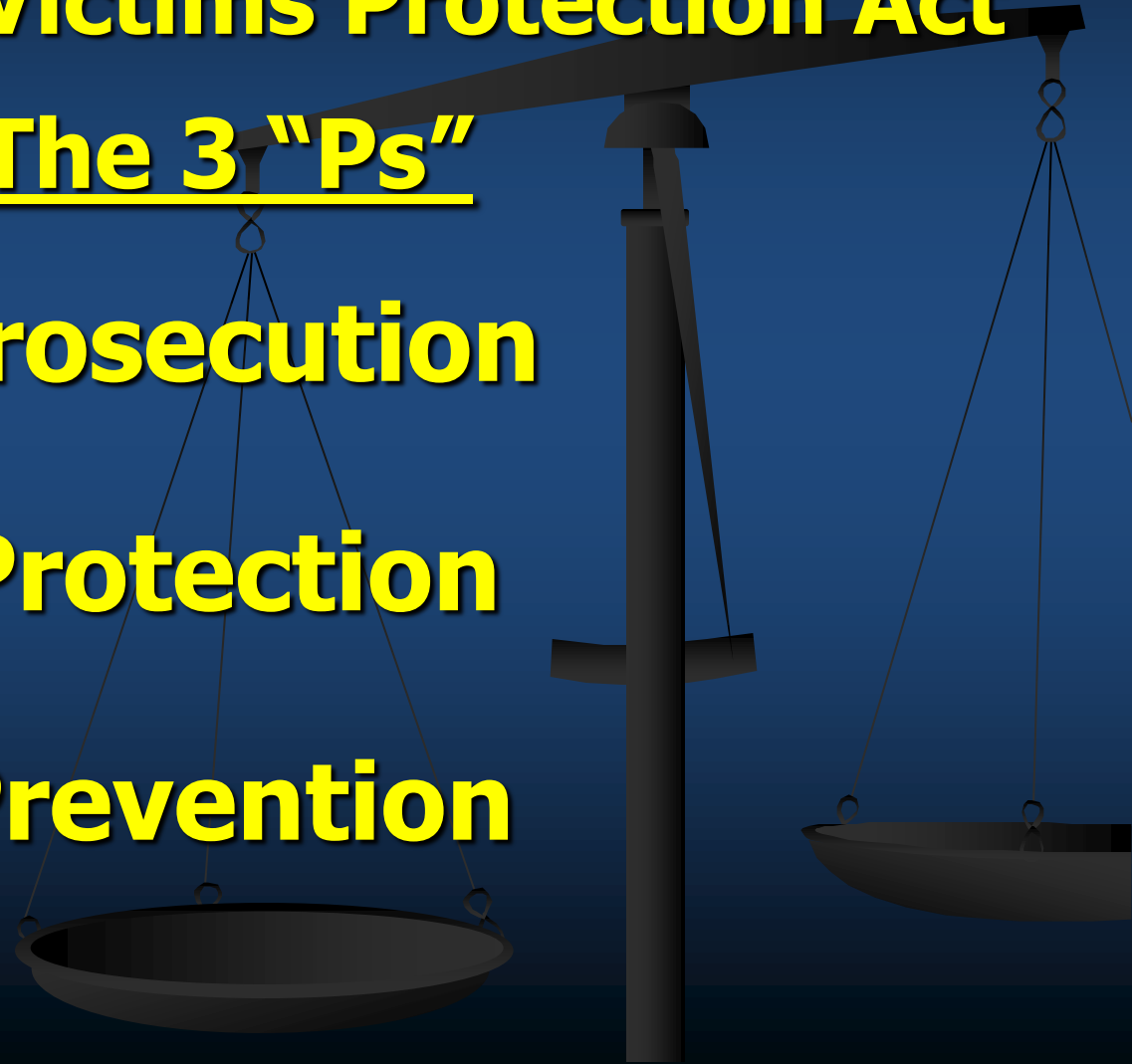
**Trafficking Victims Protection Act**

**The 3 "Ps"**

**Prosecution**

**Protection**

**Prevention**

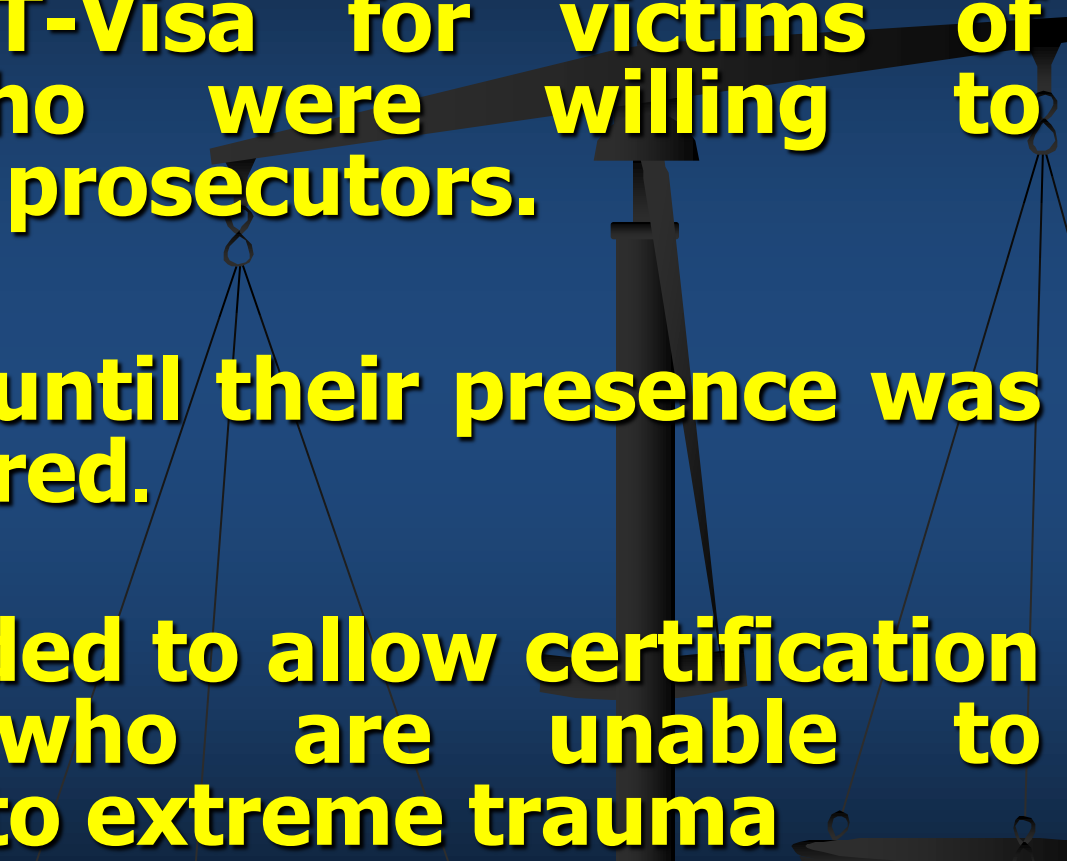


# Prosecution




- **Created crimes of sex & labor trafficking**
- **Created right of victim restitution AND, a right of civil action**
- **Raised penalties for involuntary servitude & peonage from 10 to 20 years, or life in particularly egregious cases.**
- **In 2008, *mens rea* was lowered from knowledge to reckless disregard to facilitate prosecutions.**

# Protection

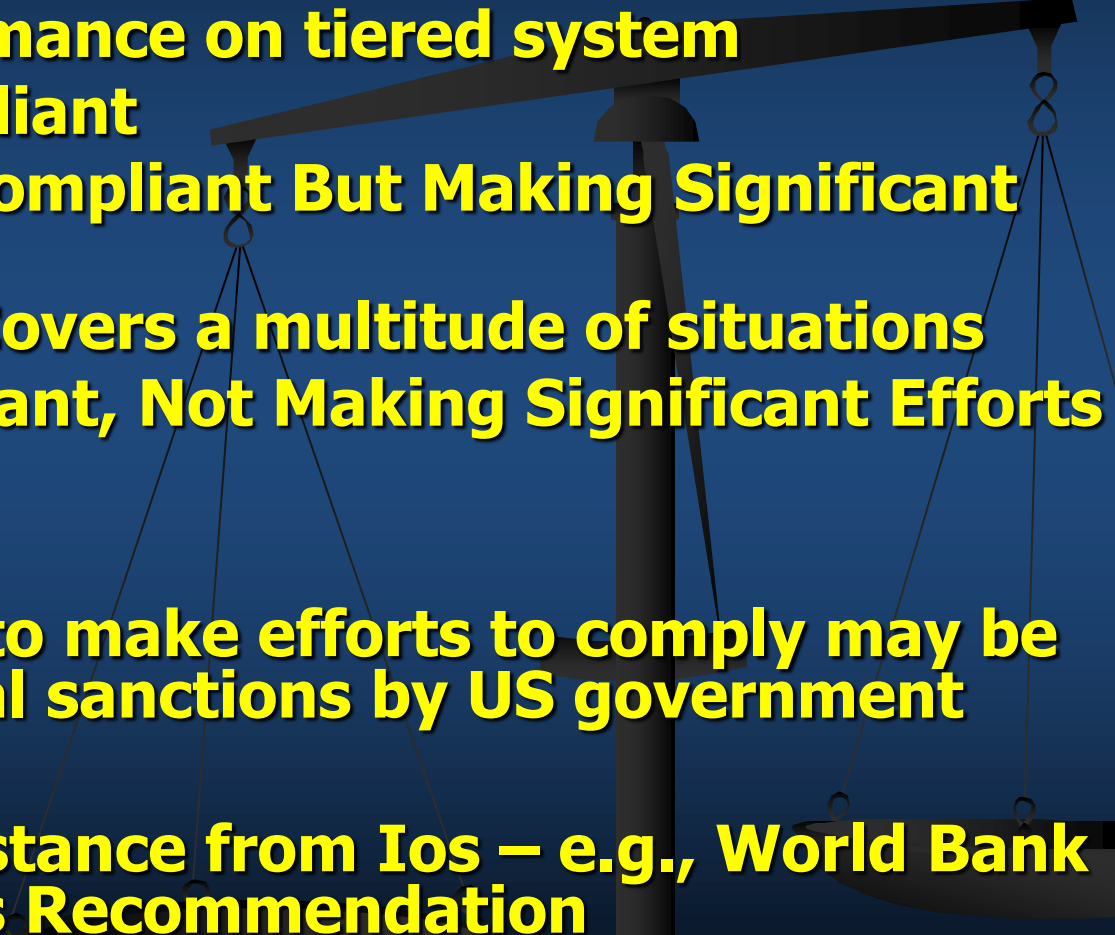
- Created the T-Visa for victims of trafficking who were willing to cooperate with prosecutors.
  - Visa was valid until their presence was no longer required.
  - In 2008, amended to allow certification for victims who are unable to cooperate due to extreme trauma
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# Prevention

- Domestic Prevention
  - Funding to Education & NGOs that provide services to victims
  - International Prevention
  - Created Office to Monitor & Combat Trafficking in Persons
  - *This office publishes the Trafficking in Persons Reports (TIP Reports) to monitor trafficking abroad*
- 



# International Prevention: Trafficking in Person Reports

- **Ranks country performance on tiered system**
    - **TIER 1: Fully Compliant**
    - **TIER 2: Not Fully Compliant But Making Significant Effort**
    - **TIER 2 Watchlist: Covers a multitude of situations**
    - **TIER 3: Not Compliant, Not Making Significant Efforts**
  - **Sanction Based**
    - **Countries that fail to make efforts to comply may be subject to unilateral sanctions by US government**
    - **Can be denied assistance from Ios – e.g., World Bank - on the President's Recommendation**
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# Tier 1



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

# TIER 3

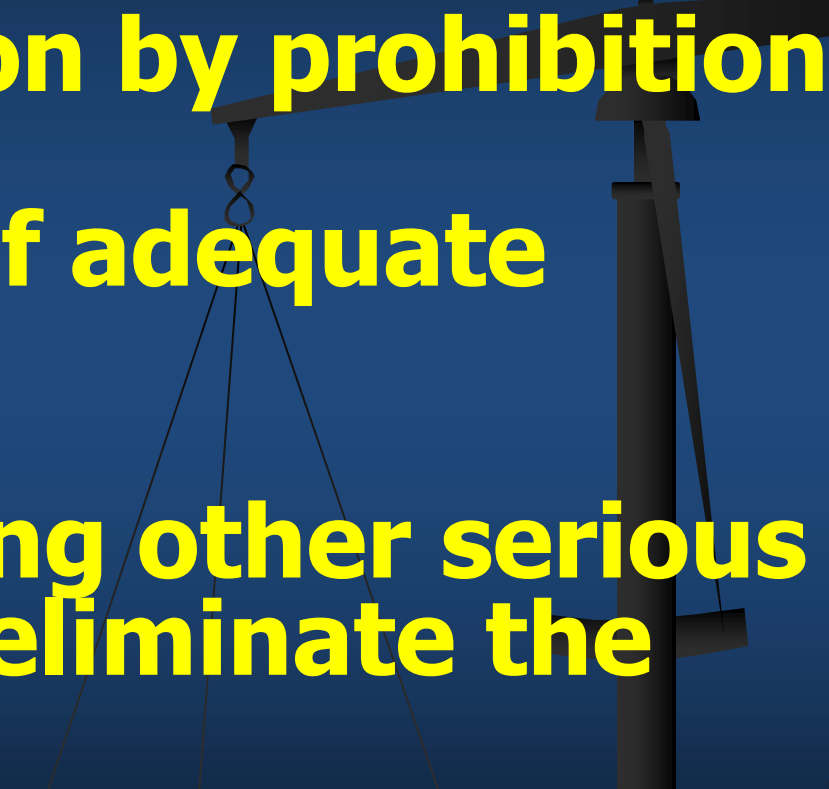
- **Burma**
- **Chad**
- **Cuba**
- **Eritrea**
- **Fiji**
- **Iran**
- **Kuwait**
- **Malaysia**

- **Mauritania**
- **Niger**
- **North Korea**
- **Papua New Guinea**
- **Saudi Arabia**
- **Sudan**
- **Swaziland**
- **Syria**
- **Zimbabwe**



...TIP reports cont.

## MINIMUM STANDARDS

- **Recognition by prohibition**
  - **Creation of adequate penalties**
  - **Undertaking other serious efforts to eliminate the problem**
- 

# Trafficking in Persons Report Continued

## Core Criterion for Performance Evaluation

Can be grouped into 4 areas:

### 1. Cooperation

- Information sharing with other countries
- Extradition of persons accused of human trafficking crimes
- Willingness to supply prosecution and other statistics to U.S.

### 2. Data

- Monitoring migration
- Monitoring own anti-trafficking programs



## Core Criterion Cont.

### ➤ Demand Reduction

- Prosecution & investigation, including gov't officials
- Public education
- Education of peace keepers

### ➤ Victim Support

- Encouraging victim participation in investigation & prosecution
- Preventing deportation to dangerous situations



# How does US Gov't help countries to reach minimum standards?

- ***\$76 million to 140 international projects in 2009***
- ***Benefited over 70 countries***
- **Training Judiciary and Law Enforcement**
  - **\$290,000 to IOM in Angola**
    - to train police, immigration officials, and prosecutors
  - **\$730,000 awarded to Nigeria**
    - for programs in Nigeria run by American Bar Ass'n to training judges and law enforcement personnel
  - **\$200,000 to Asia Foundation in Cambodia**
    - for law enforcement training

\* These numbers are from 2008 and are the most recent statistics available.

# US Government Funding, Cont.


- **Education: \$4,791,000 to the Ugandan government**
  - for programs including a mix of formal education, non-formal education, and skills training interventions to child beneficiaries engaged in
  - or at-risk of exploitive child labor.
- **Victims: \$1,000,000 to IOM in Ukraine**
  - victims support services





# US Government Funding, Cont.

## Research

- **\$5,000,000 to Nicaragua research group**
    - **to protect children from child labor through research and other means.**
  - **\$165,000 to research on Cambodia & Thailand**
    - **to build the base of empirical public health knowledge, improve service provision and direct assistance of trafficking victims and promote the importance of early intervention by law enforcement officials.**
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# Problems with U.S. Approach

- **Unilateral not multilateral – U.S. imperialism?**
- **Does not subject itself to the TIP scheme (but will in 2010)**
- **BIGGEST PROBLEM = LACK OF RELIABLE DATA**
  - **difficulties where to focus efforts**
  - **can't know which projects do/don't work**
  - **can't measure progress**

**This is why IHRLI is building a global database for human trafficking.**



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