
**VICTIMS OF TRAFFICKING
AND VIOLENCE
PROTECTION ACT OF 2000**

**TRAFFICKING IN PERSONS
REPORT**

**Department of State
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INTRODUCTION

A Growing Phenomenon

Trafficking in persons is a fundamental and crucially important challenge in the areas of human rights and law enforcement. Based on reliable estimates, as the Congress has noted, at least 700,000 persons, especially women and children, are trafficked each year across international borders. Some observers estimate that the number may be significantly higher. Victims are forced to toil in sweatshops, construction sites, brothels, and fields. Deprived of the enjoyment of their human rights, many victims are subjected to threats against their person and family, violence, horrific living conditions, and dangerous workplaces. Some victims have answered advertisements believing that they will have a good job awaiting them in a new country. Others have been sold into this modern-day form of slavery by a relative, acquaintance, or family friend. Trafficking occurs across borders and within countries. It is found in both developed and developing nations, in countries where the government abuses human rights, and in countries where the government's human rights record is generally excellent.

Root causes of trafficking include greed, moral turpitude, economics, political instability and transition, and social factors. Many traffickers are involved in other transnational crimes. Criminal groups choose to traffic in human beings as well because it is high-profit and often up to now low risk, because unlike other "commodities" people can be used repeatedly, and because trafficking does not require a large capital investment. They have little respect for the rights or dignity of their victims.

Many trafficking victims fall prey to this practice because they seek a better life or enhanced economic opportunities. They are, therefore, vulnerable to false promises of good jobs and higher wages. Political instability, militarism, civil unrest, internal armed conflict, and natural disasters may result in an increase in trafficking. The destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labor. War and civil strife may lead to massive displacements of populations, leaving orphans and street children extremely vulnerable to trafficking.

In some countries, social or cultural practices contribute to trafficking--for example, the devaluation of women and girls in society, and the practice of entrusting poor children to more affluent friends or relatives. Some parents sell their children, not just for the money, but in the hopes that the children will be

escaping a poverty situation, and move to a place where there will be a better life and more opportunities. The fear of HIV/AIDS also influences traffickers, as children become more attractive to them and to their customers due to the belief that the children are free from the disease.

The Offense and its Victims

It is within this context of growing international concern and action to combat trafficking of persons that Congress passed the Victims of Trafficking and Violence Protection Act of 2000 (the "Act"), P.L. 106-386. The Act requires that by June 1 the Secretary of State submit a report to Congress with respect to the status of severe forms of trafficking in persons. The Act 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 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.

For the purpose of this report, the term "trafficking" refers to actions that fall within this definition.

As an underground criminal activity, the scope of trafficking is difficult to measure accurately. In some countries, particularly transit countries, it is difficult to distinguish between alien smuggling and trafficking. The mere facilitation of illegal entry into a country is not considered trafficking, unless it meets the Act's definition, for example because it involves force, fraud, or coercion. Further difficulty in measuring the scope of the problem arises from the fact that many victims come from countries in which the authorities are a source of fear rather than of assistance, and victims are often reluctant to seek help once they fall into the hands of traffickers. In some countries, the victims themselves are prosecuted and jailed for violating immigration or other laws. Moreover, traffickers may threaten victims or their families.

The problem of trafficking in persons is not new--it is in many ways a modern-day form of slavery, which has persisted into the twenty-first century. Yet it is only in the past several years that the contemporary manifestation of this problem has captured international governmental attention, and that governments have begun to address it systematically. It is telling that even some countries that are pro-active and meet the Act's minimum standards for addressing trafficking still have a significant trafficking

problem--a reminder that the world has a long way to go to stop this horrific practice. Governments need strong individual and collective action to combat this phenomenon and to bring those responsible to justice. The immensity of the problem simply overwhelms the capabilities of some countries, and, without collective action by other origin, transit and destination countries, the best intentions of a country may not suffice to meet the minimum standards.

U.S. Commitment

The U.S. is principally a transit and destination country for trafficking in persons. It is estimated that 45,000 to 50,000 people, primarily women and children, are trafficked to the U.S. annually. The U.S. Government is strongly committed to combating trafficking in persons at home and abroad. The Act enhances pre-existing criminal penalties, affords new protections to trafficking victims, and makes available certain benefits and services to victims of severe forms of trafficking; establishes a Cabinet-level federal interagency task force to investigate and prosecute trafficking, and establishes a federal pilot program to provide services to trafficking victims. The U.S. government recognizes the need to sustain and further enhance our efforts in order to achieve the goals and objectives of the Act.

The U.S. Department of State began monitoring trafficking in persons in 1994, when the issue began to be covered in the Department's Annual Country Reports on Human Rights Practices. Originally, coverage focused on trafficking of women and girls for sexual purposes. Our understanding of the problem has broadened over the years, and U.S. embassies worldwide now routinely monitor and report on cases of trafficking in men, women, and children for forced labor in agriculture, domestic service, construction work, and sweatshops, as well as trafficking for commercial sexual exploitation.

The U.S. has initiated many international anti-trafficking and development programs to assist countries combat this ever-growing phenomenon. These initiatives demonstrate the United States' commitment to preventing persons from becoming victims of trafficking; protecting the victims of trafficking; and, prosecuting traffickers. Our development programs include disseminating information on the dangers of trafficking, strengthening the capacity of women's and anti-trafficking organizations to protect those groups from abuse and violence, and outreach and economic opportunity programs for those most at risk of being trafficked. The U.S. has assisted countries to enact anti-trafficking legislation, and train law enforcement, prosecutors and judicial officers.

The Report

In preparing this report, the Department of State in Washington asked for information from our embassies and consulates around the world. Worldwide 186 U.S. embassies and consulates in consultation with host governments devoted substantial time and attention compiling and reporting information about the extent of trafficking in their host countries and efforts undertaken by host governments' to address the problem. The embassy reports reflect discussions with host governments, local non-governmental organizations ("NGOs"), immigration officials, police, journalists, and victims, in addition to reviews of government, press, and NGO reports. The State Department's Bureau for International Narcotics and Law Enforcement Affairs; the Bureau of Democracy, Human Rights, and Labor; the regional bureaus; and the Office of the Legal Adviser, with assistance from the intelligence community, reviewed reporting from U.S. embassies and consulates overseas. The Department also reviewed information from other sources including, but not limited to, UNICEF, UNHCR, the International Organization for Migration, Human Rights Watch, Amnesty International, the Protection Project, and media reports. Other U.S. Government agencies have also provided further information on trafficking for this report. The report covers events through April 15, 2001.

Methodology

Department of State officials developed a rigorous methodology to compile the three lists of countries in this report. First, based upon information from all of the sources described above, reviewers from the bureaus listed above determined whether each country merited inclusion on any of the report's three lists. For each country, this determination depended upon whether or not it is "a country of origin, transit, or destination for a significant number of victims" of trafficking. In order to support a finding that a country has a "significant number" of trafficked victims, the Department required credible reporting that provided numbers of victims. Based on the information available this year, only numbers in the hundreds or higher were considered significant.

Many countries do not appear in this report. For some such countries around the world in which evidence exists to indicate that trafficking occurs, the evidence does not indicate a significant number of victims. Additionally, while U.S. embassies and consulates and the Department have made every effort to obtain as much information as possible, including when some officials of a country may be complicit, the crime of trafficking in persons is often under-reported and obscured from official view. Finally some countries may not be included because of a paucity of available information, which may be the case for various reasons.

It is our hope that this report will focus new attention on this problem everywhere so countries around the world develop mechanisms to detect and stop trafficking efforts. The Department and our embassies around the world will continue to monitor trafficking and host governments' efforts to combat it in all countries including those not in this report, and will continue to seek new channels of information. Accordingly, such countries may appear in future annual reports, and countries now appearing may be dropped from the report.

As a second step, countries that have a "significant number" of victims were then placed into one of the report's three tiers based upon these countries' governments' efforts to combat trafficking. In accordance with the Act, countries whose governments fully comply with the Act's minimum standards for the elimination of trafficking were placed in **tier 1**. Countries whose governments do not fully comply with those standards were then placed in **tier 2** if they are making "significant efforts to bring themselves into compliance" with the standards, or in **tier 3** if they are not. Each tier encompasses a wide range of countries.

Minimum Standards

The Act defines "minimum standards for the elimination of trafficking" as follows:

- 1) The government should prohibit trafficking and punish acts of trafficking.
- 2) The government should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms (trafficking for sexual purposes, trafficking involving rape or kidnapping, or trafficking that causes a death).
- 3) For knowing commission of any act of trafficking, the government should prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense's heinous nature.
- 4) The government should make serious and sustained efforts to eliminate trafficking.

The Act also sets out seven criteria that "should be considered" as indicia of the fourth point above, "serious and sustained efforts to eliminate trafficking:"

- 1) Whether the government vigorously investigates and prosecutes acts of trafficking within its territory.
- 2) Whether the government protects victims of trafficking, encourages victims' assistance in investigation and prosecution, provides victims with legal alternatives to their removal to countries where they would face retribution or hardship, and ensures that victims are not inappropriately penalized solely for unlawful acts as a direct result of being trafficked.
- 3) Whether the government has adopted measures, such as public education, to prevent trafficking.
- 4) Whether the government cooperates with other governments in investigating and prosecuting trafficking.
- 5) Whether the government extradites persons charged with trafficking as it does with other serious crimes.
- 6) Whether the government monitors immigration and emigration patterns for evidence of trafficking, and whether law enforcement agencies respond appropriately.
- 7) Whether the government vigorously investigates and prosecutes public officials who participate in trafficking, and takes all appropriate measures against such officials who condone trafficking.

The Act also states three factors that the Department is to consider in determining whether a country is making significant efforts to bring itself into compliance with these minimum standards. These considerations are: 1) the extent of trafficking in the country; 2) the extent of governmental noncompliance with the minimum standards, particularly the extent to which government officials have been complicit in trafficking; and 3) what measures are reasonable to bring the government into compliance with the minimum standards in light of the government's resources and capabilities.

Tiers

Countries¹ are included in the report because they have a significant number of victims. Countries were placed in tier 1 because they fully comply with the law's minimum standards. Such countries criminalize and have successfully prosecuted trafficking, and have provided a wide range of protective services to victims. In addition, their governments sponsor or coordinate prevention campaigns aimed at stemming the flow of trafficking. Some of these governments face resource constraints and other obstacles to combating trafficking, but are working to stop this practice to the best of their ability.

The Act states that those countries should be placed in tier 2 that do not yet fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Some are strong in the prosecution of traffickers, but provide little or no assistance to victims. Others work to assist victims and punish traffickers, but have not yet taken any significant steps to prevent trafficking. Some governments are only beginning to address trafficking, but nonetheless have already taken significant steps.

According to the Act, countries in tier 3 do not fully comply with the minimum standards and are not making significant efforts to bring themselves into compliance. Some of these countries refuse to acknowledge the trafficking problem within their territory. On a more positive note, several other countries in this category are beginning to take concrete steps to combat trafficking. While these steps do not yet reach the level of significant under the statute, many of these countries are on the right path to placement on tier 2.

A problem was posed by several countries in which rebel groups engage in trafficking within territory that they control, for example, forcing children to become soldiers or laborers, or to provide sexual services to rebels. In these cases, the trafficking problem may be entirely beyond the government's control, and the government may be unable to take many steps, along the lines of the Act's "minimum standards," to combat that problem. In such cases, this report categorizes countries primarily based on what steps, if any, governments have taken to assist these victims. In several cases, while a government indirectly combats traffickers through armed struggle with rebel groups, it is at the same time providing direct services and assistance to victims.

¹ Under section 4(b) of the Taiwan Relations Act, "[w]henver the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan."

According to the Act, beginning with the 2003 report, countries on the Tier 3 list will be subject to certain sanctions, principally termination of non-humanitarian, non-trade-related assistance. Such countries would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions, specifically the International Monetary Fund and multilateral development banks such as the World Bank. Certain of the sanctions may be waived under certain circumstances, including upon a national interest determination by the President.

Steps Toward Solutions

Trafficking is a problem that has reached staggering dimensions around the globe. Solving this problem and bringing relief to its many victims are possible only through cooperative efforts. This cooperation must occur bilaterally and multilaterally among various governments, but also between governments and non-governmental organizations. It must involve governmental coordination on national counter-trafficking strategies as well as coordination at a local level for example, between local police and NGOs that provide services to victims. Destination countries must work with transit and source countries to stem the flow of trafficking; and source countries must work not only to prevent trafficking, but also to help with the reintegration of trafficked victims back into their home society.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime adopted by the UN General Assembly in November 2000, is an important new tool to facilitate international cooperation. Governments that sign and ratify this protocol make a commitment to criminalize trafficking and to protect its many victims. The United States and 80 other countries signed the Protocol in December 2000.

Two other international instruments that address sale and trafficking in children have also recently been adopted - International Labor Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (which the United States ratified in December 1999), and the Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography (which the United States signed in July 2000).

Conclusion

This report clearly demonstrates that most governments are in fact taking steps to curb this horrific practice, and to help the hundreds of thousands of men, women, and children who are its

victims. We must continue to develop our prevention, protection, and prosecution programs and policies to ensure that this modern-day form of slavery does not continue long into the twenty-first century. In listing countries in this initial Report it is not our intention to criticize or penalize countries' efforts to combat this scourge. Rather we hope that by highlighting the problem, the need for domestic recognition and action, and the high degree of international attention being given to developing new mechanisms for cooperation, so that reports in the near future will demonstrate improvements in efforts to combat trafficking in persons.