

*Trafficking in persons is not only an abuse of the human rights of its victims, but also an affront to all our humanity.*

## **Trafficking in Persons**

### **The USAID Strategy for Response**

#### **I. The Problem**

The trafficking of persons for sexual or economic exploitation is an abuse of human rights on a global scale. Although the nature of the crime makes accurate figures difficult to verify, estimates of the number of women, children and men trafficked each year range from 700,000 to four million. Its purposes include not only prostitution, debt bondage and domestic labor, but also trafficking of children as slave laborers, soldiers, camel jockeys and sex slaves. The United States is believed to be the destination for about 50,000 victims of trafficking annually.

#### **A. Trafficking Defined**

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime was adopted by the UN General Assembly and has been signed by 105 nations, including the United States. The definition of trafficking in persons used in this internationally accepted protocol<sup>1</sup> is “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or service, slavery or practices similar to slavery, servitude or the removal of organs.” The trafficking process involves source, transit and destination countries; some countries combine all three of these characteristics simultaneously.

#### **B. The Trafficking and Development Link**

Development problems including poverty, economic deterioration, conflict, population displacement, post-conflict political transition, lack of female education and economic opportunity, discrimination and the low value placed on women and children, conspire to provide a source of poor and vulnerable individuals upon whom traffickers

---

<sup>1</sup> The Trafficking Victims Protection Act of 2000 includes a definition of "severe forms of trafficking." This definition is included in the Annex, which summarizes key parts of the legislation.

prey. As an economic survival strategy, poor families may wittingly or unwittingly sell their children to traffickers. In some countries and regions, certain communities and minority ethnic or tribal groups are particularly vulnerable to traffickers. Economic crises, war, population movements and natural disasters may contribute to upsurges in the number of people trafficked.

The trade in persons is pulled by the demand for prostitution and cheap labor in developed and developing countries and for child soldiers in some places. Local and global criminal networks have seized the trade for its high profitability and low risk. They are aided by porous borders, absence of the rule of law, failure to prosecute traffickers, complicity of corrupt officials and modern communication technology.

The nature of trafficking varies by region although the majority of its victims everywhere are women and children. In many parts of the world, girls between twelve and fifteen years of age constitute the highest risk group for victimization by traffickers because epidemics of Sexually Transmitted Diseases (STDs), including HIV/AIDS, have increased the demand for child prostitutes who are believed to be less likely to be infected. Trafficking in Asia has long been documented and focuses primarily on the sex trade and domestic labor. Sex trafficking is a growing concern in central and southeastern Europe, Russia, Ukraine, Central Asia, Latin America and the Caribbean. Trafficking in children is a serious problem in Africa where girls and boys have been abducted into internal and external conflicts, forced labor and sexual servitude. Women and children are trafficked into the Middle East for prostitution and domestic servitude and, in the case of boys, for camel jockeying.

### **C. The United States Government Position on Trafficking**

Pursuant to the Trafficking Victims Protection Act of 2000, President Bush established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. This Task Force is chaired by the Secretary of State and includes the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, the Director of the Office of Management and Budget and the Administrator of USAID. The State Department established an Office to Monitor and Combat Trafficking in Persons in October 2001. This Office prepares the annual Trafficking in Persons Report as required by the legislation. The US government's approach to combating trafficking internationally and domestically is an integrated one based on prevention, protection and assistance for victims and prosecution against traffickers. USAID plays an integral part in the USG effort to eliminate trafficking in persons.

## **II. USAID Strategy for Response**

### **Goal:**

***USAID is committed to the prevention of trafficking and protection of its victims by reducing the vulnerability of women, children and men to traffickers and by promoting the political will and legal and institutional capacity needed to eliminate trafficking.***

## **A. USAID's Role**

USAID is positioned to play an important role within the USG anti-trafficking effort. A significant part of USAID's development assistance is aimed at programs that help create conditions that lessen the vulnerability of women and children to traffickers such as poverty reduction, girls' education, and promotion of the rule of law as well as equal rights and economic and political opportunities for women. These development programs by themselves are not sufficient to eliminate trafficking, but they provide important support and reinforcement for specific anti-trafficking activities targeted at the prevention of trafficking and assistance and protection for victims.<sup>2</sup>

In the course of their development work, especially in STD and HIV/AIDS programs, USAID staff and primary and sub-grantees and contractors may become aware of individuals who may have been trafficked into the sex trade. When this occurs USAID staff or grantees and contractors must report this information to the U.S. Embassy Officer who handles trafficking.

## **B. Principles underlying USAID's anti-trafficking strategy:**

- Emphasis on a targeted set of countries and/or regions;
- Anti-trafficking activities focused on prevention of trafficking, protection of victims and reform and implementation of anti-trafficking legislation;
- A platform of development efforts that support and reinforce direct anti-trafficking activities, e.g. girls' education, reduction of violence against women and promotion of their rights, poverty reduction, administration of justice, and refugee assistance.
- Partnerships with organizations such as NGOs and faith-based institutions that are fighting trafficking and assisting victims of prostitution, child labor and other forms of slavery;

---

<sup>2</sup>USAID's mandate and expertise lie primarily in prevention of trafficking and assistance to and protection of victims. USAID also can address enforcement and prosecution issues through administration of justice and anti-corruption programs. The Department of State and other USG agencies have authority and experience in law enforcement and direct prosecution internationally and domestically. Addressing the demand for cheap sex and labor in destination countries and policy dialogue with governments in more developed transit and destination countries also are important aspects of an overall USG strategy.

- Coordination with other parts of the USG and with local, regional and international institutions.<sup>3</sup>

### **C. Characteristics of Anti-Trafficking Emphasis Countries<sup>4</sup>:**

- Countries with significant levels of severe forms of trafficking in persons that do not meet minimum standards for eliminating trafficking (Tiers II and III of the TIP List);<sup>5</sup>
- Regional or sub-regional trafficking patterns;<sup>6</sup>
- Presence of conflicts or natural disasters;
- Host government political will to combat trafficking evidenced by legislative reform and enforcement, prosecutions of traffickers, cooperation with NGOs fighting trafficking and with other governments;
- Strong and committed NGO partners and faith-based institutions working to combat trafficking and assist victims of prostitution, child labor and other forms of slavery;
- Opportunity for collaboration with the State Department and/or other relevant USG agencies;
- High or growing STD prevalence, especially HIV.

### **D. USAID Anti-trafficking Programming**

The complexity and global scope of trafficking require a multifaceted and coordinated response tailored to regional and national differences. USAID's comparative advantage to address trafficking lies in its field missions and their experience with related activities including for example, campaigns to combat violence against women, income earning opportunities for the poor and vulnerable, girls' education, anti-corruption efforts and legislative reform.

---

<sup>3</sup> As mandated by the Trafficking Victims Protection Act of 2000, USG Agencies involved in anti-trafficking include: State, USAID, Justice, Labor, HHS, CIA, OMB.

<sup>4</sup> All of these criteria need not apply to all emphasis countries, but are guidance for consideration.

<sup>5</sup> The 2002 Department of State Trafficking in Persons (TIP) List includes 89 countries worldwide in which there are significant levels of severe forms of trafficking. Seventy-one of these countries do not meet minimum standards to eliminate trafficking and have been placed on Tiers II and III of the TIP List.

<sup>6</sup> A significant amount of trafficking in persons takes place across national borders, making both regional and bilateral anti-trafficking efforts an important part of the strategy.

USAID funding for direct anti-trafficking activities worldwide is programmed by USAID field missions in conjunction with USAID Washington. The Office of Women in Development coordinates the Agency's anti-trafficking efforts and plays an active role within the USG interagency processes.

USAID's anti-trafficking strategy should be based on direct anti-trafficking activities that are reinforced by a platform of economic development, good governance, education, health, and human rights programs. Anti-trafficking activities supported by USAID should not be isolated or ad hoc add-ons to the Agency's programs, but an integral part of our development programming.

In countries where trafficking is a serious problem, new direct anti-trafficking activities designed by missions should be integrated into mission and other operating unit strategic plans. Missions should also re-direct some current activities to populations or geographic areas that are particularly vulnerable to trafficking or modify development activities to directly address trafficking. Modules on trafficking should be introduced into existing training efforts for judges and prosecutors as well as those for community workers, youth, and informal and formal educators. Trafficking should be raised in the course of strategy development, assessments, and program planning. Activities with potential as model interventions that could be replicated elsewhere should be given priority. Finally, USAID missions and Embassies should conduct policy dialogue on trafficking with governments in source, transit and destination countries.

#### **E. Illustrative Examples of Anti-trafficking Activities for USAID Support<sup>7</sup>:**

##### **Improved information on trafficking**

- Collect and analyze data to map trafficking levels and routes, establish benchmarks for measuring trafficking;
- Analyze supply and demand factors to gain insight into economic forces that make trafficking attractive;
- Document the extent of trafficking and sexual exploitation in refugee and conflict situations.

##### **Awareness of trafficking and its dangers**

- Public anti-trafficking information and education campaigns in source, transit, and destination countries;
- Community education about the risks and dangers of trafficking;

---

<sup>7</sup>This list of activities is illustrative and does not preclude others that may be appropriate direct anti-trafficking activities in particular countries or regions.

- Education of the private sector about trafficking for child labor;
- In destination countries, public education about the prevalence of trafficking, its criminality and abuse of human rights;
- Education and outreach to ethnic communities that are particularly vulnerable to traffickers;
- Support for local and regional NGO networks and faith-based institutions actively fighting trafficking;

### **Addressing the root causes**

- Increase economic and educational opportunities for children and young women within targeted regions or communities where trafficking is prevalent:
- Promote or increase access to economic and vocational opportunities for potential or actual trafficking victims and their families (including but not limited to job skills training and microenterprise).
- Promote or increase access to education, especially for vulnerable girls.
- Increase respect for girls and women through media, formal education or youth-focused activities;
- Support efforts by NGOs, faith-based institutions and governments to prosecute traffickers and brothel owners using existing national laws on rape, kidnapping and abduction.

### **Assistance for victims of trafficking**

- Report by USAID staff, contractors and grantees who become aware of individuals who may have been trafficked into the sex trade must be made to the U.S. Embassy Officer who handles trafficking.
- Support shelters and access to psychological, legal and medical assistance;
- Establish or support victim hotlines;
- Increase access to the justice system;
- Support programs for victims of conflict-related trafficking, for example refugees and internally displaced persons;
- Support repatriation, counseling, social integration, education and income generation for trafficking victims;

### **Legislative and policy reform**

- Promote development and implementation of anti-trafficking legislation and policies in source, transit, and destination countries through civil society; legislatures; national, regional and local governments; and judicial systems;
- Engage in policy dialogue with governments, particularly those on Tiers II and III of the TIP list;
- Incorporate anti-trafficking into human rights activities.
- Incorporate trafficking in persons into anti-corruption efforts.
- Educate prosecutors, judges, law enforcement, and social service agencies regarding trafficking laws, victims' rights and treatment.

## **F. Partnerships against Trafficking**

An effective anti-trafficking strategy depends upon partnerships. Organizations advocating prostitution as an employment choice or which advocate or support the legalization of prostitution are not appropriate partners for USAID anti-trafficking grants or contracts. Missions will avoid contracting or assistance agreements with such organizations as primary or sub-grantees or contractors.

Where there is government commitment and political will, USAID should work with national, regional and/or local government agencies. In addition to donor and host country governments and intergovernmental bodies, civil society, educational and faith-based institutions and women's organizations are important implementing partners. Advocacy organizations and NGOs can help raise awareness of the problem at local, regional or national levels through legislative reform, public awareness, and support for trafficked victims. Meetings and consultations at the international, regional or sub-regional level among NGOs, governments, international organizations, academics, development practitioners, diplomats, and law enforcement are an important means of sharing experience on what works and does not work, pushing forward our understanding of the problem, refining our approaches to its elimination and strengthening collaborative relationships.

Attention must be given not only to source, but also to destination countries. Partnerships between source and destination countries are an important means of linking the supply and demand elements of the trafficking process and helping to establish an international alliance against trafficking. Such partnerships may include not only governments, but also civil society groups, journalists, legislators, faith-based organizations, business and youth in source and destination countries.

## **G. Going to Scale**

Most anti-trafficking activities are relatively small and reflect only parts of the solution. It is important to find ways to take successful activities to scale and to enhance the sophistication of their design. Development of strong linkages with a variety of

programs to address different elements of trafficking can help expand the impact of individual activities. Eliminating trafficking is a complex and labor intensive process that involves many actors and a long process from pre-trafficking through to social integration of its victims. There are some things that USAID missions can do in order to increase the scale and effectiveness of anti-trafficking efforts.

- Build up the capacity of NGOs and faith-based institutions to combat trafficking;
- Link small NGOs fighting trafficking together into networks;
- Forge strong linkages with and among programs that address different aspects of the trafficking process;
- Create enabling policy and legal environments that will facilitate efforts to eliminate trafficking;
- Promote public awareness of the problem that will spread locally and nationally.

## **H. Monitoring Progress**

Trafficking is a new issue compared to other areas of development for which measurement indicators have been developed over a period of years. Monitoring progress toward eliminating trafficking is important in order to increase accountability, to improve intervention models, to move programs forward and to develop best practices. Developing an appropriate evaluation methodology and set of indicators is not simple, but is an important step that must be addressed as part of the planning stage of anti-trafficking programs.

## **I. Conclusion**

The USG is committed at the highest levels to the implementation of the Trafficking Victims' Protection Act. USAID Missions and operating units should give priority attention to mounting anti-trafficking activities in USAID-recipient countries where this is a serious problem and should consider trafficking in their strategy development, assessments and program planning. USAID activities by themselves will not end this pernicious abuse of human rights, but within country based collaborative frameworks that have the committed participation of civil society, government, faith-based organizations and law enforcement, they can have powerful results.

December 19, 2002

## **Annex: Countries with Significant Trafficking**

The Trafficking Victims Protection Act of 2000 states that "the United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern."<sup>\*</sup>

The Act requires the Secretary of State to submit to Congress on June 1 of each year a list that identifies countries of origin, transit or destination for a significant number of victims of severe forms of trafficking. The term "severe forms of trafficking in persons" means – (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. " Trafficking Victims Protection Act of 2000, Section 103 (8). These are the countries to which the minimum standards established by the law are to apply.

Minimum standards are defined in the legislation as: (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking. (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault. (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense. (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

Countries are to be divided into three Tiers: Tier 1) those that meet minimum standards; Tier 2) those that do not meet minimum standards but are making significant efforts to bring themselves into compliance; and Tier 3) those that do not meet minimum standards and are not making significant efforts to bring themselves into compliance. Beginning in 2003, the legislation imposes sanctions on the provision of non-humanitarian, non-trade-related foreign assistance to governments that fail to meet these minimum standards and are not making significant efforts to meet them;

---

<sup>\*</sup> P.L. 106-386, Division A, Section 102 (b) (23).