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# Trafficking in Persons in Latin America and the Caribbean

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## Summary

Countries in Latin America serve as source, transit, and destination countries for trafficking in persons (TIP). Victims are exploited within their own countries and trafficked to other countries in the region. Latin America is also a primary source region for people trafficked to the United States, including by transnational organized crime groups. In FY2015, Mexico was the primary country of origin for foreign trafficking victims certified as eligible to receive U.S. assistance. Recent victims identified in the United States also have originated in Brazil and Central America. Smaller numbers of Latin Americans are trafficked to Europe and Asia. Latin America also serves as a transit region for Asian victims.

On June 30, 2016, the State Department issued its 16<sup>th</sup> annual congressionally mandated report on human trafficking. The report categorizes countries into four “tiers” according to the government’s efforts to combat trafficking. Only Tier 1 countries, approximately 19.5% of those assessed, are fully compliant with U.S.-established minimum standards to eliminate severe forms of human trafficking. Those countries that do not cooperate in the fight against trafficking (Tier 3) have been made subject to U.S. aid restrictions. Chile, Colombia, and the Bahamas received the top Tier 1 ranking in this year’s report. Belize, Haiti, Suriname, and Venezuela are the only Latin American countries ranked in Tier 3, as Cuba remained in the Tier 2 Watch List. Other countries in the region—Antigua and Barbuda, Bolivia, Costa Rica, St. Vincent and the Grenadines, and Trinidad and Tobago—are on the Tier 2 Watch List.

Since enactment of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA; P.L. 106-386), Congress has taken steps to address human trafficking through legislation (including reauthorizations of the TVPA in 2005, 2008, and 2013), appropriations, and oversight. In February 2016, Congress enacted the International Megan’s Law (P.L. 114-119) requiring U.S. agencies to notify foreign governments when registered sex offenders are visiting their countries. Congress also enacted the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125) eliminating an exception that had allowed goods produced by forced labor to be imported if demand for those items could not be met by U.S. producers.

Congress provided funding for anti-TIP programs in the FY2016 Consolidated Appropriations Act (P.L. 114-113), including \$5 million for programs in Guatemala and \$4 million for forensics to solve TIP cases in Central America. P.L. 114-113 withheld some aid to the governments of El Salvador, Guatemala, and Honduras until they demonstrated anti-TIP efforts. Congress is monitoring human trafficking trends in the region and overseeing U.S.-funded anti-TIP programs, including U.S.-Mexican law enforcement efforts to disrupt cross-border TIP networks.

For more information, see CRS Report R44581, *Trafficking in Persons and U.S. Foreign Policy Responses in the 114th Congress*, by Liana W. Rosen, and CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana W. Rosen.

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## Background

Trafficking in persons (TIP), also commonly referred to as human trafficking, forced labor, or modern slavery, is considered to be one of today's leading criminal enterprises that affects virtually all countries around the globe.<sup>1</sup> In 2012, the International Labor Organization (ILO) estimated that there were some 20.9 million victims of forced labor, which includes trafficking in persons. Of these, the ILO estimates that some 1.8 million victims are in Latin America.<sup>2</sup> In 2014, the ILO analyzed the financial value of forced labor and estimated that it results in roughly \$12 billion in illegal profits annually in Latin America (out of a global estimate of \$150 billion).<sup>3</sup> The accuracy of these and other estimates, however, is difficult to assess given the clandestine nature of human trafficking.<sup>4</sup>

Internal trafficking generally flows from rural to urban or tourist centers within a given country, and trafficking across international borders generally flows toward more developed nations. Countries are generally described as source, transit, and/or destination countries for TIP victims. Research indicates that countries are more vulnerable to human trafficking if they have experienced political upheaval, armed conflict, economic crisis, or a natural disaster. For example, the hundreds of thousands of Haitian children who were orphaned after a catastrophic earthquake hit that country in January 2010 proved vulnerable to trafficking.<sup>5</sup> Some assert that hosting major international events can exacerbate preexisting human trafficking problems, whereas others maintain that those fears may be overblown.<sup>6</sup>

This report describes the nature and scope of the problem of trafficking in persons in Latin America and the Caribbean. It then describes U.S. efforts to deal with trafficking in persons in the region and discusses recent country and regional anti-trafficking efforts. The report concludes by raising issues that may be helpful for Congress to consider as it continues to address human trafficking as part of its authorization, appropriations, and oversight activities.

## Definition

Trafficking in persons, also known as human trafficking, could be simply defined as the subjection of men, women, and children to compelled service for the purposes of exploitation.<sup>7</sup>

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<sup>1</sup> For background information, see CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by Liana W. Rosen. For updated information on issues related to international human trafficking considered during the 114<sup>th</sup> Congress, see CRS Report R44581, *Trafficking in Persons and U.S. Foreign Policy Responses in the 114th Congress*, by Liana W. Rosen.

<sup>2</sup> International Labor Organization (ILO), *ILO Global Estimate of Forced Labour: Results and Methodology*, 2012, at [http://www.ilo.org/wcmsp5/groups/public/—ed\\_norm/—declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—declaration/documents/publication/wcms_182004.pdf). Hereinafter: ILO, 2012.

<sup>3</sup> ILO, *Profits and Poverty: The Economics of Forced Labour*, 2014, at [http://www.ilo.org/wcmsp5/groups/public/—ed\\_norm/—declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—declaration/documents/publication/wcms_243391.pdf). This figure is cited in the U.S. Department of State, *Trafficking in Persons (TIP) Report*, June 2016, at <http://www.state.gov/j/tip/rls/tiprpt/2016/>. Hereinafter: TIP Report, 2016.

<sup>4</sup> Glenn Kessler, “Why You Should Be Wary of Statistics on ‘Modern Slavery’ and ‘Trafficking,’” *Washington Post*, April 24, 2015.

<sup>5</sup> United Nations Children's Emergency Fund (UNICEF), *Children in Haiti: One Year After—The Long Road from Relief to Recovery*, January 2011. In response, the U.S. State Department provided more than \$4.8 million in grants to organizations working to combat TIP in Haiti.

<sup>6</sup> Louise Ridley, “Rio Child Sex Trafficking ‘Epidemic’ Could Rocket During The 2016 Olympics - Here's Why,” *Huffington Post*, August 13, 2016.

<sup>7</sup> CRS Report R42497, *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*, by (continued...)

Examples include sex trafficking, forced labor (including domestic servitude), and the use of child soldiers. Severe forms of TIP have been defined in U.S. law as “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 ... 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.”<sup>8</sup> Most members of the international community agree that the trafficking term applies to all cases of this nature involving minors, whether a child was taken forcibly or voluntarily. TIP does not require the movement of victims from one place to another, a concept that is still misunderstood by officials in some Latin American countries.<sup>9</sup>

## Trafficking vs. Migrant Smuggling

In 2000, the United Nations (U.N.) drafted two protocols, known as the Palermo Protocols, to deal with trafficking in persons, on the one hand, and human (migrant) smuggling, on the other.<sup>10</sup> Trafficking in persons is often confused with human smuggling. Human smuggling involves the provision of a service, generally procurement of transport, to people who knowingly consent to that service to gain illegal entry into a foreign country. It ends with the arrival of the migrant at his or her destination. The Smuggling Protocol considers people who have been smuggled as willing participants in a criminal activity who should be given “humane treatment and full protection of their rights” while being returned to their country of origin.<sup>11</sup>

Many observers contend that smuggling is a “crime against the state” and that smuggled migrants should be deported, whereas trafficking is a “crime against a person” whose victims deserve to be given government assistance, protection, and immigration relief. The State Department asserts that the existence of “force, fraud, or coercion” is what distinguishes trafficking from human smuggling.<sup>12</sup> Under U.S. immigration law, a trafficked migrant is a victim, whereas an illegal alien who consents to be smuggled is complicit in a criminal activity and may therefore be subject to prosecution and removal (deportation).

Distinguishing the difference between a trafficking victim and a smuggled migrant can be difficult, particularly in cases involving unaccompanied children. Since June 2014, the annual State Department *Trafficking in Persons Report* has identified migrants from Central America as vulnerable to human trafficking in Mexico. A 2016 report by Polaris asserts that 34% of cases it recorded of Latin American women trafficked into sex slavery in the United States since 2007 involved smuggling-related recruitment methods.<sup>13</sup> As those victims were in the process of being

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(...continued)

Liana W. Rosen.

<sup>8</sup> Victims of Trafficking and Violence Protection Act of 2000 (TVPA) (P.L. 106-386).

<sup>9</sup> The most accurate phrase in Spanish for referring to human trafficking is *la trata de personas* (the trade of people), rather than the commonly used phrase *el tráfico de personas* (the traffic of people), which means something akin to human smuggling.

<sup>10</sup> The United Nations Convention Against Organized Crime and Its Protocols, at <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>.

<sup>11</sup> Ibid.

<sup>12</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, “Human Trafficking & Migrant Smuggling: Understanding the Difference,” July 27, 2015, <http://www.state.gov/j/tip/rls/fs/2015/245175.htm>.

<sup>13</sup> Polaris, *More Than Drinks for Sale: Exposing Sex Trafficking in Cantinas & Bars in the U.S.*, September 2016, at <https://polarisproject.org/more-drinks-sale-sex-trafficking-us-cantinas-and-bars>. Hereinafter: Polaris, 2016.

smuggled into the United States, they were either abducted and sold to human traffickers or told that they must labor against their will to pay back their smuggling debts.

## **Trafficking and Illegal Immigration**

Incidences of human trafficking are often affected by migration flows, particularly when those flows are illegal and unregulated. In recent years, several factors have influenced emigration flows from Latin America and the Caribbean. Factors that have fueled Latin American migration to the United States include family ties, poverty and unemployment, political and economic instability, natural disasters, proximity, and crime and violence. Aside from proximity, those factors have also driven smaller emigration flows to Europe and Canada.

Primary destination countries for Latin American immigrants have included the United States, Spain, Italy, Canada, the Netherlands, and Britain. These countries, many with low birth rates and aging populations, came to rely on migrant laborers from Latin America in recent decades to fill low-paying jobs in agriculture, construction, manufacturing, and domestic service. At the same time, concerns about security, competition for jobs, and other issues related to absorbing large numbers of foreign-born populations have led many developed countries to tighten their immigration policies. These factors have led to a global rise in illegal immigration.

In the Western Hemisphere, illegal migration flows have been most evident in Mexico, particularly along its 1,951-mile northern border with the United States and its southern border with Guatemala (596 miles) and Belize (155 miles). Whereas unauthorized migration flows from Mexico to the United States have decreased significantly since the mid-2000s, flows from Central America have increased. In FY2014, apprehensions of unauthorized Central American migrants along the southwestern border by U.S. Customs and Border Protection (CBP) exceeded apprehensions of Mexicans for the first time.<sup>14</sup> After declining in FY2015, by August 2016 apprehensions of family units from Central America had exceeded the record total reported in FY2014.<sup>15</sup>

As U.S. border security has tightened, illegal immigrants increasingly have turned to smugglers to lead them through Mexico and across the U.S.-Mexican border. U.S. officials estimate that 75%-80% of unaccompanied minors now travel with smugglers.<sup>16</sup> To avoid detection by Mexican immigration agents, smuggling routes have become more dangerous and therefore more costly. Some smugglers have sold undocumented migrants into situations of forced labor or prostitution to recover their costs. Illegal immigrants transiting Mexico often fail to report abuses committed against them by criminals or officials in their home countries or along their journey because of fears of deportation. There is also a lack of legal and psychological support provided to foreign trafficking victims in Mexico who likely would qualify for asylum.<sup>17</sup>

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<sup>14</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection (CBP), *CBP Border Security Report: FY2014*, December 19, 2014.

<sup>15</sup> See CBP, “United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions, Fiscal Year 2016,” September 9, 2016, at <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>; David Nakamura, “Flow of Central Americans to U.S. Surging, Expected to Exceed 2014 Numbers,” *Washington Post*, Sept. 26, 2016.

<sup>16</sup> White House, Office of the Vice President, “Remarks to the Press with Q&A by Vice President Joe Biden in Guatemala,” press release, June 20, 2014.

<sup>17</sup> Ximena Suárez Enriquez, José Knippen, and Maureen Meyer, *A Trail of Impunity: Thousands of Migrants in Transit Face Abuses amid Mexico’s Crackdown*, Washington Office on Latin America (WOLA), September 20, 2016.

# Human Trafficking in Latin America and the Caribbean

Human trafficking is a growing problem in Latin America and the Caribbean, a region that contains major source, transit, and destination countries for trafficking victims. Major forms of TIP in the region include commercial sexual exploitation of women and children, labor trafficking within national borders and among countries in the region (particularly in South America), and the trafficking of illegal immigrants in Mexico and Central America. According to the U.N. Office on Drugs and Crime (UNODC), the share of victims trafficked for forced labor outside the commercial sex industry in Latin America (44%) is higher than in Europe and Central Asia.<sup>18</sup> The two countries in Latin America and the Caribbean with the largest percentages of their populations subjected to “modern slavery,” a term associated with human trafficking, are Haiti and the Dominican Republic, according to the Walk Free Foundation.<sup>19</sup>

## Factors That Contribute to Human Trafficking in the Region

Both individual factors and outside circumstances contribute to human trafficking within and from Latin America and the Caribbean. Individual risk factors include poverty, unemployment, membership in an indigenous group, illiteracy, a history of physical or sexual abuse, homelessness, drug use, and gang membership. The State Department also has highlighted the vulnerability of lesbian, gay, bisexual, and transgender people to human trafficking.<sup>20</sup> The factors that may “push” an individual toward accepting a risky job proposition in another country have been compounded by “pull” factors, such as the hope of finding economic opportunity abroad, which is fueled by television, Internet, and social media images of wealth in the United States and Europe.

Outside factors contributing to human trafficking include the following: (1) the high global demand for domestic servants, agricultural laborers, sex workers, and factory labor; (2) political, social, or economic crises, as well as natural disasters occurring in particular countries, such as the January 2010 earthquake in Haiti; (3) lingering *machismo* (chauvinistic attitudes and practices) that tends to lead to discrimination against women and girls; (4) existence of established trafficking networks with sophisticated recruitment methods; (5) public corruption, especially complicity between law enforcement and border agents with traffickers and alien smugglers; (6) restrictive immigration policies in some destination countries that have limited the opportunities for legal migration flows to occur; (7) government disinterest in the issue of human trafficking; and (8) limited economic opportunities for women in Latin America. Although women have achieved the same (or higher) educational levels as men in many countries, women’s employment continues to be concentrated in low-wage, informal-sector jobs.

## Child Trafficking

Considerably less research exists on the extent and nature of TIP in Latin America and the Caribbean than in Asia and Europe. Most of the research that does exist has focused, at least until

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<sup>18</sup> U.N. Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons*, 2012, at [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>19</sup> Walk Free Foundation, *2016 Global Slavery Index*, 2016, at <http://www.globalslaveryindex.org/>.

<sup>20</sup> TIP report, 2016.

recently, on trafficking in children for sexual exploitation. Trafficking of children for sexual exploitation is most common in countries that are both popular tourist destinations and centers of sex tourism. Street and orphaned children are particularly vulnerable to trafficking into the sex industry, although some children who have been trafficked live with their families and engage in commercial sex activity to contribute to household income. Other factors associated with children at risk of trafficking include poverty, infrequent school attendance, physical or sexual abuse, drug or alcohol addiction, and involvement in a criminal youth gang.<sup>21</sup>

Children are also trafficked both internally and across international borders. State Department officials have estimated that as many as 1 million children may work as domestic servants in Latin America, many of whom are vulnerable to verbal, physical, and sexual abuse. Human trafficking of Haitian *restavesks* (domestic servants) has been of particular concern for many years.<sup>22</sup> Latin American children also have been trafficked for illegal adoptions, for use as soldiers in armed conflict, and to work for organized criminal groups, sometimes as sex slaves.<sup>23</sup> Forced recruitment into Central American gangs is a major problem in many communities.<sup>24</sup>

Finally, the ILO and the U.S. Department of Labor (DOL) have documented instances from across the region of children forced to work under dangerous circumstances in agricultural or mining industries. For example, a 2014 DOL report found continued evidence of the use of child labor in the production of a wide range of goods in many countries in Latin America. Examples of some of the goods cited in that report include bricks, gold, coffee, sugarcane, and other agro-export crops, as well as illicit crops such as coca.<sup>25</sup> Although a 2013 ILO global report estimated that the number of child laborers had declined slightly in Latin America as compared to 2008, the report still estimated that 12.5 million children in the region worked, 9.6 million in hazardous conditions.<sup>26</sup>

## Trafficking for Sexual Exploitation

While trafficking for forced labor is a serious problem in Latin America and the Caribbean, trafficking for sexual exploitation has, until recently, been perceived as a more widespread and pressing regional problem. Most victims are trafficked for prostitution, but others are used for pornography and stripping. Children tend to be trafficked within their own countries, while young women may be trafficked internally or internationally, sometimes with the consent of their husbands or other family members. One study estimated that some 10,000 women from southern and central Mexico are trafficked for sexual exploitation to the northern border region of Mexico each year.<sup>27</sup> State Department officials have estimated that tens of thousands of Latin Americans are trafficked internationally each year, with large numbers of victims coming from Colombia and the Dominican Republic, among others. According to a 2016 report by the United Nation's

<sup>21</sup> Juan José Martínez, "Así Viven y Mueren las Mujeres Pandilleras en El Salvador," *Revista Factum*, March 11, 2016.

<sup>22</sup> Corey Adwar, "Why Haiti Is One Of The Worst Countries For Child Slavery," *Business Insider*, September 3, 2014.

<sup>23</sup> James Bargent, "Children, Sex, and Gangs in Medellín," *Insight Crime*, December 16, 2013.

<sup>24</sup> Frank de Waegh, *Unwilling Participants: The Coercion of Youth into Violent Criminal Groups in Central America's Northern Triangle*, Jesuit Conference of Canada and the United States, 2015.

<sup>25</sup> U.S. Department of Labor (DOL), *The DOL's List of Goods Produced by Child Labor or Forced Labor*, 2014, at [http://www.dol.gov/ilab/reports/pdf/TVPRA\\_Report2014.pdf](http://www.dol.gov/ilab/reports/pdf/TVPRA_Report2014.pdf). Hereinafter: DOL, 2014.

<sup>26</sup> ILO, International Program on the Elimination of Child Labour (IPEC), *Making Progress Against Child Labor: Global Estimates and Trends 2000-2012*, 2013, at [http://www.ilo.org/wcmsp5/groups/public/—ed\\_norm/—ipecc/documents/publication/wcms\\_221513.pdf](http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—ipecc/documents/publication/wcms_221513.pdf).

<sup>27</sup> Arun Kumar Acharya, "Tráfico de Mujeres Hacia la Zona Metropolitana de Monterrey: Una Perspectiva Analítica," *Revista Espacios Públicos*, year 12, no. 24, 2009.

Children's Fund, a combination of gangs, crime families, and drug trafficking organizations run sex trafficking rings in Guatemala that may involve some 48,500 victims.<sup>28</sup>

There are also intraregional trafficking problems. Argentina and Brazil are destination countries for women trafficked from the Andes and from Caribbean countries such as the Dominican Republic. Panama has been a destination for women from Colombia and Central America, trafficked to work in the sex industry. Trafficking also has occurred at border crossings throughout Central America and Mexico, especially the Mexican-Guatemalan border, as undocumented women who have not been able to get to the United States end up being forced into prostitution.<sup>29</sup>

## **Trafficking for Forced Labor**

The ILO reported that some 1.8 million people in Latin America were engaged in forced labor, including TIP victims in 2012.<sup>30</sup> Although that number only represents roughly 3.1% of the region's estimated population, a lower prevalence rate than in other regions, it is nonetheless significant. These numbers do not include the increasing numbers of Latin Americans who have ended up in situations of forced labor after migrating to Europe or the United States.

Until recently, more forced labor victims had been identified in South America and some parts of the Caribbean than in Central America. In Brazil, forced labor is most common in rural areas on cattle ranches; in logging and mining camps; and on plantations, where soybeans, corn, and cotton are produced. Indigenous peoples in Peru, Bolivia, and Paraguay are particularly at risk of being trafficked for forced labor. Forced labor is used in the mahogany, brick-making, and gold-mining industries in the Amazonian regions of Peru and Ecuador. Illegal gold mines in Peru, Colombia, Venezuela, and other countries have become hotspots for human trafficking.<sup>31</sup> Migrants from Haiti who lack proper documentation in the Dominican Republic have been vulnerable to trafficking and other abuses. The 2014 DOL report on goods produced by forced labor also identifies products from Mexico and Central America, including coffee, sugarcane, fireworks, melons, tomatoes, and shellfish, among others.<sup>32</sup>

In the past few years, the Department of Justice has prosecuted an increasingly large volume of cases of foreigners trafficked into forced labor in the United States. Although the majority of these cases have involved trafficking for prostitution, a significant number have involved the agricultural sector. Annually some 1.5 million seasonal farm workers, mostly from Latin America and the Caribbean, plant and harvest produce in the United States. Low wages, harsh working conditions, and a lack of legal protection, combined with an ever increasing demand for cheap labor, have resulted in growing numbers of forced labor abuses.

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<sup>28</sup> United Nations Children's Fund and Comisión Internacional Contra la Impunidad en Guatemala (CICIG), *Human Trafficking for Sexual Exploitation Purposes in Guatemala*, 2016, at [http://www.cicig.org/uploads/documents/2016/Trata\\_Ing\\_978\\_9929\\_40\\_829\\_6.pdf](http://www.cicig.org/uploads/documents/2016/Trata_Ing_978_9929_40_829_6.pdf).

<sup>29</sup> Ibid.

<sup>30</sup> ILO, 2012.

<sup>31</sup> Sam Wang, *Illegal Gold Mining in Peru*, Council on Hemispheric Affairs, July 29, 2016, at <http://www.coha.org/illegal-gold-mining-in-peru/>; "Sex Trafficking 'Staggering' in Illegal Latin American Gold Mines: Researchers," Reuters, March 30, 2016.

<sup>32</sup> DOL, 2014.

## Relationship to Organized Crime and Terrorism

In many parts of the world, trafficking in money, weapons, and people is largely conducted by criminal gangs or mafia groups. Human trafficking can be a lucrative way for organized criminal groups to fund other illicit activities. In Guatemala, relatively large crime groups are transporting women from other countries—primarily from other countries in Central America—for sexual exploitation.<sup>33</sup> Mexican drug trafficking organizations, particularly Los Zetas, have been increasingly involved in the smuggling and trafficking of people.<sup>34</sup> According to the Bilateral Safety Corridor Coalition (BSCC), criminal gangs from Mexico, Central America, Russia, Japan, Ukraine, and several other countries have been caught attempting to traffic victims across the U.S.-Mexican border. According to the State Department officials, this is still a new area of study where additional research is needed. However, officials noted that there was evidence on children forced to commit crimes in Ecuador, Chile, and Brazil, among others.<sup>35</sup>

Some U.S. Defense Department officials are concerned about the potential for terrorist groups to use the same networks used by Latin American smugglers and human traffickers to gain entry into the United States.<sup>36</sup> Others maintain that terrorists may turn to human trafficking to fund their operations, as they have long used drug trafficking.

## Trafficking and Health Problems

One of the serious public health effects of human trafficking is the risk of victims contracting and transmitting HIV/AIDS and other diseases. On the global level, women engaged in prostitution, whether voluntarily or not, have a high prevalence of HIV/AIDS. Researchers maintain that sex trafficking may be linked to the spread and mutation of the AIDS virus.<sup>37</sup> In Latin America, trafficking victims, along with other irregular migrants working in situations of forced labor, are at high risk of contracting tuberculosis and other serious health problems.<sup>38</sup> Factors that put these groups at risk include poverty, discrimination, exploitation and dangerous working conditions, lack of legal protection and education, cultural biases, and limited access to health services.

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<sup>33</sup> Alejandra Gutierrez Valdizan, “Of Slaves and Serfs: Guatemala’s ‘Occupied’ Bodies,” *InSight Crime*, October 28, 2012; Oscar Martinez, “Men Who Sold Women: Human Trafficking Networks in Central America,” *InSight Crime*, October 28, 2012.

<sup>34</sup> Tim Johnson, “Mexican Criminal Gang Turns to Migrant Smuggling,” *McClatchy-Tribune News Service*, August 15, 2011; Paris Martinez, “How Mexico’s Zetas Enslave Engineers,” *InSight Crime*, October 28, 2012.

<sup>35</sup> CRS phone interview with State Department officials, July 26, 2016.

<sup>36</sup> CRS interview with Southern Command officials, September 15, 2016.

<sup>37</sup> Amanda Kloer, “Sex Trafficking and HIV/AIDS: A Deadly Junction for Women,” *American Bar Association Human Rights Magazine*, vol. 37, 2010.

<sup>38</sup> A. M. Buller et al, *Labour Exploitation, Trafficking, and Migrant Health: Multi-country Findings on the Health Risks and Consequences of Migrant and Trafficked Workers*, International Organization for Migration and London School of Hygiene and Tropical Medicine, 2015.

## U.S. Policy

### Congressional Action<sup>39</sup>

#### Legislation

Anti-TIP efforts have accelerated in the United States since the enactment of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386). The TVPA established minimum standards to combat human trafficking applicable to countries that have a significant trafficking problem and authorized U.S. international anti-TIP assistance. The act directed the Secretary of State to provide an annual report by June 1, listing countries that do and do not comply with minimum standards for the elimination of trafficking. In the report, the act directed the Secretary to rank countries on the basis of their efforts to combat TIP, with Tier 1 as the best countries. Tier 3 are the countries whose governments are deemed as not fully complying with the minimum standards and not making significant efforts to do so. The TVPA called for the United States to withhold non-humanitarian assistance and instructed the U.S. executive director of each multilateral development bank and the International Monetary Fund to vote against non-humanitarian assistance to Tier 3 countries, unless continued assistance is deemed to be in the U.S. national interest.

Congress is continuously reevaluating the efficacy of U.S. anti-trafficking laws and programs and, since 2000, has reauthorized the TVPA several times. In 2003, for example, Congress approved the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 (P.L. 108-193). The TVPRA of 2003 refined and expanded the “minimum standards” for the elimination of trafficking that governments must meet and created a “Tier 2 Watch List” of countries that the Secretary of State determined were to get special scrutiny in the coming year. The William Wilberforce Trafficking Victims Reauthorization Act of 2008 (P.L. 110-457) added a new requirement that Tier 2 Watch List countries must be dropped to the Tier 3 category after two consecutive years on the Tier 2 Watch List, unless the President issues a waiver.<sup>40</sup> Most recently, the TVPA was reauthorized through FY2017 when Congress enacted the Violence Against Women Reauthorization Act of 2013 (P.L. 110-457).

The 114<sup>th</sup> Congress has considered a number of bills related to human trafficking.<sup>41</sup> In February 2016, Congress enacted legislation referred to as the International Megan’s Law (P.L. 114-119) requiring registered sex offenders to carry passports with “unique identifiers” and U.S. agencies to notify foreign governments when registered sex offenders are visiting their countries. Several nonprofit organizations have presented lawsuits challenging the law’s constitutionality on the grounds that it violates an offender’s constitutional rights.<sup>42</sup>

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<sup>39</sup> For more, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Alison Siskin and Liana W. Rosen; and CRS Report R43917, *Domestic Human Trafficking Legislation in the 114th Congress*, by Kristin Finklea, Adrienne L. Fernandes-Alcantara, and Alison Siskin.

<sup>40</sup> Such a waiver permits the President to waive the Tier 3 listing for up to two years. In exercising this waiver authority, the President must determine that such a waiver is justified because the country has a “written plan” to start making “significant efforts” to comply with the TVPA’s minimum standards to combat trafficking in persons and because the country has committed “sufficient resources” to implement the plan.

<sup>41</sup> CRS Report R44581, *Trafficking in Persons and U.S. Foreign Policy Responses in the 114th Congress*, by Liana W. Rosen.

<sup>42</sup> “Law Creating Passport Mark for Sex Offenders Faces First Challenge,” *Wall Street Journal*, March 29, 2016.

## Import Restrictions

Congress also enacted the Trade Facilitation and Trade Enforcement Act of 2015 (P.L. 114-125) eliminating an exception (the “consumptive demand” clause) to the Tariff Act of 1930 (19 U.S.C. 1307), which had allowed goods produced by forced labor to be imported if demand for those items could not be met by U.S. producers.<sup>43</sup> Even with the removal of the consumptive demand clause, identifying specific goods produced with forced labor, as well as manufacturers of such goods, is likely to remain a challenge for U.S. customs officials.

## Conditions on Foreign Assistance

Asserting that the FY2014 influx of migrants was a reminder that “the security and prosperity of Central America are inextricably linked to our own,” the Obama Administration introduced a new whole-of-government U.S. Strategy for Engagement in Central America in March 2015. For FY2016, the Administration requested more than \$1 billion of foreign assistance to implement the strategy for promoting economic prosperity, improving security, and strengthening governance.

On December 18, 2015, Congress enacted the Consolidated Appropriations Act, 2016 (P.L. 114-113), providing “up to” \$748 million through the State Department and the U.S. Agency for International Development (USAID) to implement the Central America strategy. This figure includes up to \$68 million for El Salvador, \$128 million for Guatemala, and \$98 million for Honduras. It also provides up to \$349 million for the Central American Regional Security Initiative (CARSI), a security assistance package for which Congress appropriated nearly \$1.2 billion from FY2008 to FY2015.

The act places numerous conditions on the aid for Central America, including a requirement that 25% of the funds for the “central governments of El Salvador, Guatemala, and Honduras” be withheld until the Secretary of State can certify that the governments are “taking effective steps” to deter emigration, combat alien smuggling and human trafficking, improve border security, and receive and reintegrate citizens repatriated from the United States. The State Department submitted a report that satisfied those conditions to congressional appropriators in March 2016.

Similar conditions have been included in the House and Senate versions of the FY2017 foreign aid appropriations bills. Section 7045(a)(3) of S. 3117 would require 75% of the funds for the “central governments of El Salvador, Guatemala, and Honduras” to be withheld until the Secretary of State certifies that those governments are “taking effective steps” to address 16 concerns, including combating human trafficking. Section 7045(a)(3) of H.R. 5912 would enact similar withholding requirements but would condition 100% of the funds. In the absence of final FY2017 appropriations legislation, President Obama signed into law a continuing resolution (P.L. 114-223) on September 29, 2016, that funds most foreign aid programs and activities at the FY2016 level, minus an across-the-board reduction of 0.496%, until December 9, 2016.

## TIP Reports and Sanctions: Latin America

In June 2016, the U.S. government released its latest edition of the flagship annual publication on international human trafficking, the *Trafficking in Persons Report*.<sup>44</sup> The report categorized 188

<sup>43</sup> CRS Insight IN10541, *Human Trafficking and Forced Labor: Trends in Import Restrictions*, by Liana W. Rosen, M. Angeles Villarreal, and Ashley Feng.

<sup>44</sup> U.S. Department of State, *Trafficking in Persons Report*, June 2016, at <http://www.state.gov/j/tip/rls/tiprpt/2016/>. Hereinafter: 2016 TIP Report.

countries into tiers based on their government's level of effort to address human trafficking: Tier 1 (best), Tier 2, Tier 2 Watch List, and Tier 3 (worst). The report also includes three "special case" countries that are unranked. Only Tier 1 countries, approximately 19.5% of those assessed, are fully compliant with U.S.-established minimum standards to eliminate severe forms of human trafficking; the other countries are noncompliant and vary in terms of their level of effort to improve.

In 2016, the *Trafficking in Persons Report* listed 27 countries as Tier 3.<sup>45</sup> As required by law, Tier 3 countries are subjected to selected foreign assistance restrictions, unless the President determines that such provisions of aid are in the U.S. national interest. For FY2017, the President issued full waivers to 18 countries and partial waivers to 7 countries; aid to 2 countries was restricted pursuant to U.S. anti-trafficking requirements.<sup>46</sup>

As in previous years, most Latin American countries fall somewhere in the middle of the tier rankings (see **Table 1**), with several small Caribbean nations, which arguably may have resource constraints that inhibit their efforts, garnering low rankings. The Bahamas, Chile, and Colombia are the only countries on Tier 1 from Latin America. Colombia earned an upgrade to Tier 1 by convicting 31 traffickers, appointing 14 new prosecutors to handle trafficking cases, and strengthening its internal coordination to combat trafficking. Countries on the Tier 2 Watch List include Antigua and Barbuda, Bolivia, Costa Rica, Cuba, St. Vincent and the Grenadines, and Trinidad and Tobago.<sup>47</sup> Cuba remained on the Tier 2 Watch List, where it has been since 2015. Belize, Venezuela, and Haiti are the only Latin American countries identified as Tier 3. Belize remained in Tier 3 because even though the government initiated investigations, it did not begin any new prosecutions and identified fewer victims of trafficking than last year. Venezuela's ranking was mostly due to unclear data from the government of its efforts against trafficking. Venezuela reportedly has made some efforts since the report's publication to arrest those who are recruiting its citizens to perform forced labor in nearby Trinidad and Tobago.<sup>48</sup>

Overall, Colombia, Guyana, and Jamaica upgraded their tier rankings, whereas Haiti, St. Lucia, and Suriname fell in the rankings. Guyana earned a Tier 2 ranking after convicting a trafficker and ordering her to pay restitution to her victims. The government of Guyana also provided funding for nongovernmental organizations (NGOs) working with victims. Jamaica upgraded its ranking from Tier 2 Watch List to Tier 2 by increasing the number of TIP convictions and prosecutions, developing a national anti-TIP plan, and increasing funding for victims' services.

By contrast, St. Lucia—a country that has never convicted a trafficker—was downgraded because it did not increase efforts compared to last year. Suriname, which has been on the Tier 2 Watch List since 2012, was automatically downgraded to Tier 3. Suriname had 10 convictions last reporting period but none this year. After four years on the Tier 2 Watch List, Haiti was downgraded to Tier 3 due to a lack of enforcement efforts and minimal protection to victims.

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<sup>45</sup> Tier 3 countries include Algeria, Belarus, Belize, Burma, Burundi, Central African Republic, Comoros, Djibouti, Equatorial Guinea, Eritrea, The Gambia, Guinea-Bissau, Haiti, Iran, North Korea, Marshall Islands, Mauritania, Papua New Guinea, Russia, South Sudan, Sudan, Suriname, Syria, Turkmenistan, Uzbekistan, Venezuela, and Zimbabwe.

<sup>46</sup> The White House, Office of the Press Secretary, "Presidential Determination—Foreign Governments' Efforts Regarding Trafficking in Persons," September 27, 2016.

<sup>47</sup> The State Department must submit an interim report by some point in February 2017 on the Tier 2 Watch List countries in advance of the next TIP report.

<sup>48</sup> Aleem Khan, "3 T&T nationals held in Venezuela for human trafficking," *Trinidad Express Newspapers*, September 28, 2016.

## U.S. Government Anti-Trafficking Programs in Latin America

In FY2016, the U.S. government provided more than \$11 million to support anti-TIP projects in Latin America.<sup>49</sup> Anti-trafficking programs are administered by a variety of U.S. agencies, including the State Department, the U.S. Agency for International Development, and the Department of Labor. Whereas regional programs in Latin America support initiatives necessary to address the cross-cutting nature of human trafficking, bilateral programs aim to help governments solve specific challenges they have had in addressing human trafficking.

A significant percentage of the total U.S. anti-TIP obligations are provided by the State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP). Each year, J/TIP awards grant funding to NGOs around the world through a competitive bidding process. In FY2015, J/TIP provided some \$2.7 million in grant funding to help Haiti, Mexico, Uruguay, and the Caribbean.<sup>50</sup>

In addition to foreign aid programs, various agencies within the Department of Homeland Security (DHS) are stepping up joint efforts with Mexican officials to identify, arrest, and prosecute human trafficking and smuggling rings that operate along the U.S.-Mexican border. In 2015, the U.S. Immigration and Customs Enforcement's Homeland Security Investigations Attaché Office in Mexico City and the State Department hosted the first-ever seminar on anti-human trafficking with state-level Mexican law enforcement officers.<sup>51</sup> DHS officials are also helping train Mexican border officials to recognize trafficking victims among those detained on Mexico's southern border.

The Department of Justice's (DOJ's) Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) has provided training and technical assistance courses to foreign officials in the United States and overseas. For example, OPDAT has provided training and mentoring to Mexican investigators to build TIP investigative and prosecutorial capacity. OPDAT also has trained Bahamian officials in regards to TIP "victim identification, interviewing techniques, and preservation of evidence."<sup>52</sup>

## Regional and Country Anti-Trafficking Efforts

### Organization of American States

Since 2005, the General Secretariat of the Organization of American States (OAS) has organized, facilitated, and implemented training programs; promoted anti-trafficking policies; and provided

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<sup>49</sup> This figure includes \$5 million in International Narcotics Control and Law Enforcement Affairs (INCLE) funding for programs in Guatemala and \$4 million in INCLE funding for forensics technology to help solve trafficking cases in Central America. It also includes a total of \$2.1 million for programs in Bolivia and Guyana, as well as a South American regional program.

<sup>50</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Office to Monitor and Combat Trafficking in Persons: Projects Funded During Fiscal Year 2015*, press release, November 2, 2015. FY2016 grantee information is not yet available.

<sup>51</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), "ICE, Department of State host first ever state-level anti-human trafficking seminar for Mexican law enforcement," press release, January 22, 2015, at <https://www.ice.gov/news/releases/ice-department-state-host-first-ever-state-level-anti-human-trafficking-seminar>.

<sup>52</sup> U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT), "Trafficking in Persons," press release, June 3, 2015, at <https://www.justice.gov/criminal-opdat/trafficking-persons>.

opportunities for the exchange of information and best practices to assist member states in their anti-TIP efforts. The organization hosts regular gatherings of the highest-level national governmental officials responsible for combating human trafficking through a process called the Meetings of National Authorities on Trafficking in Persons.

The most recent meeting was held on December 4-5, 2014, in Brasilia, Brazil. At that meeting, government representatives approved by consensus two important documents: the *Second Work Plan Against Trafficking in Persons in the Western Hemisphere 2015-2018* and the Declaration of Brasilia. During 2016-2017, the OAS will follow up on levels of implementation of the work plan, by, in part, helping member states develop common indicators in the areas of prevention, prosecution, and punishment, and assistance for and protection of victims. The findings will be presented during the Fifth Meeting of National Authorities on Trafficking in Persons, tentatively scheduled to take place during the first part of 2017.

## **International Organization for Migration**

The International Organization for Migration's (IOM's) efforts to combat TIP began in 1994. IOM's programs include efforts to increase public awareness of human trafficking through education and information campaigns, build government capabilities to identify and assist victims through training, and support the rehabilitation of trafficking victims after they have been rescued. IOM has developed a Global Human Trafficking Database, which contains primary data on victims of trafficking. In July 2016, IOM virtually trained 35 Mesoamerican counter-trafficking specialists from Costa Rica, El Salvador, Honduras, Guatemala, Mexico, and Panama.<sup>53</sup>

## **Country Efforts: Progress and Remaining Challenges**

Over the last few years, most Latin American governments have taken steps to address the growing problem of human trafficking. As evidenced in **Table 1**, a majority of countries in the region have signed and ratified several international protocols in which they have pledged to combat various aspects of the trafficking problem. Those agreements include the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons; ILO Conventions on Abolishing Forced Labor and the Worst Forms of Child Labor; the Optional Protocol to the U.N. Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Pornography; and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. With Barbados's signature, every country in the region is now a party to the U.N. TIP convention. Six countries passed new or amended anti-trafficking legislation in 2015, and several others created national TIP coordinators, task forces, or plans to guide anti-TIP programs and initiatives.

According to some, the general problem with the new international commitments, legal reforms, and human trafficking initiatives that have emerged in Latin America is that many countries appear to lack the resources and perhaps the political will to fund and implement their anti-trafficking programs. Many governments are facing other crime challenges (such as drug trafficking and gang violence) that they perceive as larger problems than human trafficking. Sometimes country efforts are thwarted by other factors, such as political instability, as in the cases of Haiti and Venezuela. Many countries have few, if any, shelters for trafficking victims and no follow-up plans to help victims after they return from overseas to their former residences.

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<sup>53</sup> International Organization for Migration, "IOM Virtual Course Builds Counter Trafficking Capacity in Mesoamerica," press release, July 22, 2016.

Mexico, a large, middle-income country, funds one federal government shelter for TIP victims. Public corruption is also a major obstacle to effective anti-trafficking programming, as there is often complicity between traffickers and corrupt border officials, customs agents, law enforcement personnel, and politicians. Finally, conviction and prosecution rates for TIP offenders are low compared to other regions, particularly for forced labor and domestic servitude.

## **Issues for Policy Consideration**

U.S. interests in Latin America are multiple and, at times, conflicting. These interests include strengthening democracy, promoting economic growth through free trade, stemming the flow of illegal narcotics and migrants, and cooperating on border security and antiterrorism measures. These broad interests either directly or indirectly affect all U.S. policy in the region and may at times conflict with specific human rights goals, such as fighting human trafficking. As is the case with many human rights issues, ethical concerns about human trafficking must be balanced against broader U.S. geopolitical goals and interests in each country.

Broader U.S. foreign policy goals may influence the TIP report and sanctions process in several ways. Some observers maintain that certain U.S. allies in the region could never be sanctioned for political reasons. Others contend that the repeated inclusion of Cuba on the Tier 3 list until 2014 constituted “selective indignation” on the part of the U.S. government. U.S. officials working in the region have noted that it is sometimes difficult to produce an unbiased account of government efforts against trafficking without being swayed by underlying foreign policy concerns. Others say that it is difficult to deal with trafficking in persons when a country is undergoing extreme political instability and that were TIP sanctions actually enforced, they might undermine the broader U.S. goals of preventing democratic breakdown in the hemisphere. Issues that may be considered when evaluating the implementation of U.S. anti-trafficking policies are discussed below.

### **Aid Restrictions: Are They Useful?**

Since 2003, no governments in Latin America except Cuba and Venezuela have been subject to partial or full restrictions on U.S. assistance for failing to meet the minimum standards of TVPA. Ecuador appeared on the Tier 3 list in both 2004 and 2005 but did not lose assistance. Some argue that restrictions will probably only be applied to countries already subject to sanctions—such as North Korea—and that threatening other countries aid cuts may actually encourage them to become less open to working with the United States. Others argue that this may be the case with China or Saudi Arabia, but most Latin American countries depend on good political and economic relations with the United States, as well as U.S. tourism, and fear the negative press that comes with a Tier 3 designation nearly as much as reduced U.S. assistance.

### **How to Measure Success**

It is often difficult to measure success in the fight against human trafficking. Many countries in Latin America have reported increases in the number of training courses provided, conferences held, and workshops convened as evidence of their commitment to combat human trafficking. However, as stated in the 2009 TIP report, the State Department prefers countries to focus on “concrete actions” when determining the adequacy of a particular country’s anti-TIP efforts. Concrete actions include enacting new or amended TIP legislation; expanding victim assistance and prevention programs; and, perhaps most importantly, securing prosecutions, convictions, and prison sentences for TIP offenders.

Although many countries in Latin America have passed or amended their existing TIP laws, until very recently, the number of TIP-related arrests, prosecutions, and convictions remained low in comparison to other regions. Some have questioned the adequacy of the State Department's indicators. They maintain that more credit should be given to countries that are seeking to address the underlying factors that put people at risk for trafficking, such as gender and racial discrimination, violence against women and children, and economic inequality.<sup>54</sup>

## **Enforcement**

In 2015, there were 1,744 prosecutions of suspected traffickers, up from 944 prosecutions last year. Convictions also increased, from 470 in 2014 to 663 in 2015. Although prosecutions and convictions are higher than five years ago, they still pale in comparison to Europe, which recorded 4,990 prosecutions and 1,692 convictions in 2015, and to South and Central Asia, which secured 6,915 prosecutions and 1,462 convictions. They also pale in comparison to the number of victims that have been identified in Latin America (9,661 in 2015 alone).

To continue improving enforcement of TIP legislation in Latin America, some observers have urged U.S. officials and other donors not to encourage countries to pass laws modeled entirely after those from other countries (such as the TVPA). Instead, countries should develop trafficking laws that respond to their particular TIP problems and law enforcement capacities. Once legislation is in place, more attention and resources may be needed to help countries implement that legislation, and that assistance may need to go beyond training for law enforcement and legal professionals. According to the State Department, some of the current laws in Latin America are insufficient. For example, Mexico's federal anti-TIP law defines human trafficking too broadly, thereby diluting the crime of trafficking. Costa Rica defines trafficking only as a movement-based crime.<sup>55</sup>

Attention also may be needed to address broader weaknesses in criminal justice systems that hinder TIP investigations and prosecutions. Corruption could be addressed by stiffening penalties for police, border guards, or other officials caught assisting traffickers. Handling of victims could be improved by training and mentoring provided by external entities, such as UNODC or U.S. law enforcement, aimed at changing misperceptions that victims are complicit in crimes such as prostitution and reinforcing victims' need for specialized services and, if applicable, immigration relief. As previously mentioned, DOJ's OPDAT regularly mentors Mexican prosecutors who are now operating in an accusatorial justice system in which securing a victim's testimony may be crucial for obtaining a trafficking conviction.

## **Debates About Prostitution and Trafficking**

The current U.N. definition of TIP assumes that there are at least two different types of prostitution, one of which is the result of free choice to participate in the prostitution business and one that is the result of coercion, vulnerability, deception, or other pressures. Of these, only the latter type is considered TIP. Based on the TVPA, as amended, sex trafficking is not considered a "severe form of TIP" unless it is associated with commercial sex acts induced by force, fraud, or coercion or in which the person induced to perform such acts is a minor.<sup>56</sup>

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<sup>54</sup> David E. Guinn, "Defining the Problem of Trafficking: the Interplay of U.S. Law, Donor, and NGO Engagement and the Local Context in Latin America," *Human Rights Quarterly*, 30 (2008).

<sup>55</sup> TIP report, 2016.

<sup>56</sup> §103 (8-9) of P.L. 106-386, as amended.

Several groups in the United States have sought to redefine TIP to include all prostitution, but many countries have rejected those attempts. Proponents of this broader definition of TIP argue that prostitution is “not ‘sex work;’ it is violence against women [that] exists because ... men are given social, moral and legal permission to buy women on demand.”<sup>57</sup> Several European and Latin American countries, which have legal or government-regulated prostitution, reject such a definitional change and argue that this broader definition would impede the capacity of the international community to achieve consensus and work together to combat trafficking.

Some policymakers and researchers assert that prostitution and TIP are inextricably linked, with countries where prostitution is legal experiencing greater inflows of human trafficking.<sup>58</sup> Others, including Amnesty International, maintain that legalizing prostitution and improving working conditions for sex workers reduces the pool of potential TIP victims and helps those workers gain access to police protection in the event they are victimized.<sup>59</sup> Regardless of whether prostitution is legal or illegal, the State Department has reiterated the importance of not punishing victims of TIP who have been forced into prostitution for their actions, even in places where prostitution is illegal.<sup>60</sup> The European Union and the Council of Europe have adopted that principle as part of their directives on combating human trafficking.<sup>61</sup>

## Forced Labor: Adequacy of Country Efforts

Research suggests that although TIP for sexual exploitation is both a highly prevalent and particularly visible form of human trafficking, TIP for forced labor exploitation may account for a large, often unreported, and possibly growing share of TIP globally. Recent interest in forced labor as a form of TIP has sparked calls for greater research in analyzing the prevalence of forced labor, increased international efforts to combat this form of TIP, and more awareness to prevent and educate potential victims. The State Department’s TIP reports since 2005 have placed an added emphasis on evaluating country efforts to combat trafficking for forced labor, and several other programmatic efforts to combat TIP for forced labor are under way at the State Department. Other international groups, particularly the ILO, also play a large role in efforts to combat forced labor. According to the 2016 Global Slavery Index by the Walk Free Foundation, Brazil has been one of the countries recognized for its efforts to address forced labor despite not having as many resources as wealthier countries.<sup>62</sup> It has done so by investigating businesses allegedly using slave labor and publicly holding those businesses accountable for their actions.

At a regional level, labor trafficking prosecutions and convictions went from one prosecution and one conviction in the 2007 reporting period to 369 prosecutions and 107 convictions in 2012, before falling back to 83 prosecutions and 26 convictions in 2015. Some Latin American countries have yet to broaden their anti-TIP efforts out from focusing largely on the commercial sexual exploitation of women and children. Even in countries with well-established efforts

<sup>57</sup> Janice G. Raymond, “Sex Trafficking Is Not ‘Sex Work,’” *Conscience*, Spring 2005.

<sup>58</sup> Seo-Young Cho, Axel Dreher, and Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?,” *World Development*, no. 41, 2013.

<sup>59</sup> Amnesty International, *Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, May 26, 2016. Amnesty uses evidence from Buenos Aires, Argentina, a city in which prostitution is legal but sex workers are often punished under the country’s federal anti-TIP law to support its assertions on the importance of improving the working conditions and rights of sex workers. Amnesty International, *Argentina: What I’m Doing is not a Crime*, May 26, 2016, at <https://www.amnesty.org/en/documents/amr13/4042/2016/en/>.

<sup>60</sup> TIP Report, 2016.

<sup>61</sup> *Ibid.*

<sup>62</sup> The Walk Free Foundation, *The Global Slavery Index 2016*, 2016, p. 9.

against forced labor, like Brazil, many perpetrators have been able to avoid jail time by paying fines to settle cases.

**Table 1. Latin America and the Relevant International Conventions on Human Trafficking**

Country	2015 Tier Placement	2016 Tier Placement	U.N. TIP Protocol		ILO Convention 105	ILO Convention 182	Optional Protocol of CRC		Optional Protocol CRC Armed Conflict	
			Signed	Ratified (a)	Ratified	Ratified	Signed	Ratified (a)	Signed	Ratified (a)
Antigua and Barbuda	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>		X	X	X	X	X		
Argentina	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Bahamas	Tier 1	Tier 1	X	X	X	X		X(a)		X(a)
Barbados	Tier 2	Tier 2	X	X(a)	X	X				
Belize	<b>Tier 3</b>	<b>Tier 3</b>		X (a)**	X	X	X	X	X	X
Bolivia	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>	X	X	X	X	X	X		X (a)
Brazil	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Chile	Tier 1	Tier 1	X	X	X	X	X	X	X	X
Colombia	Tier 2	Tier 1	X	X	X	X	X	X	X	X
Costa Rica	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>	X	X	X	X	X	X	X	X
Cuba	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>		X (a)	X		X	X	X	X
Dominican Republic	Tier 2	Tier 2	X	X	X	X		X (a)	X	X(a)
Ecuador	Tier 2	Tier 2	X	X	X	X	X	X	X	X
El Salvador	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Guatemala	Tier 2	Tier 2		X (a)	X	X	X	X	X	X
Guyana	<b>Tier 2 WL</b>	Tier 2		X (a)	X	X		X (a)		X (a)
Haiti	<b>Tier 2 WL</b>	Tier 3	X	X	X	X	X	X(a)	X	
Honduras	Tier 2	Tier 2		X (a)	X	X		X (a)		X (a)

Country	2015 Tier Placement	2016 Tier Placement	U.N. TIP Protocol		ILO Convention 105	ILO Convention 182	Optional Protocol of CRC		Optional Protocol CRC Armed Conflict	
			Signed	Ratified (a)	Ratified	Ratified	Signed	Ratified (a)	Signed	Ratified (a)
Jamaica	<b>Tier 2 WL</b>	Tier 2	X	X	X	X	X	X	X	X
Mexico	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Nicaragua	Tier 2	Tier 2		X (a)	X	X		X (a)		X (a)
Panama	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Paraguay	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Peru	Tier 2	Tier 2	X	X	X	X	X	X	X	X
St. Lucia	Tier 2	<b>Tier 2 WL</b>		X(a)	X	X		X (a)		X (a)
St. Vincent and Grenadines	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>	X	X	X	X		X (a)		X (a)
Suriname	<b>Tier 2 WL</b>	<b>Tier 3</b>		X (a)	X	X	X	X	X	X
Trinidad and Tobago	<b>Tier 2 WL</b>	<b>Tier 2 WL</b>	X	X	X	X				
Venezuela	<b>Tier 3</b>	<b>Tier 3</b>	X	X	X	X	X	X	X	X

**Source:** U.S. Department of State, *Trafficking in Persons Report, 2016*, June 2016; U.S. Department of State, *Trafficking in Persons Report, 2015*, July 2015.

**Notes:**

\* (WL) indicates placement on Tier 2 Watch List as opposed to Tier 2.

\*\* (a) indicates accession.

**Treaties and Protocols:**

—U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons

—ILO Convention 105 (Abolition of Forced Labor)

—ILO Convention 182 (Convention on the Worst Forms of Child Labor)

—Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Pornography

—Optional Protocol to the CRC on the Involvement of Children in Armed Conflict

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