II. Prosecution

Countries whose governments fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards:

- Do not mean that a country has no trafficking problem
- Indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards.

United States of America: Tier 1

I. Background

- The United States is a source, transit, and destination country for men, women, and children—both U.S. citizens and foreign nationals—subjected to forced labor, debt bondage, involuntary servitude, and trafficking.
- Trafficking in persons occurs in many industries and professions, including: brothels, massage parlors, street prostitution, hotel services, hospitality, agriculture, manufacturing, janitorial services, construction, health and elder care, and domestic service, among others.

II. Prosecution

- Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations have defined the U.S. government’s role in foreign trafficking investigations and prosecutions.
- U.S. criminal law also prohibits conspiracies and attempts to violate these provisions, as well as obstructing enforcement of these provisions.
- Sex trafficking investigations involving minors do not require a demonstration of the use of force, fraud, or coercion.

III. Protection

- Continued efforts to increase victim identification and service provision to identified victims, although state and federal funding for victim services decreased in this reporting period.
- Supported foreign national and U.S. citizen victims during trafficking investigations and prosecutions by increasing the number of victim assistance coordinators assigned to field offices to assist victims cooperating in trafficking investigations and prosecutions.
- The TVPA authorizes DHS to provide two principal types of immigration relief to foreign trafficking victims.
- T nonimmigrant status was granted to 557 victims and 722 immediate family members of victims, representing a significant increase from 447 and 349, respectively, in the previous period.

IV. Prevention

- The cabinet-level President’s Interagency Task Force to Monitor and Combat Trafficking in Persons continued coordinated federal efforts to combat trafficking in persons, supported by the Senior Policy Operating Group.
- DOL carried out civil works labor enforcement and its field offices are the first government authorities to detect exploitative labor.
- The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers involving trafficking issues in FY 2011.
- USAID launched a new Counter Trafficking in Persons Policy in February 2012 that outlines concrete, measurable principles, and objectives to focus USAID’s anti-trafficking efforts.

Tier 2

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

Redefine: Tier 2

I. Background

- Source country for trafficking, but to a lesser extent is also a transit and destination country, especially for women and children subjected to forced labor and sex trafficking.
- Girls, and lesser extent, boys are exploited in domestic servitude.
- Loosely organized prostitution networks, supplied by vulnerable girls who are often offered room and board by older females.

II. Prosecution

- Failed to convict any traffickers.
- Article 28 of the Law on Prevention and Punishment of Gender-Based Violence outlines, but does not define sex trafficking as “15-20 yrs. Prison.
- Forced Labor = 3 to 5 years in prison.
- Child slavery, trafficking, debt bondage, forced labor, prison = 6 months-20 years.
- In May 2010, government completed draft penal code which should help with the current difficulty in prosecuting and punishing suspected traffickers.
- 2011. Rwandan National Police registered 25 cases of human trafficking, which were pending at the end of last reporting period, received no further information of prosecuting these cases.

III. Protection

- Compared to neighboring African countries, Rwandan government continues to provide an unregulated level of care for former child soldiers.
- Rwandan police also operate the Denver Center, hospital that provides medical exams, counseling, short-term shelter, and assistance to victims of sex trafficking, child domestic slaves, and child prostitution.

IV. Prevention

- Government has continued its anti-trafficking awareness and prevention efforts during the last reporting period.
- In 2011. Rwandan officials, for the first time, acknowledged the problem of internal sex trafficking and forced labor, specifically child domestic servants.
- Rampant sex trafficking for employees were also acknowledged and in charge of informing child labor regulations.
- Rwanda continues to train immigration officers on document verification and other details including identifying victims of trafficking.

Background on the TVPA

The Trafficking Victims Protection Act (TVPA) of 2000 and the Palermo Protocol describe Human Trafficking using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor. Their annual report places country on tiers that identify the extent of their government action to combat trafficking.

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

The TIP Report:

- Came about as a measure to decrease human trafficking.
- The United States monitors how other states are doing in preventing Human Trafficking.
- Set up to protect human rights.
- Seeks not only to protect, but also rebuild lives.
- Encourages other countries to adopt victim-friendly laws and regulations.
- Advocates for victims.
- Appreciates and encourages Fair Trade products.
- Seeks to clarify misconceptions of Human Trafficking: such as, the difference between trafficked victims and illegal immigrants.
- End goal: To end modern day slavery.

Tier 2 Watch List

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

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

Haiti: Tier Two-Watch List

I. Background

- Haiti, also known as the official Republic of Haiti, is a country in the Caribbean.
- Haiti occupies and shares a portion of the island of Hispaniola with the Dominican Republic. The border between these two countries is a huge source to the problem of Human Trafficking.
- Haiti is currently on the 2nd watch list. Meaning Haiti’s government does not fully comply with the TVPA’s minimum standards, but is making significant efforts to bring themselves into compliance with those standards.
- The United States is a source, transit, and destination country for men, women and children subjected to forced labor and sex trafficking.
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II. Protection

- The government has been known to work with NGOs to rescue child trafficking victims.
- During the reporting period, TVP HRM identified over 1,000 victims of trafficking and referred those victims to NGO’s which provided shelter, food, medical, and psychological support.
- Showing their incompetence to handle the situation of human trafficking within their own country and that the Haitian government does not have formal trafficking victim protection policies to encourage victims to assist in the investigation and prosecution of their own traffickers offending.

III. Absence of Prosecution

- The absence of legislation, policies and laws criminalizing all forms of human trafficking, such as victim’s protection severely hampers the government’s ability to prosecute traffickers and protect victims.
- Confusion of the Haitian government regarding its stance on crimes such as human trafficking, human rights, and illegal adoption.
- Haiti needs to create legislation prohibiting all forms of labor trafficking and sex trafficking.

IV. Absence of Prevention

- Prevention is driven by international organizations and NGOs but needs to be implemented into the Haitian government as soon as possible.
- Haiti is vulnerable population.
- International organizations have to Haiti’s relief rescue but the country is in need of more education and training for the international community we will see a dramatic decrease of child restaveks and that is to start a brighter future for Haiti.

Tier 3:

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

The following list includes factors that attribute to a country being on Tier 3:
- “First, the extent to which the country is a country of origin, trend, or destination for severe forms of trafficking”.
- “Second, the extent to which the country’s government does not comply with the TVPA’s minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking”.
- “Third, reasonable measures required to bring the government into compliance with the minimum standards in light of the government’s resources and capabilities to address and eliminate severe forms of trafficking in persons”.

Penalties for Tier 3 Countries

- Certain sanctions are subject to sanction would face U.S. opposition to assistance from international financial institutions such as the International Monetary Fund (IMF) and the World Bank (The TVPA provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.)
- U.S. Government can and will withdraw non-humanitarian, non-trade-related foreign assistance.
- Countries on Tier 3 may not receive funding for government employees’ participation in cultural and educational exchange programs.

Rupar: Tier 3

Sudan is a source, transit, and destination country for men, women and children subjected to forced labor and sex trafficking.

The government of Sudan does not fully comply with the minimum standards for the elimination of trafficking and if not making significant efforts to do so.

II. Protection

- Wearing the outcry fine of some migrant domestic workers, facilitating and financing the return of thousands of stranded Sudanese migrant workers for Libya, and demolishing 430 child soldiers.

Limited medical and psychological support to exploited women and children has been given by the Ministry of Welfare and Social Insurance.

III. Prevention

- Actions to produce legislation prohibiting human trafficking and law enforcement against human trafficking during this time were not documented by the government or provided training to use law enforcement.

IV. Prevention

- During the 2012 reporting period the Sudanese Government for the first time acknowledged the existence of human trafficking in Sudan.
- The government however has made limited efforts in combating this issue and has not conducted any formal anti-trafficking education campaigns.

Understanding the Trafficking In Persons (TIP) Report

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