

SOLVING THE NATIONAL AND GLOBAL ISSUE OF HUMAN TRAFFICKING

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**Abstract**

Trafficking of persons, both for labor and sex, has been an international problem for decades. Public knowledge of the issue has only begun to surface, and until recent years, a globally accepted definition of human trafficking was nonexistent. Both the lack of awareness and an established definition have led to the absence of research and viable policies to combat the issue. This thesis will examine awareness and attitudes on human trafficking, as well as current attempts to ameliorate the issue on both national and global scales. Evidence of these efforts will include research from scholarly literature, the United States criminal justice system, and federal and international policies. Human trafficking in the Americas and Caribbean will also be closely investigated. By considering how the world has offered to solve the issue, gaps in research, policy, and practice will be found in order to propose how such areas could be strengthened to better address human trafficking in the future.

*Keywords:* human trafficking, trafficking in persons, sex trafficking

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## Solving the National and Global Issue of Human Trafficking

### **Background**

#### **Defining Human Trafficking**

Trafficking of persons, both for labor and sex, has been an international problem for decades (Dempsey, Hoyle, & Bosworth, 2012). As recently as ten years ago, a globally-accepted definition of human trafficking was nonexistent (Dempsey, Hoyle, & Bosworth, 2012). The lack of an established definition led to the absence of viable policies to combat the issue, as countries were unable to agree upon what constituted trafficking (Dempsey, Hoyle, & Bosworth, 2012). Although various countries and policies delimit the term in slightly different ways, a broad definition of human trafficking is provided in the *Vanderbilt Law Review* by Elrod (2015):

[T]he recruitment, transportation, transfer, harbouring 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. (p. 962)

This definition has been widely accepted by many countries around the world and has helped create consistency in characterizing and prosecuting human trafficking on a global scale (Elrod, 2015).

#### **Knowledge of the Problem**

Although many research studies have been conducted on the issue of human trafficking, recent scholarly evidence shows that the legitimacy of numerical data regarding the prevalence of trafficking may be flawed (Fedina, 2015). Skewed methodologies backing

up commonly used statistics are often the culprit behind inaccurate data (Fedina, 2015). This reasoning is based upon the fact that many authors use data from previous studies that may be outdated (Fedina, 2015). In addition, the secretive nature of the trafficking industry makes obtaining trustworthy statistics nearly impossible (Fedina, 2015). Since trafficking is a punishable criminal act, perpetrators do what is needed to avoid the eye of the law; therefore, researchers will never truly have accurate data on the subject (Fedina, 2015).

The small number of police-reported cases and individuals prosecuted for trafficking, which typically come from the absence of established legislation on the issue, exemplify the lack of criminal justice data (Kangaspunta, 2003). Legislation and legal definitions of trafficking vary across international borders and oftentimes affect how the issue is dealt with in criminal justice systems (Kangaspunta, 2003). For instance, certain laws focus on specific types of trafficking, such as trafficking of minors or the sexual exploitation of women (Kangaspunta, 2003).

Furthermore, the number of trafficking cases reported does not reflect the number of individuals actually trafficked (Kangaspunta, 2003). Statistics gathered with more commonly used tools, such as victimization surveys, do not provide accurate data on human trafficking due to the nature of the crime (Kangaspunta, 2003). Victims of human trafficking are less likely to share their experiences due to fear of their trafficker or the lack of knowledge of the laws set in place to protect them (Kangaspunta, 2003). Such surveys represent a small sample population, so trafficking is not strongly represented (Kangaspunta, 2003).

### **Populations Affected**

Despite the disparities around human trafficking statistics, it is estimated that every year, between 600,000 and 800,000 individuals around the world become new victims of

human trafficking (Wooditch, 2011). Approximately 4.5 million individuals worldwide are currently in the international sex trade, and at least 17,500 are trafficked annually into the United States for commercial sexual exploitation (Elrod, 2015). It is no surprise that human trafficking is growing faster than any other illegal industry and has been named the third-largest criminal enterprise in the world, bringing in nearly \$32 billion per year (Elrod, 2015).

While both adults and minors are exploited, children are more likely to be targeted by traffickers than are adults (George, 2012). Families, especially outside of Western culture, often sell their children into slavery for immediate financial gain and are commonly tricked into believing that the child will send monetary support from a paying job (George, 2012). In many countries where human trafficking is rampant, corrupt government officials assist in trafficking, and children without families or documentation are the easiest targets (George, 2012). There are also discrepancies between different countries on what defines a "child"; therefore, issues with verification arise when investigating age and consent (George, 2012).

In addition to age, sex plays a role in the type of victim traffickers look for (Steinman, 2002, p. 59). The Victims of Trafficking and Violence Protection Act of 2000 states in § 102 B (4) that women and girls are more likely to be targeted than men. Congress found evidence that shows that females are “disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities” (Victims of Trafficking, 2000, 114 Stat. 1466).

Human trafficking is considered a serious issue in developing countries, and the greatest number of people are trafficked outside of the industrialized world (Elrod, 2015). Many developing countries are at a higher risk of facing corruption within their government(s), in addition to political unrest, unemployment, scarcity of food, shortage of

resources, and high mortality rates (Wooditch, 2011). They also have a greater chance of enabling human trafficking, intentionally or not (Wooditch, 2011). Haiti, one of the poorest countries in the world, is a prime example of a third-world country dealing with a broken and corrupt government, unemployment, and extreme poverty--a country suffering from the consequences of an earthquake that killed and displaced hundreds of thousands in 2010 (Disasters, 2015). The earthquake left thousands without homes, families, or documentation (Disasters, 2015), increasing the number of individuals vulnerable to trafficking. These factors, among others, create an ideal climate for this Caribbean country to be a source, transit, and destination for thousands of human trafficking victims (United States Department of State [USDOS], 2016b, p. 190).

Immigration also plays a major role in human trafficking (Wooditch, 2011). If a country is unable to match the number of workers needed for their high labor demand, immigrants are employed from other parts of the world to fill the gaps within that country's job market (Wooditch, 2011). This scenario often increases human trafficking, as the demand for cheap labor dramatically increases (Wooditch, 2011). Many immigrants flooding into such countries are unaware of the potential of exploitation (Wooditch, 2011). Trafficking of persons can happen within the borders of a country, because it is not exclusively limited to international transactions (Elrod, 2015).

### **Risks and Consequences**

There are numerous health risks and consequences that victims of human trafficking may suffer, both while exploited and once they find their way out of the industry (Zimmerman, Hossain, & Watts, 2011). Unfortunately, these affects are not highly researched and do not receive much observation (Oram, Stoöckl, Busza, Howard, &

Zimmerman, 2012). From the little research that is available, it is known that those who are trafficked may experience psychological, physical, emotional, sexual, or verbal abuse, or a combination of these (Zimmerman et al., 2011). In addition to abuse, trafficked persons may encounter substance addiction, legal limitations, and difficulties related to stigmatization and marginalization (Zimmerman et al., 2011).

The list of abuses experienced by trafficked persons is extensive, but some include food and sleep deprivation, torture, murder, rape, forced prostitution, threats against family and friends, forced misuse of contraceptives, confinement, confiscation of legal documentation, abduction, physical attacks, dangerous living conditions, and abusive work hours (Zimmerman et al., 2011). These maltreatments can lead to health consequences such as suicidal thoughts or actions, self-harm, bodily injuries and trauma, physical disabilities, memory loss, aggressive or violent behavior, sexually transmitted infections, reproductive infections or complications, insomnia, social withdrawal, Post-Traumatic Stress Disorder (PTSD), depression, stomach pains, headaches, and anxiety, among others (Zimmerman et al., 2011).

Many times, survivors of human trafficking exit the industry with substance addiction in addition to mental illness and physical harm (Zimmerman et al., 2011). Forced substance use is common among trafficking victims, especially those in the sex industry, as perpetrators of human trafficking often use substance addiction as a leash to keep victims from leaving (Zimmerman et al., 2011). Coerced substance abuse can cause many negative consequences, some of which include addiction, overdose, infection from needles, brain or liver damage, trouble sleeping, isolation, engaging in dangerous behaviors (i.e. unprotected sex, crime), and self-harm (Zimmerman et. al., 2011).

Legal limitations are common in trafficking cases, as well, due to the effects that victims' mental health may have on their involvement in court or during an investigation (Zimmerman & Pocock, 2013). For instance, memory loss, PTSD, depression, anxiety, and fear can all inhibit trafficked persons from being able to recall details of their case in court, which can cause ineffective prosecution (Zimmerman & Pocock, 2013). Research also shows trafficking victims are often rejected by their families or communities, many times for religious reasons, and such stigmatization may put them at risk for being trafficked again (Zimmerman & Pocock, 2013).

### **Policy Analysis**

Policy analysis provides knowledge on how policies fit in practice and shows its effects on social and environmental factors. It can also lead to the discovery of major gaps and flaws in policy that affect vulnerable populations and society as a whole. Additionally, it is a key factor in making changes in systems and to social problems. Analyzing key policies on human trafficking, such as the Trafficking Victims Protection Act of 2000, helps reveal where changes in policy need to be made in order to further prevent and stop human trafficking in the future. By looking at policies such as the North American Free Trade Agreement and the Trans-Pacific Partnership Agreement, it is clear that even policies that were not meant to affect human trafficking can, indeed, cause negative repercussions in this area around the world.

### **Historical Approach**

By examining other policies and how the worldview on trafficking has changed over time, it is apparent that a key aspect of achieving policy reform is changing the public's understanding of human trafficking. After the abolition of slavery in the United States,

progressive policies on trafficking were not implemented until 2000, as the first United States policy on human trafficking, the Mann Act of 1910, only addressed trafficking across international borders (“Current Federal Laws,” 2016.) Developed countries, such as the United States, did not begin to recognize or acknowledge trafficking as a significant problem until recent years (Wooditch, 2011). Some believe that this may be related to America’s stance on slavery; it took decades after the Thirteenth Amendment for a majority of the country to find slavery morally wrong (Wooditch, 2011). Additionally, the United States has shifted ideas regarding those who are trafficked, seeing them not as criminals, but as victims (Elrod, 2015). This view has changed the way policies have been created, and recent laws have been found to contain more effective language than ever before (Elrod, 2015). Broader, clearer awareness of human trafficking is critical to individuals’ desire to enact change in policy, and in turn, to make a change in the lives of trafficking victims around the world.

### **The Trafficking Victims Protection Act of 2000 and Reauthorizations**

**Defining the TVPA.** The Trafficking Victims Protection Act of 2000 (TVPA) is found within Division A, 114 Stat. 1466-1491, of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). The United States Congress passed the TVPA as a legislative response to the global issue of human trafficking, and the law was enacted in October of 2000 (Elrod, 2015).

In short, this legislation set forth three levels (protection, prosecution, and prevention) to combat trafficking (Wooditch, 2011). The TVPA’s protection and prosecution levels call for the accountability of federal law enforcement officers to respond effectively to cases of human trafficking, and to increase criminal and civil punishments for traffickers, among other provisions (Wooditch, 2011). The legislation also led to the creation of anti-trafficking

laws in all 50 states (Elrod, 2015). Since the law was passed in 2000, it has been reauthorized four times as the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 (H.R. 2620), the TVPRA of 2005 (H.R. 972), and the TVPRA of 2008 (H.R. 7311) (United States Department of State [USDOS], 2016a). It was additionally reauthorized in 2013 as an amendment to the Violence Against Women Act (Polaris, 2017).

The TVPA of 2000 is known as the “cornerstone” of federal-level legislation around human trafficking (Polaris, 2017). This policy furthered the Mann Act of 1910 by giving more provisions to the prevention of trafficking, the protection of victims, and the prosecution of perpetrators (Hendrix, 2010). As previously mentioned, the Mann Act only criminalized trafficking of individuals across state borders (Polaris, 2017), whereas the TVPA criminalized international trafficking in persons and administered new funding provisions, as well as provided in-kind benefits to victims (Hendrix, 2010). Additionally, the TVPA created an internationally accepted definition of human trafficking for the first time in history (George, 2012).

***Trafficking in Persons Report.*** An annual report known as the Trafficking in Persons Report (TIP) was put into place to serve on the level of prevention (George, 2012). The TVPA set up a three-tier reporting system in which countries around the world are placed in accordance with their attempt to fight trafficking of persons within their own borders (George, 2012).

Each year the TVPA, through the TIP, organizes and places countries into one of three tiers (George, 2012). To decide where to place countries, the United States looks at the prevalence of trafficking within a country, how the government of a country is responding to the issue, and whether that government is compliant and, if non-compliant, how to bring

them up to the minimum standard (George, 2012). If a country's government is found to be obeying all of the TVPA's lowest standards and requirements for eradicating human trafficking, they are placed into the first tier (George, 2012). Tier two countries do not meet the minimum requirements, but are "making significant efforts to bring themselves into compliance" (George, 2012). Countries placed into tier three have made little to no effort to meet the act's standards (George, 2012). Additionally, there is a tier two watchlist for countries potentially moving into or out of tier three (George, 2012). In the case that a particular country falls into tier three and does not meet the lowest standard, the United States is required to reduce or take away any funding unrelated to trade or emergency relief from that country (George, 2012).

**Delineation and overview.** Division A, 114 Stat. 1466-1491 and § 101-113 of the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 (P.L. 106-386) specifically cover the TVPA of 2000 (Victims of Trafficking, 2000). For analysis, § 101-113 are reviewed and summarized, some sections more explicitly than others.

§ 102 lists factual information and statistics about human trafficking and § 103 provides definitions for key terms within the policy (Victims of Trafficking, 2000). Terms such as coercion (2), involuntary servitude (5), and sex trafficking (9) are defined (Victims of Trafficking, 2000). § 106 discusses future governmental efforts to prevent trafficking by (a) implementing alternatives and (b) raising public awareness by providing information (Victims of Trafficking, 2000). Specific plans to provide protection and assistance for trafficking victims are delineated in § 107, while minimum standards for the elimination of trafficking are described in § 108 (Victims of Trafficking, 2000). The terms for foreign policy are laid out in § 109-111, and § 112 describes measures that will be taken to strengthen

prosecution and punishment of traffickers (Victims of Trafficking, 2000). § 113 defines the economic appropriations to be allotted to human trafficking prevention and prosecution (Victims of Trafficking, 2000).

**Choice analysis.** Social allocation of the TVPA is based on the prior and current recognition of those enslaved in human trafficking. Benefits include providing trafficking prevention programs for all populations and taking governmental action to prevent trafficking by implementing alternatives for victims and raising public awareness on the issue (Victims of Trafficking, 2000). These are based on the understanding in the United States that all individuals have basic rights to freedom. According to § 106 of the TVPA of 2000, such prevention initiatives include:

- 1) microcredit lending programs, training in business development, skills training, and job counseling;
- 2) programs to promote women's participation in economic decision-making;
- 3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;
- 4) development of educational curricula regarding the dangers of trafficking; and
- 5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

Additionally, the TVPA provides selective benefits to victims who have been trafficked, giving resources to those who have experienced slavery. In-kind benefits are found within the social provisions of the TVPA. In § 106, 107, and 113, the TVPA addresses directly where funds are to be allocated, including the creation of specific services to victims and models of prevention (Victims of Trafficking, 2000).

Specific plans to provide protection of and assistance to trafficking victims are specified in § 107 (Victims of Trafficking, 2000). The economic appropriations allotted to human trafficking prevention and prosecution are defined in § 113 (Victims of Trafficking, 2000). This, for example, is shown in § 113 (b) where the Secretary of Health and Human Services was appropriated \$5 million to fund programs and to carry out the provisions listed in § 104, 105, and 110 (Victims of Trafficking, 2000). Other strategies to deliver benefits were similar to this and are provided throughout the Act (Victims of Trafficking, 2000). The methods of financial provision are not given within the TVPA (Victims of Trafficking, 2000).

In addition to the provisions listed in the TVPA of 2000, reauthorizations in 2003, 2005, 2008, and 2013 have further developed an already robust policy, making it stronger and more effective (Polaris, 2017). In 2003, the reauthorization of the TVPA gives trafficking victims the right to sue their traffickers, gives new provisions and protections to victims and their families from being deported, and requires Congress to report the United States' efforts to fight trafficking every year (Polaris, 2017).

*David et al. v. Signal International, LLC et al.* (2008), a federal court case that took years to resolve, is an example of trafficking victims utilizing the 2003 TVPA reauthorization provisions, which allow victims to sue their traffickers (American Civil Liberties Union, 2017). In 2005, 500 men moved to the United States from India with the promise of becoming residents of the United States and acquiring jobs working in a shipyard (American Civil Liberties Union, 2017). Once the men arrived, it was clear that the company responsible for hiring them had trafficked them into the United States with dishonest intentions, as they were forced to live in small labor camps under psychological abuse, with

little payment for their work (American Civil Liberties Union, 2017). After a few years of failed attempts to file a suit against Signal International, three firms filed on behalf of the victims in May 2013, and in February 2015, Signal and its representatives were responsible for paying a handful of the victims \$14 million (American Civil Liberties Union, 2017). This case, among countless others, proves the importance of reforming and amending policies to fit the needs of those they affect.

In other reauthorizations, the TVPRA of 2005 provides grants to local law enforcement agencies to fight trafficking, and funds are appropriated to provide housing for minors who survive trafficking (Polaris, 2017). Among the many prevention provisions added in 2008, one requires alien minors traveling alone to be screened as possible victims of trafficking (Polaris, 2017). This arrangement helps keep victims from falling back into the hands of their traffickers (Polaris, 2017).

Finally, the last reauthorization occurred in 2013, when the TVPA was added as an amendment to the Violence Against Women Act (Polaris, 2017). This policy prevents child marriage and implements programs to better respond to international disasters where individuals may be more prone to trafficking (Polaris, 2017). This latest reauthorization helps programs ensure that citizens of the United States do not intentionally buy products made by trafficking victims (Polaris, 2017).

**Policy goals.** The manifest or stated goals of the TVPA of 2000 – prevention, protection and prosecution – are generally known as the “three P’s” (Hendrix, 2010). These goals provide guidelines to enhance prevention of human trafficking nationally and globally, to further protect victims of trafficking, and to inflict harsher punishments on perpetrators of trafficking (Hendrix, 2010). These goals are universally agreed upon, although policy makers

sometimes disagree on the methods of implementing the goals and how to correctly fund them (Senate Report, 2011). Furthermore, the explicit hypothesis of the TVPA is that if prevention, protection, and prosecution are strengthened around the issue of human trafficking, less trafficking will occur around the world, and perpetrators will be less likely to risk punishment for such crimes.

The TVPA addresses the need for perpetrators and victims of trafficking to be treated appropriately (Elrod, 2015). Unstated latent goals of the TVPA, however, imply that only sex crimes “severe” in nature will be punished (Elrod, 2015). As a result, prostitutes are typically targeted instead of pimps, because punishment for “non-severe” sex crimes is enforced at the state level, where it is unlikely that pimps will be found guilty of “severe” sex crimes without sufficient evidence (Elrod, 2015).

**Policy evaluation.** Regardless of the positive outcomes of the TVPA, the effectiveness of the policy has been questioned on many levels (Elrod, 2015). Firstly, the TVPA defines sex trafficking broadly, and under the definition itself, pimps enabling common prostitution should also be counted as perpetrators (Elrod, 2015). Many traffickers and pimps avoid state or federal punishment and are inadvertently enabled to continue trafficking individuals (Elrod, 2015). An implicit hypothesis of the TVPA is that the federal government must recognize that unwilling victims of trafficking do not deserve punishment or criminalization, but rather help and support, while perpetrators need to be punished severely for such crimes.

The efforts of the United States to deal with the issue of human trafficking are generally in accordance with research findings, although some believe there may be corruption based on a political angle by which countries are ranked within the yearly TIP

Report (Wooditch, 2011). In other words, it is speculated that the United States manipulates many countries' tier placements in order to maintain economic ties. For instance, many tier two countries, such as China and India, have been tier two for many years (Wooditch, 2011). The United States has not threatened such countries for staying tier two for so long, most likely because the United States doesn't want to pull foreign assistance and lose their economic support (outside of trade) in return (Wooditch, 2011). Numerous Middle Eastern countries – including Saudi Arabia – are either tier two or tier three yet still receive support from the United States (Wooditch, 2011). China, India, Saudi Arabia, and Pakistan are responsible for a large portion of the world's human trafficking output (Wooditch, 2011). For their own financial interests, the United States and other tier one nations seemingly disregard other nations' ineffective efforts (Wooditch, 2011).

### **The North American Free Trade Agreement (NAFTA)**

**Defining NAFTA.** The North American Free Trade Agreement (NAFTA) is an agreement between the United States, Canada, and Mexico that was enacted in 1994 by President Bill Clinton (“NAFTA,” 2010). The purpose of the treaty was to abolish most tariffs and trade limitations between these three countries, with hopes to stimulate the North American economy and to promote a global initiative to negotiate other world trade agreements (“NAFTA,” 2010). Additionally, the increase in trade was meant to initiate economic growth in Mexico, and in return, decrease the number of Mexican citizens immigrating to the United States, both legally and illegally (Verea, 2014).

**Policy evaluation.** The intended result(s) did not develop as expected; the number of immigrants moving across the United States-Mexico border actually increased in years following the treaty (Verea, 2014). Mexico had undergone major land reforms prior to the

implementation of NAFTA, causing the majority of the country's farmers to be displaced and forced to look for employment elsewhere (Shelley, 2010). More than ever, people in Mexico looked toward the United States for jobs, as the country attracted those willing to work for little pay and no benefits (Shelley, 2010). Since NAFTA was ratified, the number of Hispanic individuals in the United States has more than doubled (Verea, 2014).

The increase in immigration across the United States-Mexico border caused by NAFTA produced a tremendous growth in the amount of human trafficking victims in North America (Shelley, 2010). Mexico is a source, destination, and passageway for trafficking of persons (Garza, 2011). Coupled with drugs and arms trafficking, human trafficking is a large source of income for Mexico and other Central American countries, and these industries generate illegal windfalls for Mexican government officials, many of whom have corrupt motives (Garza, 2011). This self-serving corruption, in addition to the difficulty of catching and prosecuting the large number of perpetrators, makes trafficking in and out of Mexico nearly impossible to stop (Garza, 2011).

Furthermore, immigration officers often mistake trafficking victims for individuals choosing to be smuggled into the United States (Garza, 2011). Although there are more undocumented immigrants smuggled voluntarily across the border; however, many are in the process of being trafficked unwillingly (Garza, 2011). United States officials who catch an undocumented immigrant in the United States are more apt to regard them as a smuggled criminal instead of a trafficking victim; thus, many human trafficking victims are deported back into the hands of their trafficker(s) (Garza, 2011).

Since Mexico is a transit country for trafficking, hundreds of South and Central Americans are transported through the country for both commercial sex work and forced

labor (Garza, 2011). Additionally, the increase in trade following NAFTA only provides more revenue to a country that already, deliberately or not, supports trafficking of persons (Verea, 2014). The increase in illegal immigration from Mexico to the United States due to the ramifications of NAFTA have only allowed for more captive individuals to be transported across the border (Shelley, 2010).

### **The Trans-Pacific Partnership Agreement**

**Purpose.** The United States joined the TPP in 2009 under the Obama administration, but decidedly announced its intentions to back out in 2016 under the Trump administration (Ubriaco, 2017). While the United States is no longer a part of this agreement, the policy is still very much alive, although not yet implemented.

It is important to understand the original intentions of the United States' involvement in the TPP. According to the Office of the United States Trade Representative, the TPP would have made it easier for small business proprietors, manufacturers, and farmers to sell American goods internationally (Office of the United States Trade Representative [Oustr], 2015). Over 18,000 trade barriers and taxes are to be abolished under the agreement, and this was projected to benefit the United States economy as a whole (Oustr, 2015).

In addition to economic gain, the United States, under the Obama administration, had hoped to engage in the Asia-Pacific region through deeper relationships with those countries, in addition to launching United States leadership in new places (Oustr, 2015).

Furthermore, the treaty supposedly will promote the prohibition of trafficking and forced labor around the world, although many human rights advocates continue to disagree (Oustr, 2015). The TPP also addresses broader concerns, including environmental preservation, protection of workers, and food safety (Oustr, 2015).

**Countries involved.** The Office of the United States Trade Representative stated in \ 2015 that the following countries are part of the Trans-Pacific Partnership Agreement: Australia, Canada, Japan, Malaysia, Mexico, Peru, United States, Vietnam, Chile, Brunei, Singapore, and New Zealand (OUSTR, 2015). As of 2017, the same countries are involved, with the exception of the United States. Based on the *2016 Trafficking in Persons Report*, Australia, Canada, Chile, and New Zealand are classified as tier one countries, while Japan, Mexico, Peru, Vietnam, Brunei, and Singapore are tier two (USDOS, 2016b, p. 56).

As mentioned previously, one of the biggest reasons for the United States' interest in the TPP was access to market exports, although many experts have speculated on other reasons as well (Lewis, 2011). Australia, Singapore, Peru, and Chile have engaged in free trade with the United States for years, and Vietnam joined the group after the United States expressed interest (Lewis, 2011). The United States has never shown interest in free trade with New Zealand or Brunei (Lewis, 2011).

President Barack Obama announced in Japan in 2009 his desire to become "America's first Pacific president," around the same time he stated the United States' interest in joining the TPP (Lewis, 2011). Soon after Obama's statement, other countries, including Vietnam and Malaysia, also joined (Lewis, 2011). Japan joined the TPP in 2013 (OUSTR, 2015).

Malaysia falls under the tier two watch list, as one of the world's most popular trafficking destinations and, to a smaller degree, a transit country and source for both labor and sex trafficking (USDOS, 2016b, p. 254). A tier three country since the enactment of the TVPA, Malaysia was moved up to the watch list in 2015, where it remained in 2016 (USDOS, 2016b, p. 56) as the country did "not meet the minimum requirement to eliminate trafficking, but has been seen to be making significant efforts" (United States Department of

State [USDOS], 2015). The Malaysian government, however, convicted only three perpetrators of trafficking in 2015 (USDOS, 2015); the number of convictions rising to seven in 2016 (USDOS, 2016b, p. 256). According to the report, many Malaysian women and children are being forced into labor or sex work under government watch (USDOS, 2015). One report, written following a United States investigation of trafficking in Malaysia, verified that police, immigration officers, and Volunteer Corps staff (RELA) were assisting traffickers for pay (Stanslas, 2010). In May 2015, migrant labor camps and mass grave sites for victims of trafficking were discovered along Malaysia's border with Thailand (USDOS, 2016b).

**Projected evaluation.** As the policy has yet to be implemented, there is no solid evidence that the TPP will have a positive or negative impact on international human trafficking. Research shows that the TPP could have either detrimental side effects or positive repercussions (Lewis, 2011). By examining NAFTA and other policies such as TVPA that impact trafficking of persons on a global scale, predictions can be made on the future impact on trafficking by the TPP.

The biggest concern surrounding this new treaty is that Malaysia is part of the agreement: Only in the last two years was Malaysia moved to the tier two watch list for making alleged efforts to combat trafficking, but the evidence does not seem to match up with the rating; Malaysia has a history of being one of the worst countries in the world with regard to fighting human trafficking (USDOS, 2015). In fact, its government and police force in past years have been caught aiding and abetting traffickers (Stanslas, 2010).

President Obama had difficulty gaining congressional support for the agreement when it first came to the table in 2008, as many members of Congress did not want tier three

countries included in the treaty (Finnegan, 2015). Senator Robert Menendez of New Jersey is one congressman who has fought the TPP for many reasons, but especially for the risk to an increase in human trafficking and for the potential corruption in the 2015 TIP Report (Pachon, 2016). On June 29, 2015, an amendment to the Trade Promotion Authority (TPA) was passed by Congress and signed by the president (Guida, 2015). The change was authored by Menendez, prohibiting “fast track” or expediting congressional deliberation for trade deals that include Tier 3 countries (Guida, 2015). At the time, this new amendment, often referred to as the “Menendez Amendment,” blocked Congress from putting the TPP on fast track (Guida, 2015).

Perhaps merely coincidentally, the United States began supporting Malaysia and moved the country up to the watch list one month after the amendment and within three months of finally reaching an agreement on the TPP in October 2015 (Oustr, 2015). This fact was revealed when the US Government made public the treaty in November 2015 after years of hiding all details of the agreement (Oustr, 2015). Menendez recently summed up the political angle by which the TIP Report and TPP have been written:

This manipulation of Malaysia’s ranking in the State Department’s 2015 TIP Report would be a perversion of the trafficking list and undermine the integrity of this important report. The deplorable human trafficking crisis in Malaysia merits a global cry for action and justice -- not an attempt to sweep them under the rug for political expediency. (Carter, 2015, para. 5)

If the TPP is ratified, there is the potential for a dramatic increase in human trafficking, particularly in and out of Malaysia. There is a possibility that many of the tier two countries such as Japan, Mexico, Peru, Vietnam, Brunei, and Singapore may have

increases in human trafficking, as well. Many of these countries have been on the tier two list for years and have not been bumped to tier three due perhaps to a hesitancy on behalf of the United States to lose economic ties outside of trade. Creating a free trade agreement with these countries may indeed stimulate the United States and world economies, but the pathways of increased revenue could expand the human trafficking market, providing tier two and three countries with more money to aid their corrupt officials in the trafficking of persons within and across their borders.

### **International Trafficking in the Americas and Caribbean**

The *Trafficking in Persons Report of 2016* shows the number of prosecutions, convictions, and victims identified for both sex and labor trafficking in the Western Hemisphere (USDOS, 2016b, p. 62). In North, South, and Central America, and in the countries located in the Caribbean, 33 new or amended pieces of human trafficking legislation have been enacted between 2009 and 2015 (USDOS, 2016b, p. 62). In 2015 alone, there were 1,830 prosecutions and 689 convictions of perpetrators, and 11,779 total trafficking victims were identified in this part of the world (USDOS, 2016b, p. 62). Based on research on trafficking statistics, it is projected that the number of victims identified in this report is much smaller than the actual number of victims in the system (Kangaspunta, 2003).

In the Americas and Caribbean, there are six tier one countries: United States of to become America, Canada, the Bahamas, Puerto Rico, Chile, and Colombia; sixteen tier two countries: Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Panama, Dominican Republic, Barbados, Guyana, Ecuador, Peru, Brazil, Paraguay, Argentina, Uruguay, and Jamaica; four Tier 3 countries: Belize, Haiti, Venezuela, and Suriname; and seven countries

on the tier two watch list: Bolivia, Costa Rica, Antigua and Barbuda, St. Lucia, St. Vincent and Grenadines, Trinidad and Tobago, and Cuba (USDOS, 2016b, p. 62).

Central and South America are prominently known for human trafficking in the form of sex tourism (Steinman, 2002, p. 54). The World Tourism Organization defines sex tourism as “trips organized within the tourism sector, or from outside the sector but using its structures and networks, with the primary purpose of effecting a commercial sexual relationship by the tourist with the residents at the destination” (Steinman, 2002, p. 54). In the early 2000’s, much of Asia strengthened their laws on child exploitation, which led to a decrease of sex tourism in that part of the world, but in turn, a drastic increase in the number of individuals seeking sex tourism in Central and South America (Steinman, 2002, p. 54). While the majority of countries in the Americas have enacted legislation prohibiting sexual exploitation, the laws are seldom enforced (Steinman, 2002, p. 55).

The majority of countries in Central and South America are poor and face government corruption, which drive “tourist-oriented” enterprise (Steinman, 2002, p. 56.) Unfortunately, poverty-stricken countries that have a focus on tourism unintentionally make way for the sex industry to grow exponentially (Steinman, 2002, p. 56). Child prostitution is common in this part of the world, as many vulnerable children do not know how else to survive or are imprisoned by individuals who exploit them for their own benefit (Steinman, 2002, p. 56).

Consumerism, materialism, and the use of the Internet have all fueled the industry in recent years (Steinman, 2002, p. 54-59). Additionally, gender discrimination and sexual abuse are more common in South and Central America than they are in other parts of the industrialized world (Steinman, 2002, p. 58-59). Research shows that females are more likely

to become victims in these countries, as there is a larger gap between men and women in education and employment, a gap even larger than that of the United States and other developed countries (Steinman, 2002, p. 558-59). All of these factors create an ideal situation for the illegal sex industry to deeply infiltrate the Americas (Steinman, 2002, p. 56).

### **Best Practice**

#### **Developing Realistic Expectations**

Current research, policies, and viable information on human trafficking need to be analyzed in order to prevent the industry from continuing. The two most realistic ways to end the issue, based on these methods of analysis, are awareness and policy change and implementation. This practice is important because the lives and well-being of all people matter, including those of trafficking victims.

#### **Analyzing Best Practice**

**Awareness.** One solution, though it may seem simple or hopeful, is to spread knowledge and awareness about the subject, as every person could theoretically be a victim of human trafficking (Mishra, 2015). The more aware individuals become, the less likely they are fall into the hands of traffickers or pimps and are more apt to take action when they see signs of trafficking. (Mishra, 2015). In an effort to raise recognition of human trafficking, reports of those who have experienced trafficking or exploitation need to become more public (Mishra, 2015). The more one knows about an issue, the more likely they are to advocate for change (Mishra, 2015).

In 2013, Bist and Tomar (2015) conducted a study in Greater Noida, India among eleventh grade students, demonstrating the role awareness plays in increasing knowledge and advocating for change. Their research included a quasi-experimental, nonequivalent groups

design, in which evaluative pre-tests and post-tests were administered to forty students regarding their awareness and attitudes towards human trafficking (Bist & Tomar, 2015). The findings of the self-instructional guidelines evaluation show the general characteristics and family background of each student, in addition to a positive correlation between post-test attitude and knowledge scores (Bist & Tomar, 2015).

The researchers found the students' initial knowledge about trafficking was significantly lower before the tests were administered (Bist & Tomar, 2015). Additionally, the students were shown to have a more favorable attitude towards human trafficking before the evaluation and tests were complete (Bist & Tomar, 2015). Overall, the self-instructional guidelines were proven to be quite effective in expanding students' awareness of trafficking and also in creating a negative attitude towards trafficking (Bist & Tomar, 2015).

Bist and Tomar's (2015) results showed that students with a lack of knowledge about trafficking were made more aware of the issue through self-instructional guidelines and evaluation. Additionally, they found that students are likely to have an unfavorable opinion of trafficking after being informed of the issue (Bist & Tomar, 2015). Although Bist and Tomar (2015) did not examine their willingness to advocate for change, their results show that by expanding students' knowledge on trafficking, they are more likely to be against trafficking, and therefore advocate against it and raise further awareness.

While this study does not discuss raising public awareness as a catalyst for policy reform, it provides evidence that individuals are more inclined to work towards change once they have an understanding about an issue. Additionally, by examining studies, policy, and how the worldview on trafficking has changed over time, it is apparent that a key aspect of achieving policy reform is changing the public's understanding of human trafficking.

**Policy change and implementation.** Policy changes need to be made to legislation such as the TVPA in order to better combat trafficking. If perpetrators of "non-severe" human trafficking crimes are the only ones receiving punishment for their actions, the issue of human trafficking will never be eliminated. Changes should be made to define all acts of human trafficking as crime, so that more offenders can be prosecuted.

The United States also needs to be worker harder towards effective implementation of policies that are already in place. For example, the tier system and TIP should be followed more closely, countries should be placed appropriately, and actions should be taken against all countries not meeting the required standards provided in the TVPA. Furthermore, if the United States followed through with TVPA regulations by cutting funding (outside of trade and aid) of tier three countries, the elimination of human trafficking would be taken more seriously worldwide.

### **Feasibility**

Individuals must take the initiative to advocate for change. There are many ways to do this, some of which include implementing policy changes, creating programs, creating and signing petitions, educating communities, lobbying, and raising awareness, among other methods. Realistically, there is a small chance that the government will completely change their views on this issue and implement all of the necessary policy changes. Based on evidence found in research and in history, seeing government change is less likely than seeing change at the individual level.

The potential to see change in this area is based on people care most about: human life and well-being or money. Advocacy at the government level is essential, and the issue of human trafficking can be irradiated if enough people take the initiative to assist in making

changes. The chances of this happening in the near future are slim, but the problem can, at minimum, be greatly reduced in the future if awareness is raised, the appropriate policy changes are made and implemented, and if people are willing to take a stand for justice.

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