

## Challenges, Resources, and Recommendations

*The tools to crush modern slavery exist, but the political will is lacking.*

—Sheryl WuDunn

The term *human trafficking* is becoming increasingly familiar among the general public in the United States and perhaps even globally. However, a precise understanding of the magnitude of human trafficking is more difficult to grasp. Definitional disagreements, limited data, and unreliable measurement all result in a grave misunderstanding of the scope of human trafficking and its causes. Such misconceptions result in a lower prioritization of trafficking in policy and a misallocation of resources for trafficking victims. There are some data and reports, however, that are considered reliable and informative, including the U.S. Department of State's annual Trafficking in Persons Report, the United Nations Office on Drugs and Crime's (UNODC's) Global Report on Trafficking in Persons, reports from the International Labour Organization, and reports from well-known nonprofit organizations such as Walk Free. While these resources are not without their own criticisms, they are the best resources we have to date.

This chapter will review the general challenges faced when estimating the magnitude and complexities of human trafficking domestically and globally. Additionally, it will provide descriptions of the existing resources, their purposes, data collection strategies, criticisms they face, and their general contributions to the understanding of human trafficking. The chapter will conclude with a discussion of future directions for data collection and analyses.

### Challenges to Understanding Human Trafficking

The general population in the United States, and perhaps even the world, does not understand what human trafficking is, its complexities, and its massive reach. Several challenges exist when it comes to understanding human trafficking. Perhaps one of the biggest challenges relates to inconsistent definitions of trafficking. While increased legislation has improved uniformity in definitions across countries and regions, definitional inconsistencies remain. Additional challenges come from an inherent misunderstanding of trafficking. **Smuggling** and trafficking are often confused; discriminating between the two is inherently difficult. Further, the acceptance of males and boys as victims requires a paradigm shift that is challenged by cultural norms and tools that may not be as effective at identifying

male victims. Finally, data and methods, hindered by definitional issues, pose an enormous barrier to understanding and eliminating human trafficking. More on these issues follows.

## Definitions of Human Trafficking

Consider your own definition of the term *human trafficking*. You could refer to a dictionary to understand what *human* means if you are confused. But what about the term *trafficking*? What does this word mean to you?

Words like *trafficking*, *slavery*, and *discrimination* are contextualized. Your definition may come from personal and observed experiences, random pieces of information, culture, religious beliefs, and so forth. As you might imagine, when we incorporate our own values into definitions, this can lead to variations in the definition. This is exactly what has happened with human trafficking. Internationally, values vary widely. What types of behavior are okay in one country or region may be quite different in another. Take, for example, child marriage. While in some countries this is acceptable (see Focus on Child Marriage on page 18), it is not okay in others (Neumann, 2015). Similarly, child labor is acceptable and routine in Brazil and Guyana, and debt bondage is a formal part of the Nepali economy (Schartz, 2017). However, in the United States we would never condone either of those behaviors. Such disagreement results in serious challenges to formulating an agreed-upon international definition of human trafficking.

### Challenge Yourself 2.1

What do these terms mean to you: *trafficking*, *slavery*, *racism*, *discrimination*? Do you have the same definitions as your peers? Your

instructors? Your parents? How might definition disagreements impact measurement? How might it impact policy?



U.S. State Department

**Photo 2.1** Yemeni schoolchildren held up this poster outside the parliament in Sana'a, Yemen, to denounce child marriage.

## Focus On

### Child Marriage: An Example of Cultural Differences

Girls Not Brides is “a global partnership of more than 700 civil society organizations from over 90 countries committed to ending child marriage and enabling girls to fulfill their potential.” Organizations associated with Girls Not Brides come from all continents and work to change laws and policies as well as create programs to reduce child marriage. Child marriage occurs in many countries and across various cultures and religions. According to Girls Not Brides, several factors contribute to marriage for individuals under age 18, including gender inequality, culture and tradition, poverty, and insecurity.

The organization has some startling facts to share:

- At the current rate there will be 1.2 billion women married as a child by 2050.
- 1 in 3 girls in the developing world is married before age 18.
- Over 700 million women alive today were married as children.

Girls Not Brides ranks countries in two ways—those with the highest rates of child marriage and those with the highest absolute numbers of child marriage. Child marriage occurs most often in African nations. Nearly all of the 20 countries with the highest rates of child

marriage are in Africa. Niger is at the top, with 76% of women having been married before the age of 18. India and Nicaragua, the only two non-African countries on the list, have the tenth- and fourteenth-highest rates of child marriage in the world, respectively. Forty-seven percent of Indian women and 41% of Nicaraguan women were married before the age of 18.

When considering the highest absolute numbers, India ranks the highest of the top-20 countries, with a total of 26,610,000 girls in child marriage, as compared to Bangladesh, ranked in second place, with 3,931,000 girls.

These numbers indicate extreme differences of opinion regarding the acceptability of child marriage. While desperation seems to provide some explanation for child marriage, it does not explain it all. Whether it be due to gender discrimination or tradition, the practice is accepted in some cultures. We see child marriage occurring even in the United States. Girls Not Brides estimates that over 248,000 girls were married, mostly to adult men, between 2000 and 2010.

Culture and tradition play a role in defining acceptable behavior. Definitions of child marriage, like those of human trafficking, are also susceptible to culture and tradition, making its elimination all that much more challenging.

*Source:* Girl Not Brides website: <http://www.girlsnotbrides.org/>.

Lack of an agreed-upon definition is by far one of the greatest challenges we face in combating human trafficking (Aroma, 2007; Kessler, 2015; Laczko & Gramegna, 2003). Without compatible definitions, it becomes nearly impossible to measure trafficking across countries. As nearly all countries have become a source, transit, and destination for trafficking, multi-country analyses are critical to fully understand the problem (Aroma, 2007). Further, cross-country investigative cooperation is also hindered by definition disagreement. Fortunately, definitional challenges have been minimized, albeit not at all eradicated, by the formation and ratification of international laws and, domestically, the Trafficking Victims Protection Act.

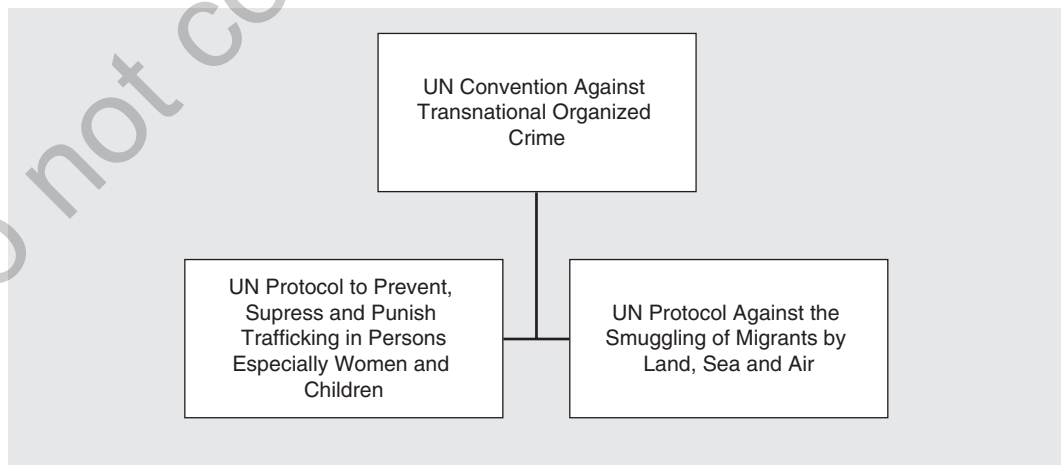
## International Laws on Human Trafficking

The United Nations Convention Against Transnational Organized Crime provides the main international guidance on how to define, prevent, and prosecute human trafficking, adopted in 2000 and entered into force in 2003 (King, 2008; United Nations General Assembly, 2000c, 2001): This guidance comes specifically from two relevant protocols, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, entered into force in 2003 (United Nations General Assembly, 2000c), and the United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, adopted in 2004 (United Nations, 2000). You may see either of these termed the Palermo protocol, as they comprise two of the three protocols supplementing the Palermo convention, that is, the **UN Convention Against Transnational Organized Crime** (see Figure 2.1). The main convention, at its adoption, signified the seriousness of the issue of international organized crime and provided the groundwork to encourage international collaboration and cooperation. States that ratified the convention committed to defining trafficking as a domestic criminal offense, designing frameworks for extradition, cooperating with law enforcement, and promoting training and technical assistance to increase domestic capacity for fighting organized crime (United Nations General Assembly, 2001).

The **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children** offered the first globally agreed-upon definition of human trafficking and carried the intention of creating comparable definitions within domestic frameworks. This definition implies the absence of human agency in trafficking instances. One cannot choose to be trafficked. Such a specification is important, as it provides a distinction between trafficking and smuggling (King, 2008). Another central theme of the definition is to specify that trafficking does not require direct force or threat. Simply having no other alternative to compliance is means for labeling a situation human trafficking. Further, the protocol provides guidance on how to protect and assist victims of human trafficking within a human rights framework (United Nations General Assembly, 2001).

As described by the United Nations, the **UN Protocol Against the Smuggling of Migrants by Land, Sea and Air**, adopted in 2004, recognized the growing

Figure 2.1 Palermo Convention

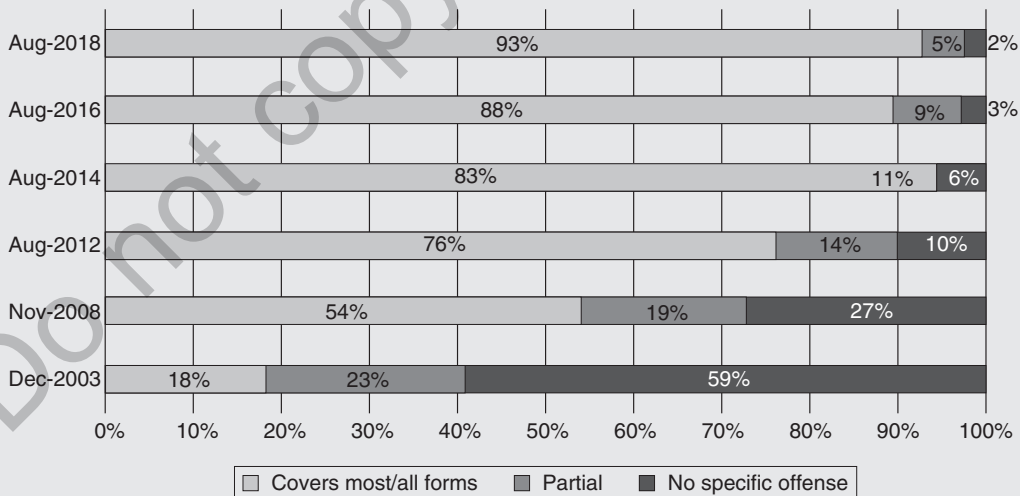


issue of smuggling and the high risk for exploitations experienced by those being smuggled (United Nations General Assembly, 2001). The protocol provides a concrete definition of smuggling and encourages states to collaborate to end smuggling and the extreme forms of exploitation often present during the smuggling process. More discussion on the definitions of smuggling and human trafficking are discussed below.

While the existence of international laws is a first step, adherence is perhaps even more challenging. As of July 2018, 189 UN member states were party to the UN Convention Against Transnational Organized Crime (United Nations General Assembly, 2001). Upon adopting the convention, a country's adherence is monitored by the UN and the country is expected to submit reports regularly describing its compliance with the convention (King, 2008). There has been a distinct upward trend in countries signing on. In 2008, only 143 countries were party to the convention, compared to 189 today (King, 2008). In 2018, countries not signing on to the convention, or signing on but not ratifying it, included Bhutan, Republic of the Congo, Iran, Palau, Papua New Guinea, the Solomon Islands, Somalia, South Sudan, and Tuvalu (United Nations General Assembly, 2001).

There has been a surge in support specifically for the Protocol to Prevent, Suppress and Punish Trafficking in Persons. As of 2018, 173 countries had adopted the protocol. Country-specific analyses are available and assess countries' inclusion of specific laws against human trafficking and how well those laws coincide with the UN's definition. The UN is looking to ensure that laws encompass crimes against men, women, boys, and girls and acknowledge domestic and transnational victims. Further laws should acknowledge all elements of trafficking, including the act, means, and purpose, as specifically described in Article 3 of the protocol (United Nations Office on Drugs and Crime, 2016a). As apparent in Figure 2.2,

**Figure 2.2 Criminalization of Trafficking in Persons With a Specific Offense Covering All or Some Forms as Defined in the UN Protocol, Shares of Countries, 2003–2018**



Source: UNODC, 2018; UNODC elaboration of national data.

by 2018, 168 out of 181 countries included a definition of human trafficking consistent with the protocol. Only four of the 181 countries for which data were available do not criminalize trafficking in persons today.

The emergence of international law is a major contributor to reducing definitional issues. By providing a clearer distinction between smuggling and trafficking and acknowledging the trafficking of males as well as forms of trafficking other than sex, these laws have addressed many issues relating to variations in the definition of trafficking (Laczko & Gramegna, 2003). That being said, not all countries use a definition consistent with the protocol, although more and more do. And even when using a consistent definition, challenges can still exist in the minutiae. For example, as will be discussed in Chapter 4, at what point does a smuggled person become a victim of human trafficking? While the definition of human trafficking and human smuggling may be agreed upon, the gray area between may be disputed. Related, the concept of human agency, also discussed in Chapter 4, may be interpreted differently in different cultures. What is considered force? When is it reasonable to assume a person had no alternative options? Legislative specifications can only go so far in defining every possible act, means, and purpose.

## United States Trafficking and Violence Prevention Act

As stated in Chapter 1, the Trafficking Victims Protection Act (2000) and its subsequent reauthorizations provide a definition of human trafficking in the United States. The law states that trafficking includes:

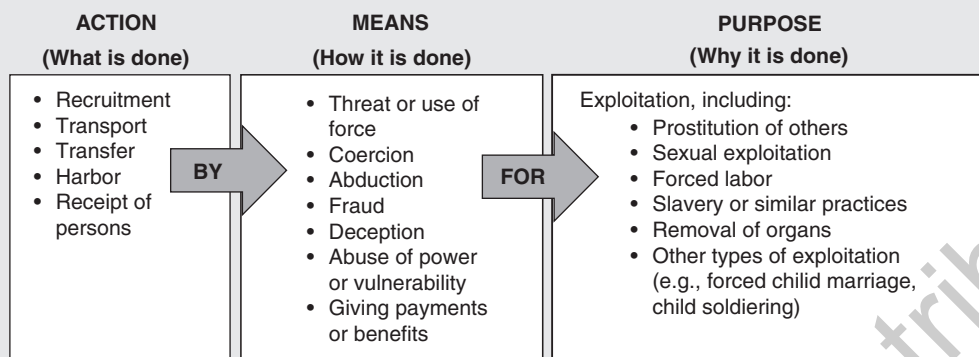
- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The law seeks to define the necessary requirements to conclude human trafficking has occurred. These requirements have been labeled the AMP model, requiring evidence of the action, means, and purpose of the trafficker (as shown in Figure 2.3). The AMP model is also used in the UN trafficking in persons protocol (United Nations General Assembly, 2000c). The Trafficking Victims Protection Act of 2000 (TVPA) specifies what elements must be present to prove someone has broken the law—proof of force, fraud, and coercion are necessary elements to convict someone of human trafficking (the “means” in the AMP model). The TVPA specifically states the forms of trafficking that are considered illegal—sex trafficking (of adults and minors) and labor trafficking (the “purpose” in the AMP model). The TVPA also specifies that evidentiary requirements are less stringent for the sex trafficking of children.

Although the AMP model, focusing on evidentiary requirements, takes on a punitive emphasis, the TVPA specifies more than just punishment. Punishment, in fact, is only one of the three Ps focused on in the TVPA. The others include *prevention* of trafficking internationally and *provision* of services to victims (Sheldon-Sherman, 2012).

Preventatively, the TVPA orders the monitoring of human trafficking around the world through the State Department’s Office to Monitor and Combat Trafficking in

Figure 2.3 The AMP Model



Adapted from: UNDOC, 2018

Source: Adapted from UNODC, 2018.

Persons and the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (Reiger, 2007; U.S. Department of State, n.d.c). Finally, in regard to provision, the law provides legal and social benefits to victims, including visas and support services.

The law is not without controversy. There are two different schools of thought when it comes to combating trafficking—those who are prosecutorial-minded and those who approach trafficking from the victim's perspective (Sheldon-Sherman, 2012). Prosecutors believe the law should go further in criminalizing trafficking and specifying more provisions for public safety trainings. Alternatively, victim advocates want to see more attention and focus in the law on victim services, for both domestic and foreign-born victims. They would like to see the foundation of the law be victim centered rather than focused on criminal justice.

Dang (2014) suggests that a victim-centered modification would improve the country's understanding of the complexity of the crime. She offers the following definition:

Slavery is a social phenomenon existing on the far end of a continuum of oppression, where human beings completely dominate and exploit other human beings and this domination results in physical, psychological, and interpersonal trauma; financial and social instability and inequities; and dilution of the fundamental principles of democracy.

## Challenge Yourself 2.2

Write your own definition of human trafficking. Read your definition. Is it consistent with the UN's definition? Is it punitive? Does it accurately portray the complexities of the crime (social and

economic impact)? Is your definition more similar to the TVPA's or to Dang's (2014)? Why did you choose to write the definition in the way you did?

The controversies surrounding the TVPA go beyond its focus. The effectiveness of the law has often been called into question, specifically due to the lack of federal prosecutions since the law's implementation, the lack of follow-through on the part of individual states in engaging in anti-trafficking efforts, and insufficient victim services (Reiger, 2007; Sheldon-Sherman, 2012). There is specific concern regarding the prosecution of labor trafficking cases. At the federal level, there has actually been a decline in the number of federal prosecutions for labor trafficking. In 2010, labor trafficking represented 60% of all human trafficking cases. That number dropped to 27% in 2014. The Human Trafficking Prosecution Unit, within the Department of Justice, cited a lack of funding as the explanation for the drop in prosecutions. Labor cases are especially resource-intensive. Their unique complexities require more time, staff, and interagency collaboration than sex trafficking cases (Febry, 2013). Febry (2013), an associate for the Human Rights First's Bankrupt Slavery campaign, advocates for future TVPA reauthorizations to focus on labor trafficking. Statistics show that labor trafficking is most certainly not on the decline. A decline in enforcement is not reflective of a decline in trafficking. Improved regulations should designate special prosecutors and trainings that focus on labor trafficking issues, especially in regions most vulnerable to this form of trafficking.

Despite criticism, progress has undoubtedly been made since the adoption of the TVPA, specifically regarding state engagement (see Focus on State-Level Attention to Human Trafficking on page 25). An increase in state legislation has prompted an increase in state-level enforcement and prosecutions. Nevertheless, prosecutions at a federal level as well as victim services continue to struggle to keep up. In regard to prosecutions, federal law enforcement officials express challenges to combating human trafficking at a federal level. The most pressing challenges include lack of victim cooperation, limited availability of victim services, and difficulty in identifying human trafficking (U.S. Government Accountability Office [GAO], 2016). The best chance of alleviating these challenges is believed to be through increased grant-based programming. The GAO (2016) identified 42 grant programs, awarded to 123 organizations in 2014 and 2015, used to combat human trafficking and assist victims. The primary purposes of these grant programs were to provide technical assistance to service providers and law enforcement, support task forces, and provide direct service (GAO, 2016).

Although not as recently, Polaris also produced a report grading the states on their human trafficking legislation, including all forms of trafficking. Their ranking system assigned states and the District of Columbia to four different tiers, with Tier 1 states having the most promising legal frameworks for combating trafficking (Polaris, 2014a). Polaris evaluated and ranked states on the following categories: laws criminalizing (1) sex trafficking; and (2) labor trafficking; laws focused on (3a) asset forfeiture for trafficking offenses; (3b) investigative tools such as including human trafficking in the state racketeering statute or authorization of interception of communications during investigations into trafficking; (4a) training for law enforcement; (4b) development of a task force; (5) lower burden of proof for the prosecution of child sex trafficking offenses; (6) posting information about a human trafficking hotline; (7) providing safe harbor to minor victims of trafficking; (8) victim assistance plans or services; (9) a civil remedy for human trafficking victims; and (10) vacating convictions.



## Focus On

### Shared Hope International's Protected Innocence Challenge

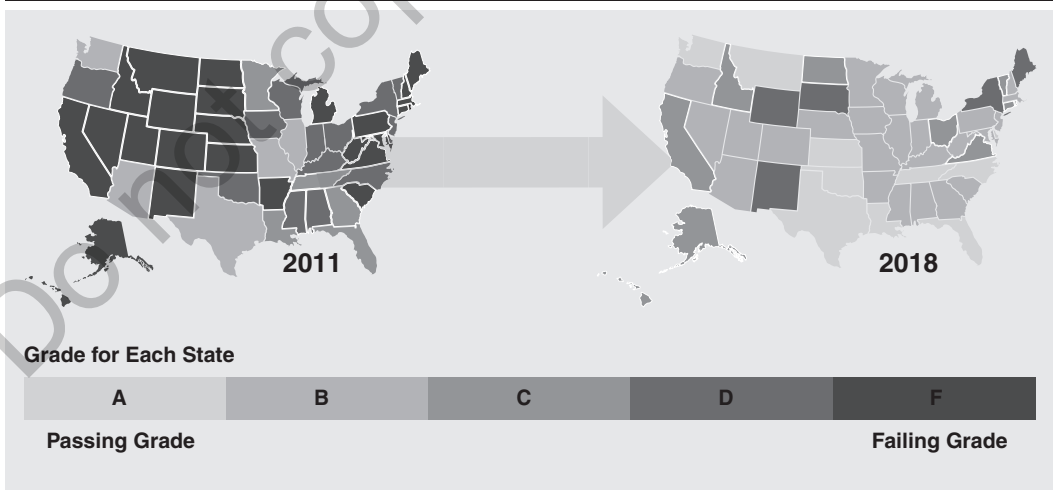
Shared Hope International (SHI) has made a commitment to ending domestic minor sex trafficking (DMST). One way it has invested in the cause is to assess the work being done on a state level to reduce DMST. Assessment of state-level legislation is central to its work, as states that do not have the appropriate trafficking laws in place have fewer resources at their disposal to address the problem. SHI's Protected Innocence Challenge identifies laws that are necessary in establishing an aggressive response to DMST (SHI, 2016b). All 50 states and the District of Columbia are scored on whether they have laws in the following categories:

1. Criminalization of domestic minor sex trafficking
2. Criminal provisions addressing demand
3. Criminal provisions for traffickers

4. Criminal provisions for facilitators
5. Protective provisions for the child victim
6. Criminal justice tools for investigation and prosecution

States are graded within each of these categories. Category grades are tallied to assign a total grade to each state (SHI, 2016b). The good news is that as of 2016, every state and the District of Columbia had criminalized DMST. Five states had even gone so far as to eliminate criminal liability of minors under state prostitution laws (SHI, 2016b). As illustrated in Figure 2.4, great improvements have been made in state-level legislation regarding DMST. Organizations like SHI provide a valuable resource in engaging state leaders to improve their legislation and engagement in combating human trafficking. However, more work needs to be done.

Figure 2.4 Trends in DMST Legislation

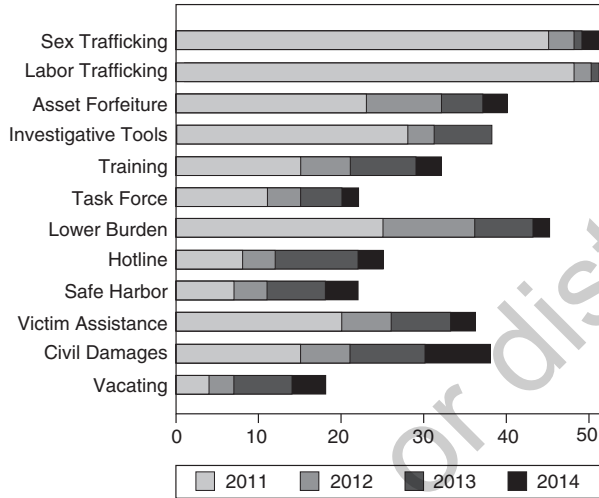


Source: Reprinted by permission of Shared Hope International. (2018).

# Focus On

## State-Level Attention to Human Trafficking

**Figure 2.5** Number of States Fulfilling Polaris Legislative Categories

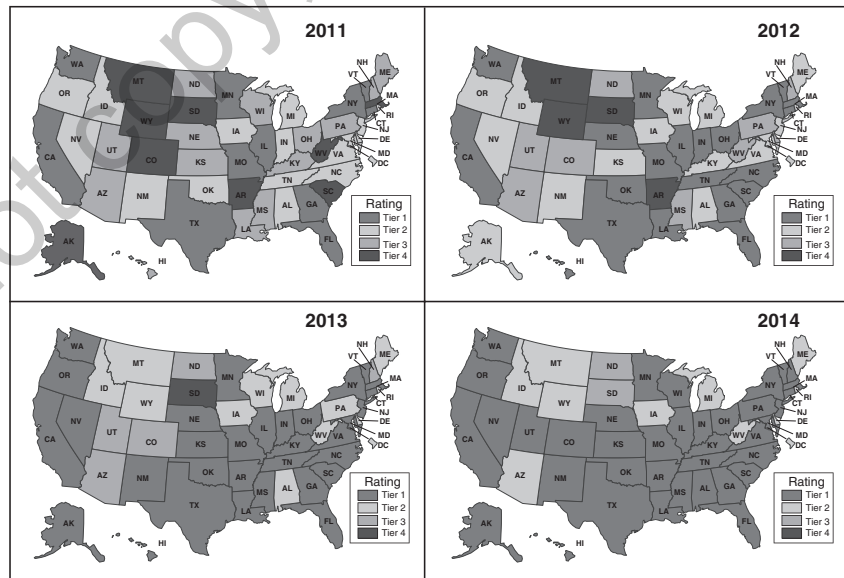


Source: Polaris, 2014a.

As evident in Figure 2.5, all states have some form of legislation regarding sex trafficking. Trends show improvement across all 10 categories. The

maps shown in Figure 2.6 support the findings of SHI as well. Generally, states are improving in their legislative efforts to reduce human trafficking.

**Figure 2.6** Trends in State Rankings



It appears evident, based on the GAO (2016) as well as other sources, that while the TVPA does use a prosecutorial framework, there are specifications for victim services. Sheldon-Sherman (2012) suggests that, given this point, discussion needs to move away from changing the foundation of the law to focus more on working within the law. Is there a way to improve services to victims within the prosecutorial focus of the TVPA? Sheldon-Sherman (2012) suggests another *P* to be considered—*partnership*. Collaboration among agencies, nonprofits, and nongovernmental organizations (NGOs) would lead to a more cohesive approach to victim services and an increased likelihood of meeting the goals set forth in the TVPA.

Increasingly, it appears as if this strategy is receiving some buy-in. At the federal level, the TVPA mandated the emergence of the **President's Interagency Task Force to Monitor and Combat Trafficking in Persons**. In 2013, this task force published a five-year strategic plan to promote collaboration for the purposes of aligning efforts, improving understanding of human trafficking, expanding access to services, and improving outcomes. The GAO (2016) report indicates a commitment to a collaborative approach at the federal, state, and local levels as well as across levels. Their data show collaboration among federal agencies including the Departments of Health and Human Services, Homeland Security, Justice, Labor, and State. Such agencies work together for federal cases and work with state and local agencies to investigate and prosecute cases.

Also, at the state level, there is an increased focus on multidisciplinary task forces. It seems logical that the emergence of task forces increases and encourages collaboration among the different players around the table. Polaris (2014a) includes legislatively mandated human trafficking task forces as one of the categories for its state rankings. As of fall 2015, 20 states had legislation requiring or encouraging the creation of a statewide task force (Polaris, 2015c). It is believed that many more states than that have nonmandated task forces. While such task forces are more vulnerable to dissolution, they provide an important step toward coordination and collaboration.

In summary, the TVPA faces challenges, especially related to the framework of the law. How the law defines human trafficking continues to be debated. The fact that the law's effectiveness, albeit improving, is still considered inadequate by some gives victim advocates reason to consider if a modified framework might alleviate some of those challenges.

## Additional Factors Causing Confusion in Understanding Human Trafficking

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While definitional issues have been somewhat mitigated with the emergence of international and national laws modeled after the UN's trafficking in persons protocol, additional issues contribute to the confusion surrounding human trafficking. Distinguishing between smuggling and trafficking as well as issues in how we define victims all contribute to the misunderstanding of human trafficking. Measurement and data issues also play a significant role in the confusion.

### Smuggling

One major source of confusion comes in defining human smuggling versus human trafficking. One purpose of the Palermo protocols, discussed earlier in this

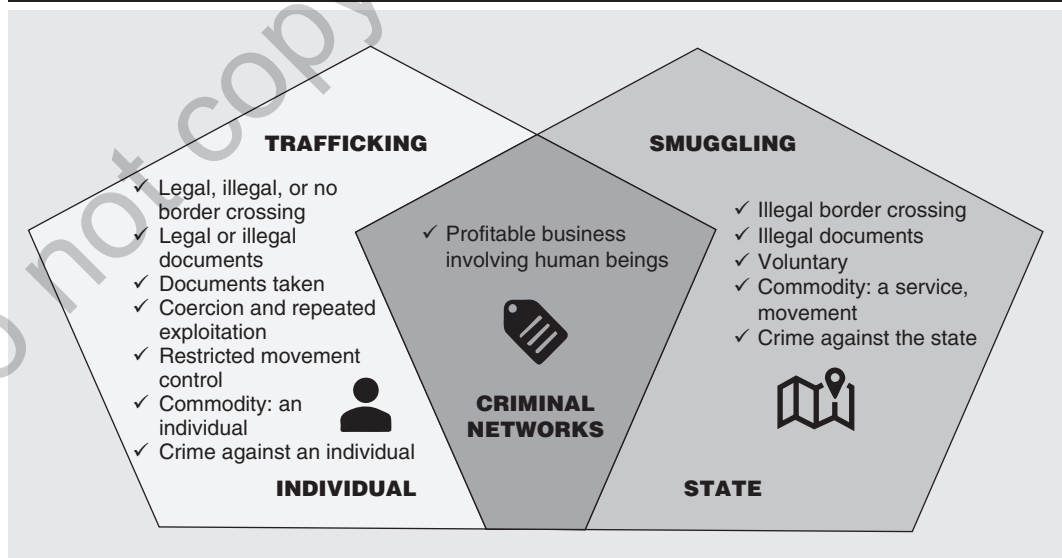
chapter, is to distinguish between smuggling and trafficking. The protocols define trafficking as:

. . . the 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. . . . The consent of a victim of trafficking in persons to the intended exploitation . . . shall be irrelevant where any of the means set forth (above) have been used. The recruitment, transportation, transfers . . . of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth (above). (Bhabha, 2005)

In contrast, the term *smuggling* refers to consensual transactions between individuals who want to cross borders and individuals willing to provide means to cross borders without adhering to proper immigration protocols. The smuggling protocol (United Nations, 2000) defines “smuggling of migrants” as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (Napier-Moore, 2011, p. 5). Figure 2.7 compares the two definitions.

As Chapter 4 will point out, those who are smuggled are extremely vulnerable to traffickers. But smuggling on its own is not trafficking. That being said, it can be

Figure 2.7 Human Trafficking Versus Human Smuggling



Source: Adapted from BlueBlindFold.Gov ([http://www.blueblindfold.gov.ie/en/bbf/pages/trafficking\\_or\\_smuggling](http://www.blueblindfold.gov.ie/en/bbf/pages/trafficking_or_smuggling)).

difficult to tell the difference, especially without in-depth investigation. Further, a case may start out as smuggling and end as trafficking. Laws may not be specific in defining when the appropriate time is to label an act—when the smuggled person departs or at the point of arrival. While the state may prefer assessing the situation from the point of departure, most victim advocates prefer defining the crime from the point of arrival. Their perspective is that intentions and reality are often different. While the smuggled person may have consented to illegally crossing the border, upon arrival, the conditions of the smuggling agreement may have changed. For example, the smuggler may demand more money for release or force the smuggled person into an employment situation he or she did not consent to. The smuggled person may go from criminal to victim status. Further, even at the point of departure, the consensual agreement may be based on fraudulent promises of work, schooling, or other opportunities (Bhabha, 2005).

The possibility of consensual agreements being based on fraudulent promises brings up the issue of human agency. When attempting to define an act as smuggling or trafficking, the decision maker (policy maker?) must assess the line between consent and coercion. Some forms of **coercion** are clear—kidnapping, blatant lying, and falsehoods. But some forms of coercion are blurrier—for example, if a family has absolutely no money, no means to make money, and no hope for survival in their current situation. If a smuggler comes offering an opportunity for work, schooling, and a generally better life, the family may have no other option than to take the risk of trusting the smuggler. In a situation such as this, does a policy maker define this as trafficking or smuggling? While the smuggled person consented to crossing the border, what option did they have?

The trafficking in persons protocol (United Nations General Assembly, 2000c) includes the following in its definition of coercion—“the abuse of power or of a position of vulnerability.” Thus, if a smuggler takes advantage of his or her position and offers fraudulent opportunities to vulnerable individuals and families living in extreme poverty, is this trafficking or smuggling? There are no laws in place to define these nuances, thus leading to continued confusion and controversy in discriminating between trafficking and smuggling.

## Case Study

### “Sonia”

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Would you define this as human smuggling or human trafficking?

Sonia was invited to come to the United States by family friends and told that she could work for them as a housekeeper and they would pay her \$100 a week. Sonia was provided with fraudulent documents and departed for the United States with her new employer. She knew this was illegal, but she needed the money and was willing to take the risk.

*Was Sonia smuggled or trafficked?*

Upon arriving in the United States, Sonia was kept in isolation, given a place to sleep in the basement, and told not to speak to anyone or she would be turned over to Immigration Services. Sonia was never paid for her work and felt that she had no one to turn to for help.

*Was Sonia smuggled or trafficked?*

At this point, Sonia was restricted from leaving the house, threatened with deportation if she attempted to talk to anyone, and forced into involuntary servitude.

*Source:* Adapted from Human Smuggling and Trafficking Center, 2006.

## Focus On

### The Human Smuggling and Trafficking Center

The United States is aware of the confusion law enforcement may experience when investigating potential smuggling and trafficking cases. To provide more clarification and understanding, the **Intelligence Reform and Terrorism Prevention Act** of 2004 established the **Human Smuggling and Trafficking Center**.

The center serves as a clearinghouse for all information related to human smuggling and trafficking. Subject-matter experts with expertise in intelligence analysis, law enforcement collaboration, and support and diplomacy staff the Center.

The center performs five main functions:

- **Facilitates broad dissemination of all source information:**
  - The center integrates and disseminates raw and finished tactical, operational, and strategic intelligence to member U.S. agencies' operational components, U.S. policy makers, and appropriate foreign partners. This intelligence provides actionable leads for U.S. law enforcement agencies.
- **Prepares strategic assessments:**
  - The center prepares strategic assessments related to important aspects of human smuggling and trafficking in persons and clandestine terrorist travel. Assessment topics include global smuggling and trafficking organizations and networks; the extent of progress in dismantling organizations; smuggling and trafficking schemes, patterns, and trends; and proven law enforcement and other approaches for countering smuggling and trafficking.
  - The center may issue intelligence bulletins, reports and notes, longer analysis products, and target packages about human smuggling organizations and networks, which are provided to appropriate U.S. agencies for action. These strategic assessments provide policy makers with accurate, objective
- **Identifies issues for interagency coordination or attention:**
  - The center identifies issues related to migrant smuggling or trafficking in persons for referral to relevant agencies or interagency organizations for consideration and action, as appropriate.
- **Coordinates select initiatives and provides support:**
  - Where appropriate, and upon the request of relevant members of the community, the center may coordinate anti-smuggling or anti-trafficking initiatives.
- **Works with and exchanges information with allied foreign governments and organizations:**
  - The center serves as a centralized U.S. point of contact for similar allied foreign centers, multinational organizations, and national law enforcement and intelligence authorities that combat international illicit travel. The center actively exchanges information with allies and partners—including Interpol, Europol, and Frontex—regarding human smuggling, human trafficking, and terrorist mobility.

Source: Adapted from U.S. Immigration and Customs Enforcement, n.d.c.

## Men and Boys

As mentioned, the UN's trafficking in persons protocol is formally named the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children. Such a title nearly eliminates the possibility of male victims. The TVPA has been criticized for its focus on women and children when describing the trafficking issues faced in the United States (Greve, 2014). Section 102 of the law specifically highlights women and children as the primary populations of concern when it comes to trafficking. It states, "At least 700,000 persons annually, primarily women and children, are trafficking within or across international borders. Approximately 50,000 women and children are trafficked in the United States each year" (Trafficking Victims Protection Act, 2000). Moreover, while, it is true that women and children are more likely to be trafficked than men, it is inaccurate to assume that males are only perpetrators of trafficking and cannot be victims. Similarly, it would be false to assume that women are only victims and never traffickers. Chapter 4 provides statistics and trends concerning the number of women, men, girls, and boys believed to be victims of trafficking. The point to be made here is that the intense focus on women and children has made the identification of male victims more challenging. First responders and service providers may not be properly trained or have the most accurate tools for identifying and serving male victims. The growing realization that male victims exist may change the way we identify trafficking. Our understanding of the male victim population is still being realized but with that will come a recalibration of assessment tools and services, which is absolutely needed to meet the unique needs of this population.

## Data and Measurement

Issues with data and measurement also play a role in our misunderstanding of human trafficking. As not all countries use the United Nations' definition of trafficking, there is no universal definition. What may be considered trafficking in the United States may not be so in other countries. A lack of agreed-upon definitions makes collecting data across countries very challenging, and given that human trafficking often results in the crossing of borders, this limitation results in a serious barrier to our understanding of trafficking in general (Aroma, 2007; Laczko & Gramegna, 2003). Many believe that our ability to accurately measure trafficking is quite possibly our best chance at eliminating it (Weiner & Hala, 2008). More attention must be given to creating regional and country-level definitions that may help us see the trafficking situation more clearly (Aroma, 2007).

In addition to measurement weaknesses, existing data is limited (Gozdziaik & Bump, 2008; Schartz, 2017). Even in the process of writing this book, we were shocked at the limited number of high-quality peer-reviewed articles available on the topic. The Institute for Study of International Migration at Georgetown University completed a comprehensive study of all the available literature on human trafficking. Their findings indicated that most of our knowledge on human trafficking comes from intragovernmental reports, NGOs, and the United Nations. Further, the methodological quality of this research is weak. They concluded that our misunderstanding of human trafficking is multilayered and complex. Their findings showed that a lack of high-quality and reliable data results in

. . . limited understanding of the characteristics of victims (including the ability to differentiate between the special needs of adult and child victims, girls and boys, women and men), their life experiences, and

their trafficking trajectories; poor understanding of the modus operandi of traffickers and their networks; and lack of evaluation research on the effectiveness of governmental anti-trafficking policies and the efficacy of rescue and restore programs, among other gaps in the current state of knowledge about human trafficking. (Gozdiak & Bump, 2008, p. 4)

The conclusions of Gozdiak and Bump's (2008) research are overwhelming but consistent with the findings of others (Kangaspunta, 2010; Laczko & Gramegna, 2003; Weiner & Hala, 2008). It is challenging to understand something when we may not know what we don't know. Our understanding can only be based on human trafficking cases we have identified. Moreover, we know that underreporting is especially problematic when it comes to human trafficking. Victim identification is particularly difficult, hampered by many factors, including fear of coming forward (due to distrust of government, fear of retribution by the trafficker, and fear of deportation) (Weiner & Hala, 2008).

Further, some victims may not even identify as victims (Neumann, 2015). Take, for example, sex trafficking in the United States. A common recruitment strategy is for a male trafficker to act as his potential victim's boyfriend. He gains her trust and makes her fall in love with him. He asks her to have sex for money as a favor to him. The girl may not even realize that what is happening is very wrong. Other reasons victims may not identify as victims include financial needs and family pressure. Ask yourself the questions in Challenge Yourself 2.3. Understanding a victim's decision to come forward or not, and understanding how he or she may not identify as a victim, even if it is clear to everyone else, is impossible without understanding the context in which the victim is experiencing his or her trafficking.

The challenges to understanding human trafficking are great. While laws have improved, they are by no means complete. Labor trafficking is not well specified domestically or internationally. Males are underacknowledged in laws and service provisions. And the murky distinctions between smuggling and trafficking exist on every continent. But perhaps the most devastating challenge to our understanding of trafficking is a lack of data and valid measurement. Without data to compare trafficking within and across countries, we cannot have an effective counterstrategy (Aroma, 2007; Schartz, 2017). Efforts must be made to quantify vulnerabilities. The Heritage Foundation has been able to compare the rankings from the United States Trafficking in Persons (TIP) Reports to indices of economic freedom. The results are unsurprising, with those countries that are the most repressed having the lowest TIP rankings. Understanding economic freedom as well as poverty can hugely aid in driving interventions to reduce trafficking (Schartz, 2017).

The reality is that until we have consistent international definitions and laws, agreed-upon data collection methods, sophisticated data, and comparable statistics

### Challenge Yourself 2.3

If your family said something was okay, would you think it was wrong? If you had no money and were being paid a small amount—perhaps not what you should have been paid, and the work

conditions seemed very restrictive—would you think this was wrong? Would these situations, within context, make you define yourself as a victim?



on victims, trafficking reports, prosecutions, and convictions, human trafficking will continue to exist, if not flourish. Victims need to feel comfortable coming forward. This means that laws must specify service and visa provisions as well as resources to increase awareness, especially among vulnerable populations. These recommendations will improve our understanding of the magnitude of trafficking as well as the vulnerabilities driving human trafficking domestically and internationally.

## Existing Resources to Improve Our Understanding of Human Trafficking

Despite the many challenges we face in defining human trafficking, assessing the magnitude of the problem, and targeting specific risk factors for prevention, resources exist that provide some clue as to the state of human trafficking, both domestically and internationally.

### The Trafficking in Persons Report

The TVPA specified the creation of the Trafficking in Persons (TIP) office within the United States Department of State as well as the formation of an annual TIP Report. The Department of State indicates that the TIP Report provides “the world’s most comprehensive resource on governmental anti-human trafficking efforts” (U.S. Department of State, n.d.b). There appears to be some agreement that this is the case—the TIP Report is considered one of the most reliable resources available today. Its efforts and contributions to the world’s understanding of human trafficking are undeniable (Enos, 2015; Schartz, 2017; Szep & Spetalnick, 2015; Wooditch, 2011).

The first TIP Report was published in 2001, and annual reports have been released ever since. Although the exact methodologies and data sources are not explicitly stated

in the annual reports (see more on this issue below), the methodology section of the 2018 report indicates that the report was prepared based on “information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, research trips to every region of the world, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov)” (U.S. Department of State, 2018b, p. 38).

The primary goal of the report is to rank countries based on “the extent of government action to combat trafficking” (U.S. Department of State, 2016, p. 36). Less focus is given to the size of the countries’ problems. Countries’ efforts are compared to the minimum standards set forth in the TVPA, which are also consistent with the standards of the Palermo protocols (U.S. Department of State, 2018b). Countries are ranked into four tiers—Tier 1, Tier 2, the Tier 2 Watch List, and Tier 3. The Focus on the U.S. Department of State Trafficking in Persons Report Tier Rankings (see page 33) provides an explanation of each tier. Tier 1 indicates the closest adherence to the TVPA standards.

“Trafficking in Persons Report” (2018)



**Photo 2.2**  
Cover of the  
U.S. Department  
of State's  
Trafficking in  
Persons Report  
2018.

## Focus On

### The U.S. Department of State Trafficking in Persons Report Tier Rankings

#### Tier 1

The governments of countries that fully meet the TVPA's minimum standards for the elimination of trafficking.

#### Tier 2

The governments of countries that do not fully meet the TVPA's minimum standards but are making significant efforts to meet those standards.

#### Tier 2 Watch List

The governments of countries that do not fully meet the TVPA's minimum standards but are making significant efforts to meet those standards, and for which:

- i. the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

- ii. 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 trafficking crimes; increased assistance to victims; and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- iii. the determination that a country is making significant efforts to meet the minimum standards was based on commitments by the country to take additional steps over the next year

#### Tier 3

The governments of countries that do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

### The TIP Report: Is It Effective?

As a student, you are learning how to be critical. You are learning how to question research, question facts. So, what about the TIP Report? Does it seem odd to you that the United States has an entire office in the State Department fully committed to policing the rest of the world on their level of human trafficking? Why do they do it? Is it worth the resources it requires? If you are asking these questions, you are not alone.

There is no doubt that the TIP Report has positively impacted the battle to end human trafficking around the world. It is believed to have forced Switzerland to improve its laws to protect child prostitutes. It caused the Dominican Republic to improve its prosecutorial efforts and conviction rates of child traffickers (Szep & Spetalnick, 2015). In 2016, the number of rescued slaves nearly doubled although the rate of trafficking increased (Schartz, 2017). If the TIP Report's goal is to publicly embarrass countries into improving their efforts to curb human trafficking, it is successful. Public rankings create awareness, and the threat of sanctions (albeit typically waived) motivates many countries into action. And improvements have been made to the report since its first release in 2001 (Gallagher, 2010). Data sources are slightly more transparent, and the United States subsequently began including itself in the rankings.

Nevertheless, human trafficking seems to be on the rise. The TIP Report hasn't made the kind of impact it set out to make. Critics have some ideas on why this is. Although there are many reasons why the TIP Report may not be as effective as it could be, such as poor policy directives or the lack of inclusion of all countries, there are three primary criticisms of the report this text will focus on—the politicization of the TIP Report, the authority of the United States to publish such a report, and the methodology of the report.

## Politicization of the TIP Report

Vague methodologies and a lack of transparent data (discussed below) result in critics questioning the independence of the TIP Office and its annual report. In particular, some have wondered if certain country rankings are in any way influenced by political ties between the U.S. and those countries (Gallagher, 2010; Schartz, 2017; Wooditch, 2011). An explosive report by Reuters gave credence to these beliefs in 2015 (Szep & Spetalnick, 2015). The Focus on the Reuters Investigative Report Into the 2015 TIP Report box provides details on the countries involved in the controversy, but essentially it came to light that in 2015 several countries received TIP rankings higher than what was recommended by the TIP Office. Reuter attributed this to pressure from high-up officials and diplomats within the U.S. Department of State (Enos, 2015; Szep & Spetalnick, 2015). Accusations indicated that the TIP Office was unable to produce independent assessments of diplomatically important countries. This controversy drew the attention of the U.S. Congress. Representative Chris Smith (NJ-R) concluded that the TIP Office was being influenced by the president's agenda. He publicly called the report politicized (Szep & Spetalnick, 2015).

### Focus On

#### The Reuters Investigative Report Into the 2015 TIP Report

In preparing the 2015 TIP Report, Reuters reported disagreements between the TIP Office and various U.S. diplomatic bureaus regarding 17 different countries, resulting in multiple countries receiving higher rankings than the TIP Office had recommended, as noted in the figure

below. Countries that the TIP Office (labeled “J/TIP” in the table) believed should be downgraded remained the same, such as India and Mexico. Some countries were even promoted to higher rankings despite recommendations from the TIP Office, including Cuba, Malaysia, and Uzbekistan.

**Table 2.1 Disputed Rankings**

	2014 Ranking	J/Tip Recommended Ranking for 2015	Final 2015 Ranking
<b>China</b>	TIER 2 WATCH LIST	TIER 3	TIER 2 WATCH LIST
<b>Cuba</b>	TIER 3	TIER 3	TIER 2 WATCH LIST
<b>India</b>	TIER 2	TIER 2 WATCH LIST	TIER 2
<b>Malaysia</b>	TIER 3	TIER 3	TIER 2 WATCH LIST
<b>Mexico</b>	TIER 2	TIER 2 WATCH LIST	TIER 2
<b>Thailand</b>	TIER 3	TIER 3	TIER 3
<b>Uzbekistan</b>	TIER 3	TIER 3	TIER 2 WATCH LIST

*Note:* J/TIP refers to the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons  
*Source:* Trafficking in Persons Report, Reuters Graphics.

This information was especially troubling, as it brought to light the involvement of diplomats and embassies in the rankings. Given the serious consequences of a Tier 3 ranking, including sanctions such as limited access to aid from the U.S., the International Monetary Fund, or the World Bank, the participation of diplomats influencing the report certainly reduced the legitimacy of the report's rankings (Schartz, 2017).

According to the Reuters investigative reporting, senior officials within the State

Department disagreed with the TIP Office and pressured it to elevate the rankings of countries such as Malaysia, possibly due to a proposed new free-trade deal the U.S. was trying to negotiate with Malaysia and 11 other countries.

State Department official John Kirby insisted the rankings were not politicized, responding to Reuters that "as is always the case, final decisions are reached only after rigorous analysis and discussion between the TIP office, relevant regional bureaus and senior State Department leaders" (Szep & Spetalnick, 2015).

Of course, there are two sides to every debate. In the face of this criticism, and in addition to blatant denial of politicization, diplomats shared their perspective. They argued that poor TIP rankings hurt their ability to form strong relationships in unstable and corrupt countries. They advocated that their on-the-ground experience and expertise should be considered in the ranking assessments. Further, they stressed the importance of looking at the big picture. The TIP Report is just one piece of information. Goals to reduce authoritarian governments and bring about trade deals that may reduce poverty could be just as effective as, if not more effective than, a poor ranking in reducing trafficking (Szep & Spetalnick, 2015).

### **U.S. Authority**

Although the TIP Report has continued to be published annually since its first publication in 2001, there has been a mixed reaction from "activists and governments alike, who object to the USA appointing itself supervisor and arbiter of a complex international issue that remains both contested and controversial" (Gallagher, 2010, p. 382). Some of the frustration was alleviated in 2010 when the U.S. began assessing their own anti-trafficking efforts; however, questions remain as to why they waited so long to do so (Gallagher, 2010; Schartz, 2017). Finally, some have criticized the U.S. for placing its own cultural standards on other countries. As discussed earlier in this chapter, countries vary in their approval of, or at least their complicity in, certain behaviors such as child marriage, child labor, and so forth. Is it the place of the U.S. to judge countries on traditions and practices that have been in place for many, many years (Schartz, 2017)?

### **Data and Methodological Challenges**

The TIP Report is not exempt from the data and methodological challenges that plague nearly all existing reports on human trafficking. Poor data and methodology are unequivocally one of the biggest challenges to trafficking reduction efforts. Given the U.S. Department of State's confidence (perhaps insistence?) that the TIP Report offers the most comprehensive and accurate depiction of human trafficking available, its lack of transparent methodology and rich data is that much more disappointing and troublesome.

Critics highlight the inconsistent and murky methodology as being especially troublesome to the report's legitimacy (Enos, 2015; Gallagher, 2010; Weiner & Hala, 2008). Early on in the methodology section of the report is a vague list of resources, which are said to be the basis for each country's ranking. Few specifics in regard to sources of information are provided by country. Little is known about exact resources or analyses used in calculating the rankings of each country.

Data is another serious issue. The TIP Report does not include raw data files. There is little to no transparency regarding the specific evidence being used to determine rankings. The lack of both quantitative and qualitative data limits the TIP Report's ability to truly make an impact on human trafficking (Gallagher, 2010; Scharztz, 2017).

## Global Resources to Monitor Human Trafficking

As Gozdziaik and Bump (2008) pointed out in their review of the existing literature on human trafficking, 90% of publications on the topic come from intergovernmental agencies, NGOs, and the United Nations. There is very little empirical data available to improve our understanding of the foundational causes of human trafficking (Scharztz, 2017). While this in itself is a weakness, it is important to review the sources that provide the most reliable information. There is a lot of misinformation available. The TIP Report offers one reliable, if not biased, resource on human trafficking. But others also exist.

### The United Nations

The United Nations (UN) has committed itself to being a compass when it comes to directing nations on how to react to and combat human trafficking.

The UN's Office on Drugs and Crime (UNODC) provides a global database of international case law and legislation that offers immediate public access to information on specific instances of human trafficking (Kangaspunta, 2010; UNODC, 2016a). The information gathered in the database includes details on the nationalities of the perpetrators and victims as well as the stories of the victims. The UNODC hopes that the database can offer precedent for policy makers, judges, and prosecutors as they set forth to improve laws and prosecutorial efforts (UNODC, 2011b).

Moreover, the UNODC publishes a Global Report on Trafficking in Persons, complete with profiles of 142 countries. The original report was published in 2009 and garnered international attention. It was said to provide an "unprecedented view of the available information on the state of the world's response to trafficking, including near-comprehensive data on national legislative and enforcement activity" (Gallagher, 2010, p. 390). In its fourth edition, in 2018, the report was touted as proving "an overview of patterns and flows of trafficking in persons at global, regional and national levels"



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**Photo 2.3**  
Cover of the UNODC's Global Report on Trafficking in Persons 2018.

in 142 countries, based primarily on trafficking cases detected between 2014 and 2016 (UNODC, n.d.e). Unlike the TIP Report, the Global Report on Trafficking in Persons includes quantitative and qualitative data gathered from a questionnaire distributed to governments, and the collection of official information available in the public domain, such as police reports and Ministry of Justice reports (UNODC, 2016a). Country profiles provide specific data based on detected cases of human trafficking. Despite its more data-driven reporting, as compared to the TIP Report, the Global Report on Trafficking in Persons suffers from similar criticisms, including methodical and analytical weaknesses (Gallagher, 2010).

The UNODC acknowledged certain weaknesses in its data-collecting efforts. Specifically, the lack of consistent definitions of human trafficking, as identified in country legislation, eliminated some countries from being included in analyses. For example, data from countries that criminalized only sex trafficking, transnational trafficking, or child trafficking could not be combined with data from countries that criminalized all forms of trafficking, as defined by the UN's trafficking in persons protocol. Thus, those countries with narrower definitions of human trafficking were eliminated from regional and global analyses (UNODC, 2016a).

The report provides a lengthy description of methodology and weaknesses. While too lengthy and complicated to cover in this text, the limitations are unsurprising given what we know about the challenges to high-quality data collection on human trafficking.

Another branch of the UN, the International Labour Organization (ILO), also commits a good amount of attention to bringing awareness to and assessing forced labor, including forced sexual exploitation. In 2014, the ILO adopted the forced labor protocol (ILO, 2014c). It encourages countries to adopt this protocol, standardize the measurement of forced labor, and design comprehensive legislation to prevent forced labor, punish perpetrators, and identify and serve victims (ILO, 2016b, 2016c). The ILO's data efforts have resulted in many publications, specifically in an attempt to measure the number of victims forced into labor as well as the profits resulting from forced labor (Kangaspunta, 2010). Further, the ILO has produced a broad awareness campaign, complete with videos and information available in multiple languages (ILO, n.d.a, n.d.b).

The collaborative report between the ILO and Walk Free Foundation, the *2017 Global Estimate of Modern Slavery and Child Labour*, also offers a valuable estimate of human trafficking worldwide (International Labour Organization, n.d.d). This collaboration between an NGO and the UN is encouraging and offers a valuable contribution to our understanding of trafficking using improved methodology and partnership.

## The Global Slavery Index

NGOs provide a wealth of information on human trafficking. While much of it is focused on awareness efforts, a worthy cause most certainly, there are a few nonprofit organizations that provide quantitative assessments of human trafficking domestically and globally. One such assessment comes from the Global Slavery Index (GSI). The index includes assessments of human trafficking in 167 countries based on surveys conducted in 25 countries with over 42,000 respondents. The GSI has a database with over 17,000 data points covering 161 government

# THE GLOBAL SLAVERY INDEX 2018

Photo 2.4 The Global Slavery Index 2018 provided country rankings of human trafficking.

responses (GSI, n.d.). The GSI is produced by the Walk Free Foundation. It aims to provide information on how many slaves are in each country as well as the strengths and weaknesses of individual countries. However, critics offer serious concerns regarding the methodology used to collect and assess data (Guth, Anderson, Kinnard, & Tran, 2014; Kessler, 2015). Simplistically, these concerns regard the use of primary and secondary data and the possibility that data sources may have used different definitions of human trafficking (Kessler, 2015). The U.S. State Department admits that a concrete number of slaves is elusive and warns that elevated numbers such as those provided by the GSI may not be accurate. The State Department has indicated frustration in the media's attention to the GSI, posing the possibility that its estimates are more frequently advertised because of their larger magnitude (Kessler, 2015). Kevin Bales, the lead author on the GSI and a leading human trafficking expert, believes in the accuracy of the GSI.

## Conclusion

The GSI makes big claims. Although its validity is contested, so is the validity of all sources of data, and rightfully so. Estimating the magnitude of the problem is challenging. There is general agreement that without improved data and methodologies, we will make limited progress in ending human trafficking (Enos, 2015; Schartz, 2017). So where do we go from here? If methodologies and data were so easy, this problem wouldn't exist.

First, let's focus on the TIP Report. Albeit controversial, it does offer one of the best, and only, annual assessments of human trafficking. Enos (2015) specifies that the TIP Report must design an empirical framework from which to develop a methodological plan. Improved transparency in regard to methodology will prevent pressure from above and promote discretion in ranking countries. Empirical data that track numbers of victims and the effectiveness of existing anti-trafficking programs will most certainly add legitimacy to this report.

Other suggestions regarding TIP Report methodology include looking to other data models, validating the data by comparing them to other indices, and looking at the methodologies used in successful studies on human trafficking (e.g., Gausman, Chernoff, Duger, Bhabha, & Chu, 2016). Validation of the TIP Report could come from comparison to the Global Report on Trafficking in Persons, the GSI, or smaller, more localized assessments of human trafficking.

Additionally, universal definitions of human trafficking will greatly improve the quality of available data. Challenges in combining data from different countries to assess regional and global patterns was indicated in all three major reporting efforts on human trafficking—the TIP Report, the Global Report on Trafficking in Persons, and the GSI. Kangaspunta (2010) suggests the need for a human trafficking severity index. Similarly, Aroma (2007) concluded that a “structured monitoring system” would allow for comparable data to be collected across the trafficking in persons protocol. It stressed the importance of using standardized procedures and consistent methodologies in order to permit valid and reliable cross-country comparisons. Such a system would permit a greatly improved understanding of victims and traffickers as well as reveal domestic and international solutions to trafficking.

## KEY WORDS

coercion 28	President’s Interagency Task Force to Monitor and Combat Trafficking in Persons 26	UN Protocol Against the Smuggling of Migrants by Land, Sea and Air (the smuggling protocol) 19
Human Smuggling and Trafficking Center 29	smuggling 16	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the trafficking in persons protocol) 19
Intelligence Reform and Terrorism Prevention Act 29	UN Convention Against Transnational Organized Crime 19	

## DISCUSSION QUESTIONS

1. What is the key distinction between trafficking and smuggling?
2. In what ways are the definition you created for human trafficking (see Challenge Yourself 2.2 on p. 22) and the definitions provided in different international laws different? In what ways are they similar?
3. How do measurement and data present misunderstandings of human trafficking?
4. According to Sheldon-Sherman (2012), what are the two schools of thought for combating trafficking, and how do they differ?
5. How does the Trafficking in Persons Report improve our understanding of human trafficking, and what are some criticisms regarding the transparency of its data?
6. Pick two international reports on human trafficking. What are some of the strengths and weaknesses of each of these resources?



## RESOURCES

The National Institute of Justice (NIJ) has taken a keen interest in improving detection and prosecutorial efforts as related to human trafficking. Through funding research, NIJ has focused specifically on:

- The nature and extent of human trafficking
- Detecting and investigating traffickers
- Prosecuting traffickers
- Services for trafficking victims

On its website, NIJ stresses the need for improved data efforts focused on the characteristics of victims and perpetrators, the mechanism of operations, and assessment of trends. Even more importantly, NIJ points out the need for changes in the cultural, legal, and organizational barriers that limit its ability to investigate and prosecute trafficking cases.

*Source:* National Institute of Justice, n.d.

Public websites such as these, as well as non-profit organizations such as Polaris and Shared Hope, remind us of the importance of high-quality data. This is a complex problem that requires rigorous methods and valid data if we have any hope of eradication. Such research can assist law enforcement in allocating resources, emergency rooms and first responders in identifying victims, and service providers in providing services specific to the victims they are working with. While global estimates are most definitely important, as is understanding transnational trafficking patterns, learning more about intracountry characteristics and barriers to detection should not be set aside. NIJ's efforts to focus on the United States and to understand how the problem presents itself here specifically are valuable and should be modeled globally.

The following websites are either mentioned in this chapter or relevant to topics discussed in the chapter. These sites offer valuable resources in understanding human trafficking as well as recognition of the limitations in our understanding.

- 2018 Global Slavery Index: <https://www.globalslaveryindex.org/>
- Blue Blindfold: [http://www.blueblindfold.gov.ie/en/BBF/Pages/Trafficking\\_or\\_Smuggling](http://www.blueblindfold.gov.ie/en/BBF/Pages/Trafficking_or_Smuggling)
- Girls Not Brides: <https://www.girlsnotbrides.org/>
- Shared Hope International, "Policy Research and Resources": <http://sharedhope.org/resources/policy-research-resources/>
- Thomson Reuters Foundation's fight against modern slavery: <http://www.trust.org/thought-leadership/modern-slavery/>
- United Nations Convention Against Transnational Organized Crime, including the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air: [https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOLS\\_THERETO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf)
- United Nations Global Initiative to Fight Human Trafficking: <http://www.ungift.org/>
- UNODC Human Trafficking Knowledge Portal: <https://www.unodc.org/cld/en/v3/htmls/index.html>
- UNODC on human trafficking and migrant smuggling: <https://www.unodc.org/unodc/en/human-trafficking/index.html>
- U.S. Department of State's annual Trafficking in Persons Report: <https://www.state.gov/j/tip/rls/tiprpt/>