

SEX SLAVERY IN THE UNITED STATES AND ITS LAW TO STOP IT
HERE AND ABROAD

BY

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SEX SLAVERY IN THE UNITED STATES AND THE LAW ENACTED TO STOP IT HERE AND ABROAD¹

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I. INTRODUCTION

A. HISTORY OF TRAFFICKING LEADING TO SEX SLAVERY

Slavery is not dead. Sex trafficking is a contemporary form of slavery that violates women's fundamental human rights.² These basic rights are enumerated in the Universal Declaration of Human Rights and in many international agreements, treaties, U.N. resolutions and reports,³ namely the right to life, liberty and security of person, the right not to be held in slavery or servitude, and the right to be free from cruel or inhumane treatment.⁴

In the last few decades, trafficking in persons, predominantly women and girls but also men and boys,⁵ has become one of the fastest growing and most lucrative industries⁶ supported

¹ A shortened version of this Article was presented at the conference on "Sexual Assaults of International Consequence: A Symposium on the Suppression of International Crimes Against Women," at Case Western Reserve University School of Law on Friday, October 10, 2003. I wish to thank my research assistant Debora Gerads and the librarian at Thomas Jefferson School of Law, Dorothy Hampton, for their invaluable assistance in preparing this Article.

² Women, girls, men and boys are sex trafficked all over the world. However, this Article concentrates on sex trafficking as a women's human rights violation and an international crime that victimizes women. See Anne Gallagher, *Contemporary Forms of Female Slavery*, in 2 WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW 487, 495 (Kelly D. Askin & Dorean M. Koenig eds., 2000). [hereinafter Gallagher *Female Slavery*]

³ See Susan Tiefenbrun, "Sex Sells But Drugs Don't Talk: Trafficking of Women Sex Workers and an Economic Solution," 24, 161, 187-188, 189 THOMAS JEFFERSON SCHOOL OF LAW LR(Spring 2002) Appendix I (International Conventions to Eradicate Sex Trafficking) and Appendix II (Declarations, Treaties, U.N. Resolutions and Reports Condemning Slavery, Violence Against Women, and Other Elements of Trafficking.) There are 14 International Conventions prohibiting trafficking and related crimes. These conventions date back to 1904 and include the most recent U.N. Convention Against Transnational Organized Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against Smuggling of Migrants by Land, Sea and Air, passed one month after the TVPA on November 15, 2000. There are 6 Declarations, Treaties and U.N. Resolutions and Reports condemning slavery, and these were passed as early as 1948. [hereinafter Tiefenbrun *Sex Sells*]

⁴ Susan Tiefenbrun, *The Saga of Susannah, A U.S. Remedy for Sex Trafficking in Women: The Victims of Trafficking and Violence Protection Act of 2000*, 2002 UTAH LAW REVIEW 107, 111 (2002). [hereinafter Tiefenbrun *Saga of Susannah*]. See also Nora Demleitner, *Forced Prostitution: Naming an International Offense*, 18 FORDHAM INT'L L.J. 13, 165-67 (1994) [hereinafter Demleitner *Forced Prostitution*].

⁵ While "trafficking" includes forced labor of all kinds imposed by force, fraud or coercion on women, men, and children, this Article will limit the discussion to sex trafficking, which is a special form of forced labor, and will consider only sex trafficking committed involuntarily by women.

and developed by international crime syndicates.⁷ Sex trafficking has grown into a multi-billion dollar industry because of the high margin of its profitability, the low risk of arrests, prosecutions, and convictions of the perpetrators who are the visible agents of hidden and protected wealthy leaders of international crime syndicates, the untouchable principals.⁸ Sex trafficking as an industry generates seven to ten billion dollars annually for traffickers⁹ who exploit the vulnerability of women and children lacking the protection of trafficking laws that, if they exist at all in other countries, are poorly enforced.¹⁰

Although statistics about trafficking are notoriously unreliable,¹¹ according to a recent U.S. Government estimate taken in 2003, approximately 800,000-900,000 people annually are trafficked across international borders worldwide, and between 18,000 and 20,000 of those victims are trafficked into the United States.¹² In 2002, the Department of State's Annual Trafficking in Persons Report ("TIP Report") stated that at least 700,000 and possibly as many as four million men, women and children worldwide are bought, sold, transported and held against their will in slave-like conditions.¹³ The 2001 TIP Report cited at least 700,000 persons, especially women and children, who are trafficked each year across international borders and 45,000-50,000 women who are trafficked into the United States. However, the 2001 TIP Report admitted that the numbers may be significantly higher.¹⁴ Other earlier sources reported in 1997 that more than two million women around the world are bought and sold each year for the

⁶ Victim of Trafficking and Violence Protection Act of 2000 (Pub.L.No 106-386, 114 Stat. 1464 (codified as amended in various titles of U.S.C.)), otherwise referred to as the "Smith-Gejdenson Act", at Section 102(b)(8) [hereinafter TVPA].

⁷ TVPA, *supra* note 6, at Section 102(b)(8).

⁸ Department of State, Trafficking in Persons Report (2003), available at <http://www.state.gov/document/organization/10815.pdf>, at 17 [hereinafter 2003 TIP Report]. Cf. Department of State, Trafficking in Persons Report (2002), available at <http://www.state.gov/documents/organization/10815> [hereinafter 2002 TIP Report]; Cf. Department of State, Trafficking in Persons Report (2001), available at <http://www.state.gov/documents/organization/10815> [hereinafter 2001 TIP Report].

⁹ 2003 TIP Report, *supra* note 8, at 9.

¹⁰ 2003 TIP Report, *supra* note 8, at 9. The U.S. Department of State also admits it is extremely difficult to gather accurate statistics on the either the numbers of women trafficked or the revenue collected by traffickers and their crime syndicates. *Id.*

¹¹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at III.

¹² 2003 TIP Report, *supra* note 8, at 7.

¹³ 2002 TIP Report, *supra* note 8, at 1.

¹⁴ 2001 TIP Report, *supra* note 8, at 1.

purpose of sexual exploitation, and 50,000¹⁵ of them are brought into the United States for sex work.¹⁶

If only 20,000 women were reportedly trafficked into the United States in 2003 and 50,000 women were reportedly trafficked into the United States prior to and in 2001, can we assume that the U.S. federal statute, The Trafficking Victims Protection Act,¹⁷ (“TVPA”) which was passed in October 2000, has had a domestic and international impact on the incidence of trafficking in the United States? Given the disparity and unreliability of statistics in trafficking contained even in official government reports,¹⁸ it is wise to presume that these statistics alone cannot definitively support a finding of a statistically significant domestic or international impact of the TVPA. Nevertheless, the statistics are dramatic and serve to alert the international and domestic community of the gravity of the crime of sex trafficking.

Trafficking for the purposes of sexual exploitation is a transnational crime that starts in a source country, is facilitated in a transition country and ends up in a destination country where women are transported by fraud and deception, enslaved and kept by force and coercion against their will in brothels to service clients sexually, to pay off a debt to the trafficker that increases exponentially, and to make money for the trafficker and the crime syndicate that employs the trafficker as its agent.¹⁹ No country is immune from trafficking,²⁰ but some countries are worse than others because of the absence of trafficking laws or poor law enforcement. Sex trafficking which leads to slavery originates in source countries where there is usually a high incidence of poverty, a low regard for women, inadequate educational and economic opportunities for women, insufficient public awareness about the dangers of trafficking, and inadequate trafficking laws.²¹ Source countries are typically war torn regions of the world experiencing internal strife and post conflict social and economic hardships, disruption of societal values, political and economic instability, and a good market for cheap labor.²² Trafficking is also on the rise in crime-ridden transitioning states where it is easy to plunder a country’s resources, including its

¹⁵ TVPA, *supra* note 6, at Sec. 102(b)(1). See 2002 TIP Report, *supra* note 8, at 2, citing the International Organization for Migration 1997 estimate, that the number of victims trafficked both internally and across national borders is four million, and 50,000 women and children are trafficked annually for sexual exploitation into the United States.

¹⁶ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 111.

¹⁷ See generally TVPA, *supra* note 6.

¹⁸ 2002 TIP Report, *supra* note 8, at 2: ” Given the nature of trafficking and its often hidden face, it is extremely difficult to develop accurate statistics on the extent of the problem.”

¹⁹ *Id.* See also Tiefenbrun, *Sex Sells*, *supra* note 3, at 164-166.

²⁰ 2003 TIP Report, *supra* note 8, at 7.

²¹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 111.

²² 2003 TIP Report, *supra* note 8, at 8-10.

women and children, who are often hopeless, migratory, and vulnerable.²³ Destination countries tend to be relatively rich.²⁴ The economic lure of a better life explains why 50,000 women are reportedly trafficked into the United States each year in a highly profitable sex trade industry.²⁵

Ironically, it is the victims of trafficking who are punished more harshly than the traffickers themselves. Transported unknowingly or unwillingly by force, fraud or coercion to another country, these women are forced by intimidation into committing unlawful acts such as using false documents, entering the country illegally and working without proper immigration documentation.²⁶ Some trafficked women who manage to escape from debt bondage, indentured servitude, forced labor, or forced prostitution²⁷ sometimes naively seek help from the police who often treat them as criminals, turn them over to the immigration authorities, who lock them up in a prison called detention for long periods of time awaiting deportation. These women receive this treatment simply because they are viewed as illegal aliens, not as victims of slavery.²⁸ Upon return to their home countries, they suffer the further humiliation of being treated as outcasts simply because they were duped into believing they could find legitimate work in the United States or in another rich destination country.²⁹

While victims suffer punishment and penalties, the well-protected perpetrators often go unpunished, and if they are charged at all, it is usually for a minor immigration law violation.³⁰ Nowadays, traffickers can cross borders easily due to advanced communication and transportation technology such as cellular phones and privately-owned airplanes.³¹ Traffickers can traffic women easily because of an absence of trafficking laws in some countries and the failure to enforce these laws in other countries.

Ironically, when countries do take legal measures to combat trafficking, the zealous enforcement of a good immigration or criminal law may sometimes cause bad results and

²³ 2003 TIP Report, *supra* note 8, at 8.

²⁴ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 111.

²⁵ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 111.

²⁶ TVPA, *supra* note 6, § 102(19).

²⁷ *The Sex Trade: Trafficking of Women and Children in Europe and the United States: Hearing Before the House Comm'n on Security and Cooperation in Europe*, 106th Cong. 21 (1999)[hereinafter *The Sex Trade Hearing*] (statement of Dr. Laura J. Lederer).

²⁸ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 112.

²⁹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 112.

³⁰ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 113.

³¹ *Implementation of The Trafficking Victims Protection Act: Hearing Before the Committee on International Relations*, 107th Cong. 1 (2001) [hereinafter *Implementation Hearing*]; see also *Globalization and Its Impact on the Full Enjoyment of All Human Rights*, Report of the Secretary General, UN Doc. A/56/254/Add.1 (Oct. 2, 2001), paras. 41-42.

actually serve to discourage victims from seeking help.³² Governmental regulations and the criminalization of prostitution can actually worsen the plight of sex trafficked victims because if they go to the police for help, they will likely end up in prison for engaging in illegal acts of prostitution.³³ But women trafficked to countries where prostitution is legal or tolerated do not necessarily fare any better because enforcement of victim protection measures there is usually inadequate.³⁴ For example, in countries like France, Holland and Germany where prostitution is legal, there is a reportedly high incidence of sex trafficking.³⁵ Therefore, legalizing prostitution does not necessarily deter the sex trafficking crime.³⁶ Keeping the brothels open and regulated creates a greater demand for sex that further promotes sex trafficking and slavery.

Stricter immigration laws in source and transition countries are an insufficient means to combat trafficking.³⁷ Restrictive immigration policies may actually increase the incidence of trafficking because migratory and poverty stricken women will seek the help of traffickers to get out of their country at all costs. These women need a way out, and they attempt to improve their economic situation by emigration to rich countries; however, in order to cross the borders to the promised land, the women resort to the financial assistance of unscrupulous loan sharks and traffickers who claim to be able to provide them with legitimate jobs in the destination country as well as the required immigration documents for entry.³⁸ Immigration laws in the destination country usually result in deportation that does not deter trafficking but only further victimizes the trafficked. Thus, zealously enforced immigration laws often have a negative effect on the very victims they seek to protect.³⁹

For many years, the United States has recognized the insufficiency of its criminal and immigration laws that fail to protect the victims of sex trafficking and do not result in the effective prosecution of perpetrators. Recognizing that sex trafficking is a modern form of slavery that has a global and negative impact on women's human rights, President William Clinton signed the Trafficking Victims Protection Act on October 28, 2000 ("the TVPA")⁴⁰ in order to provide an international solution to an international problem. The TVPA has been hailed

³² Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 113.

³³ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114

³⁴ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114; *See also* Ann Lucas, *Women and Prostitution*, in 1 *WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW*, 683, 696 (2000).

³⁵ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114.

³⁶ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114.

³⁷ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114; *See also* Gallagher, *Female Slavery*, *supra* note 2, at 499.

³⁸ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114.

³⁹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 114.

⁴⁰ TVPA, *supra* note 6.

as the “most significant human rights legislation of the U.S. Congress.”⁴¹ The TVPA establishes a coordinated, transnational effort to protect trafficked persons, to criminalize the conduct of traffickers and to penalize sex trafficking as if it were a crime as serious as rape, punishable with a sentence of twenty years to life imprisonment.⁴² The purpose of this far-reaching U.S. law is to eradicate trafficking in the United States and abroad, to influence other nations to enact or amend their sex trafficking legislation, to correct weak enforcement policies, and to harmonize trafficking legislation internationally.⁴³

B. PURPOSE OF THIS ARTICLE

This Article investigates the role that a U.S. anti-trafficking law, the TVPA, plays in eliminating the heinous crime of sex slavery practiced both here and abroad. As the Honorable Henry J. Hyde, Chairman of the Committee on International Relations of the U.S. House of Representatives said at the TVPA Implementation Hearing held one year after the passage of the TVPA, “A law without vigorous and effective implementation is worse than no law at all, because it lulls us into the false sense that we have done something to solve the problem.”⁴⁴ This Article will study the extent to which the TVPA has had either domestic or international impact on the crime of sex trafficking leading to slavery; whether the law has been strictly enforced both here and abroad; and whether the law has deterred the crime since its enactment in October 2000. The underlying issue discussed in this Article is whether the TVPA has been able to accomplish productive international cooperation between the United States and countries abroad that engage in trafficking, and if so, whether this cooperation has led to the identification and capture of the leaders of interlocking rings of businessmen, modern mafias, and corrupt government officials who support this crime? Has United States effectively addressed the crime of sex trafficking both at home and abroad and has the United States influenced other nations by its legislative example?⁴⁵

C. THE METHOD OF MEASURING IMPACT

⁴¹ Jim Lobe, *Congress Passes Sweeping Labor Anti-Traffic Law*, INTERPRESS SERVICE, October 13, 2000. President Clinton said this was “the most significant step we’ve ever taken to secure the health and safety of women at home and around the world.: Deb Riechman, *Clinton Signs Law to Combat Violence*, DAYTON DAILY NEWS (Ohio), October 29, 2000, at 3A.

⁴² 18 U.S.C. Section 1590 (2000).

⁴³ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at ll5.

⁴⁴ Implementation Hearing, *supra* note 31, at 1.

⁴⁵ *The Sex Trade Hearing*, *supra* note 27,, at 24, (statement of Dr. Laura J. Lederer).

In order to measure the domestic and international impact of the TVPA, this study will take into consideration the unreliable nature of the available statistics on the number of trafficked persons both in the United States and globally as well as the unreliability of statistics on the amount of revenue collected as a result of trafficking. To determine the extent of a domestic and international impact of the TVPA on the reduction of the crime, this study will consider the weight of various factors and trends reported in official government reports (i.e. Annual TIP Reports 2001, 2002, and 2003, Congressional Hearings on Implementation of the TVPA, an Overview of the Congressional Hearings on Implementation of the TVPA, interviews with U.S. Attorneys and other government officials of the Department of Justice doing work in the area of sex trafficking), available statistics on the number of women trafficked into the United States and worldwide, available statistics on the number of domestic and international arrests, prosecutions and convictions of traffickers, as well as the number and status of effective outreach programs, projects, financial assistance, and benefits and services provided by the United States to victims here and abroad.

D. SUMMARY OF THE DOMESTIC AND INTERNATIONAL TVPA IMPACT STUDY

In just three short years, the TVPA has had both domestic and international impact on sex trafficking activities that lead to slavery. Domestically, there is no doubt that the TVPA has helped reform the bad policy in the United States of punishing the enslaved sex-trafficked victim rather than the perpetrator. The passage of the TVPA has succeeded in making a sea change in policy by establishing harsher penalties for traffickers, by training law enforcement and immigration personnel to recognize victims, and by providing benefits, services and resources to victims and, in some cases, by issuing a class of visa (the T visa) that allows victims to remain permanently and to work in the United States.⁴⁶ The TVPA has also resulted in some increased arrests, prosecutions and convictions of traffickers within the United States and in some countries abroad, where the financial assistance and advice of the United States has been used effectively to amend existing trafficking laws or create new laws.

Internationally, the TVPA has resulted in the increase of United States economic and social assistance to other countries in order to support the creation, enactment and enforcement of anti-trafficking legislation abroad, to strengthen existing foreign anti-trafficking legislation, to educate potential victims to recognize the dangers of trafficking, and to establish victim

⁴⁶ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 167.

assistance programs abroad.⁴⁷ The TVPA mandates annual reporting by an Interagency Task Force chaired by the Secretary of State of the United States.⁴⁸ The annual report contains the status of other nations' efforts to curb human trafficking and includes an investigation of the incidence of trafficking in foreign countries as well as a published ranking of foreign countries into three different tiers, depending upon the degree of trafficking in their country and the progress these countries are making toward combating trafficking.⁴⁹ Tier 3 countries that do not make significant efforts to eradicate the crime of trafficking are subject to sanctions beginning in October 2003.⁵⁰

Thus, through the increase of arrests and convictions of traffickers in the United States and the establishment and implementation of regulations, new criminal statutes, published annual reports and international assistance, the TVPA has not only made progress in the domestic fight against trafficking, but it has also impacted the attempt made by other nations to eradicate this transnational crime. Trafficking is nothing less than a living legacy of slavery that exists in our own country as well as in countries abroad, and it will take nothing less than an international effort to eliminate the traces of this heinous crime.

E. ORGANIZATION OF THIS ARTICLE

This Article is organized in four parts.

Part I provides a history of the crime of sex trafficking, a statement of the purpose of this Article, a description of the investigative method used in the impact study, a summary of the effectiveness of U.S. attempts at eradicating the crime both domestically and internationally, and an outline of the organization of the Article.

Part II provides an overview of the United States response to the crime of trafficking by its enactment of the Trafficking Victims Protection Act in 2000 ("TVPA"). Part II provides only a brief summary of the basic features of the TVPA, since a more detailed analysis of this law was undertaken in an earlier study by this author.⁵¹

Part III looks into the domestic impact of the TVPA that resulted in the enactment of new criminal law regulations and statutes in the United States and the amendment of existing U.S. criminal laws. These legislative changes are designed to better protect the victims of trafficking

⁴⁷ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 169 – 170. *See also Human Trade Nets 3 Nations U.S. Penalty Text* ORLANDO SENTINEL, Sept. 11, 2003, at A 9 : "The United States will impose sanctions on Cuba, Myanmar and North Korea for failing to take steps to stop human trafficking" 2003 WL 63278621.

⁴⁸ 22 U.S.C. Section 2151(f)(1).

⁴⁹ *Id.* *See also* Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 171.

⁵⁰ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 171.

⁵¹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 165-173.

in the United States and to more effectively prosecute traffickers in an aim toward deterring the perpetration of the crime. Evidence of an increase in the number of investigations, prosecutions and convictions of traffickers in the United States will be provided and discussed. Part III will also examine the degree to which benefits and services authorized by the TVPA to victims of trafficking have actually been implemented in the United States.

Part IV investigates the international impact of the TVPA, the degree to which the TVPA⁵² has resulted in effective cooperation between the United States and other countries to eliminate sex slavery, the enactment of new foreign anti-trafficking laws, the enforcement of new and existing foreign anti-trafficking laws, and the overall reduction of the international crime of trafficking by the carrot and stick method⁵³ that characterizes the TVPA. On the one hand, the TVPA provides desirable financial assistance, protection, benefits, services, and education to the victims both here and abroad as well as the right to permanent residency in the United States if the victim of severe forms of trafficking cooperates with the prosecution of the perpetrators. On the other hand, the TVPA also establishes a real threat of prosecution and severe punishment for perpetrators of this horrific crime.

II. THE TVPA

A. DEFINITION OF TRAFFICKING AND SEX TRAFFICKING

The TVPA defines **trafficking** as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”⁵⁴ The TVPA defines **sex trafficking** as an act in which a “commercial sex act” is induced by force, fraud or coercion, or in which the person induced to perform such an act has not attained 18 years of age.⁵⁵ The TVPA defines a **commercial sex act** to mean “any sex act on account of which anything of value is given to or received by any person.”⁵⁶

The TVPA resists efforts to define “trafficking” so broadly as to dilute the effort to eradicate the crime.⁵⁷ There is a wide range of related offenses like immigrant smuggling and

⁵² See TVPA, *supra* note 6.

⁵³ See Implementation Hearing, *supra* note 31, at 43.

⁵⁴ TVPA, *supra* note 6, § 103(9).

⁵⁵ TVPA, *supra* note 6, Section 103(3).

⁵⁶ TVPA, *supra* note 6, § 103(3). The TVPA limits sex trafficking to trafficking for a commercial purpose (Section 103(9) and Section 103(3)). This narrow definition has been criticized by some who believe that the TVPA should address all forms of trafficking for the purpose of non-commercial sex, commercial sex, forced labor, domestic service, camel jockeying, inter-country adoptions, military purposes, organ removal and all forms of exploitation done by trafficking. See Statement of Mohammed M. Mattar, S.J. D., made before the House Committee on International Relations Sub-Committee on International Terrorism, Non-proliferation and Human Rights on June 25, 2003, at 5-6 [hereinafter Mattar Statement].

⁵⁷ Implementation Hearing, *supra* note 31, at 2.

unfair labor practices, which require effective and just remedies, but according to the intention of the drafters of the TVPA, these remedies are better provided by labor law or immigration law rather than by the TVPA which is an anti-slavery bill.⁵⁸

The definition of trafficking in the TVPA is similar but narrower than the definition of trafficking found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (“UN Protocol”) that was adopted by the UN General Assembly one month after the enactment of the TVPA, on November 15, 2000.⁵⁹ The UN Protocol supplements the UN Convention against Transnational Organized Crime and recognizes the role that organized crime plays in supporting and committing sex trafficking. The UN Protocol is an important tool to facilitate the type of international cooperation authorized by the TVPA because governments that sign and ratify the UN Protocol make a commitment to criminalize trafficking and to protect its victims.⁶⁰ The United States and 80 other countries signed the UN Protocol in December 2000.

Two other international instruments that address trafficking in children have also been adopted by the United States—the International Labor Organization (ILO) Convention 182 which calls for the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ratified by the United States in 1999), and the Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography which criminalizes prostitution and pornography of children under the age of 18 (ratified by the United States in July 2000).⁶¹

⁵⁸ Implementation Hearing, *supra* note 31, at 2.

⁵⁹ *Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 25, U.N. GAOR, 55th Sess., U.N. Doc. A/RES/55/25(2000)*, available at [http://www.odccp.org/palermo.\[hereinafter U.N. Protocol\]](http://www.odccp.org/palermo.[hereinafter U.N. Protocol]). The text of the U.N. Protocol defines trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation...”

⁶⁰ 2001 TIP Report, *supra* note 8, at 8.

⁶¹ 2002 TIP Report, *supra* note 8, at 6.

B. PURPOSE OF THE TVPA

The purpose of the TVPA is to prevent trafficking, to protect the victims, and to effectively prosecute the perpetrators by establishing an international, economic and social approach to eradicating the crime.⁶² The TVPA prevents this transnational crime from spreading by establishing and funding international programs to educate women about trafficking; by rewarding the victims of trafficking with permanent residency status⁶³ and the right to work in the United States, if they are willing to assist with the prosecution of the perpetrators. However, the adequate protection of these witnesses and the fear of reprisals on the victim's family back home still remain a challenge in the enforcement of the TVPA. Moreover, the TVPA requires a show of force, fraud and coercion to prove a case of trafficking, and this requirement may make it difficult to prosecute cases in which trafficked victims are not coerced into prostitution.⁶⁴ These challenges naturally influences the number of successful prosecutions and convictions of traffickers under the TVPA in the United States.

C. THE BASIC FEATURES OF THE TVPA

1. One crime, One law

The TVPA establishes one specific law prohibiting sex trafficking, and this feature eliminates the cumbersome necessity of having to sue perpetrators of sex trafficking under several different statutes.

In the past, law enforcement in the United States has had to rely upon a number of criminal, labor, and immigration laws to prosecute activities in trafficking.⁶⁵ Trafficking in women cases have normally been prosecuted under Title 18 sections such as the Mann Act (18 U.S. Code Section 2421), involuntary servitude and slavery (18 U.S. Code Section 1581), and extortionate collection of extension of credit (18 U.S. Code Section 894).⁶⁶ Sex trafficking cases have also been prosecuted under Title 8 sections, such as recruiting, smuggling, and transporting aliens (8 U.S. Code Section 1324) or harboring for prostitution (8 U.S. Code Section 1328).⁶⁷

⁶² See generally, Tiefenbrun, *Sex Sells*, *supra* note 3.

⁶³ 22 U.S.C. Section 1184(n)(2).

⁶⁴ See Mattar Statement, *supra* note 56, at 7.

⁶⁵ AMY O'NEIL RICHARD, CENTER FOR THE STUDY OF INTELLIGENCE, INTERNATIONAL TRAFFICKING IN WOMEN TO THE UNITED STATES: A CONTEMPORARY MANIFESTATION OF SLAVERY AND ORGANIZED CRIME (Apr. 2000), at 35, available at <http://www.cia.gov/csi/monograph/women/trafficking.pdf> [hereinafter CIA REPORT].

⁶⁶ *Id.* at 35. See also Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 162-163.

⁶⁷ CIA Report, *supra* note 64, at 35.

Some of these statutes like the Mann Act have been in effect for more than a 100 years.⁶⁸ Before the enactment of the TVPA, there was a steady increase in the incidence of sex trafficking but a low-level of arrests, prosecutions, and convictions of traffickers in the United States.

Recognizing the inadequacy of existing slavery and peonage laws, which are limited in jurisdictional reach and in severity of punishment,⁶⁹ the criminal section of the U.S. Justice Department's Civil Rights Division was eager to assist in the passage of the TVPA. The TVPA is much wider in scope than existing criminal law statutes because the TVPA includes international cooperative measures, increased penalties including a prison term of 20 years to life, which by its severity may act as a deterrent to the crime of trafficking.⁷⁰

2. Increased Penalties The TVPA has increased the penalties for trafficking and for related crimes such as involuntary servitude, peonage and forced labor from ten to twenty years and to life imprisonment, if the crimes include kidnapping, aggravated sexual abuse or an attempt to kill.⁷¹ Increasing the penalty for sex trafficking increases the costs and risks for the trafficker and can act as an economic deterrent to the perpetration of the crime.⁷²

3. Protection for Women Victims in Funded Shelters

The TVPA provides protection for women who are victims of domestic and sex trafficking violence.⁷³ Once a trafficking victim has been identified, the TVPA requires law enforcement agents and federal officials to protect victims who are in federal custody by assuring the victim's access to information and translation services and by granting them the right to "continued presence" as an "alien victim" in the United States.⁷⁴

The TVPA reauthorizes the Violence Against Women Act and allocates funds to provide shelters for victims of domestic violence⁷⁵ as well as for trafficked women.

4. T-Visas and Permanent Residency Status

The TVPA offers victims of "severe forms of trafficking" the opportunity to obtain a new "T" visa permitting them to stay in the country at least through the duration of their captors'

⁶⁸ Tiefenbrun, *Saga of Susannah*, *supra* note 4, p. 162 – 163.

⁶⁹ Tiefenbrun, *Saga of Susannah*, *supra* note 4, p. 162 – 163.

⁷⁰ Interview with Chris Tenorio, U.S. Attorney in San Diego, June 19, 2003.

⁷¹ 18 U.S.C. Sections 1581, 1583, 1584.

⁷² *See generally*, Tiefenbrun, *Sex Sells*, *supra* note 3.

⁷³ 42 U.S.C. Section 10419

⁷⁴ TVPA, *supra* note 6, § 107(c)(2 – 4).

⁷⁵ 42 U.S.C. Sect. 10419.

prosecution and, perhaps, even permanently,⁷⁶ if they are willing to assist in the prosecution of their perpetrators.⁷⁷

To be eligible for the T-visa, the applicant must prove victimization by a “severe form of trafficking” as set forth in § 103(8) of the TVPA.⁷⁸ A severe form of trafficking is defined as “a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”⁷⁹ A child involved in sex trafficking does not have to prove coercion, force or fraud.⁸⁰ Coercion may be proved not only by physical restraint but also by psychological force. Thus, an adult involved in a commercial sexual act that is not induced by force, fraud or “physical” coercion may still be able to come under the definition of “severe form of trafficking,” if she can prove psychological coercion. She is no longer required to prove legal or physical coercion as was the standard established in 1988 IN *United States v. Kozminski* case.⁸¹ Thus, victims of severe forms of trafficking are defined as people held against their will “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,”⁸² and are eligible for a T-visa.

The T-visa process begins with an application obtained through the Department of Health and Human Services, and results in certification that the applicant is a victim of trafficking and eligible for TVPA benefits.⁸³ If the applicant is under 18, she may receive TVPA benefits without certification.⁸⁴

According to the TVPA, a victim of a severe form of trafficking and a potential witness to such trafficking may be eligible for permanent residency status in the United States as well as protection for her family abroad.⁸⁵ When the victim is in lawful temporary resident status in the United States, she may be granted authorization to work and be provided with an employment authorized endorsement or work permit.⁸⁶

Before the creation of the T-visa pursuant to the TVPA, an S-visa was already in place. However, the quota on S-visas is restricted to only 250 per year, and it is more appropriately

⁷⁶ 22 U.S.C. Sect. 7105©(3).

⁷⁷ 22 U.S.C. Sect. 7105©(3).

⁷⁸ TVPA, *supra* note 6, § 107(b)(1)(C).

⁷⁹ TVPA, *supra* note 6, § 103(8).

⁸⁰ TVPA, *supra* note 6, § 103(8).

⁸¹ *United States v. Kozminski*, 487 U.S. 931 (1988); TVPA *supra* note 6, § 102 (13).

⁸² 22 U.S.C. Sect.7102(3),(13).

⁸³ TVPA, *supra* note 6, Section 107 (b)(1)(E).

⁸⁴ TVPA, *supra* note 6, § 107(b)(1)(C)(ii).

⁸⁵ 22 U.S.C. Section 7105 ©(3).

⁸⁶ 8 U.S.C. Section 1101(a)(15)(T)(i).

applicable to informants on terrorism and organized crime rather than to victims of trafficking.⁸⁷ S-visas cannot be guaranteed to victims of trafficking who assist in the prosecution or who actually testify (due to the risk of discrediting or impeaching their testimony).⁸⁸ Thus, witnesses have to trust that the prosecutor will recommend an S-visa post-trial.⁸⁹

The T-visa is essentially a streamlined S-visa, which can be issued prior to trial. The T-Visa is specifically designed for trafficked persons. The purpose of the T-visa is two fold: to strengthen the ability of law enforcement personnel to detect, arrest, and prosecute trafficking perpetrators and also to enable law enforcement personnel to offer protection for the trafficked victims.⁹⁰

The Attorney General grants the T-visa and then must refer victims to a non-governmental organization (NGO) that can advise them of their legal rights and options in the United States as well as the resources that are available to them, including the right to work.⁹¹

When implemented, the T-visa is effectively a stay of deportation that serves to assist prosecutors while aiding victims. According to T-visa Department of Justice regulations, the trafficked persons must self-petition for the T-visa rather than receive assistance for this process through the Department of Justice.⁹² The self-petitioning provision is designed to prevent possible allegations of entrapment of the victim or impeachment of the evidence of the victim-witnesses. The theory is that these allegations of entrapment or impeachment of the witness cannot be made at trial if there is a cognizable separation of the process of obtaining the victim's residency from the process of law enforcement and prosecution of the perpetrator.⁹³

To qualify for the T-visa, the applicant must have suffered 'substantial' abuse at the hands of the traffickers.⁹⁴ In addition, the applicant must have, and be willing to share, information that aids law enforcement personnel with prosecuting or investigating traffickers.⁹⁵ Alternatively, the T-visa can be granted to a victim under age 15 who would "suffer extreme hardship involving unusual and severe harm" if made to leave the United States.⁹⁶

⁸⁷ 8 U.S.C. Section 1101(a)(15)(T)(i).

⁸⁸ 8 U.S.C. Section 1101 (a) (15) (T)(i).

⁸⁹ 8 U.S.C. Section 1101(a)(15)(T)(i).

⁹⁰ TVPA, *supra* note 6, § 1513(a)(2)(A).

⁹¹ TVPA, *supra* note 6, § 107(e)(4).

⁹² Anti-Slavery International telephone interview, former Department of Justice (Civil Rights Division) employee, Washington, D.C. 3 June 2003.[hereinafter Anti-Slavery interview]

⁹³ Anti-Slavery Interview interview,*supra* note 92.

⁹⁴ TVPA, *supra* note 6, § 1513(b)

⁹⁵ TVPA, *supra* note 6, § 107(b)(1)(E)

⁹⁶ TVPA, *supra* note 6, § 107(e)(1)

An alien's status as a victim of a severe form of trafficking may be demonstrated in various ways.⁹⁷ Some trafficking victims may have the usual immigration documents needed to confirm eligibility.⁹⁸ Others will require letters of certification from the Office of Refugee Resettlement (“ORR”) in the Department of Health and Human Services.⁹⁹

Because the T-visa is essentially a deportation stay, the victim must decide immediately whether she will cooperate with investigators. The U.S. law does not allow the victim to delay or even reflect on her choice to assist or not in the prosecution. The victim must agree to cooperate in order to be given “continued presence”.¹⁰⁰ “Continued presence” entitles trafficked persons, who are victims of “severe forms of trafficking,” to support and assistance on the same basis as refugees, as well as the ability to work.¹⁰¹

The T-visa also provides that in certain circumstances officials involved must ensure the victim and the victim's family safety including protection¹⁰² from intimidation, threats, and reprisals by traffickers and associates.¹⁰³

Trafficked persons who hold T-visas can apply for permanent residence in the United States if they have been continually present for three years, if they have not committed any violations; and if they have complied with reasonable requests to aid in the investigation and prosecution; or if they would suffer extreme hardship involving unusual and severe harm upon removal.¹⁰⁴

5. Certification

In order to obtain the T-visa, a victim must first complete the certification process. Law enforcement personnel must certify that the applicant is willing to assist in the prosecution of the perpetrator and that she has suffered severe abuse.¹⁰⁵ The victim must submit the documentation required by the Immigration and Naturalization Service (INS) to obtain a T-visa after the victim

⁹⁷ *How Are We Doing?: Hearing Before The Subcommittee on Near Eastern And South Asian Affairs of The Committee on Foreign Relations*, 107th Cong. 2 (2002).[hereinafter *Foreign Relations Hearing*]

⁹⁸ *Advisory: Training And Employment Guidance Letter No. 19-01*To: All State Workforce Liaisons, All State Workforce Agencies, All State Worker Adjustment Liaisons, All One-Stop Center System Leads. From: Emily Stover Derocco, Assistant Secretary. Subject: Victims of Trafficking And Violence Protection Act Of 2000 U.S. Department Of Labor, Employment and Training Administration, Washington, D. C., Issue Date April 23, 2002.[hereinafter *Advisory Letter*].

⁹⁹ *Id.*

¹⁰⁰ Trafficked Persons Rights Project, the Trafficking Victims Protection Act, at 7. Available at <http://www.tprp.org>. Last accessed August 10, 2003.

¹⁰¹ TVPA, *supra* note 6, § 107(b)(1)(E)(i).

¹⁰² *See infra*, text accompanying footnotes , and , on Witness Protection Measures in the United States.

¹⁰³ TVPA, *supra* note 6, § 107(3).

¹⁰⁴ TVPA, *supra* note 6, § 107(f).

¹⁰⁵ TVPA, *supra* note 6, § 107(b)(1)(E).

has made contact with the prosecutor. However, immigration officials have been advised to “strike while the iron is hot” and to obtain from law enforcement as soon as possible the victim’s certification that she is willing to assist in the prosecution and willing to be helpful.¹⁰⁶ Thus, certification is obtained while the relevant case is being prosecuted or investigated, not after the fact.¹⁰⁷ Immigration officials are also directed to begin as early as possible to corroborate the victim’s abuse and suffering.¹⁰⁸ In other words, immigration officials are encouraged to be proactive in gathering the information and certifications required for the issuance of the T-visa. During the certification and implementation process of the T-visa, trained personnel in non-governmental organizations can aid and advise trafficked victims in an effort to make the bureaucratic process as painless as possible.

The number of T-visa applicants that may be adjusted to that of permanent resident status is limited to 5,000 per year.¹⁰⁹ However, this number does not include family members when counting toward the 5,000 limit on T-visas.¹¹⁰

6. Enhanced Benefits of Victims

The victims of severe forms of trafficking are also eligible to receive expanded and enhanced benefits and services. For example, while they are in the custody of the Federal government, the TVPA provides that they shall “not be detained in facilities inappropriate to their status as crime victims.”¹¹¹ Thus, the TVPA has made it possible to eliminate the horrendous practice of locking up sex trafficked women in detention cells. Trafficked women are also eligible to receive necessary medical care and protection from intimidation and threats of reprisals from traffickers.¹¹² Victims are entitled to receive translation services where needed.¹¹³ Thus, the TVPA treats the trafficked person not as a criminal but as a victim worthy of services and enhanced benefits.

7. Training of Law Enforcement Personnel and Immigration Officials

¹⁰⁶ *National Immigration Project*, U Visas for Victims of Crimes. March 2002 at 5. available at <http://www.nationalimmigrationproject.org>. last accessed August 8, 2003 [hereinafter *National Immigration Project*]

¹⁰⁷ *National Immigration Project*, *supra* note 105, at 5.

¹⁰⁸ *National Immigration Project*, *supra* note 105, at 5.

¹⁰⁹ TVPA, *supra* note 6, § 107(f)(3)(A).

¹¹⁰ TVPA, *supra* note 6, § 107(f)(3)(B).

¹¹¹ 22 U.S.C. Sect. 7105©(1).

¹¹² 22 U.S.C. Section 7105 ©(1).

¹¹³ 22 U.S.C. Section 7105©(2).

Investigations, prosecutions, and convictions of alleged traffickers can occur more frequently and successfully when law enforcement and immigration officers are sensitive to particular issues affecting trafficked persons such as language differences, culture shock, fear for the personal safety of the victim, and fears relating to their immigration irregularities.¹¹⁴

The TVPA authorizes the Department of Justice to conduct training programs for law enforcement personnel and immigration officials to enable them to better identify trafficked victims, to make them aware of the particular problems of the victim, and to require officials to inform the victims of their legal rights.¹¹⁵

The TVPA also mandates that not later than 180 days after the date of the enactment of the Act, the Attorney General and the Secretary of State shall promulgate regulations implementing training of law enforcement personnel, immigration officials, and Department of State and Department of Justice officials.¹¹⁶ The TVPA also contemplates the amendment of the Immigration and Nationality Act in order to accomplish its goals and to provide victims of severe forms of trafficking with enhanced benefits.¹¹⁷

8. Funds Allocated for Programs and Enforcement

The TVPA earmarks almost \$94.5 million to fund domestic and overseas projects and programs to combat trafficking.¹¹⁸

9. International Cooperation and International Programs

The United States recognizes that sex trafficking is a serious transnational crime that cannot be deterred unless bilateral and multilateral cooperative work is undertaken to eliminate trafficking and to protect trafficking victims in the United States and abroad.¹¹⁹ The commitment shown legislatively by the United States to work with other nations to eradicate the global problem of sex trafficking is perhaps the most significant feature of the TVPA.

To accomplish the lofty goal of eliminating sex trafficking both here and abroad, the TVPA codifies the establishment of an Interagency Task Force¹²⁰ chaired by the Secretary of State to monitor and combat worldwide human trafficking.¹²¹ The Interagency Task Force

¹¹⁴ TVPA, *supra* note 6, § 107(c)(4).

¹¹⁵ TVPA, *supra* note 6, at Section 107© (4).

¹¹⁶ TVPA, *supra* note 6, Sect., 107 ©(4).

¹¹⁷ 8 U.S.C. Section 1101(a)(15); *id.* Section 1184.

¹¹⁸ 42 U.S.C. Section 13971(a); 20 U.S.C. Section 1152, 42 U.S.C. Section 10416(f).

¹¹⁹ 22 U.S.C. Sect 7101(24).

¹²⁰ 22 U.S.C. Sect.. 7103(a).

¹²¹ 22 U.S.C. Sect. 7103.

establishes minimum standards for the elimination of trafficking¹²² and provides assistance to foreign countries to meet those minimum standards.¹²³

U.S. assistance to countries abroad includes advice in drafting laws to prevent and prohibit trafficking and to prosecute traffickers, the establishment and maintenance of programs, projects, and activities for the protection of victims, and the creation and expansion of international exchange programs to combat trafficking.¹²⁴

In order to prevent trafficking, the Interagency Task Force will establish international programs that enhance economic opportunity for potential victims of trafficking.¹²⁵ These programs include establishing micro-credit lending programs, training programs in business development, skills training programs, job counseling, programs to promote women's participation in economic decision making, and programs to keep girls in school. The Interagency Task Force will assist in the development of educational curricula about the dangers of trafficking and will provide grants to non-governmental organizations (NGOs) that will advance the political, economic, social and educational roles of women in foreign countries. A specific effort will be made to increase public awareness in the United States and abroad of the serious danger of trafficking.¹²⁶

10. Minimum Standards in Other Countries.

The TVPA authorizes the United States to monitor the status of severe forms of trafficking activity in foreign countries and foreign government responses to this activity.¹²⁷ To achieve this purpose the U.S. State Department issues an annual Trafficking in Persons Report (TIP) that ranks government efforts to eliminate trafficking in persons in accordance with their compliance to achieve minimum standards.¹²⁸ The TVPA enumerates four minimum standards¹²⁹ for the elimination of severe forms of trafficking in persons and sets forth criteria for evaluating serious and sustained efforts made by foreign governments to meet such standards.¹³⁰

The first standard requires the government of a country to prohibit severe forms of trafficking in persons and to punish such acts.¹³¹ In order to meet this standard, the country is

¹²² 22 U.S.C. Sect. 7106 (a).

¹²³ 22 U.S.C. Sect. 2152(d).

¹²⁴ 22 U.S.C. Sect. 2152(d).

¹²⁵ 22 U.S.C. Sect. 7104.

¹²⁶ 22 U.S.C. Sect. 7104.

¹²⁷ TVPA, *supra* note 6, § 105(d).

¹²⁸ TVPA, *supra* note 6, § 107(b)(1)(D).

¹²⁹ TVPA, *supra* note 6, § 108(a).

¹³⁰ TVPA, *supra* note 6, § 108.

¹³¹ TVPA, *supra* note 6, § 108(a)(1).

required to have an anti-trafficking law that makes trafficking a criminal offense and that provides for the adequate punishment for such a crime.¹³²

Since the TVPA defines severe forms of trafficking in persons to include sex trafficking as well as trafficking for labor or services,¹³³ the TVPA requires a country to recognize all forms of trafficking as a criminal offense, whether it is committed for the purpose of prostitution or forced labor.¹³⁴

The second standard specifically applies to sex trafficking and requires governments to prescribe the appropriate sentences in cases of sex trafficking that involve the trafficking of a child or aggravated circumstances, such as rape, kidnapping, or death.¹³⁵ These sentences should be comparable to punishments for grave crimes such as forced sexual assault.

The third standard requires a government to prescribe a punishment for any act of a severe form of trafficking in persons. The punishment must be “sufficiently stringent” to deter others from committing the same crime. The punishment must reflect the serious nature of this crime.¹³⁶

The fourth standard inquires into whether a government makes “serious and sustained efforts” to eliminate trafficking.¹³⁷ To determine whether these implementation efforts are “serious and sustained,” the TVPA applies seven criteria.¹³⁸ The first three measure government efforts in the areas of prosecution, protection, and prevention.¹³⁹ The other four criteria measure the degree of international cooperation, including extradition of traffickers, monitoring of immigration and emigration, and the involvement of public officials in the aim to eliminate trafficking.¹⁴⁰

¹³² TVPA, *supra* note 6, § 108(b)(1 – 4). Before the passage of the TVPA in 2000, more than 154 countries had legislation drafted between 1912 and 1960 that minimally targeted traffickers by prohibiting the procurement of women or children for the purposes of prostitution and forced labor, but these laws were poorly, if ever, enforced. *See Statement of Dr. Laura J. Lederer, supra* note 27, at 58..

¹³³ TVPA, *supra* note 6, § 108(a)(4); § 103(8).

¹³⁴ TVPA, *supra* note 6, Section 108(a)(4);Section 103(8).

¹³⁵ TVPA, *supra* note 6, § 108(a)(2).

¹³⁶ TVPA, *supra* note 6, § 108(a)(2).

¹³⁷ TVPA, *supra* note 6, § 108(a)(3).

¹³⁸ TVPA, *supra* note 6, § 108(b).

¹³⁹ TVPA, *supra* note 6, § 108(b)(1-3).

¹⁴⁰ TVPA, *supra* note 6, § 108(b)(4-7).

11. Sanctions

The TVPA anticipates the use of economic sanctions in order to pressure foreign governments to recognize the gravity of trafficking in persons and to take the necessary measures to eliminate this form of slavery. Sanctions, which begin in October 2003, include the denial of non-humanitarian aid, non-trade-related assistance, certain development-related assistance, and aid from international financial institutions,¹⁴¹ specifically the International Monetary Fund and multilateral development banks such as the World Bank.¹⁴² The President of the United States can waive the sanctions when necessary to avoid significant adverse effects on vulnerable populations, including women and children,¹⁴³ or when the country is able to bring itself in alignment with the TVPA minimum standards before the October 2003 implementation date.¹⁴⁴

12. Direct Foreign Aid

United States Agency for International Development (USAID) works directly with foreign countries to prevent trafficking by decreasing the vulnerability of trafficked women and children, by protecting and assisting the victims of traffickers, and by supporting legislative reform and implementation abroad.¹⁴⁵ The goal is to help countries meet minimum standards set forth in the TVPA, with special emphasis on countries that have significant levels of severe forms of trafficking.¹⁴⁶ Because poverty, lack of education, and lack of economic and political opportunities contribute to the vulnerability of trafficking victims, a substantial part of USAID's development assistance is aimed at women¹⁴⁷ in these countries who can greatly benefit from the targeted programs.¹⁴⁸ USAID programs can be found in many countries including Azerbaijan, Thailand, Albania, and Romania.¹⁴⁹ One of these programs brings hundreds of international visitors to the United States each year to learn about trafficking.¹⁵⁰ USAID also manages anti-trafficking programs that are funded through the U.S. Department of State.¹⁵¹

¹⁴¹ 2003 TIP Report, *supra* note 8, at 13-14, 16.

¹⁴² 2002 TIP Report, *supra* note 8, at 10.

¹⁴³ 2002 TIP Report, *supra* note 8, at 10.

¹⁴⁴ 2003 TIP Report, *supra* note 8, at 16.

¹⁴⁵ Implementation Overview, *supra* note 160, at 10.???

¹⁴⁶ Implementation Hearing, *supra* note 31, at 39.

¹⁴⁷ Implementation Hearing, *supra* note 31, at 41.

¹⁴⁸ Implementation Hearing, *supra* note 31, at 41.

¹⁴⁹ Dobriansky Denounces Human Trafficking, Conference to Stop Child Trafficking: Modern-Day Slavery, Paula J. Dobriansky, Under Secretary of State for Global Affairs, June 3, 2003, in Remarks to Trafficking in Persons Conference in Helsinki, Finland, at 7-8 [hereinafter Dobriansky Conference Remarks]

¹⁵⁰ *Id.*

¹⁵¹ Implementation Hearing, *supra* note 31, at 42.

13. Monitoring Other Countries, The Interagency Task Force, and the Department of State Annual TIP Report

The TVPA authorizes the United States Department of State, with the assistance of an Interagency Task Force to monitor the status of other nations' sex trafficking activity by classifying these nations into one of three tiers. This classification is published in the annual Trafficking in Persons Report (TIP Report) and submitted to the appropriate Congressional committees.¹⁵²

The TIP Report places countries into one of three different categories (Tier 1, Tier 2, or Tier 3) based upon the degree of their compliance with the minimum standards for the elimination of trafficking in persons, as stipulated in the TVPA.¹⁵³

Tier 1 includes countries whose governments have fully complied with the minimum standards set forth in the TVPA and have anti-trafficking legislation with adequate punishments for the crime.¹⁵⁴ Tier 2 includes countries whose governments do not yet fully comply with these standards but are making significant efforts to bring themselves into compliance.¹⁵⁵ Tier 3 includes countries whose governments do not fully comply with these standards and are not making significant efforts to bring themselves into compliance with these standards.¹⁵⁶ Beginning in October 2003, Tier 3 countries may face sanctions if they can not prove that they have adopted and implemented concrete measures to fight trafficking.¹⁵⁷

Thus, the TVPA establishes a multilateral effort to prevent trafficking, protect victims, and prosecute traffickers both in the United States and abroad by allocating funds for these purposes, by establishing international and domestic programs to accomplish these goals, and by offering real economic and social incentives to victims who are willing to assist in the prosecution of traffickers. While these goals and measures are laudatory, if they are unenforced or unenforceable, the TVPA will have little, if any, impact domestically and internationally on the deterrence or elimination of this crime.

Part III of this Article will examine the domestic impact of the TVPA in an attempt to show that there have been slow but steady increases in the number of arrests, prosecutions, and convictions of perpetrators of trafficking in the United States as a result of the passage of the TVPA.

¹⁵² TVPA, *supra* note 6, § 110(b).

¹⁵³ TVPA, *supra* note 6, § 110.

¹⁵⁴ TVPA, *supra* note 6, § 110(b)(1)(A).

¹⁵⁵ TVPA, *supra* note 6, § 104(b)(1)(B).

¹⁵⁶ TVPA, *supra* note 6, § 110(b)(1)(C).

¹⁵⁷ TVPA, *supra* note 6, at Section 105(b).

III. THE DOMESTIC IMPACT OF THE TVPA

There is no doubt that the TVPA has resulted in some significant changes made by the United States government in its effort to eliminate sex trafficking. It is relatively simple to measure the domestic impact of the TVPA on the victims receiving benefits in the United States because the TVPA actually requires this information to be published in an annual impact report. “Not later than December 31 of each year, the Secretary of Health and Human Services, with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies must submit a report, which includes information on the number of persons who received benefits or other services in connection with programs or activities funded or administered by these agencies or officials during the preceding fiscal year.”¹⁵⁸

Generally, the domestic measures implemented by the United States government as a result of the enactment of the TVPA have been slow but dramatic. They include restructuring the U.S. government’s whole approach to trafficking in an attempt to treat the trafficked persons not as criminals but as victims. This policy change is reflected in the creation of several new trafficking implementation offices within Federal government agencies as well as the amendment of existing criminal statutes that now include a specific crime of sex trafficking as well as increased penalties for trafficking and other related crimes. In compliance with the requirements of the TVPA, the U.S. government has also initiated the training of law enforcement personnel and immigration officers in the United States. It has issued work permits, certification and permanent residency status and other benefits to victims as refugees. The U.S. government has attempted to provide effective witness protection to victims in the United States, and it has issued T-visas and certification letters providing enhanced benefits to victims. These measures have resulted in a slow but steady increase in domestic arrests, prosecutions and convictions of traffickers in the United States since 2000 and an increase in immigration benefits to victims. One can say conservatively that in the three years since its enactment, the TVPA has resulted in better enforcement of existing criminal statutes and new anti-trafficking laws in the United States as well as the provision of more and enhanced benefits and services to victims than have been given in the past.

Under the current Bush administration, we have seen continued support for the reduction of sex trafficking here and abroad. In his recent televised talk to the United Nations on September 25, 2003, President Bush asked each nation to join the United States in its multilateral

¹⁵⁸ 22 U.S.C. Sect. 7105 or TVPA, *supra* note 6, at Sect. 107 (b)(1)(D).

effort to eliminate this modern-day form of slavery.¹⁵⁹ Moreover, President Bush made reference to a new law he just signed, The Protect Act,¹⁶⁰ that makes it a crime for a United States citizen (or an alien admitted for permanent resident in the United States) to travel abroad for the purpose of engaging in any illicit sexual conduct with another person.¹⁶¹ The Protect Act has extraterritorial reach and makes it possible to investigate, prosecute and convict in the United States a person who engaged in sex trafficking abroad (in a country where sex trafficking may be legal or illegal) or in the United States, and if convicted, that person may be fined or imprisoned for not more than 30 years, or both.¹⁶²

This Article will now look more closely into the specific domestic TVPA implementation measures taken by the United States Department of State, the Department of Justice, the Department of Labor, and the INS in their coordinated effort to deter trafficking and the universal crime of sex slavery by prevention, prohibition and prosecution.

A. DEPARTMENT OF STATE DOMESTIC TVPA IMPLEMENTATION MEASURES

1. DOS Office to Monitor and Combat Trafficking in Persons To Work with President's Interagency Task Force

The TVPA set forth specific mandates to be accomplished by several Federal government agencies, including the Departments of State, Justice, Labor, Health and Human Services and the U.S. Agency for International Development.¹⁶³ One of those mandates includes the establishment by the U.S. State Department of the Office to Monitor and Combat Trafficking in Persons (“Office to Monitor”), which was actually opened one year after the passage of the TVPA, in October 2001.¹⁶⁴ The Office to Monitor provides assistance to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (“Interagency Task Force”), which held its first meeting one and a half years after the passage of the TVPA, on February 13, 2002, in order to coordinate the Federal government's implementation of the

¹⁵⁹ Elisabeth Bumiller, *Bush Officials See Long Road to Resolution*, NY Times, Sep 25, 2003, at 1 (mentioning Bush's speech to the United Nations).

¹⁶⁰ Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003 (Protect Act), Pub. Law 108-21, April 30, 2003, 117 Stat 650.

¹⁶¹ The Protect Act, *supra* note 159, at Section 105(b).

¹⁶² The Protect Act, *supra* note 159, at Section 105(b).

¹⁶³ Overview of the Administration's Implementation of the Trafficking Victims Protection Act of 2000, Released by the Office to Monitor and Combat Trafficking in Persons of the United States Department of State (May 2002) at 1; available at: <http://www.ins.usdoj.gov/graphics.lawenfor/interiorenf/antitraf.htm> [hereinafter *Implementation Overview*].

¹⁶⁴ *Implementation Overview*, *supra* note 162, at 1.

TVPA.¹⁶⁵ The Interagency Task Force established the Senior Policy Advisory Group, which met for the first time on March 5, 2002, in order to coordinate the policy and implementation of the TVPA.

2. DOS Annual Trafficking in Persons Report (TIP Report)

In compliance with the mandate of the TVPA, the Department of State published its first annual Trafficking in Persons Report (“TIP”)¹⁶⁶ in July 2001, gathering information from 186 embassies and consulates as well as nongovernmental organizations and press reports about the impact of the TVPA.¹⁶⁷ The Department of State has since published a 2002 and 2003 TIP Report that provides valuable albeit scanty data on the domestic (and international) impact of the TVPA. The earlier Annual Reports were plagued by unreliable statistics, insufficient data about the actual number of investigations, prosecutions, and convictions under the TVPA, and delays in the enactment of implementing regulations. However, even the early Annual Reports resulted in increased public awareness of the seriousness of the trafficking crime leading to sex slavery in the United States, and the eventual enactment of implementing regulations which have had an impact on the successful prosecution of sex trafficking and sex slavery cases in 2003.

3. DOS Trafficking Brochure Since October 2000, the Department of State has created an informational brochure that is designed to educate potential victims on the tactics that criminal groups use to lure, coerce and traffic women, the risks of trafficking, the self-protection measures that women can take to avoid being entrapped by illegitimate groups, and the rights, services, and benefits victims are entitled to in the United States.

4. DOS and Department of Justice Joint Regulation on Protection and Assistance

In accordance with the requirements of the TVPA, the Department of State with the Department of Justice jointly issued a Regulation on Protection and Assistance which implements Section 107© of the TVPA. This regulation was needed to put into effect the authority given to the INS in the TVPA to arrange for the “continued presence” of those trafficking victims in the United States who agree to assist law enforcement in its investigation or prosecution of trafficking crimes.¹⁶⁸

¹⁶⁵ *Implementation Overview, supra* note 162, at 1.

¹⁶⁶ *See generally, supra* note 8.

¹⁶⁷ *Implementation Overview, supra* note 162, at 2.

¹⁶⁸ *Implementation Overview, supra* note 162, at 2-3.

This regulation also requires the Department of Justice and the Department of State to identify and appropriately address the particular needs of victims of severe forms of trafficking and to provide them with information about their rights, benefits, and services.¹⁶⁹

5. DOS Training of Government Personnel

Since the passage of the TVPA, officials of the Department of State have regularly briefed Foreign Service Officers, Consular Officers, and Ambassadors on the nature of trafficking in persons and how to identify and assist victims.¹⁷⁰ The Department of State has also participated in interagency training efforts at the Department of Justice's National Advocacy Center where T-visas are processed.¹⁷¹ This training includes INS adjudicators of T-visas, U.S. Attorney Victim Witness Coordinators of the Regional Interagency Task Forces, and officials from the INS, the Department of Labor, the Federal Bureau of Investigation, prosecutors, as well as non-governmental organizations that have been set up in some regions of the United States where trafficking is particularly prevalent, such as Los Angeles, Chicago, New York, San Diego, Houston, and Atlanta. Training of these officials is designed to improve investigation and prosecution of trafficking cases.¹⁷²

6. DOS Specialized Working Groups to Fight Trafficking

As part of its TVPA mandate, the Department of State has created Specialized Interagency Working Groups to examine trafficking and related issues such as public health, domestic violence, alcoholism, psychological impact of trafficking, HIV/AIDS, and other sexually transmitted diseases, the link between trafficking in persons and peacekeeping missions, including civilian policing, military and relief workers, and anecdotal information on trafficking in refugees and displaced persons in war-torn areas or regions experiencing civil strife.¹⁷³

B. Department of Justice (DOJ) Domestic TVPA Implementation Measures.

1. DOJ Creates New Statutes, New Regulations

In compliance with the mandates of the TVPA, new criminal offenses have been introduced into the United States criminal law system and have resulted in the amendment of the

¹⁶⁹ *Implementation Overview, supra* note 162, at 3.

¹⁷⁰ *Implementation Overview, supra* note 162, at 3.

¹⁷¹ *Implementation Overview, supra* note 162, at 3.

¹⁷² Department of Justice Anti-Slavery interview, *supra* note 87.

¹⁷³ *Implementation Overview, supra* note 162, at 3.

peonage and slavery statutes under the United States Code.¹⁷⁴ These new criminal offenses include trafficking (§ 1590), forced labor (§ 1589) and unlawful possession of documents (§ 1592).¹⁷⁵ The TVPA also makes **trafficking** with respect to peonage, slavery, involuntary servitude, or forced labor a crime.¹⁷⁶

Since 2000, new criminal regulations were passed which make trafficking a crime punishable by fine or imprisonment of up to 20 years, or both.¹⁷⁷ The amended criminal statutes also contain a provision for up to a life sentence in cases involving kidnapping, aggravated sexual abuse (or attempts of either) or an attempt to kill.¹⁷⁸

Newly enacted criminal code regulations also prohibit trafficking of children into the sex industry by force, fraud, or coercion (including psychological coercion).¹⁷⁹ However, where the child is a minor, no proof of force, fraud, or coercion is required.¹⁸⁰ This new provision fills a gap in U.S. criminal law where formerly psychological coercion of a trafficked person was insufficient to prove the crime of involuntary servitude.¹⁸¹ The punishment for forced labor and sex trafficking through force, fraud, or coercion is the same as for trafficking, and is punishable by fine or imprisonment of up to 20 years or both.¹⁸²

The new criminal code provisions enacted as a result of the passage of the TVPA also criminalize conduct relating to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor.¹⁸³ Under this section:

"whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person in furtherance of any of the crimes related to peonage and slavery or in order to prevent or restrict (or attempt to) liberty to move or travel of a victim of severe

¹⁷⁴ TVPA, *supra* note 6, § 112.

¹⁷⁵ TVPA, *supra* note 6, § 112.

¹⁷⁶ TVPA, *supra* note 6, § 112.

¹⁷⁷ 18 U.S.C. § 1592 (2003). By contrast, the TVPA does not entitle the victim of trafficking to the right to compensation for damages. The TVPA empowers a criminal court to order restitution, but it does not provide victims with the right to file a private civil action for damages, thereby denying them the right to punitive damages. Other legal systems do offer punitive damages to victims of trafficking. *See* Mattar Statement, *supra* note 56, at 16.

¹⁷⁸ 18 U.S.C. § 1590 (2003).

¹⁷⁹ 18 U.S.C. Section 1589 (2003).

¹⁸⁰ 18 U.S.C. 1591 (2003).

¹⁸¹ Chris Tenorio interview, *supra* note 69.

¹⁸² Chris Tenorio interview, *supra* note 69.

¹⁸³ 18 U.S.C. 1592 (2003).

form of trafficking, in order to maintain their labor or services is subject to a fine or imprisonment of up to five years, or both".¹⁸⁴

Thus, in accordance with the provisions of the TVPA, trafficked persons are no longer explicitly excluded from prosecution simply for failure to possess required documents such as a visa.¹⁸⁵

The newly-enacted criminal code provision dealing with the confiscation of documents addresses one of the main methods of coercion used by modern-day traffickers.¹⁸⁶ When the trafficker confiscates the trafficked person's passport and visa, this sets up a serious impediment to the victim's escape from debt bondage and slavery.¹⁸⁷ Confiscation of documents strips the trafficked woman of her identity and makes her even more afraid of being caught by police or immigration officials and detained as an undocumented migrant and ultimately deported.¹⁸⁸

Therefore, as a result of the passage of new criminal law guidelines mandated by the TVPA, prosecutors may now charge traffickers with either trafficking, slavery, involuntary servitude or forced labor, depending on which is easier to prove.¹⁸⁹ The punishment, benefits, and protections are now the same for each of these offenses as they are for trafficked persons under the TVPA.¹⁹⁰

¹⁸⁴ 18 U.S.C. 1592 (2003).

¹⁸⁵ TVPA, *supra* note 6, § 112; 18 U.S.C. 1592(2003)

¹⁸⁶ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 118.

¹⁸⁷ Tiefenbrun, *Saga of Susannah* *supra* note 4, at 118.

¹⁸⁸ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 118.

¹⁸⁹ Chris Tenorio interview, *supra* note 69.

¹⁹⁰ TVPA, *supra* note 6, § 112.

2. DOJ Increases Number of Prosecutions and Investigations

Since the introduction of the new and amended trafficking criminal provisions after the year 2000, there has been an increase in the number of prosecutions of traffickers. Before 2000, very few traffickers were prosecuted because of the difficulty to obtain proof, the expense and time of trial, the piecemeal nature of the U.S. criminal laws on trafficking and the reportedly overwhelming amount of paperwork required for the prosecution of traffickers.¹⁹¹

After the passage of the TVPA and from January 2001 through January 2003, the Department of Justice charged, convicted, or secured sentences against 92 traffickers in 21 cases.¹⁹² Sixty-five of those charged, convicted, or sentenced were for sex trafficking offenses in 14 separate cases.¹⁹³

As of December 18, 2002, the Department of Justice reported having 125 open trafficking investigations, a number twice that of the previous year.¹⁹⁴ Moreover, the Department of Justice also reported to have prosecuted 33 traffickers under the criminal statutes created pursuant to the TVPA mandate.¹⁹⁵ Of those 33, 19 were for sexual exploitation.¹⁹⁶ Therefore, in the years 2001 and 2002, the Department of Justice more than doubled the number of its prosecutions and convictions to 34.¹⁹⁷

According to a U.S. Attorney interviewed in San Diego, since the passage of the TVPA it has become significantly easier for prosecutors to pursue a sex trafficking case by applying the TVPA and the new criminal statutes implemented as a result of the TVPA, rather than apply several different criminal law statutes, as was done in the past. The crime of sex trafficking, as defined in the TVPA, requires fewer elements to prove than forced labor or peonage or involuntary servitude.¹⁹⁸ For example, instead of having to prove deception, coercion or abuse of a position of vulnerability, the crime of sex trafficking as defined in the TVPA requires only proof of “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”¹⁹⁹

¹⁹¹ Tiefenbrun, *The Sage of Susannah*, *supra* note 4, at X.

¹⁹² Ashcroft Remarks, at International Conference “Pathbreaking Strategies in the Global Fight Against Sex Trafficking,” February 23-26, 2003, at <http://www.state.gov/r/pa/prs/ps/2003/17631> pf. htm [hereinafter Ashcroft Remarks]

¹⁹³ Ashcroft Remarks, *supra* note 192, at 1.

¹⁹⁴ Ashcroft Remarks, *supra* note 193, at 1.

¹⁹⁵ Ashcroft Remarks, *supra* note 193, at 1.

¹⁹⁶ Ashcroft Remarks, *supra* note 193, at 1.

¹⁹⁷ *Dobriansky Conference Remarks*, *supra* note 150, at 5.

¹⁹⁸ Chris Tenorio Interview *supra* note 69; *See also*, Tiefenbrun, *Saga of Susannah*, *supra* note 4, at 166.

¹⁹⁹ TVPA, *supra* note 6, § 103(9).

Thus, as a result of the establishment of new and amended criminal statutes and regulations pursuant to the mandates of the TVPA, there has been an increase in the number of sex trafficking prosecutions in the United States since 2000. Despite the time consuming and labor-intensive nature of these cases requiring the full-time dedication of many attorneys and investigators, the Department of Justice prosecuted 33 defendants in 2001, four times as many as in the year before.²⁰⁰ The Department of Justice opened investigations into 64 allegations of trafficking in 2001.²⁰¹ As of May 2002, the Department of Justice had 111 open investigations, representing a 50% increase over the number of open investigations of trafficking the agency had a year before and more than a three-fold increase since the establishment of the Trafficking in Persons and Worker Exploitation Task Force toll-free complaint line in February 2001, pursuant to the mandates of the TVPA.²⁰²

Several of the recently tried criminal cases involving trafficking do not apply the TVPA. This is because the TVPA was passed in 2000 and its criminal law provisions do not apply retroactively. Thus, only three of the Department of State's recent indictments (*United States v. Kil Soo Lee*²⁰³; *United States v. Virchenko*²⁰⁴ and *United States v. Sarker*)²⁰⁵ include charges under the new criminal statutes.²⁰⁶ But many of the 111 open investigations include allegations that may lead to indictments under the TVPA in the future.²⁰⁷

3. DOJ Intelligence Sharing and the Migrant Smuggling and Trafficking in Persons Coordination Center

In June, 2002, the Department of Justice created and opened the Migrant Smuggling and Trafficking in Persons Coordination Center, located in the Civil Rights Division of the Department of State, for the purpose of intelligence sharing.²⁰⁸ This aim of this agency is to work with the Department of State, the CIA, the National Security Agency, the Coast Guard, the Immigration and Naturalization Service, the FBI and others in order to convert intelligence

²⁰⁰ *Implementation Overview, supra* note 162, at 3.

²⁰¹ *Implementation Overview, supra* note 162, at 3.

²⁰² *Implementation Overview, supra* note 162, at 3.

²⁰³ Cite case.

²⁰⁴ Cite case.

²⁰⁵ Cite case.

²⁰⁶ *See infra* text accompanying footnotes to , discussing the amended criminal statutes pursuant to the TVPA; *see Implementation Overview, supra* note 162, at 3.

²⁰⁷ *Implementation Overview, supra* note 162, at 3.

²⁰⁸ *Implementation Overview, supra* note 162, at 3.

information about trafficking in persons and alien smuggling activity into effective law enforcement.²⁰⁹

4. DOJ Creation of The Trafficking in Persons and Worker Exploitation Task Force

Pursuant to the mandates of the TVPA, the Department of Justice created the Trafficking in Persons and Worker Exploitation Task Force that coordinates the investigation and prosecution of trafficking practices as well as the protection of trafficking victims.²¹⁰ In March 2001, Attorney General Ashcroft announced that there would be permanent funding of the toll-free hotline for the Department of Justice's Trafficking in Persons and Worker Exploitation Task Force.²¹¹

In 2002, the Department of Justice devoted particular attention to developing regional task forces to prosecute trafficking cases.²¹²

5. DOJ Outreach Efforts

After the enactment of the TVPA, Attorney General Ashcroft announced the creation of community outreach programs to work with local community groups, victims' rights organizations, immigrants' rights organizations, shelters, and other interested groups affected by sex trafficking.²¹³

6. DOJ Roundtables with NGOs and Law Enforcement Groups, Public Presentations on Trafficking

In January 2002, the Department of Justice held a meeting with 35 NGOs to inform them about the T-visa and its availability for trafficked persons.²¹⁴

In order to increase public awareness of the seriousness of the crime of sex trafficking, the Department of State plans to continue and expand its public presentations on trafficking including annual meetings of law enforcement groups, victim service organizations, immigrant advocacy groups, public health professionals, and others at community-level meetings in places around the United States.²¹⁵

²⁰⁹ *Implementation Overview, supra* note 162, at 3.

²¹⁰ *Implementation Overview, supra* note 162, at 3.

²¹¹ *Implementation Overview, supra* note 162, at 3.

²¹² *Implementation Overview, supra* note 162, at 3.

²¹³ *Implementation Overview, supra* note 162, at 4.

²¹⁴ *Implementation Overview, supra* note 162, at 4.

²¹⁵ *Implementation Overview, supra* note 162, at 4.

7. DOJ Training Federal Prosecutors and Law Enforcement.

The Department of State has set up an operative training center for federal prosecutors and agents at the Department of Justice's National Advocacy Center (NAC) in South Carolina, where it also trains federal victim-witness coordinators.²¹⁶ U.S. Attorneys were also trained there in 2001, and this training shall be continued for them in the future through a satellite television network broadcast.²¹⁷ The Department of Justice has made a concerted effort to offer training courses for Assistant U.S. Attorneys and federal agents under the Sect. 107© regulation (codified at 28 C.F.R part 1100), which imposes responsibilities on all Federal law enforcement personnel to identify victims of severe forms of human trafficking; to protect victims in custody; and to provide victims with access to information and translation services.²¹⁸

8. DOJ Training for and by INS Personnel

When determining eligibility for a T-visa provided by the TVPA, immigration services personnel have been trained to interpret the T-visa guidelines broadly.²¹⁹ If a person is in danger of being deported and if there is a question about whether the person has been actually trafficked, the immigration officials are now authorized to use mechanisms available to them to delay deportation until the person's trafficking status can be determined.²²⁰ Methods of deportation delay that may be used include parole, deferred action, and stays of removal.²²¹

In January 2002, the INS, together with the Civil Rights Division and the Office for Victims of Crime (OVC), conducted training on the adjudication of T-visa applications at its Vermont Service Center.²²² The INS also trained new Border Patrol agents, district counsels, new attorneys and advanced attorneys, and asylum officers.²²³ Through its Internet and Intranet websites, the INS has provided employees and the public with information, forms, and procedural guidance related to the provisions of the TVPA.²²⁴

9. DOJ Training and Assistance to Violence Against Women Office (VAWO)As a result of the passage of the TVPA, the technical assistance provider for each of the VAWO grant

²¹⁶ *Implementation Overview, supra* note 162, at 4.

²¹⁷ *Implementation Overview, supra* note 162, at 4.

²¹⁸ *Implementation Overview, supra* note 162, at 4-5.

²¹⁹ *Advisory Letter, supra* note 93, at 1.

²²⁰ *Advisory Letter, supra* note 93, at 1.

²²¹ *Advisory Letter, supra* note 93, at 1.

²²² *Implementation Overview, supra* note 162, at 5.

²²³ *Implementation Overview, supra* note 162, at 5.

²²⁴ *Implementation Overview, supra* note 162, at 5. *See*

<http://www.ins.usdoj.gov/graphics.lawenfor/interiorenf/antitraf.htm>)

programs has conducted several “technical assistance institutes” each year in order to provide VAWO grantees and sub-grantees with the opportunity to receive training and support.²²⁵ The plan is to use these institutes to inform grantees about the TVPA and its resources.

10. DOJ Training of Local Law Enforcement on Youth Exploitation

In 2002, The Child Exploitation and Obscenity Section of the Criminal Division (CEOS) reported its intent to collaborate with police departments and Federal law enforcement to provide training on the trafficking of American youth for exploitation.²²⁶ As an example of the implementation of this plan, CEOS scheduled programs through the Dallas Children’s Advocacy Center and Police Department’s annual program and the Children’s National Advocacy Center program in Huntsville, Alabama.²²⁷

11. DOJ Development of Training Modules

CEOS and the Civil Rights Division developed training modules to highlight the link between trafficking in persons cases and organized crime, money laundering, and other crimes.²²⁸

12. DOJ Issuance of T Nonimmigrant Status (“T-visa”) Regulation and Issuance of U Nonimmigrant Status Regulation (“U-VISA”)

An interim regulation, which went into effect on March 4, 2002, sets forth the essential elements that must be demonstrated by a victim of severe forms of trafficking in order to be eligible for classification as a T-visa nonimmigrant alien. This regulation stipulates the procedures to be followed by applicants, and it provides evidentiary guidance to assist victims in the application process.²²⁹ The number of T-visas issuable is capped at 5000, but there is a waiting list.

It is important to note that due to the delay in promulgating interim regulations for T-visas, only 23 T-visas were actually made available to victims of trafficking between October 2000 and March 2002.²³⁰ But by 2003, 150 T-visas were being processed.

²²⁵ *Implementation Overview, supra* note 162, at 5.

²²⁶ *Implementation Overview, supra* note 162, at 5.

²²⁷ *Implementation Overview, supra* note 162, at 5.

²²⁸ *Implementation Overview, supra* note 162, at 5. See Victor Bout’s *Arms and the Man* in N.Y. TIMES MAGAZINE, Aug. 17, 2003, at 28 for an interesting article on the relationship of sex trafficking to other trafficking in guns and drugs.

²²⁹ *Implementation Overview, supra* note 162, at 7. See 67 Fed. Reg. 4783 (January 31, 2002).

²³⁰ *Ashcroft Remarks, supra* note 193, at 2.

The Department of Justice will issue a rule on the U-nonimmigrant status pursuant to the Violence Against Women Act of 2000, reinstated by the TVPA. The U-visa provides temporary status for individuals who are not U.S. citizens or lawful permanent residents but who are victims of trafficking committed against them in the United States.²³¹ Ten thousand of these U-visas will be available annually.

13. DOJ Issuance of a Regulation Providing for the Protection and Assistance of Victims of Severe Forms of Trafficking.

The Department of Justice and The Department of State jointly issued a regulation implementing Section 107© of the TVPA, which provides authority for the INS to arrange for “continued presence” to allow trafficking victims to remain in the United States while law enforcement is investigating or prosecuting trafficking crimes.²³²

14. DOJ Witness Protection Measures in the United States

The TVPA authorizes the establishment of witness protection measures to supplement the already existing Federal Witness Security Program, which is not sufficient to protect trafficking victims and their families back home. Under the Federal Witness Security Program, fully comprehensive witness protection measures are available to witnesses testifying in relation to trafficking, forced labor, slavery, involuntary servitude, and unlawful confiscation of documents.²³³ Witness protection measures specified under United States Federal law include the right to a change of identity, housing, transport costs, financial assistance, and assistance to find employment and “other services necessary to assist the person in becoming self-sustaining.”²³⁴ Federal law states that the immediate family of the witnesses may be protected and relocated if “endangered on account of the participation of the witness in judicial proceedings.”²³⁵

In several trafficking cases, family members of trafficked persons (spouse, children and siblings) have been provided residence in the United States in order to guarantee their safety.²³⁶ The victims in the case of a prominent San Francisco landlord, Lakireddy Bali Reddy,²³⁷ who

²³¹ *Implementation Overview, supra* note 162, at 8.

²³² *Implementation Overview, supra* note 162, at 8. *See* 66 Fed. Reg. 38514 (July 24, 2001).

²³³ TVPA, *supra* note 6, § 107.

²³⁴ 18 U.S.C. 3521(a)(1)(2002).

²³⁵ 18 U.S.C. 224, § 3521(a)(1)(2002).

²³⁶ *Cite United States v. Reddy.*

²³⁷ *cite Reddy Case.*

trafficked men, women, and children into sexual and other forms of forced labor over a decade, were provided permanent residence in the United States under the witness protection program.²³⁸

However, normally under the witness protection program, one needs to establish a 'real' threat to trafficked persons, and that kind of evidence is difficult to prove.²³⁹ As one service provider to trafficked women noted, "the witness protection program is premised on the notion of blending into the community – something that is not possible when the people needing protection do not speak the language and cannot immediately function on their own as the witness protection program requires."²⁴⁰ Thus, the Federal Witness Security Program is not always suitable for trafficked persons.

Because of the secretive nature of sex trafficking, the ability to prosecute traffickers is limited without the victim's assistance in the prosecution of the perpetrator. In order to encourage victim cooperation, the TVPA mandates the promulgation of regulations that seek to protect victims from intimidation, threats, and reprisals from their traffickers while also providing medical care and other assistance.²⁴¹ The most important aspect of this protection is the T-visa, which provides permanent residence in the United States.

Prior to the enactment of the TVPA, various temporary residence measures, such as 'parole in', 'deferred action', or receipt of an 'S- visa' post-trial,²⁴² were available to allow trafficked persons who assist in the prosecution of traffickers to actually remain in the United States.²⁴³ However, these measures did not ensure that trafficked persons could also work or acquire services and support, which they can now receive under the TVPA.²⁴⁴ Before the passage of the TVPA, very few trafficked women would agree to assist in the prosecution of their traffickers because of the general fear of reprisals and the generally perceived inadequacy of witness protection programs. Since 2000, more victims have agreed to assist in the prosecution of perpetrators due to the protections and benefits offered in the TVPA, and the increase in investigations, prosecutions and convictions since 2000 is proof of the TVPA's effectiveness.

15. DOJ Monetary Grants

In 2002, pursuant to the mandates of the TVPA, the Departments of Commerce-Justice-State Appropriations Act appropriated \$10 million to fund a grant program for the NGO victim

²³⁸ Reddy Case

²³⁹ DOJ Anti-Slavery Interview, *supra* note 87.

²⁴⁰ DOJ Anti-Slavery Interview, *supra* note 87.

²⁴¹ TVPA, *supra* note 6, § 107(c)(1).

²⁴² TVPA, *supra* note 6, Section 107 ©(1).

²⁴³ DOJ Anti-Slavery Interview, *supra* note 87.

²⁴⁴ DOJ Anti-Slavery Interview, *supra* note 87.

service organizations to develop, expand, or strengthen service programs for victims of trafficking.²⁴⁵

In 2003, the United States Office for Victims of Crime awarded \$9.5 million in grants to trafficking victim service providers.²⁴⁶

16. Interagency Trafficking in Persons Brochures

In order to educate women about the dangers of trafficking, the Departments of Justice and State have developed two brochures on trafficking in persons, one for law enforcement officials to provide trafficking victims and the other for NGOs to use for informational purposes.²⁴⁷

C. DEPARTMENT OF LABOR (DOL) TVPA DOMESTIC IMPLEMENTATION MEASURE

1.DOL Prosecutions and Investigations

The Department of Labor has coordinated with the Department of Justice on investigations of egregious workplace conditions,²⁴⁸ including sex trafficking in brothels. Some of the cases in which the Department of Labor's Wage and Hour Division and the Solicitor of Labor's Office have assisted the Department of Justice involve prosecutions under forced labor, slavery, and debt bondage, if not sex trafficking per se.²⁴⁹

2. DOL Assistance with Interagency Trafficking Informational Brochure

The Department of Labor's Women's Bureau helped in the interagency effort to produce an informational brochure for trafficking in women entitled "Trafficking in Persons: A Guide for Nongovernmental Organizations."

The Department of Health and Human Services Office of Refugee Resettlement ("ORR") also participated in this interagency effort to prepare the brochure in an effort at educating women about trafficking.²⁵⁰

²⁴⁵ *Implementation Overview, supra* note 162, at 8.

²⁴⁶ Ashcroft remarks, *supra* note 193, at 2.

²⁴⁷ *Implementation Overview, supra* note 162, at 8.

²⁴⁸ *Implementation Overview, supra* note 162, at 9.

²⁴⁹ The first criminal prosecution under the TVPA was the prosecution of the owner of a garment sweatshop in American Samoa, and the Department of Labor assisted the Department of Justice in this case. Other cases in which the Department of Labor have assisted similarly do not involve sex trafficking per se but involve slavery, debt bondage, and immigration violations. *See Implementation Overview, supra* note 162, at 9-10.

²⁵⁰ *Implementation Overview, supra* note 162, at 10.

3. DOL Outreach Efforts, Certification Process, Eligibility Letters, and Services to Victims

ORR staff members have facilitated training of INS officials and given presentations to about 2,000 people since March 2001,²⁵¹ focusing on the problem of trafficking, the background of the TVPA, the roles and responsibilities of the Health and Human Services Certification Process and the benefits and services available to certified or eligible trafficking victims.²⁵²

In May, 2001 ORR issued guidance to benefit-granting agencies, State Refugee Coordinators, and NGOs explaining the requirements for certification and the documentation and eligibility procedures.²⁵³ In 2001, ORR issued 232 certification letters to adults and 14 eligibility letters to minors under the age of 18. Of those victims who were issued certification and eligibility letters, 91 applied for assistance in 2001.²⁵⁴

In 2001, ORR awarded over \$1.25 million to eight organizations throughout the United States in order to provide NGOs with the financial resources to assist trafficking victims with the following services: case management, temporary housing, special mental health needs such as trauma counseling, legal assistance referrals and cultural orientation.²⁵⁵

4. DOL Issuance of Work Permits and Other Benefits to Victims as Refugees

Trafficking victims in the United States have been aided by the new immigration guidelines passed since the enactment of the TVPA. For example, once the victims have been determined to be eligible for a T-visa, they may be given authorization to work in the United States.²⁵⁶ As part of the work authorization benefit provided to T-visa qualifiers, the Department of Labor has provided on-the-job-training and other services such as job search assistance, career counseling, occupational skills training, and other services that may be of significant value to trafficking victims.²⁵⁷

Since the passage of the TVPA, Health and Human Services has provided \$8.4 million in grants to 37 non-profit organizations that provide community education, outreach, and direct assistance to victims of trafficking.²⁵⁸

²⁵¹ *Implementation Overview, supra* note 162, at 10.

²⁵² *Implementation Overview, supra* note 162, at 10.

²⁵³ *Implementation Overview, supra* note 162, at 10.

²⁵⁴ *Implementation Overview, supra* note 162, at 11.

²⁵⁵ *Implementation Overview, supra* note 162, at 11.

²⁵⁶ TVPA, *supra* note 6, § 107(b).

²⁵⁷ *Implementation Overview, supra* note 162.

²⁵⁸ *Implementation Overview, supra* note 162.

In addition, Health and Human Services has undertaken a public awareness campaign in the United States to inform victims of trafficking and those who might encounter a victim of trafficking of available Federal and state programs to assist victims. HHS will also be initiating a hotline for persons seeking information on how victims can obtain support services.²⁵⁹

D. IMMIGRATION AND NATURALIZATION SERVICE (INS) DOMESTIC TVPA IMPLEMENTATION MEASURES.

1. Increased Benefits and Services, T-Visas, Continued Presence Requests, and Certification Letters

Since 2000, the INS has assisted approximately 300 victims in getting access to immigration benefits.²⁶⁰ Also since 2000, the INS has granted 300 "continued presence" requests. Since 2001, the date the T-visa was actually implemented, the INS has been able to grant 23 T-visas to victims in need.²⁶¹ But in 2003 the INS is processing 150 T-visa applications.²⁶²

Since 2000, the Department of Health and Human Services has certified 392 victims of severe forms of trafficking, enabling them to receive a wide range of services to help them recover and gain self-sufficiency.²⁶³

E. USAID INTERAGENCY WORK IN WASHINGTON

USAID's Office of Women in Development coordinated its anti-trafficking efforts and provided financial support within Washington interagency mechanisms. All USAID regional bureaus are supporting efforts to combat trafficking in their regions.²⁶⁴

Thus, despite the delay in enacting regulations to enforce amended and new criminal statutes and other mandates, the TVPA has had a considerable impact in the United States. The TVPA is the direct cause of the enactment of amended criminal statutes and regulations, as well as new criminal statutes to streamline the investigation, prosecution, and sentencing of traffickers. The TVPA has resulted in a steady increase in the number of investigations, prosecutions and convictions of traffickers. In 2001 the Department of Justice prosecuted 33 trafficking defendants, four times as many as in the prior year, and as of May 2002, the Department of Justice had 111 open trafficking investigations, a 50 % increase over the prior

²⁵⁹ *Implementation Hearing, supra* note 31, at 27.

²⁶⁰ Ashcroft Remarks, *supra* note 193, at 2.

²⁶¹ *Ashcroft Remarks supra* note 193, at 2.

²⁶² *Ashcroft Remarks supra* note 193, at 2.

²⁶³ TVPA, *supra* note 6, § 107(e).

²⁶⁴ *Implementation Overview, supra* note 162, at 12.

year. However, only three of the cases tried in 2002 were under the TVPA. Moreover, given the number of trafficked women in the United States each year (50,000), the prosecution of 33 defendants seems woefully low to achieve the goal of deterrence or eradication of the crime of sex trafficking. The TVPA has resulted in the training and sensitization of government personnel, Federal prosecutors, law enforcement personnel, and immigration officials in order to increase their awareness of issues specifically affecting sexually trafficked women to whom they have provided enhanced benefits and services, including the possibility of permanent residence in the United States and work permits. The TVPA has resulted in the issuance of 392 certification letters since 2000, which is the required preliminary step to obtaining a T-visa. Since 2000, the INS has granted 300 “continued presence” requests, other immigration benefits, and is reportedly processing 150 T-visas in 2003. The TVPA has also resulted in the implementation of many significant outreach programs, in cooperation with NGOs and law enforcement groups, to assist victims of sex trafficking in their transition to self-sufficiency.

IV. INTERNATIONAL IMPACT OF TVPA

Sex trafficking is an international crime that requires an international solution. Rising unemployment, poverty, and a weakened social structure in war torn countries have caused women and children in developing and transition nations to become vulnerable to trafficking.²⁶⁵ The United States realizes that it cannot simply combat trafficking domestically.²⁶⁶ Therefore, the traffic of women for sexual exploitation and slavery has become a significant U.S. foreign policy issue.²⁶⁷

In June 2002, the United States spent nearly \$50 million on anti-trafficking programs in more than 50 countries and has urged many more countries to join in this effort.²⁶⁸ Is this money being put to good use and has the TVPA had any impact internationally to cause other nations to pass adequate trafficking laws, or to enforce these or existing trafficking laws, or to implement benefits and services to victims of sex trafficking? To measure the international impact of the TVPA, this Article will look at the international implementation measures of the Department of State, the Department of Justice, the Department of Labor, USAID, and measures taken by foreign countries to combat trafficking, such as the enactment of new trafficking legislation in imitation of the TVPA.

²⁶⁵ Tiefenbrun, *Saga of Susannah*, *supra* note 4, at???

²⁶⁶ TVPA, *supra* note 6, § 102(24).

²⁶⁷ See e.g., TVPA, *supra* note 6, §§ 105 and 107.

²⁶⁸ *Dobriansky Conference Remarks*, *supra* note 150, at 1.

A. INTERNATIONAL TVPA IMPLEMENTATION MEASURES BY THE DEPARTMENT OF STATE (DOS)

1. DOS Trafficking in Persons Reports.

The TIP Reports are an excellent source to determine the international impact of the TVPA. They are published annually by the Department of State and reflect the result of much research and data supplied by many different sources in a large number of countries all over the world. For example, the 2003 TIP report listed 15 countries as Tier 3 countries.²⁶⁹ Those countries include Belize, Bosnia & Herzegovina, Burma, Cuba, Dominican Republic, Georgia, Greece, Haiti, Kazakhstan, Liberia, North Korea, Sudan, Suriname, Turkey, and Uzbekistan.²⁷⁰ Of those 15 countries, only six have remained in Tier 3 since the issuance of the first TIP Report in 2001.²⁷¹ Those 6 countries are Bosnia & Herzegovina, Burma, Democratic Republic of Congo, Greece, Kazakhstan, and Turkey.²⁷² Some countries on Tier 3 of the 2003 TIP Report have appeared there for the first time because the State Department was unable earlier to gather reliable data on the trafficking problems and legal measures taken to combat trafficking in those countries.²⁷³

The TIP Reports have become an invaluable tool in United States bilateral dialogues on trafficking.²⁷⁴ Many countries named in the 2001 TIP Report reacted for the first time with a high degree of interest, awareness, and action when the Report was released and published.²⁷⁵ Countries finding themselves in Tier 2 or Tier 3 were prompted to engage for the first time with the U.S. government in programs to reduce trafficking.²⁷⁶ Countries ranked as Tier 2 countries naturally seek to strengthen their country's anti-trafficking image in order to avoid the risk of falling into Tier 3,²⁷⁷ which would make them eligible for economic sanctions in October 2003. Many of the Tier 3 countries have asked for U.S. government assistance to remove their country from Tier 3 status.²⁷⁸

Thus, the TIP Reports are more than simply a Department of State assessment of crime statistics. The TIP Reports have gained credibility because the State Department has chosen to

²⁶⁹ 2003 TIP Report, *supra* note 8, at 21.

²⁷⁰ 2003 TIP Report, *supra* note 8, at 21.

²⁷¹ 2001 TIP Report, *supra* note 8, at 12, available at <http://www.state.gov/documents/organization/10815.pdf>; *See also*, 2003 TIP Report, *supra* note 8, at 21.

²⁷² Kazakhstan moved to Tier 2 in the 2001 TIP Report, but returned to Tier 3 in 2003. *See* 2001 TIP Report, *supra* note 8.

²⁷³ *Trafficking in Persons Report Summary: Bureau of Public Affairs*, June 2003.

²⁷⁴ *Foreign Relations Hearing*, *supra* note 92.

²⁷⁵ *Foreign Relations Hearing*, *supra* note 92.

²⁷⁶ *Foreign Relations Hearing*, *supra* note 92.

²⁷⁷ *Implementation Hearing*, *supra* note 11, at 59. (Dobriansky statement)

²⁷⁸ *Implementation Hearing*, *supra* note 11, at 17. (Dobriansky statement)

omit countries from the Report where available information was incomplete or unable to be verified.²⁷⁹ Thus, the State Department TIP Reports have come to be seen by other nations as a tool to aid them in combating trafficking rather than a condemnation of individual countries.²⁸⁰

In July 2001, the Department of State published the first annual TIP Report presenting data assessing the efforts of governments of 82 countries found to have a significant number of cases of “severe forms of trafficking.”²⁸¹ It was determined that after the release of the first annual TIP Report in 2001, a number of governments that were listed immediately took steps to prevent trafficking, prosecute traffickers,²⁸² and protect victims.²⁸³ The 2001 TIP Report and a statement by the Department of State provide statistically significant data to support the hypothesis that the TVPA has had an international impact on some countries engaged in trafficking.

2. DOS Anti-Trafficking Programs Abroad.

The Department of State working in coordination with USAID and the US Department of Labor has implemented 90 anti-trafficking programs in over 30 countries. These programs free trafficking victims from slavery-like conditions, assist countries in the elimination of trafficking within their borders, promote regional and bilateral cooperation for the eradication of trafficking and for the establishment of support service and voluntary organizations.²⁸⁴ Worldwide programs set up by the U.S. Department of State pursuant to the TVPA mandates include centers for rehabilitation and work training, special housing shelters, law enforcement training programs, legal reform assistance, information and awareness campaigns, voluntary repatriation for displaced victims, and training for immigration officials, medical personnel and social workers regarding the treatment of sex trafficked victims.²⁸⁵

3. DOS and United Nations Protocol.

In an attempt to encourage bilateral and multilateral cooperation with the provisions of the TVPA and with U.S. interest in eradicating global sex trafficking, the U.S. Department of State took a lead role in negotiating the United Nations Protocol to Prevent, Suppress and Punish

²⁷⁹ 2003 TIP Report, *supra* note 4, at 4.

²⁸⁰ *Implementation Hearing*, *supra* note 11, at 61. (Dobriansky statement)

²⁸¹ 2001 TIP Report, *supra* note 8, at 2.

²⁸² 2001 TIP Report, *supra* note 8, at 2.

²⁸³ 2001 TIP Report, *supra* note 8, at 2.

²⁸⁴ 2001 TIP Report, *supra* note 8, at 2.

²⁸⁵ 2001 TIP Report, *supra* note 8, at 2.

Trafficking in Persons, supplementing the Convention Against Transnational Organized Crime.²⁸⁶

4. DOS Human Rights Reports.

The Department of State has continued to expand its reporting on trafficking in persons in the 2001 Country Reports on Human Rights Practices.²⁸⁷ These reports are produced by the U.S. Bureau of Democracy, Human Rights and Labor. The 2001 Report contained valuable information on all forms of trafficking in persons, conditions into which victims are trafficked, and efforts to assist victims and protect their rights.²⁸⁸

5. DOS Trafficking Brochure.

The Department of State created an informational brochure targeted to inform potential victims abroad of trafficking. It is entitled “Be Smart, Be Safe.”²⁸⁹ The brochure is currently available at 27 U.S. embassies in 24 different languages.²⁹⁰

B. INTERNATIONAL TVPA IMPLEMENTATION MEASURES BY THE DEPARTMENT OF JUSTICE (DOJ)

1. DOJ Overseas Activities.

Several agencies of the United States government have assisted governments overseas in trafficking cases. For example, the FBI provides personnel to work on trafficking in persons cases, notably in Romania, Albania and Bulgaria through the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Transborder Crime.²⁹¹ The Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) has worked with various Department of Justice components and with the Department of State to give expertise and assistance in training prosecutors, investigators and judges overseas in order to eliminate trafficking.²⁹²

²⁸⁶ 2001 TIP Report, *supra* note 8, at 2.

²⁸⁷ 2001 TIP Report, *supra* note 8, at 2.

²⁸⁸ 2001 TIP Report, *supra* note 8, at 2.

²⁸⁹ 2001 TIP Report, *supra* note 8, at 2. *See infra* text accompanying footnotes , to for discussion of contents of brochure.

²⁹⁰ *Implementation Overview*, *supra* note 162, at 2.

²⁹¹ 2001 TIP Report, *supra* note 8, at 5.

²⁹² 2001 TIP Report, *supra* note 8, at 5.

2. DOJ Overseas Activities of the FBI.

The FBI has worked with the Department of State through SECI to create and strengthen civil structures and to build respect for the rule of law in southeastern Europe²⁹³ where there is a high incidence of trafficking. In Bucharest, for example, the FBI has worked on developing a proposal for a regional agreement on witness protection. In Romania, the FBI has taken down four significant trafficking organizations by means of a Special Agent who works with the Romanian government.²⁹⁴ Special agents of the FBI have also been assigned to Tirana, Albania, and Sofia, Bulgaria,²⁹⁵ where trafficking of women is a serious problem.

3. DOJ Overseas Activities of the Office of Overseas Prosecutorial Development (OPDAT).

The Criminal Division of the Department of Justice has worked with OPDAT to provide technical assistance programs and to establish anti-trafficking in persons task forces in Bulgaria, Romania, Bosnia, Albania, and Kosovo.²⁹⁶ In January and February 2002, OPDAT conducted an assessment of trafficking in persons in Kazakhstan and Uzbekistan. As a result of the assessment, OPDAT provided regional anti-trafficking seminars in five Central Asian republics.²⁹⁷ In January and February 2002, OPDAT also presented roundtables in Yerevan, Armenia, and provided assistance to an established anti-trafficking working group in Chisinau, Moldova,²⁹⁸ where sex trafficking of women is widespread. OPDAT also coordinated two programs on child exploitation in Asia and the Pacific, one in India held in March 2002 and one in Sri Lanka in May 2002.²⁹⁹

4. DOJ Criminal Division (CEOS) Overseas Activities.

In December 2001 the Criminal Division of the Department of Justice led an eight-person U.S. delegation to the Second World Congress on Commercial Sexual Exploitation of Children (CSEC).³⁰⁰ There the U.S. delegation participated in workshops and meetings with representatives of other countries to discuss strategies on law enforcement, prosecution, and victim services.³⁰¹

²⁹³ 2001 TIP Report, *supra* note 8, at 5.

²⁹⁴ 2001 TIP Report, *supra* note 8, at 6.

²⁹⁵ 2001 TIP Report, *supra* note 8, at 6.

²⁹⁶ *Implementation Overview*, *supra* note 162, at 6.

²⁹⁷ *Implementation Overview*, *supra* note 162, at 6.

²⁹⁸ *Implementation Overview*, *supra* note 162, at 6.

²⁹⁹ *Implementation Overview*, *supra* note 162, at 6.

³⁰⁰ *Implementation Overview*, *supra* note 162, at 6.

³⁰¹ *Implementation Overview*, *supra* note 162, at 6.

Criminal Section attorneys have briefed many international visitors to the United States on the provisions of the TVPA.³⁰² CEOS plans to continue to provide training to foreign police and prosecutors in programs funded by the Department of State through OPDAT. These programs will stress the need for legal reforms that ensure adequate punishment of traffickers and protection of victims, as well as the benefits of a multi-agency approach to trafficking in persons and outreach to NGOs.³⁰³

5. DOJ Civil Rights Division's Criminal Section Overseas Activities.

The Civil Rights Division's Criminal Section has worked closely with OPDAT to provide expertise and assistance in training prosecutors, police and judges overseas in order to combat human trafficking³⁰⁴ that begins in those regions and spreads worldwide. U.S. attorneys of the Criminal Section have participated in assistance and training in Poland, Bosnia-Herzegovina, Bulgaria, Kosovo, Macedonia, Romania, Greece, Thailand, and some former Soviet republics including Ukraine, Kazakhstan, Uzbekistan, and Krygyzstan.³⁰⁵

6. INS Overseas Activities in Bangkok and Sarajevo.

The INS Bangkok office has worked jointly with NGOs and the Thai government to identify, deter, and disrupt trafficking organizations and assist victims.³⁰⁶ A workshop on trafficking, funded by the Department of State, was held at the International Law Enforcement Academy in 2002. The INS Overseas Enforcement Branch established a task force in Sarajevo in concert with SECI in Romania.³⁰⁷

7. DOJ Ongoing Research on Overseas Trafficking Activities.

³⁰² *Implementation Overview, supra* note 162, at 6.

³⁰³ *Implementation Overview, supra* note 162, at 6.

³⁰⁴ *Implementation Overview, supra* note 162, at 6.

³⁰⁵ *Implementation Overview, supra* note 162, at 6.

³⁰⁶ *Implementation Overview, supra* note 162, at 6.,

³⁰⁷ *Implementation Overview, supra* note 162, at 7.

The National Institute of Justice (NIJ), which is the research and development section of the Department of Justice, has provided grants to study certain areas of the world where trafficking in persons is occurring, including commercial sexual exploitation of children in the United States, Mexico and Canada; sex trafficking of women in three U.S. cities and the links between international and domestic sex industries; trafficking of women from Ukraine with a data base containing victim profiles of trafficked women and children; trafficking in persons in the United States; and the manner in which victim service providers cope with the demands of trafficked persons.³⁰⁸

8. DOJ Works with Congress to Amend Sex Tourism Statute (The Protect Act).

The Criminal Division of the Department of Justice worked with Congress to overhaul the Federal sex tourism statute in order to prosecute any American who goes abroad and attempts to or actually engages in statutory rape or sexual abuse of a child or who pays a minor to engage in sex.³⁰⁹ President Bush signed this bill into law on April 30, 2003. The Protect Act (Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003)³¹⁰ enables the Department of Justice to conduct undercover operations against American offenders engaging in illicit sexual activities overseas.³¹¹

C. INTERNATIONAL TVPA IMPLEMENTATION MEASURES OF THE DEPARTMENT OF LABOR (DOL).

1. DOL Cooperative Agreements with the International Research and Exchanges Board (IREX).

The Department of Labor's Bureau of International Labor Affairs (ILAB) has negotiated a \$1.2 million cooperative agreement with the NGO IREX, in order to conduct a two-year anti-trafficking project in Eastern Europe, that began in November 2001. The purpose of this program is to prevent the trafficking of women by creating economic alternatives for women at risk in seven major cities of Eastern Europe.³¹²

2. DOL Projects with the International Program on the Elimination of Child Labor.

³⁰⁸ *Implementation Overview, supra* note 162, at 7.

³⁰⁹ *Implementation Overview, supra* note 162, at 7.

³¹⁰ The Protect Act, Pub. Law 108-21, April 30, 2003, 117 Stat 650.

³¹¹ *Implementation Overview, supra* note 162, at 7.

³¹² *Implementation Overview, supra* note 162, at 9.

The Department of Labor Bureau of International Labor Affairs has supported projects through the International Labor Organization's International Program on the Elimination of Child Labor in order to address child trafficking in 17 countries in West and Central Africa, Southeast Asia, South Asia and South America. These projects aim to prevent trafficking of children and provide children who were already trafficked and forced to work in exploitative situations with rehabilitation services and educational opportunities.³¹³

3. DOL Office of Foreign Relations International Technical Assistance.

ILAB's has developed technical assistance projects like the program for "Improving Economic Opportunities and Social Safety Nets" and the program for "Protecting the Basic Rights of Workers" to combat trafficking in persons.³¹⁴ These programs have assisted developing countries in the establishment of basic labor protections so that workers in these countries can enjoy the standards, fundamental principles and rights that are relevant to trafficking, including the elimination of child labor, forced labor, and worker discrimination.³¹⁵

4. DOL Coordination with Department of Justice on Prosecutions and Investigations.

The Solicitor of Labor and Assistant Attorney General for Civil Rights have co-chaired the Trafficking in Persons and Worker Exploitation Task Force that investigates egregious workplace conditions overseas. For example, the Department of Labor assisted the Department of Justice's prosecution of the owner of a garment sweatshop in American Samoa, the first criminal prosecution under the TVPA.³¹⁶

D. U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) TVPA INTERNATIONAL IMPLEMENTATION MEASURES

1. USAID Protection of Trafficking Victims through Funding.

In 2001, USAID provided approximately \$6 million for direct anti-trafficking activities in 24 regions of the world through field missions, regional bureaus and the Office of Women in Development.³¹⁷ Approximately \$2.5 million was obligated for the former Soviet Union and

³¹³ *Implementation Overview, supra* note 162, at 9.

³¹⁴ *Implementation Overview, supra* note 162, at 9.

³¹⁵ *Implementation Overview, supra* note 162, at 9.

³¹⁶ *Implementation Overview, supra* note 162, at 9.

³¹⁷ *Implementation Hearing, supra* note 31, at 42.

Central Asia.³¹⁸ USAID fostered cooperation between NGOs and governments in Central Asia in order to eliminate trafficking. USAID also provided \$1.3 million to fund programs in Asia. In addition, USAID spent more than \$2 million on programs supporting assistance for trafficked children in Africa. USAID also funded programs for the examination of cross-border trafficking in Latin America and the Caribbean.³¹⁹

2. USAID Prevention of Trafficking Through Funding

USAID has offered financial assistance in order to prevent trafficking by supporting legislative reform and implementation to help countries meet minimum standards set forth in Department of State TIP Reports. USAID has focused special attention on funding countries that have high levels of severe forms of trafficking.³²⁰ For example, in Angola, Africa and in Liberia, USAID set up a partnership with a local NGOs to provide basic literacy and vocational training and rehabilitation to abused women and war wives including trafficked women.³²¹ USAID is continuing to do work in Nigeria, Ghana, Ivory Coast, Cameroon and Guinea.

USAID has funded a large regional anti-trafficking effort for South Asia managed by the United Nations Development Fund for Women (UNIFEM). USAID has focused on prevention and education in Bangladesh, India, Nepal, Pakistan and Sri Lanka.³²² In India, USAID has given grant support to policy planning processes within government agencies in order to implement the National Plan of Action, to strengthen the capacity building of NGOs providing services including legal skills, rehabilitation of children of sex workers through education, and piloting of community-based actions to combat trafficking.³²³

³¹⁸ *Implementation Hearing, supra note 31, at 42.*

³¹⁹ *Implementation Hearing, supra note 31, at 42.*

³²⁰ *Implementation Overview, supra note 162, at 11.*

³²¹ *Implementation Overview, supra note 162, at 11.*

³²² *Implementation Overview, supra note 162, at 11.*

³²³ *Implementation Overview, supra note 162, at 12.*

In Central Asia, USAID anti-trafficking activities have resulted in increased public awareness and services to victims through the International Organization for Migration.³²⁴

In Central Europe and the Former Soviet Union, USAID/Russia has developed information and education campaigns to report and prevent domestic violence and to provide support to women's crisis centers around the country.³²⁵ USAID/Ukraine's Trafficking Prevention Program has established seven regional centers offering vulnerable women job skills training, hot lines, crisis prevention, legal, psycho-social and medical referral services.³²⁶ Reportedly, more than 30,000 women have used these hotlines in the Ukraine. USAID also funded a docudrama in this region entitled "If I don't Return," which graphically depicts the dangers of trafficking. This docudrama was aired on national television in 2001 and re-broadcast on local television stations.³²⁷

In Central Europe, USAID made an assessment of the extent of trafficking, particularly in the Balkans, and has worked with donors to support women's shelters for victims of trafficking, to facilitate repatriation, and to provide regional forums on trafficking.³²⁸

In Latin American and the Caribbean, USAID has provided support to the Organization of American States and to the International Human Rights Law Institute of DePaul University College of Law,³²⁹ which has conducted a study and published an impressive report on the trafficking of women and children for sexual exploitation in the Americas.³³⁰

E. MEASURES TAKEN BY FOREIGN COUNTRIES TO COMBAT TRAFFICKING

³²⁴ *Implementation Overview, supra* note 162, at 12.

³²⁵ *Implementation Overview, supra* note 162, at 12.

³²⁶ *Implementation Overview, supra* note 162, at 12.

³²⁷ *Implementation Overview, supra* note 162, at 12.

³²⁸ *Implementation Overview, supra* note 162, at 12.

³²⁹ The International Human Rights Law Institute of DePaul University College of Law is directed by Professor Cherif Bassiouni under whose able leadership the U.S. has seen great strides made in the articulation and enactment of international criminal law.

³³⁰ *In Modern Bondage: Sex Trafficking in the Americas: Central America and the Caribbean* (International Human Rights Law Institute: DePaul University College of Law) (October 2002).

In June 2001, only eight months after the passage of the TVPA, the first 2001 TIP Report concluded that most governments were in fact taking steps to curb trafficking and to help the hundreds of thousands of men, women and children who are its victims.³³¹ While some countries have enacted legislation prohibiting trafficking, others still do not have a specific penal code provision criminalizing the act of trafficking itself.³³²

The 2001 TIP Report ranked twenty-three countries in Tier 3 which includes the most serious offenders of sex trafficking who do not fully comply with the minimum standards and who are not making significant efforts to bring themselves into compliance.³³³ These nations include the following: Albania, Bahrain, Belarus, Bosnia-Herzegovina, Burma, Democratic Republic of Congo, Gabon, Greece, Indonesia, Israel, Kazakhstan, Lebanon, Malaysia, Pakistan, Qatar, Romania, Russia, Saudi Arabia, South Korea, Sudan, Turkey, United Arab Emirates, and the Federal Republic of Yugoslavia.³³⁴ Of those 23 countries ranked in Tier 3, immediately after the publication of the 2001 TIP Report 12 countries began working on measures toward recognizing and addressing the seriousness of the crime of sex trafficking.³³⁵ The twelve countries include Albania, Bosnia and Herzegovina, Gabon, Greece, Indonesia, Israel, Malaysia, Romania, Russia, South Korea, Turkey, and Yugoslavia.³³⁶

³³¹ 2001 TIP Report, *supra* note 8, at 8-9.

³³² See, Foundation of Women's Forum, *Trafficking in Women for the Purpose of Sexual Exploitation: Mapping the Situation and Existing Organizations Working in Belarus, Russia, the Baltic and Nordic States* (August 1998) at *Existing Laws and Views on These*, at 14.

³³³ 2001 TIP Report, *supra* note 8, at 7.

³³⁴ 2001 TIP Report, *supra* note 8, at 12.

³³⁵ *Foreign Relations Hearing*, *supra* note 92.

³³⁶ *Foreign Relations Hearing*, *supra* note 92.*Id.*

While several of the countries in Tier 3 refused even to acknowledge that trafficking exists within their territory, other countries on Tier 3 have taken small steps toward being placed on Tier 2.³³⁷ In some Tier 3 countries in which rebel groups engage in trafficking and force children to become soldiers or laborers or to provide sexual services to rebels, the trafficking problem may be entirely beyond the government's control.³³⁸ Other Tier 3 countries, like Russia, have argued that the trafficking problem is beyond the purview of the Russian government because the victims leave Russia voluntarily for economic reasons and the violence and abuse of trafficking in women usually occurs outside Russia's borders, leaving little to prosecute within Russia, aside from fraud.³³⁹

The 2001 TIP Report places countries in Tier 1 if they fully comply with the law's minimum standards and have provided a wide range of protective services to victims, or sponsored or coordinated governmental prevention campaigns to eliminate trafficking.³⁴⁰ In some Tier 1 countries like Belgium, trafficking laws like the U.S. TVPA already existed in 2001 and the government consistently assists victims who agree to testify by providing them with temporary work authorization and even permanent residence in Belgium, upon completion of the trial.³⁴¹

In many of the Tier 2 countries, no trafficking legislation exists at all,³⁴² even though Constitutional provisions against human bondage exist without legislation to enforce them,³⁴³ or other criminal statutes and labor laws exist to help prosecute traffickers. In some Tier 2 countries like Bangladesh,³⁴⁴ anti trafficking legislation exists with penalties as severe as for rape, but rampant corruption among police, border and immigration officials severely undermines law enforcement efforts.³⁴⁵

³³⁷ 2001 TIP Report, *supra* note 8, at 7. Tier 2 countries in 2001 include: Angola, Bangladesh, Benin, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, China, Costa Rica, Cote d'Ivoire, Czech Republic, El Salvador, Ethiopia, France, Georgia, Ghana, Guatemala, Haiti, Honduras, Hungary, India, Japan, Kyrgyzstan, Laos, Lithuania, Macedonia, Mali, Mexico, Moldova, Morocco, Nepal, Nigeria, Philippines, Poland, Sierra Leone, Singapore, Slovenia, South Africa, Sri Lanka, Sweden, Thailand, Togo, Uganda, Ukraine, and Vietnam. *Id.* at 12.

³³⁸ 2001 TIP Report, *supra* note 8, at 7.

³³⁹ 2001 TIP Report, *supra* note 8, at 95.

³⁴⁰ 2001 TIP Report, *supra* note 8, at 7. Countries in Tier 1 include: Austria, Belgium, Canada, Colombia, Germany, Hong Kong, Italy, The Netherlands, Spain, Switzerland, Taiwan, and the United Kingdom. *Id.* at 12.

³⁴¹ 2001 TIP Report, *supra*, note 8, at 16.

³⁴² I.e. Benin, Burkina Faso, Bulgaria, Cote d'Ivoire, France, etc. 2001 TIP Report, *supra* note 8, at 31. et passim.

³⁴³ I.e. Angola, in 2001 TIP Report, *supra* note 8, at 29.

³⁴⁴ See also, Cambodia that passed a trafficking in persons statute with a penalty stiffer than those for rape and sexual assault, in 2001 TIP Report, *supra* note 8, at 35. China also has a trafficking law with sentences as severe as for rape. *Id.* at 37.

³⁴⁵ 2001 TIP Report, *supra* note 8, at 30.

Several countries have increased their efforts to combat trafficking since the issuance of the Department of State's 2001 TIP Report.³⁴⁶ South Korea, for example, moved from Tier 3 to Tier 1, after making extraordinary strides at the elimination of trafficking after the publication of the 2001 TIP Report.³⁴⁷ Similarly, Romania and Israel demonstrated a stronger and clearer commitment to implement a wide range of activities to combat trafficking, and both moved from Tier 3 to Tier 2 in 2001.³⁴⁸ Albania, Gabon, Kazakhstan, Malaysia Pakistan and Yugoslavia also moved from Tier 3 to Tier 2 in 2002³⁴⁹ because of the impact of the 2001 TIP Report in particular and the TVPA in general.

Several countries that were placed in Tier 2 in the 2001 TIP Report were placed in Tier 1 in the 2002 Report because they made significant efforts to fully comply with the minimum standards. These countries include the Czech Republic, France, Lithuania, Macedonia and Poland.³⁵⁰ Only a small number of countries dropped from Tier 2 in 2001 to Tier 3 in 2002 due to their disappointing efforts to comply with minimum standards.

Thus, these efforts made by foreign countries in 2001-2002 are a clear indication of the positive international impact of the TVPA towards the goal of deterrence of the serious crime of trafficking. In this Article we will now look at specific efforts made by individual countries to eradicate trafficking and sex slavery pursuant to the mandates and international cooperation authorized in the TVPA.

1. South Korea

³⁴⁶ 2002 TIP Report, *supra* note 8, at 12.

³⁴⁷ 2002 TIP Report, *supra* note 8, at 12.

³⁴⁸ 2002 TIP Report, *supra* note 8, at 12.

³⁴⁹ 2002 TIP Report, *supra* note 8, at 12.

³⁵⁰ 2002 TIP Report, *supra* note 8, at 12-13.

The TVPA's international impact can be seen most vividly in the measures taken since 2001 by the 12 countries listed in Tier 3 in the 2001 TIP Report. South Korea, for example, submitted an extensive report ("Current Status of Efforts to Eliminate Trafficking in Persons") to the United States in early October 2001 detailing various anti-trafficking initiatives it had taken in the areas of prosecution, protection, and prevention initiatives.³⁵¹ After submitting the report, the Republic of South Korea Foreign Ministry officials met several times with high-level U.S. government officials to convey their government's determination to improve its trafficking record.³⁵² For these reasons, South Korea jumped from Tier 3 to Tier 1 from June 2001 to April 2002.³⁵³

2. Romania

While not making the same dramatic improvements seen in South Korea, Romania did make substantial efforts to combat trafficking immediately following the publication of the 2001 TIP Report. One of the first measures undertaken by Romania was the adoption of a new law aimed at preventing and combating trafficking.³⁵⁴ The Romanian Anti-trafficking Law is modeled after the TVPA and clearly reflects the impact that the U.S. anti-trafficking law has had on foreign legislation. The Romanian government reported that the "U.S. trafficking statute served as a source of inspiration for their new law."³⁵⁵ In 2002, 150 people were convicted under various provisions of the new anti-trafficking law in Romania.³⁵⁶

The Romanian government has also followed the United States' lead in enlisting the help of non-government entities to aid victims of trafficking.³⁵⁷ For instance, the Romanian Orthodox Church was asked to help de-stigmatize victims.³⁵⁸ In its effort at the prevention of trafficking, the Romanian government has offered anti-trafficking courses for teachers and conducted mass media prevention campaigns.³⁵⁹ The Ministry of Interior also created a specialized unit devoted to trafficking, migration, and adoption. The Romanian government has drafted regulations for implementing the victim protection aspects of the anti-trafficking laws.³⁶⁰ These and other

³⁵¹ 2002 TIP Report, *supra* note 8, at 12-13..

³⁵² 2002 TIP Report, *supra* note 8, available at <http://www.state.gov/documents/organization/10815.pdf>.

³⁵³ 2002 TIP Report, *supra* note 8, at 92. (The end reporting date for the June 2002 report was April 2002).

³⁵⁴ 2002 TIP Report, *supra* note 8, at 87.

³⁵⁵ *Foreign Relations Hearing*, *supra* note 92.

³⁵⁶ 2003 TIP Report, *supra* note 84, at 125.

³⁵⁷ *Foreign Relations Hearing*, *supra* note 92.

³⁵⁸ *Foreign Relations Hearing*, *supra* note 92.

³⁵⁹ 2003 TIP Report, *supra* note 8, at 125.

³⁶⁰ 2003 TIP Report, *supra* note 8, at 125.

protection and prevention efforts made it possible for Romania to move from Tier 3 to Tier 2 in 2002.³⁶¹

3. Albania

Albania was listed as a Tier 3 country in 2001 and a Tier 2 country in 2002.³⁶² When Albania received its Tier 3 ranking in 2001, the government of Albania immediately started to coordinate with the U.S. embassy in Albania to create and enact a comprehensive National Action Plan.³⁶³ The U.S. officials helped to create the Albanian National Action Plan that in June 2003 was in its second phase of implementation,³⁶⁴ and which resulted in increased arrests and convictions of traffickers.³⁶⁵

Albania has made efforts to fashion its governmental response to trafficking after the United States model that includes protection of the victim and coordination of law enforcement and victim resources. Albania appointed a Minister of State to serve as Albania's anti-trafficking coordinator.³⁶⁶ The Albanian police no longer treat victims as criminals and, instead, routinely refer victims to NGOs and international organization shelters.³⁶⁷ In 2002, the country sent 144 trafficking cases to trial and 17 people were convicted of trafficking crimes.³⁶⁸ Finally, the Albanian Ministry of Education participated with NGOs to train teachers and to produce and disseminate information in schools on the dangers and mechanics of human trafficking.³⁶⁹ These few but valuable statistics³⁷⁰ obtained in the 2003 TIP Report on the increase in Albanian governmental efforts and on the number of criminal arrests, prosecutions and convictions in Albania that have increased since the TVPA was passed are clear evidence to support the hypothesis that the TVPA has made an impact on certain foreign countries engaging in serious levels of trafficking.

³⁶¹ 2003 TIP Report, *supra* note 8, at 125; 2001 TIP Report, *supra* note 8, at 94.

³⁶² 2002 TIP Report, *supra* note 8, at 17.

³⁶³ 2003 TIP Report, *supra* note 8, at 22.

³⁶⁴ 2003 TIP Report, *supra* note 8, at 22.

³⁶⁵ 2002 TIP Report, *supra* note 8, at 22.

³⁶⁶ 2003 TIP Report, *supra* note 8, at 22.

³⁶⁷ 2003 TIP Report, *supra* note 8, at 23.

³⁶⁸ 2003 TIP Report, *supra* note 8, at 22.

³⁶⁹ 2003 TIP Report, *supra* note 8, at 22.

³⁷⁰ See 2003 TIP Report, *supra* note 8, at 17: The Department of State admitted that insufficient data on the number of arrests, prosecutions and convictions in foreign countries listed on Tiers 1, 2, or 3 was the great weakness of the TIP Report of 2002. Efforts will be made by the Department of State to provide these statistics in 2003 and thereafter. Our impact study is greatly dependent upon these statistics.

4. Greece, Russia, and Israel

Other countries like Greece, Russia and Israel were greatly influenced by the U.S. State Department rankings and decided to follow the U.S. model by establishing the now doctrinal three-pronged approach to fight trafficking: prevention, protection, and prosecution. Greece, which was still listed on Tier 3 in the June 2003 report, passed new anti-trafficking legislation to criminalize and punish traffickers.³⁷¹ The new laws have resulted in 140 trafficking-related arrests in Greece.³⁷²

Russia, which was listed as a Tier 2 country in the 2003 TIP Report, conducted a joint operation with the United States against trafficking that resulted in several ongoing investigations and some final convictions.³⁷³

Israel, which was listed on Tier 2 as of June 2003, opened 67 investigations into allegations of trafficking for sexual exploitation in 2002 resulting in 92 arrests.³⁷⁴ In 2002, Israel also established an inter-ministerial committee on trafficking in persons.³⁷⁵ Other measures taken by Israel include the criminalization of trafficking and the establishment of police funded housing for victims who are willing to assist in trafficking prosecutions.³⁷⁶

The degree of movement of countries from one tier to another is a strong indication that the TVPA has had some international impact on countries that have taken measures to comply with the minimum standards. For example, in 2001 there were 12 countries on Tier 1, 47 Countries on Tier 2 and 23 countries on Tier 3. In 2002, there were 18 countries in Tier 1, 53 countries in Tier 2, and 19 countries in Tier 3. In 2003, there were 26 countries in Tier 1, 75 countries in Tier 2, and 15 countries in Tier 3. Thus, there has been a steady increase in the number of countries that are in full compliance with the minimum standards. This trend indicates a positive effect of the TVPA. There has also been a steady increase in the number of countries in Tier 2, which reflects movement from countries formerly in Tier 3 into Tier 2 as well as the receipt by the State Department of more documentation on certain countries which were not listed on the 2001 Report but were listed for the first time on the 2002 report. There has been a steady but small decrease in the number of Tier 3 countries from 23 to 19 to 15, due to the measures taken by foreign countries to comply with the minimum standards set forth in the TIP Reports. This trend is also an indication of the positive international impact the TVPA has had on reducing trafficking in foreign source and transit countries.

³⁷¹ 2003 TIP Report, *supra* note 8, at 71.

³⁷² 2003 TIP Report, *supra* note 8, at 71.

³⁷³ 2003 TIP Report, *supra* note 8, at 128.

³⁷⁴ 2003 TIP Report, *supra* note 8, at 83.

³⁷⁵ 2002 TIP Report, *supra* note 8, at 63.

³⁷⁶ 2003 TIP Report, *supra* note 8, at 83 – 84.

F. NEW TRAFFICKING LEGISLATION IN FOREIGN COUNTRIES POST TVPA

Examining the recent trafficking legislation of specific countries also provides evidence of the legislative international impact of the TVPA.³⁷⁷ The U.S. Department of State issued a Model Law to Combat Trafficking in Persons, released March 12, 2003. This law, was modeled after certain recent foreign anti-trafficking laws, (the Kosovo trafficking law, the Romanian trafficking law), the U.N. Protocol, and the TVPA. The Model Law states in § 306 that:

"the authority ... shall provide victims of trafficking and accompanying dependent children with appropriate visas or other required authorization to permit them to remain in the country for the duration of the criminal prosecution against the traffickers, provided that the victim is willing to comply with reasonable requests, if any, to assist in the investigation or prosecution of the traffickers. Further, victims of trafficking shall be eligible for permanent residence...provided they have complied with reasonable requests; and, a victim's spouse and children..."³⁷⁸

Let us compare this Model Law, the TVPA, and some of the trafficking laws now in effect in other countries. Deportation of trafficked victims reflects traditional immigration law practice and is still the norm in most parts of the world including the countries of the Middle East, Latin America, Africa, and Asia; however, some countries have followed the United States model by granting T-visa type benefits to trafficking victims. For example, Belgium, Italy, and the Netherlands allow victims a three-month temporary stay, with costs paid, in order to provide victims with enough time to decide whether they wish to testify against their traffickers.³⁷⁹ Greece generally permits victims willing to testify against traffickers to remain in the country, but it is within the prosecutor's discretion to provide this protection.³⁸⁰ Israel provides housing with room, board, and pocket money to victims willing to testify against their traffickers.³⁸¹

1. German Trafficking Law

Germany has developed a cooperative program between local counseling centers and various state police offices for protection of and assistance to trafficked victims who agree to

³⁷⁷ TVPA, *supra* note 6, at § 134(a).

³⁷⁸ TVPA, *supra*, note 6, at § 306.

³⁷⁹ La Strada Foundation, Migration Dimension, available at <http://free.ngo.pl/lastrada/page4.html> (last accessed August 9, 2003).

³⁸⁰ 2003 TIP Report, *supra* note 8, at 72.

³⁸¹ 2003 TIP Report, *supra* note 8, at 84.

testify.³⁸² Germany's Aliens Act grants trafficking victims a grace period of at least 28 days to decide whether to cooperate with authorities.³⁸³ Victims of trafficking willing to testify are then afforded the status of "temporary toleration."³⁸⁴

2. Portugese Trafficking Law

In Portugal, while most illegal immigrants are deported, new legal provisions allow the government to bypass residence visa requirements for victims who assist in the investigation and prosecution of their traffickers.³⁸⁵ Thus, victims of trafficking in Portugal can now obtain a residency permit simply by cooperating with authorities.³⁸⁶

3. Hungarian Trafficking Law

In Hungary, the Alien Act provides for the possibility of suspending an expulsion order against victims of trafficking if they intend to testify against their traffickers.³⁸⁷ In practice, however, the government only provides limited assistance to trafficking victims.³⁸⁸

4. Spanish Law

In Spain, under a 2000 Trafficking Act, a victim of trafficking is given temporary residence for undocumented persons who cooperate with law enforcement.³⁸⁹ The victim is granted a temporary work permit and given the right to travel.³⁹⁰ Once the legal proceedings are completed, the victim is given the option to remain in Spain or return to her country of origin.³⁹¹

5. Netherlands' Trafficking Law

In the Netherlands, expulsion of an illegal alien who is a victim of trafficking may be suspended for three months during which time the victim may decide whether or not to report the trafficking offense.³⁹² If the victim decides to report, a residency permit is issued for the complete duration of the investigation, prosecution and trial.³⁹³ A residency permit may also be issued to a victim of trafficking on humanitarian grounds if deportation poses a serious risk of

³⁸² 2003 TIP Report, *supra* note 8, at 69.

³⁸³ A Comparative Analysis of the Anti-Trafficking Legislation in Foreign Countries: Towards a Comprehensive and Effective Legal Response to Combating Trafficking in Persons, House Committee on International Relations, Statement of Mohamed Y. Mattar, (June 25, 2003), at 14. [hereinafter *Mattar Statement*].

³⁸⁴ 2003 TIP Report, *supra* note 8, at 69.

³⁸⁵ 2003 TIP Report, *supra* note 8, at 122.

³⁸⁶ 2003 TIP Report, *supra* note 8, at 122.

³⁸⁷ 2003 TIP Report, *supra* note 8, at 78.

³⁸⁸ 2003 TIP Report, *supra* note 8, at 78.

³⁸⁹ 2002 TIP Report, *supra* note 8, at 95.

³⁹⁰ 2002 TIP Report, *supra* note 8, at 95.

³⁹¹ 2002 TIP Report, *supra* note 8, at 95.

³⁹² 2002 TIP Report, *supra* note 195, at 79; *Mattar Statement*, *supra* note 380, at 14.

³⁹³ *Mattar Statement*, *supra* note 380, at 14; see also Shanthi Dairiam, Discussion Paper on "Effective Legal Strategies to Combat Trafficking in Women and Children", Prepared for the Seminar on Promoting Gender Equality to Combat Trafficking in Women and Children, 7-9 October, 2002.

reprisals against the victim or her family, the risk of persecution in the victim's country of origin for committing an offense related to prostitution, or the possibility of difficult social reintegration in the country of origin,³⁹⁴ where she may be looked upon as a pariah.

³⁹⁴ *Id.*

6. Belgian Trafficking Law

In Belgium, residency status for trafficking victims is dependent on the “legal proceedings”.³⁹⁵ A 45-day period is initially granted for the victim to decide whether to make a statement.³⁹⁶ If the victim does make a statement during the 45-day period, she receives a temporary permit valid for three months and a temporary work permit that is valid also for three months.³⁹⁷ If the case against the trafficker is pursued by the prosecuting authorities, the victim is given a residency permit renewable until the legal proceedings are concluded.³⁹⁸ Once the proceedings are concluded, however, the victim must return to her country of origin.³⁹⁹

These foreign laws have a strong resemblance to the U.S. TVPA and indicate the degree to which U.S. law is impacting foreign legislation.

IV. CONCLUSION

Many objections have been raised about the effectiveness of the TVPA to stem the rising tide of sex trafficking and slavery in the United States and abroad. Since the passage of the TVPA in 2000, a new Administration and a new office of the Secretary of State have been established under Colin Powell’s leadership. In the first year of the current Administration, implementation of the TVPA was very slow.⁴⁰⁰ Members of the Committee on International Relations feared that “unless the new office [had] its own funds to develop anti-trafficking programs,”⁴⁰¹ the good work started by the passage of the TVPA in October, 2000 would not be continued or completed under the Bush administration. In 2001, more funds were needed to enable NGOs to continue their work against trafficking in the United States, like the Coalition Against Slave Trafficking in California. More funds were needed to offer trafficking victims the enhanced services promised by the TVPA.⁴⁰²

In 2001, the United States Department of Justice still had not issued final regulations concerning the T-visas. Regulations to implement the new crime of trafficking and the increase in punishment of existing criminal statutes were not enacted until late in 2001. Moreover, in 2001 only one case was successfully prosecuted under the TVPA.⁴⁰³

³⁹⁵ *Mattar Statement, supra* note 380, at 14.

³⁹⁶ *Mattar Statement, supra* note 380, at 14.

³⁹⁷ *Mattar Statement, supra* note 380, at 14.

³⁹⁸ *Mattar Statement, supra* note 380, at 14.

³⁹⁹ *Mattar Statement, supra* note 380, at 14.

⁴⁰⁰ Implementation Hearing, *supra* note 31, at 8.

⁴⁰¹ Implementation Hearing, *supra* note 31, at 5.

⁴⁰² Implementation Hearing, *supra* note 31, at 5.

⁴⁰³ Implementation Hearing, *supra* note 31, at 53.

Despite the objections raised about the slow start taken by the current Administration to implement the TVPA, we must recognize that great strides have been made, and the TVPA has had an impact both domestically and internationally to stem the global tide of this form of modern day slavery. The current Administration has undergone a complete policy change on its approach to trafficked women whom they now view as victims and not criminals. Policy changes of this magnitude naturally take time to implement. The U.S. government did establish a new trafficking office (The Office to Monitor and Combat Trafficking) on October 15, 2001.⁴⁰⁴ That Office compiles the important annual Trafficking in Persons Report (TIP Reports) providing an assessment and implementation of programs, outreach to partner agencies, Congress, and the nongovernmental community.⁴⁰⁵

The United States Department of State has also made some important implementation efforts that have had both a domestic and international impact on trafficking. The Department of State has assisted in convincing 106 countries to sign the U.N. Protocol on trafficking.⁴⁰⁶ In 2001, the State Department made considerable progress in setting up the Interagency Task Force authorized by the TVPA and had discussions with the CIA, The National Security Agency, and the Bureau of Intelligence and Research to enhance intelligence collection in trafficking.⁴⁰⁷ In 2001, the State Department also funded and implemented 90 global anti-trafficking projects in over 30 countries⁴⁰⁸ in order to focus on protection, prevention and prosecution.

Since the publication of the first TIP Report in June 2001, a number of countries came back to the U.S. Department of State for advice and assistance because they were clearly interested in improving their trafficking records.⁴⁰⁹ However, in 2001 some countries that were found to be major violators of sex trafficking and were listed on Tier 3 absolutely refused to cooperate with the United States Department of State. These countries include Russia, Indonesia, Congo, Bosnia-Herzegovina, and Belarus.⁴¹⁰ Obviously, the soft approach adopted in 2001 and again in 2002 did not have the kind of impact intended by the TVPA, and in October 2003 punitive economic sanctions were instituted, as authorized by the TVPA.⁴¹¹

⁴⁰⁴ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 11. This new trafficking office rightfully appointed as its Deputy Director Dr. Laura Lederer, who has made a long-time commitment to trafficking. *Id.* at 53.

⁴⁰⁵ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 11.

⁴⁰⁶ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 11.

⁴⁰⁷ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 12.

⁴⁰⁸ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 12.

⁴⁰⁹ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 16.

⁴¹⁰ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 17.

⁴¹¹ Dobriansky Statement in Implementation Hearing, *supra* note 31, at 17.

Serious objections by members of the International Justice Mission and others have been raised about the TIP Reports. Some claim that these reports fail to measure concretely how many people are being investigated, prosecuted and convicted for sex trafficking and forced prostitution in the foreign countries. They also fail to state whether government employees and police in foreign countries are actually involved in the sex trafficking. Moreover, the TIP reports list countries on Tier 2 if they don't meet minimum requirements but are making significant efforts to do so;⁴¹² this Tier 2 ranking gives a false statement that these countries are engaging in something less than egregious human trafficking. Moreover, in Tier 2 countries a significant percentage of brothel owners and agents are government employees, usually policemen, and the vast number of victimizations in Tier 2 countries are disproportionate to prosecutions of traffickers and brothel owners.⁴¹³ Furthermore, there are countries on Tier 2 in which the police are involved in buying and selling women as well as running the brothels,⁴¹⁴ but the TIP Reports do not show this complicity and, instead, give a passing grade to some of the worst offending countries.⁴¹⁵ Thus, TIP reporting may do a disservice to the local people fighting against sex trafficking because no sanctions will be applied to Tier 2 countries.⁴¹⁶

The TIP Reports also do not speak to the dangerous “cultural nonchalant attitude”⁴¹⁷ towards trafficking that exists in certain countries on Tier 2. People in these countries consider trafficking a way of life, like bribery, graft, or female genital mutilation practiced in other countries. Nevertheless, people in a country characterized by nonchalance toward trafficking were shocked when they witnessed busloads of 50 or more trafficked orphan children being carted away to a life of sexual slavery for a handsome fee by the trafficker.⁴¹⁸ It is true that cultural attitudes vary, but cultural relativism cannot excuse criminal activity that rises to the level of a universal crime of slavery.

⁴¹² Implementation Hearing, *supra* note 31, at 18.

⁴¹³ Implementation Hearing, *supra* note 31, at 62-63.

⁴¹⁴ Implementation Hearing, *supra* note 31, at 18.

⁴¹⁵ Implementation Hearing, *supra* note 31, at 58, 60. The TIP Report is supposed to measure “significant efforts” made by Tier 2 countries by (A) the extent of victimization, (B) the extent of official complicity; and (C) whether reasonable steps are taken to eliminate the above, in accordance with TVPA Sections 108 and 110.

⁴¹⁶ Implementation Hearing, *supra* note 31, at 18 and 58.

⁴¹⁷ Implementation Hearing, *supra* note 31, at 21.

⁴¹⁸ Implementation Hearing, *supra* note 31, at 21. The country mentioned is Russia.

Despite the criticism of the slowness of the current Administration to implement the TVPA and the shortcomings of the United States Department of State annual TIP Reports, the Department of Justice has made significant efforts at prosecution, outreach, coordination among agencies, protection and assistance to victims of trafficking.⁴¹⁹ Attorney General Ashcroft announced in March 2001, and President Bush issued a Presidential Directive to the effect, that combating trafficking is one of the highest priorities of the Department of Justice.⁴²⁰ Ashcroft announced that additional funds would definitely be allocated in order to prosecute cases criminally, to do meaningful outreach targeting vulnerable victims of trafficking, and to coordinate between various government agencies in order to eradicate trafficking and ameliorate the suffering that it causes.⁴²¹ The Attorney General then issued guidance to all 94 U.S. Attorney Offices to improve prosecution efforts in the Department of Justice.⁴²² This guidance increased the sentence for trafficking to 20 years imprisonment, and for some, life imprisonment, whereas preexisting servitude statutes that were used to prosecute traffickers had a maximum sentence of 10 years imprisonment.⁴²³ The INS sent similar guidance to its district office. The Department of Justice also created new attorney positions in the Civil Rights Division's Criminal Section, specializing in investigation and prosecution of human trafficking cases.⁴²⁴

In 2001, 33 defendants were prosecuted for trafficking under the criminal statutes created pursuant to the TVPA mandate, and 19 were for sexual exploitation. In October 2001, 89 investigations were pending, and this represents a 19 % increase from the previous year,⁴²⁵ three times as many since February 2000 when the Trafficking in Persons and Worker Exploitation Task Force hotline was established by the Department of Justice. Of the 89 pending trafficking prosecutions in October 2001, many would result in indictments under the TVPA.

After the passage of the TVPA and from January 2000 to January 2003, the Department of Justice charged, convicted, or secured sentences against 92 traffickers in 21 cases, and 65 of those charged, sentenced or convicted were for sex trafficking in 14 separate cases. In December 2002, the Department of Justice reported having 125 open trafficking investigations, twice the number of the previous year. Thus in the years 2001 and 2002, the Department of Justice more than doubled the number of its prosecutions for trafficking.

⁴¹⁹ Implementation Hearing, *supra* note 31., at 26.

⁴²⁰ Implementation Hearing, *supra* note 31, at 26.

⁴²¹ Implementation Hearing, *supra* note 31, at 26.

⁴²² Implementation Hearing, *supra* note 31 at 26.

⁴²³ Implementation Hearing, *supra* note 31, at 30.

⁴²⁴ Implementation Hearing, *supra* note 31, at 26.

⁴²⁵ Implementation Hearing, *supra* note 31, at 26.

Some of the cases prosecuted in 2001 are *United States v. Kil Soo Lee* (250 Vietnamese and Chinese workers who were mostly women were held in involuntary servitude for 2 years in the U.S. Territory of American Samoa and defendants were charged with involuntary servitude);⁴²⁶ *United States v. Gasanov*⁴²⁷ (Women from Uzbekistan were recruited into El Paso, Texas to work in strip clubs and bars in order to pay back a \$300,000 debt and smuggling fee); *United States v. Virchenko*⁴²⁸ (Russian girls were trafficked to anchorage, Alaska to dance nude); *United States v. Lee*⁴²⁹ (Defendants rounded up homeless and drug-addicted African-American men in Fort Pierce, Florida, forcing them to pick oranges with threats and use of crack-cocaine and violence); *United States v. Reddy*⁴³⁰ (A Berkeley California multi-millionaire beat and held captive two girls from India offering them sham marriage as a lure).

In compliance with the mandates of the TVPA, the Office of Refugee Settlement (ORR) and the Department of Health and Human Services in a multi-agency effort have worked diligently to provide benefits and services to victims of trafficking.⁴³¹ The Health and Human Services Department (HHS) correctly emphasized the importance of aiding victims of severe trafficking in such a manner as to create their self-sufficiency rather than dependency.⁴³²

Since the passage of the TVPA, the HHS developed policies and procedures for certifying individuals who are victims of severe trafficking, and the ORR worked with the HHS to produce certification letters and coordinate the victim's access to Employment Authorization Documents allowing the victims to work legally in the United States and thereby move toward self-sufficiency⁴³³ and 4 to minors. By February 2003 the HHS had certified over 370 victims.⁴³⁴ In 2003 victims located throughout the United States applying for certification letters came from many different countries, and certification/eligibility letters were sent to benefit-issuing offices in 19 states plus the District of Columbia.⁴³⁵ Many of these victims successfully participated in a refugee program called the Voluntary Agency Matching Grant Program to help not only refugees but trafficking victims as well, in order to attain self-sufficiency through employment, English language training, and cultural orientation.⁴³⁶

⁴²⁶ Implementation Hearing, *supra* note 31, at 30.

⁴²⁷ cite

⁴²⁸ cite

⁴²⁹ cite

⁴³⁰ cite

⁴³¹ Implementation Hearing, *supra* note 31, at 37.

⁴³² Implementation Hearing, *supra* note 31, at 37.

⁴³³ Implementation Hearing, *supra* note 31, at 37.

⁴³⁴ Trafficking in Persons National Security Presidential Directive, signed February 24, 2003, available at: <http://www.state.gov/g/tip/rls/other/17966pf.htm>. President Bush signed this directive to advance the United States Government's fight against trafficking in persons, which he called a "modern day form of slavery". This policy directive follows from the President's actions taken on February 13, 2002, when President Bush signed

The TVPA provides victims of trafficking with benefits, and victims have used these benefits effectively. In 2001, 34% of the trafficked victims applied for food stamps; 21% for Refugee Cash Assistance and 35% for Refugee Medical Assistance. Less than 1% applied for Temporary Assistance for Needy Families (TANF) and Supplementary Security Income (SSI).⁴³⁷

HHS together with ORR have actively been carrying out outreach programs to increase public awareness about trafficking in persons.⁴³⁸ In 2001, ORR reached out to more than 800 people, awarded more than \$1.25 million in discretionary grant money to eight organizations in the United States⁴³⁹ to assist certified/eligible victims of trafficking and to enhance their transition from victimization to self-sufficiency.

USAID has also worked diligently to incorporate the key elements of the TVPA into its overseas programs. USAID worked so effectively in over 80 overseas missions that 24 countries now have anti-trafficking activities in place.⁴⁴⁰ USAID has spent \$62 million on direct anti-trafficking activities in many regions of the world,⁴⁴¹ and is committed to play a critical role in the implementation of the TVPA in developing and transition countries,⁴⁴² focusing its efforts on countries in Tiers 2 and 3 of the TIP Reports.⁴⁴³

There is no doubt that the TVPA in general and the Department of State TIP Reports in particular have had a positive effect on many foreign governments by providing them with financial support and advice to meet the minimum standards set forth in the TVPA.⁴⁴⁴ Countries naturally seek to prevent their classification from falling in Tier 3 because the stigma of that classification will directly impact their international trade, tourism industry, and receipt of international aid. However, many argue that more efforts must be made to shut down pimps, traffickers, and madams and to de-legitimize the commercial sex industry which as a whole promotes trafficking.⁴⁴⁵

Executive Order 13257 to establish a Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. [hereinafter Presidential Directive]

⁴³⁵ Implementation Hearing, *supra* note 31, at 38.

⁴³⁶ Implementation Hearing, *supra* note 31, at 38.

⁴³⁷ Implementation Hearing, *supra* note 31, at 38.

⁴³⁸ Implementation Hearing, *supra* note 31, at 38.

⁴³⁹ Implementation Hearing, *supra* note 31, at 38.

⁴⁴⁰ Implementation Hearing, *supra* note 31, at 39.

⁴⁴¹ Implementation Hearing, *supra* note 31, at 39.

⁴⁴² Implementation Hearing, *supra* note 31, at 41.

⁴⁴³ Implementation Hearing, *supra* note 31, at 42.

⁴⁴⁴ Implementation Hearing, *supra* note 31, at 54.

⁴⁴⁵ Implementation Hearing, *supra* note 31, at 54.

Many of the suggestions made in 2001 for further government initiatives to implement the TVPA have largely been put into action in 2002 and 2003. For example, it was suggested that the United States train police in foreign countries on sex trafficking, forced prostitution, management methods and practices in order to infiltrate the secrecy and deception of sex trafficking and to maintain the level of professionalism necessary to control and ultimately eradicate corruption by police and government officials.⁴⁴⁶ U.S. Attorneys and Federal law enforcement officials have also followed advice about obtaining intelligence from trafficking victims in the United States in order to interdict trafficking within the source countries.⁴⁴⁷ Thus, when the victim in the United States identifies the perpetrator of the crime of human trafficking and assists in the prosecution that takes place in the United States, this trial can serve as a link in a global chain of international human rights violators, leading to the international crime rings. In order to disrupt the profitable market in human cargo, U.S. intelligence must follow the chain from the dealer in the United States to his transitional transportation network and back to the overseas supplier and operators who are connected to the international organized crime syndicates.⁴⁴⁸

In 2003, the United States government spent \$55 million in anti-trafficking programs in over 50 countries.⁴⁴⁹ President Bush has taken a leadership role against trafficking in persons by issuing the first National Security Presidential Directive on Trafficking.⁴⁵⁰ This Directive states that the fight against trafficking is a high priority for the U.S. government, and it acknowledges the existence of political will at the highest levels to attack trafficking.⁴⁵¹ The Presidential Directive calls for more countries to join the United States in this fight to eradicate trafficking.⁴⁵²

⁴⁴⁶ Implementation Hearing, *supra* note 31, at 70.

⁴⁴⁷ Implementation Hearing, *supra* note 31, at 70.

⁴⁴⁸ Implementation Hearing, *supra* note 31, at 71.

⁴⁴⁹ Dobriansky Conference Remarks, *supra* note 150, at 5.

⁴⁵⁰ Dobriansky Conference Remarks, *supra* note 150, at 5. *See also* Trafficking in Persons National Security Presidential Directive, *supra* note 413.

⁴⁵¹ Dobriansky Conference Remarks, *supra* note 150, at 6.

⁴⁵² Dobriansky Conference Remarks, *supra* note 150, at 7.

The United States has supported programs in foreign countries that have resulted in increased arrests and prosecutions overseas. For example, in Albania the United States supported Delta Force, an organized crime unit that arrested child traffickers and public officials, and the Office of Internal Control that arrested police officers for complicity in Albania.⁴⁵³ In Romania, the United States supported the establishment of the Southeast European Cooperative Initiative involving 14 nations and resulting in 4 successful operations to arrest and convict traffickers and the safe return of hundreds of Romanian women and children.⁴⁵⁴

Pursuant to the mandates of the TVPA, the United States has also supported the establishment of concurrent multilateral and in-country law enforcement operations to break up trafficking crime rings and to rescue victims.⁴⁵⁵ These are some of the international efforts that have resulted in a small but positive impact of the TVPA both domestically and in foreign countries to reduce trafficking and to deter the crime of sex slavery. The fight has just begun, and the United States is playing an important role to eradicate sex trafficking and slavery through legislative example, interagency cooperation, and multilateral efforts.

⁴⁵³ Dobriansky Conference Remarks, *supra* note 150, at 7.

⁴⁵⁴ Dobriansky Conference Remarks, *supra* note 150, at 7.

⁴⁵⁵ Dobriansky Conference Remarks, *supra* note 150, at 7.