

Stop Trafficking! AwarenessAdvocacyAction

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FOCUS: The focus of this month's newsletter is on State Sponsored Human Trafficking.

According to the 2024 Trafficking in Persons Report, state-sponsored human trafficking refers to situations where a government engages in or facilitates human trafficking. While both the Trafficking Victims Protection Act and the United Nations Trafficking in Persons Protocol call on governments to proactively address trafficking crimes, some governments are part of the problem, directly coercing their citizens into sexual slavery or forced labor schemes.

The United Nations (UN) estimated in 2022 that governments are trafficking at least 3.9 million people on any given day. These victims of state-sanctioned human trafficking constitute 14 percent of today's estimated trafficking victims.

In 2019, Congress amended the Trafficking Victims Protection Act to acknowledge that governments can also act as traffickers, referring specifically to a "government policy or pattern" of human trafficking: human trafficking in government-funded programs; forced labor in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors; sexual slavery in government camps, compounds, or outposts; or employing or recruiting child soldiers.

What is State Sponsored Human Trafficking?

The United States Department of State asserts that corruption related to trafficking involves various government officials, from junior law enforcement to top leaders. They may assist unlicensed recruitment agencies, provide false documentation, and facilitate illegal border movements. Additionally, they often ignore or enable illicit activities like prostitution and drug cultivation while assisting in the trafficking of goods produced through forced labor.

Government policies that create or exacerbate vulnerabilities for specific groups, such as undocumented immigrants, individuals with disabilities, and marginalized communities, can ultimately facilitate trafficking. In these cases, the government is not simply failing to address trafficking but is actively involved as a perpetrator.

Government officials may also accept bribes that hamper criminal justice proceedings by obstructing the reporting and gathering of evidence, influencing witnesses, tipping off traffickers of pending raids and investigations, or otherwise interfering with the prosecution of perpetrators of illegal activities.

Moreover, those running for government positions and other authorities may target political opponents with unfounded trafficking allegations.

Corruption by the police and the judiciary emboldens human traffickers to operate with impunity, contributes to the loss of public trust, and facilitates the further victimization of the very individuals they are supposed to protect from crime. Additionally, some officials abuse their authority to extort sex or forced labor from vulnerable individuals in exchange for education, food, and medicine.

Awareness

2024 TIP Report Countries

The 2024 Trafficking in Persons Report (TIP) includes the following 13 countries with a documented "policy or pattern" of human trafficking, trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers: Belarus, Burma, China, Cuba, Eritrea, Iran, Democrat People's Republic of Korea, Russia, South Sudan, Sudan, Syria, Turkmenistan, and Afghanistan. Several examples of how governments are involved in the human trafficking of their citizens are listed below.

Concerning Afghanistan, the TIP report assesses the actions of Afghan ministries, as well as the Taliban, without implying recognition of the Taliban or another entity as the government of Afghanistan.

In China, the government publicly and unapologetically forces Uyghurs to work in commercial facilities in Xinjiang and uses laborers in its Belt and Road Initiative, a massive China-led infrastructure project that aims to stretch around the globe, led to a unanimous vote by the United States Senate to pass the Uyghur Forced Labor Prevention Act, known as UFLPA, which bars the importation of slave-made goods into the United States.

Cuba earns approximately eight billion dollars annually from the Pan American Health Organization (PAHO), a program that requires medical workers to work overseas while the government retains the workers' earnings. Cuban victims have sued PAHO in US federal courts, and Cuba has drawn condemnation from the international community.

In Eritrea, the government forces the poor and vulnerable into extended terms of compelled government service under threats of detention, torture, or familial reprisal. Additionally, the government directed policies that perpetuated the mobilization of children for forced labor in public works projects, usually in the agricultural sector, during the student summer work program. The government did not demonstrate any efforts to address human trafficking. Those with resources and connections can avoid government-forced labor.

The civil war in Syria has created an environment where both state and non-state actors exploit the war economy, leading to new opportunities for corruption, including extortion, protection rackets, and illicit trade. Syrian children continue to be exploited by both state and non-state actors, forcing them to participate as combatants, human shields, suicide bombers or executioners.

The government of Turkmenistan forces its citizens to harvest cotton.

"In many cases, victims of trafficking tell how police personnel, prosecutors and judges receive sexual favors in exchange for covering up the crimes. When the victims see how the public agents speak amicably with the pimps, this reinforces the situation of impunity. They do not escape because they do not know where to seek help."

-Aida Gatti, coordinator of the National Program for the Rescue and Support of Victims of Trafficking with the Argentinian Ministry of Justice and Human Rights

A teacher from Lesotho was accused of trafficking five young women to South Africa for sexual exploitation on the promise of jobs as domestic workers. She helped them to cross the border, although only one of the five had a passport. With the other four, she bribed border officials to turn a blind eye.

Click <u>here</u> to learn more.

Forced Labor in the United States

In the United States, <u>forced and child labor has been documented</u> in specific sectors, such as agriculture, construction, and domestic work. There are also <u>news reports</u> that have alleged abusive labor practices by private contractors on United States military bases. Workers allegedly received less compensation than promised, were charged recruiting fees that left them in debt and were pressured to sign improper contracts and work excessive hours. In some cases, they even faced physical abuse. The military itself has been involved in over 100 incidents of labor violations by military contractors and subcontractors. These are not instances of the United States government directly using forced or child labor.

<u>Federal Acquisition Regulations (FAR)</u> explicitly prohibit federal contractors and subcontractors from using forced labor in the performance of contracts. They are required to have controls in place to identify and prevent forced labor in their supply chains and report credible information regarding violations.

Human trafficking is a stain on the conscience of our society. It fuels crime, corruption, and violence. It distorts our economies and harms our workers. And it violates the fundamental right of all people to be free.

(2024 Trafficking In Persons Report)

Advocacy



Sexual Extortion as Currency

A challenging form of corruption, difficult to detect due to its normalization, involves the exchange of sexual services for trafficking facilitation. Instead of money, victims provide sexual services under agreements between pimps and public officials. The complicity of authorities who visit exploitation venues creates a strong sense of impunity among criminals while instilling fear in victims and discouraging them from reporting.

This sexual extortion exemplifies both corruption and sexual violence and makes the collection of evidence difficult, especially regarding victim consent. Additionally, stigmatization and the need for victim protection further hinder reporting efforts. Click here for more information.

When Anna arrived at the hospital, she was already in labor. Anna was 12 years old. The hospital officials contacted her relatives and the prosecutor's office to investigate the circumstances of her pregnancy. Her mother said Anna had left home with her boyfriend several months ago, and was afraid she was involved in a trafficking network.

Anna was fearful as she knew that some of the customers organized by her traffickers included police officers from the area with whom she was forced to have sex. She felt she could not expect any help from the local authorities.



The Role of Authoritarianism

While human trafficking exists in every country, the evidence suggests a strong connection between the political regime types of countries and how effectively they address trafficking and especially thrive in countries with authoritarian regimes.

The <u>Human Rights Foundation (HRF)</u> analyzes the connection between authoritarianism and trafficking, showing the influence of authoritarian regimes on trafficking.

Democratic states are characterized by strong political institutions, sufficient resources, a robust civil society, a free press, which can raise awareness and expose trafficking activities, and an independent judiciary that holds governments accountable.

AUTHORITARIANISM AND
TRAFFICKING IN PERSONS
ANNUAL POLICY BRIEF

REPORT
ANNUAL POLICY

Therefore, democratic regimes are more likely to identify

trafficking as a problem that needs to be addressed and, thus, comply with international standards to prevent and prosecute trafficking and to protect and compensate their victims. This empowerment of democratic institutions in the fight against trafficking should motivate human rights advocates in their efforts to combat this issue. In contrast, authoritarian regimes are characterized by government complicity, weak or subservient political institutions, or high levels of conflict and political instability. Therefore, authoritarian regimes generally fail to put into place the legal mechanisms and institutions that can prevent trafficking, protect victims, and prosecute perpetrators. In some cases, the regime itself is the perpetrator. Since 2018, HRF has found that the correlation between political regime type and human trafficking suggests authoritarianism is a root cause of human trafficking.

In these regimes, corruption and trafficking mutually reinforce one another. However, the data also suggests a promising path forward. Improving civil and political rights in authoritarian regimes can lead to better protection, advocacy, and justice for victims of human trafficking. This implies that with the inclusion of democratic reforms in their national anti-trafficking plans, states can significantly enhance their efforts to combat trafficking.

Corruption is a pervasive issue that weakens the institutional safeguards protecting democratic processes and human rights. The proceeds of trafficking, in turn, fuel more kickbacks, perpetuating the cycle of corruption. This should be a cause for concern and a strong motivation to address these issues.

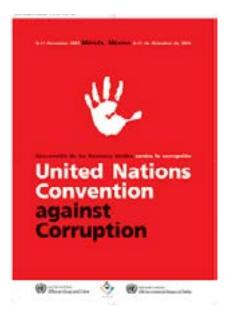
In countries without the rule of law or access to a sound judicial system, people are also less likely to report crimes like trafficking due to a lack of trust in institutions and fear of reprisals. This lack of trust and fear are significant barriers that require institutional reform to address. Specifically, the lack of punishment for corrupt officials facilitating trafficking allows traffickers to operate with impunity.

Relevant Laws and Regulations

The TVPA (Trafficking Victims Protection Act) aims to prevent trafficking, protect victims, and prosecute traffickers. This includes holding governments accountable for their role in facilitating human trafficking. The TVPA was passed in 2000 and has been amended and reauthorized five times since then, most recently in 2019, which acknowledged that governments could also act as traffickers, referring specifically to a "government policy or pattern" of human trafficking, trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers. The act requires the Secretary of State to submit annual reports on anti-trafficking efforts, with a focus on corruption. When complicity is found, the TIP Report urges governments to hold officials accountable and reform policies to prevent state involvement in trafficking.

National Action Plan to Combat Human Trafficking, published in 2021, also acknowledges that "Corrupt government officials also enable human traffickers; for example, officials may accept bribes from labor brokers engaged in deceptive practices. These breakdowns are compounded when governments are actively hostile to civil society, precluding partnerships with NGOs that could otherwise reinforce counter-trafficking efforts and outline strategies to address this issue.

<u>United Nations Trafficking in Persons Protocol:</u> (Palermo Protocol) The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons also emphasizes the importance of addressing human trafficking by all actors, including governments. The UN TIP Protocol is the central international framework to prevent and combat human trafficking.



2003 United Nations Convention against Corruption (UNCAC),

which is the only legally binding and virtually universal anti-corruption instrument with 189 States Parties. While the Convention does not explicitly define "corruption," it does cover different forms that corruption can take, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. Most of the mandatory provisions in the UNCAC support and complement international obligations under the 2000 <u>United Nations Convention against Transnational Organized Crime (UNTOC)</u> and the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which have been ratified by 190 Parties to the UNTOC and 178 Parties to its TIP Protocol.

The <u>United Nations Inter-Agency Coordination Group Against Trafficking in Persons (ICAT)</u>, through its November 2021 Call for Action on Trafficking in Persons, identified corruption as one of the drivers of human trafficking. It called for a global government response to address the underlying social and structural inequalities that enable environments where corruption takes root, to tackle trafficking in persons in a holistic manner that also addresses corruption and impunity, and to enhance investigations of corruption and illicit financial flows associated with trafficking and the related seizure of the proceeds of crime.



How to Stop Government Sponsored Human Trafficking

Government-sponsored human trafficking is a complex issue that requires a multifaceted approach to proactively involve international cooperation, diplomatic pressure, and legal action to combat both corruption and trafficking in persons. Some measures include:

- Raising Awareness: Recognizing and exposing these abuses globally may motivate some countries to abandon forced labor and other forms of trafficking. The Trafficking in Persons Act is one effort to highlight these abuses. It is essential to make sexual extortion visible as a crime of corruption and to generate concrete actions to combat it.
- Encourage and provide support for civil society, survivors, and media reporting on corrupt practices related to trafficking, including anonymous reporting mechanisms, to <u>strengthen</u> <u>whistleblower protection</u>. Conduct advertising campaigns to increase the visibility of the intersection between corruption and human trafficking.
- Holding Governments Accountable: Diplomatic and legal mechanisms are needed to hold governments accountable for their involvement in human trafficking. This may include banning products made with child or forced labor. The United States, for example, depends on the Tariff Act and the new <u>Uyghur Forced Labor Prevention Act (UFLPA)</u>. At the same time, the European Union relies on the <u>Forced Labor Regulation (FLR)</u>, which prohibits the placing, making available, and export of products made with forced labor on the EU market.
- Incorporate strategies specific to the fight against corruption, such as the monitoring of money or the seizure of assets. The investigation must not confine itself to the bottom of the criminal chain but rather use tools to detect the links between human trafficking and public or economic powers.
- Sanctions: Countries can target individuals, companies, or other governments by imposing financial penalties, freezing assets, or denying visas for engaging in child labor or forced labor.
- Private sector actions: The private sector can often drive change. For example, large fashion brands that signed the <u>Uzbek Cotton Pledge</u>, committing not to use Uzbek cotton, had a significant impact. Moreover, companies operating in or sourcing from a country can engage in commercial diplomacy by building coalitions and leveraging their investments to demand reforms.
- Victims of state-sponsored trafficking require specialized protection and assistance.



This report compiled by United Nations Office on Drugs and Crime (UNODC) anti-trafficking experts indicates that trafficking in persons could not occur on a large scale without corruption and that the linkages between the two crimes are mostly overlooked in the actual development and implementation of anti-trafficking policies and programs.

Multiple cases from around the world show police accepting bribes to not carry out inspections regarding sex trafficking or to warn traffickers about upcoming inspections, while labor inspectors who visit factories, construction or agricultural sites may be bribed to ignore the exploitative conditions to which some workers are subjected.



The Corruptions Perception Index

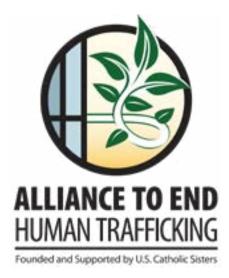
Transparency International is a global movement working in over 100 countries to end the injustice of corruption. They focus on issues with the most significant impact on people's lives and hold the powerful to account for the common good. Through advocacy, campaigning, and research, they work to expose the systems and networks that enable corruption to thrive, demanding greater transparency and integrity in all areas of public life. Their mission is to stop corruption and promote transparency, accountability, and integrity at all levels and across all sectors of society. They are independent, non-governmental, not-for-profit organizations that work with like-minded partners worldwide to combat the injustice of corruption.

The 2024 Corruption Perceptions Index (CPI) reveals that corruption is a pervasive issue in every part of the world, yet progress toward improvement is underway in many countries. The CPI ranks 180 countries and territories worldwide by their perceived levels of public sector corruption. The results are given on a scale of 0 (highly corrupt) to 100 (very clean).





A 2021 research report by United Nations Office on Drugs and Crime (UNODC) and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime also highlights the role of corruption in facilitating trafficking in persons and perpetuating impunity for traffickers.



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