

JUNE 2020

Human Trafficking Trends in the Western Hemisphere

By Mary C. Ellison and Kathleen M. Vogel



**WILLIAM J. PERRY CENTER
FOR HEMISPHERIC DEFENSE STUDIES**

National Defense University

Cover photo caption: Mexican women protest against human trafficking and slavery in a demonstration in Mexico City in October 2017.

Photo credit: Meridith Kohut, Voice of America.

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Editor: Pat Paterson

Layout Design: Viviana Edwards

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**PERRY CENTER OCCASIONAL PAPER
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Executive Summary

Trafficking Profile

We see evidence of domestic and foreign sex and labor trafficking victims in Western Hemisphere countries. Some key trafficking trends across the region include: an increase in Venezuelan victims and concerns with other vulnerable migrants, internally displaced persons, indigenous peoples, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations. There are also special challenges of child domestic servitude in Haiti (*restavek*)¹ and Paraguay (*criadazgo*),² and increased risk of trafficking in border areas (e.g., Central American countries; the southern and northern borders of Mexico; the Dominican Republic/Haiti border; the tri-border area between Argentina, Brazil, and Paraguay; the Darién Gap between the Panamanian and Colombian borders; and migrants along Peru’s southern border) due to lack of regulatory and security gaps and insufficient transnational cooperation. Illegal armed groups are involved in the trafficking of children in the Andean Republics. Over the past five years, more cases of forced labor and forced criminality, as well as child sex trafficking in resort and tourist areas by U.S. and European perpetrators have been reported in the Western Hemisphere. Traffickers are using social media recruitment and multiple-destinations across the region to move victims; there remain continuing problems with complicity of government officials.

Western Hemisphere countries by the Tiers

According to the U.S. *Trafficking in Persons* report, tier rankings in the Western Hemisphere have generally moved in a positive direction over the past sixteen years, with more countries ranked Tier 1 or 2, nearly the same number of countries ranked Tier 2 Watch List, and fewer countries ranked Tier 3.

- **Since 2003, the number of Tier 1 countries in the Western Hemisphere has increased from one to seven.** Seven countries—Argentina, The Bahamas, Canada, Colombia, Chile, Guyana, and the United States—are now Tier 1 compared to four countries in 2013, two coun-

¹ *Restavek* is defined as child domestic servitude. See Amy Rhoades, “Slavery in a free land,” International Labour Organization, (August 29, 2012), accessed January 23, 2020, http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_187879/lang--en/index.htm.

² *Criadazgo* is child domestic servitude. See U.S. Department of Labor, *Child Labor and Forced Labor Reports* (2018), accessed January 23, 2020, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/paraguay>.

tries in 2008, and one country in 2003.

- **Since 2003, the number of Tier 2 countries the Western Hemisphere has increased from 10 to 21.** Twenty one countries—Antigua and Barbuda, Aruba, Brazil, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Panama, Peru, Paraguay, St. Lucia, St. Vincent and the Grenadines, Sint Maarten, Suriname, Trinidad and Tobago, and Uruguay— compared to 18 countries in 2013, 13 countries in 2008, and 10 countries in 2003.
- **Since 2008, the number of Tier 2 Watch List countries in the Western Hemisphere has remained the same at five.** As of 2019, five countries—Barbados, Belize, Bolivia, Curacao, and Nicaragua—were Tier 2 Watch List compared to six countries in 2013 and five countries in 2008. The Tier 2 Watch List did not exist in 2003.
- **Since 2003, the number of Tier 3 countries in the Western Hemisphere has decreased from five to two.** As of 2019, two countries—Cuba and Venezuela—were Tier 3 compared to zero countries in 2013, one country in 2008, and five countries in 2003.

Serious and sustained efforts to combat trafficking across all Western Hemisphere countries in 2018 included:

- Increasing convictions from 969 in 2017 to 1,017 convictions in 2018;
- Identifying more victims compared to the previous year from 10,011 victims in 2017 to 11,683 victims in 2018.

However, many Western Hemisphere countries faced continued challenges, which included:

- Anti-trafficking laws that are inconsistent with international law;
- Weak or decreasing efforts to criminally investigate, prosecute, and convict cases of forced labor, including forced criminality;
- Fewer prosecutions in 2018 (1,252) compared to 2017 (1,571);
- Inconsistent application of screening procedures to vulnerable populations, including Venezuelans and Haitians;
- A lack of integrated, specialized, and comprehensive mid- to long-term victim assistance for victims, including for child, male, and LGBTI victims;
- Insufficient budgets to implement national action plans; insufficient funding and participation in anti-trafficking efforts for civil society actors;
- Inadequate interagency coordination efforts;
- Weak efforts to hold allegedly complicit or corrupt officials accountable for trafficking crimes;
- Problems in collecting and sharing data about trafficking cases and victims across relevant government agencies.

Introduction

Human trafficking is a crime that impacts individuals, families, and communities. More than 64,000 trafficking victims³ have been identified in the Western Hemisphere region over the past five years. These victims have included not only sex trafficking, but also forced labor, forced criminality, involuntary domestic servitude, and child soldiers. Although estimates about the prevalence of human trafficking vary widely due to the hidden nature of the crime, Kelly Dore, a human trafficking survivor, notes, “If we don’t know what we are looking for, it is really hard to see what is in front of us.”⁴ Experts across academia, government, and civil society agree that human trafficking is a complex and significant domestic, international and transnational crime. The next section of the report will discuss key international and U.S. legal frameworks that are available to combat human trafficking.

The Palermo Protocol and U.S. Trafficking Victims Protection Act (TVPA)

The 2000 United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter referred to as the “Palermo Protocol”), supplemented the UN Convention against Transnational Organized Crime, and defined human trafficking as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of



Photo caption: Venezuelan migrants like these crossing from San Antonio del Táchira, Venezuela, toward Cúcuta, Norte de Santander department, Colombia, are not necessarily victims of human trafficking though many can be exploited by organized crime groups because of their vulnerable situation.

Photo credit: Schneyder Mendoza / AFP. Republished in Dialogo Americas

³ U.S. Department of State, *Trafficking in Persons Report* (Washington, DC: U.S. Department of State, June 2019), 54, <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

⁴ National Academies of Sciences, Engineering, and Medicine, *Estimating the Prevalence of Human Trafficking in the United States: Considerations and Complexities: Proceedings of a Workshop—in Brief* (Washington, DC: The National Academies Press, 2019), 3, <https://www.nap.edu/read/25550/chapter/1#3>.

the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁵

Human trafficking does not require transnational movement, but can occur within a country's borders and even within local communities (e.g., within a specific neighborhood) and regions (e.g., from rural to urban areas). Human trafficking differs from smuggling in three important ways: (1) human trafficking victims are forced, defrauded, or coerced into trafficking, whereas individuals consent to being smuggled; (2) human trafficking is a crime committed against an individual, whereas smuggling is a crime committed against a country; (3) human trafficking does not need to involve the physical movement of an individual, whereas smuggling involves the illegal transport of an individual across a national border.⁶ Human trafficking involves three elements: (1) the trafficker's actions (e.g., recruitment, transportation, harboring, or receiving); (2) the means of force, fraud, or coercion (e.g., threat, coercion, abduction, fraud, deceit, deception, abuse of power); and (3) the purpose of exploitation (e.g., prostitution, pornography, forced labor, involuntary servitude, debt bondage, slavery). Children (under the age of 18 years of age) are treated as a special case, in which consent and evidence of force, fraud, or coercion, is not required to show trafficking has occurred.

The Palermo Protocol was the first international instrument to define human trafficking, and it provided the legal foundation for governments to develop domestic laws, policies, and programs to criminalize and prevent human trafficking and protect victims. To date, 175 parties have ratified the Palermo Protocol, including all countries in the western hemisphere region.⁷ Countries that ratify or accede to the Protocol agree to adopt domestic laws that establish criminal offenses against human trafficking, implement measures to assist and protect victims, and prevent trafficking in persons, as well as cooperate among States Parties.⁸

In the United States, Congress passed the Trafficking Victims Protection Act (TVPA) in October 2000 which established the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (TIP). The TIP Office was given the mandate to create the annual *Trafficking in Persons Report*

⁵ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons. Especially Women and Children. Supplementing the United Nations Convention against Transnational Organized Crime* (November 2000), 2-6, https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

⁶ U.S. Department of Health and Human Services, *Fact Sheet: Human Trafficking OTIP-FS-18-0* (November 21, 2017), accessed January 23, 2020, <https://www.acf.hhs.gov/otip/resource/fshumantrafficking>.

⁷ United Nations, (January 21, 2020), accessed January 23, 2020, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.

⁸ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons. Especially Women and Children. Supplementing the United Nations Convention against Transnational Organized Crime* (November 2000), 2, available at: https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

(hereafter referred to as the “*TIP Report*”) to describe and assess government efforts to combat human trafficking, framed around the standards of prosecution, protection, and prevention set out in the Palermo Protocol. From 2001-2019, the number of countries included and ranked in the *TIP Report* has grown to 187 countries and territories.⁹ In preparing the annual *TIP Report*, the TIP office collects information from U.S. embassies, foreign governments, nongovernment and international organizations, as well as academic studies, press reports, and other open sources. The TIP Office coordinates with other offices in State Department, as well as the U.S. interagency, to produce the *TIP Report*.



Photo caption: In June 2018, U.S. Secretary of State Mike Pompeo announces the 18th annual Trafficking in Persons report in Washington DC.

Photo credit: U.S. Department of State

In the *TIP Report*, the State Department places each country in one of four tiers (Tier 1, Tier 2, Tier 2 Watch List, and Tier 3), as mandated by the TVPA. The State Department assesses foreign government anti-trafficking efforts in the following areas of prosecution, protection, and prevention:¹⁰

Prosecution

- Enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- Criminal penalties prescribed for human trafficking offenses with a maximum of at least four years’ deprivation of liberty, or a more severe penalty; and

⁹ U.S. Department of State, *Trafficking in Persons Report* (Washington, DC: U.S. Department of State, June 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report/>.

¹⁰ *Ibid.*, 35.

- Implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country and sentencing of offenders.

Protection

- Proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- Government funding and partnerships with nongovernmental organizations (NGOs) to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure;
- Victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- The extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being; and
- The extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims.

Prevention

- Governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge fees to prospective migrants; and
- Governmental efforts to reduce the demand for commercial sex acts and international sex tourism.

The Tier rankings in the *TIP Report* consist of the following:¹¹

- Tier 1: Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking.
- Tier 2: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.
- Tier 2 Watch List: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or c) the determination that a country is making significant efforts

¹¹ Ibid., 36-37.

to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

- Tier 3: Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

According to the TVPA, countries on Tier 3 may be subject to certain restrictions on U.S. assistance. As noted in the *TIP Report*, the following actions may apply to Tier 3 countries.¹² The President of the United States may determine not to provide U.S. government nonhumanitarian, nontrade-related foreign assistance. In addition, the President may determine to withhold funding for government official or employee participation in educational and cultural exchange programs for certain Tier 3 countries. Consistent with the TVPA, the President may also determine to instruct the U.S. Executive Director of each multilateral development bank and the International Monetary Fund to vote against and use his or her best efforts to deny any loans or other uses of the institutions' funds to a designated Tier 3 country for most purposes (except for humanitarian, trade-related, and certain development-related assistance). Alternatively, the president may waive application of the foregoing restrictions upon a determination that the provision to a Tier 3 country of such assistance would promote the purposes of the TVPA or is otherwise in the national interest of the United States. The TVPA also authorizes the president to waive funding restrictions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.

Tier rankings are not based not on the size of the country's human trafficking problem but on the extent of governments' efforts to meet the TVPA's minimum standards for the elimination of human trafficking which are generally consistent with the Palermo Protocol. Countries that are State Parties to the Palermo Protocol, therefore, should aim to meet the minimum standards in order to fulfill their commitments to the Protocol. While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem, rather it indicates that a government has made efforts to address the problem that meet the TVPA's minimum standards. Tier rankings are re-assessed each year; based on a country's efforts compared to the previous year; a country may go up, down, or maintain its tier rankings. Countries are not compared against other countries but only to their own efforts from the previous year. The 2019 *Trafficking in Persons Report* covers government efforts undertaken from April 1, 2018 through March 31, 2019. The following sections will describe the trafficking profile, statistics, and tier rankings looking across the Western Hemisphere region from the 2019 *TIP Report*.

Trafficking Profile

¹² Ibid., 37.

North America – Canada, Mexico, and the United States¹³

Over the past five years, human traffickers have exploited domestic and foreign victims in Canada, Mexico, and the United States, and traffickers exploited victims from Canada, Mexico, and the United States abroad.

Traffickers exploited Canadian victims within the country, but traffickers have also exploited some Canadian victims abroad, mainly in the United States. In Canada, traffickers exploit foreign women, primarily from Asia and Eastern Europe, in sex trafficking. Traffickers exploit foreign workers from Eastern Europe, Asia, Latin America, and Africa in forced labor in a variety of sectors in Canada, including agriculture, construction, food processing plants, restaurants, and hospitality, or as domestic workers, including diplomatic households.



Photo caption: Workers in the agricultural industry like these lettuce pickers can fall prey to forced labor exploitation.
Photo credit: Pete McBride, National Geographic

Traffickers recruit and exploit Mexican women and children, and to a lesser extent men and transgender individuals, in sex trafficking in Mexico and the United States through false promises of employment, romantic relationships, or extortion. Traffickers exploit Mexican men, women, and children in forced labor in agriculture, domestic servitude, child care, manufacturing, mining, food processing, construction, tourism, begging, and street vending in Mexico and the United States. Traffickers exploit day laborers and their children in forced labor in Mexico’s agricultural sector. These individuals migrate

¹³ Ibid.,135; 326-327; 491-492.

from the poorest states to the agricultural regions to harvest vegetables, coffee, sugar, and tobacco; receive little or no pay, health care, or time off; may live in substandard housing; and in the case of children, are denied education. NGOs report some Mexicans are held in debt bondage in agriculture and are indebted to recruiters or to the company itself.

In Mexico, observers reported potential trafficking cases in substance abuse rehabilitation centers, women's shelters, and government institutions for people with disabilities, including by organized criminal groups and facility employees. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America, particularly El Salvador, Guatemala, Honduras, and Venezuela. Traffickers exploited some of these victims along Mexico's southern border. NGOs and the media report victims from the Caribbean, South America, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Observers reported an increase in Venezuelan migrants vulnerable to trafficking over the past three years and concerns about migrants in general as a vulnerable population.

The Mexican government, the United Nations, international organizations, NGOs, and the media reported increased participation by organized criminal groups in trafficking and the creation of complex alliances with federal, state, and local government officials in at least 17 of 32 Mexican states to commit trafficking and related crimes. Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including serving as assassins, lookouts, and in the production, transportation, and sale of drugs. Observers, including Mexican legislators, noted links between violence against women and girls and between women's disappearances and murders and trafficking by organized criminal groups. The UN Special Rapporteur on the Rights of Indigenous Peoples expressed concern over the recruitment and use of torture and murder by organized criminal groups of indigenous children and youth to exploit them in forced criminality in Mexico. Observers also expressed concern over recruitment of recently deported Mexican nationals by organized criminal groups for the purpose of forced criminality.

In the United States, traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries, including in the hospitality, healthcare, haircare, entertainment, restaurant, agriculture, construction, janitorial, childcare, and domestic work industries, as well as in traveling sales crews, massage parlors, fairs and carnivals, peddling and begging, drug smuggling and distribution. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Victims originate from almost every region of the world; the top three countries of origin of federally identified victims in fiscal year 2018 were the United States, Mexico, and the Philippines. Advocates reported a growing trend of traffickers targeting victims with disabilities and an increase in the use of online social media platforms to recruit and advertise individuals for sexual exploitation involving human trafficking.

In all three countries, women, children, indigenous persons, migrants, persons with disabilities, and LGBTI persons are vulnerable to trafficking. In both Canada and the United States, children in the

child welfare and juvenile justice systems, including foster care and runaway and homeless youth, are especially vulnerable to traffickers. In the United States, additional populations vulnerable to traffickers include unaccompanied foreign national children without lawful immigration status, individuals with drug addictions, undocumented workers and participants in visa programs for temporary workers, foreign national domestic workers in diplomatic households, persons with limited English proficiency, and participants in court-ordered substance use diversion programs.

Canadians travel abroad to engage in sex acts with children, and foreign nationals engage in sex acts with children in Canada. In Mexico, NGOs reported child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Many child sex tourists in Mexico are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child trafficking victims. U.S. citizens engage in child sex tourism in foreign countries.

Central America¹⁴

Over the past five years, human traffickers exploited domestic and foreign victims in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama and traffickers exploited victims from Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama abroad.

Throughout Central America, traffickers exploit women, men, and children in sex trafficking in bars, nightclubs, hotels, and brothels, and forced labor in agriculture, fishing, street vending, construction, domestic service, mining, restaurant, and textile industries, as well as in forced begging and drug trafficking. Traffickers increasingly use social media sites to recruit their victims who are attracted by promises of high salaries for work in restaurant, hotel, construction, and security industries. Traffickers also recruit their victims in rural areas or border regions with false promises of high-paying jobs in urban centers and tourist locales, where they are subjected to sex or labor trafficking. Groups considered most vulnerable to human trafficking in Central America include women, children, indigenous persons, LGBTI persons, especially transgender individuals, persons with disabilities, and migrants.

Criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten young males to transport drugs, commit extortion, or commit acts of violence, including murder particularly in the countries of El Salvador, Guatemala, and Honduras. Traffickers recruit victims in these regions with high levels of violence and coerce victims and their families through threats of violence, including assassinations, extortion, and drug trafficking—and force women and children to provide sexual services and childcare for gang members' children.

¹⁴ Ibid., 97; 157; 184-185; 216; 226; 350-351; 372.



Photo caption: Women are frequently exploited as prostitutes in bars and brothels throughout Central America. Corrupt police officials often ignore the sex trafficking in return for bribes.

Photo credit: The Wire

Traffickers exploit some Central American migrants who irregularly migrate to the United States in forced labor in construction, agriculture, mining, restaurants, door-to-door peddling, forced criminal activity, and sex trafficking en route or upon arrival using debt bondage, false promises, lack of knowledge of the refugee process and irregular status, restrictions on movement, and other means. Traffickers also exploit some Central American migrants who transit El Salvador, Guatemala, and Honduras en route to Mexico and the United States in sex trafficking or forced labor in these three countries, Mexico, Belize and the United States.

Migrants from Africa, Asia, the Caribbean, the Middle East, and South America who transit Central America, some en route to the United States, are vulnerable to being exploited in trafficking. Nicaraguans who migrate to other Central American countries and Europe are reportedly vulnerable to and have been reported to be victims of forced labor or sex trafficking. Traffickers have subjected migrant men, women, and children, primarily from Nicaragua, to forced labor in agriculture and domestic service or sex trafficking. In addition, experts report children left behind by migrants in Nicaragua are vulnerable to sex and labor trafficking.

Throughout Central America, corruption and complicity, including within law enforcement, the prison system, and local government, helped facilitate trafficking crimes and remained a significant obstacle to law enforcement efforts. In some countries, government officials have been investigated and arrested for alleged involvement in trafficking, including paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs. NGOs reported police and immigration officers took bribes in return for ignoring trafficking, facilitating illegal entries, failing to report sus-

pected victims and perpetrators, and failing to act on reported cases under their jurisdiction. Child sex tourism is a problem in Central America, with child sex tourists arriving mostly from the United States and Europe.

Caribbean¹⁵

Over the past five years, human traffickers exploited domestic and foreign victims in the Caribbean, and traffickers exploited victims from the Caribbean abroad. Documented and undocumented immigrants from the Caribbean region, and migrants from Venezuela and Asia are vulnerable to sex trafficking and forced labor. The majority of trafficking victims identified in the Caribbean are from the Dominican Republic and Venezuela. Due to the deteriorating political and economic situation in Venezuela, there has been an increased number of Venezuelan trafficking victims across several countries in the Caribbean. Haitian migrants are another large group of migrants vulnerable to trafficking around the region. Some authorities have reported an increased number of trafficking victims in multiple-destination trafficking, arriving in one country for a few months before their traffickers exploit them in other Caribbean countries.

Throughout the region, there are reports of traffickers luring foreign and local women and children for sex and labor trafficking through fraudulent labor recruitment in domestic service, low-skilled labor jobs, and in regulated and unregulated brothels, including in unregulated mining areas, strip clubs, and dance clubs, and tourist centers. Observers report governments do not regulate labor recruiters and recruiters do not inform participants of the terms of their contracts, making them more vulnerable to forced labor. Incidents of forced labor for adults and children have been documented in domestic service, family-owned farms and businesses, forestry, mining, fishing vessels, landscaping, retail and service sectors, agriculture, construction, and also forced begging involving adults and children. In some countries with inadequate provision for victim shelters, officials have returned children to the streets. In addition, internally displaced persons, including those displaced by Hurricane Matthew (2016), Hurricane Dorian (2019), and the 2010 Haiti earthquake, those living near the border of Haiti and the Dominican Republic, children born to foreign-born parents who do not automatically receive citizenship, and LGBTI youth often left homeless and stigmatized by their families and society are at heightened risk of trafficking. Reported incidents of forced criminality have been observed related to the production of illegal drugs and gang activity. The lack of government presence in the interior jungle and mining regions of Guyana and Suriname renders the full scope of the trafficking problem unknown in these countries. Porous border regions across the Dominican Republic, Haiti, and Suriname and long unpatrolled coastlines increase for traffickers to move victims across borders without detection.

¹⁵ Ibid., 69; 75; 82; 91; 164; 166; 178; 222; 224; 262; 400; 401; 402; 439; 464-465.



Photo caption: In Haiti, many young children are forced into domestic servitude, a practice called *restavek*.

Photo credit: End Slavery Now

Child sex tourism, involving perpetrators primarily from North America and Europe, has been reported or suspected in a variety of resort areas, nightclubs, bars, massage parlors, and private homes in several Caribbean countries. Most of Haiti's trafficking cases involve the practice of child domestic servitude, *restavek*, or children who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. A significant number of these children flee their situations and become homeless or are placed in orphanages or private/NGO-sponsored residential care centers; these children are at high risk for trafficking. Several countries report anecdotal reports of economically disadvantaged parents and caregivers subjecting children and teenagers to sex trafficking to obtain goods or services for the family. Some local observers report that this form of child sex trafficking may be widespread in some communities. Traffickers increasingly use social media platforms to recruit victims. Corruption in police and immigration has been associated with facilitating trafficking-related complicity.

The Andean Republics¹⁶

Over the past five years, human traffickers exploited domestic and foreign victims in the Andean Republics. Traffickers exploited men, women, and children from the Andean Republics in sex trafficking and forced labor abroad.

Vulnerable populations include women, children, LGBTI individuals, indigenous populations,

¹⁶ Ibid., 103; 147; 180; 380; 498.

migrants, internally displaced persons, and refugees from the Caribbean, South America (largely Colombia and Venezuela) and Africa. Migrants along the border regions were reportedly vulnerable to sex and labor trafficking. Traffickers exploit victims in forced labor in sweatshops, agriculture, ranching, brick-making, domestic work, mining and related services, logging, and textile factories. Communities located near legal and illegal mining operations are often isolated and lack a permanent government presence, increasing the likelihood of illicit activity, including sex and labor trafficking. Resort areas, mainly in Colombia and Peru, pose high risks for sex trafficking for women and children, often involving tourists from the United States and Europe. Traffickers subject children to forced labor in begging, street vending, and domestic service. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor. Adults and children are victims of forced criminality involving illegal drug production and trafficking, robbery, and other criminal activities. Some Ecuadorian trafficking victims are initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. In Colombia, high risk areas for trafficking are areas where illegal armed groups and criminal organizations are active; criminal groups are involved in facilitating the transport of foreign tourists to remote locations where traffickers exploit women and children in sex trafficking.



Cover photo caption: Orphaned children, like these young girls in Venezuela, are among the vulnerable populations that are often exploited by human traffickers.

Photo credit: Meridith Kohut, New York Times

Traffickers exploit Peruvian and foreign men, women, and children in forced labor in the country, principally in illegal and legal gold mining and related services, logging, agriculture, brick-making,

unregistered factories, counterfeit operations, organized street begging, and domestic service. In Venezuela, illegal armed groups forcibly recruit children, including Venezuelan youth, to serve as combatants and informants, harvest illicit crops, and to exploit them in sex trafficking. Women, children, and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Some Andean countries serve as transit routes for trafficking victims from other South American and Caribbean countries. Corrupt officials have alerted traffickers before some law enforcement operations, and some local authorities assisted traffickers to which have continued to hamper anti-trafficking efforts. Traffickers increasingly recruit victims on social media platforms.

Brazil and the Southern Cone¹⁷

Over the past five years, human traffickers exploit domestic and foreign victims in Brazil and the Southern Cone, and traffickers exploit victims from Brazil and the Southern Cone abroad.



Photo caption: Indigenous groups in Brazil are particularly vulnerable to human traffickers. In this photo, a young woman from a Brazilian Amazon tribe protests against human trafficking.

Photo credit: Carlos Garcia Granthon/Fotoholica Press/LightRocket via Getty Images

¹⁷ Ibid., 71; 109-110; 140; 376-377; 493.

Venezuelan migrants in border cities within Brazil, and who have relocated to other parts of the country, were highly vulnerable to sex trafficking and forced labor. Traffickers recruited Venezuelans living in Brazil and those still in Venezuela via online advertisements and social media platforms offering fraudulent job opportunities, later exploiting them in trafficking in major cities. Traffickers exploit transgender Brazilian women, luring them with offers of gender reassignment surgery and later exploiting them in sex trafficking when they are unable to pay the cost of the procedure. Traffickers have exploited Brazilian men and transgender Brazilians in sex trafficking in Europe. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe and North America. Traffickers exploit Brazilian men, notably Afro-Brazilians, and to a lesser extent women and children, in situations that could amount to labor trafficking, in rural areas (including in ranching, agriculture, charcoal production, salt industries, logging, and mining) and cities (construction, factories, restaurants, and hospitality). Traffickers exploit Brazilians in forced labor for the harvest of sugar, coffee, and carnauba wax.

Traffickers exploit Brazilian women and children, as well as girls from other countries in the region, in forced labor for domestic servitude. Traffickers force some Brazilian victims to engage in criminal activity, including drug trafficking, in Brazil and neighboring countries. Traffickers exploit men, women, and children from other countries in forced labor and debt-based coercion in many sectors, including construction, the textile industry, and small businesses. NGOs and officials report some police officers ignore the exploitation of children in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding identification of sex trafficking victims.

In the Southern Cone, women, especially from the Dominican Republic and other Latin American countries, are subjected to sex trafficking. Traffickers exploit Chinese migrants in sex trafficking and forced labor, such as in supermarkets and fishing vessels. Traffickers exploit LGBTI adults and adolescents for sex trafficking in Argentina, Paraguay, and Uruguay and in Europe. Men, women, and children are subjected to forced labor in a variety of sectors, including street vending, begging, domestic servitude, and working in sweatshops, agriculture, hospitality and service sectors, mining, construction, charcoal and brick production, and ranching. Traffickers are also known to exploit indigenous persons in forced labor in Paraguay. Border regions, especially between Argentina, Brazil, and Paraguay, are vulnerable to trafficking given the lack of regulatory measures, insufficient transnational cooperation, porous borders, and the fluidity of illicit goods and services.

In Argentina, child sex trafficking has occurred in the country's youth sports and athletic clubs and minor leagues. In Paraguay, some boys have been victims of forced labor as horse jockeys. Authorities have identified adults and children trafficking victims involved in forced criminality including the cultivation, sale, and transport of illicit drugs and theft. In Paraguay, the practice of child domestic servitude, *criadazgo*, leads to many of these children being highly vulnerable to sex and labor trafficking. Official complicity, including police, border guards, judges, and public registry employees, continues to hinder efforts across the region to combat trafficking. In some cases, police frequented brothels, dissuading potential trafficking victims from reporting exploitation.

Western Hemisphere Anti-Trafficking Statistics

Over the past five years, there have been encouraging trends to combat human trafficking in the Western Hemisphere (See Table 1). There have been an increasing number of convictions, including 1,017 convictions compared to 969 convictions in the previous year, and 402 in 2012. Moreover, countries have identified more victims, a total of 11,683 victims in 2018, compared to 10,011 in the previous year, and 7,639 in 2012. However, many of the Western Hemisphere countries faced continued challenges, which included fewer prosecutions in 2018 (1,252), compared to 2017 (1,571). Related to this, across the region, we have seen weak or decreasing efforts to criminally investigate, prosecute, and convict cases of forced labor, including forced criminality. Complicity by government officials is also a consistent problem in many Western Hemisphere countries.

Table 1: Law Enforcement and Victim Identification Statistic for the Western Hemisphere Region, 2012-2019¹⁸

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2012	1,077 (369)	402 (107)	7,639 (3,501)	8
2013	1,182 (207)	446 (50)	7,818 (3,951)	4
2014	944 (67)	470 (63)	8,414 (2,014)	5
2015	1,796 (83)	663 (26)	9,661 (2,118)	6
2016	1,513 (69)	946 (24)	8,821 (109)	2
2017	1,571 (139)	969 (114)	10,011 (2,139)	1
2018	1,252 (72)	1,017 (177)	11,683 (2,370)	0

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

In several Western Hemisphere countries, anti-trafficking laws are inconsistent with the Palermo Protocol. Some countries do not establish the use of force, fraud, or coercion as an essential element of human trafficking (Argentina, Brazil, Canada, Chile, Colombia, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, and Uruguay). Other countries define trafficking broadly to include issues

¹⁸ U.S. Department of State, *Trafficking in Persons Report* (Washington, DC: U.S. Department of State, June 2019), 54, <https://www.state.gov/reports/2019-trafficking-in-persons-report/>.

such as labor exploitation, child pornography, servile marriage, illegal adoption without the purpose of exploitation, and unlawful biomedical research (Argentina, Bolivia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Peru). Other countries did not criminalize all forms of sex and labor trafficking (Belize, Belize, Bolivia, Cuba, Ecuador, Panama, Peru, and Venezuela), including requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense (Bolivia, Brazil, Dominican Republic, and Venezuela). In addition, others allowed fines in lieu of imprisonment for penalties for trafficking offenses (Barbados, Jamaica, St. Lucia, St. Vincent and the Grenadines), and did not have penalties commensurate with those prescribed for other serious crimes, such as rape (Aruba, Curacao, Peru).

Western Hemisphere by the Tiers



Graph caption: Tier Rankings for Western Hemisphere countries. Source: U.S. Department of State, *Trafficking in Persons Report* (Washington, DC: U.S. Department of State, June 2019), 54, <https://www.state.gov/reports/2019-trafficking-in-persons-report/>.

Tier 1 Countries

As of the 2019 TIP Report, seven countries—Argentina, The Bahamas, Canada, Colombia, Chile, Guyana, and the United States—were Tier 1 compared to four countries in 2013 (Canada, Colombia, Ni-

caragua, and the United States), two countries in 2008 (Canada, Colombia), and one country in 2003 (Colombia). Serious and sustained efforts across the Tier 1 countries included: investigating and prosecuting officials allegedly complicit in trafficking crimes; convicting and sentencing labor traffickers to significant prison terms; increasing funding for victim assistance in a few countries in the region; improving male victims' care; increasing legal representation for child victims; and launching a new national anti-trafficking information system.



Photo caption: A prostitution ring that offered underage girls to the criminal gang Clan Úsuga has been dismantled by the Colombian Army, National Police, and Attorney General's Office.

Photo credit: Dialogo Magazine

However, Tier 1 countries faced continued challenges, which included: anti-trafficking laws that are inconsistent with international law; insufficient efforts to identify or investigate cases of forced labor; inconsistent application of screening procedures to vulnerable populations, including Venezuelans and Haitians; a lack of integrated, specialized, and comprehensive mid- to long-term victim assistance for victims, including for child and male victims; insufficient budgets to implement national action plans; insufficient funding for civil society actors; inadequate interagency coordination efforts; and weak efforts to hold allegedly complicit or corrupt officials accountable for trafficking crimes.

Tier 2 Countries

As of 2019, 21 countries—Antigua and Barbuda, Aruba, Brazil, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Panama, Peru, Paraguay, St. Lucia, St. Vincent and Grenadines, Sint Maarten, Suriname, Trinidad and Tobago, and Uruguay—were ranked Tier 2 compared to 18 countries in 2013 (Antigua and Barbuda, Argentina, The Bahamas, Belize, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Jamaica, Mexico, Panama, Peru, St. Vincent and Grenadines, and Sint Maarten), 13 countries in 2008 (Belize, Bolivia, Brazil, Chile, Ecuador, El Salvador, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, and Uruguay), and 10 countries in 2003 (Brazil, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, and Venezuela).

Serious and sustained efforts among these countries included: investigating and prosecuting suspected traffickers, and convicting and punishing offenders, including complicit officials in some countries in the region, particularly for sex trafficking; drafting formal standard operating procedures on victim identification and referral in some countries in the region; identifying and assisting victims, including Venezuelans; opening shelters in some countries in the region; increasing funding for victim assistance in a few countries in the region; increased efforts to enforce laws against illegal mining—which fuels the demand for sex and labor trafficking in Peru; passing national anti-trafficking action plans in some countries in the region; increasing training on indicators of trafficking, including for law enforcement; cooperating with other governments in the region to combat trafficking; and launching a new trafficking hotline in one country and campaigns in several countries for trafficking crimes.

However, these countries faced continued challenges, which included: anti-trafficking laws that are inconsistent with international law; a low number of investigations, prosecutions, and convictions given the scope of the problem in the region; weak or decreasing efforts to criminally investigate, prosecute, and convict cases of forced labor, including forced criminality; identifying and assisting few victims compared to the scale of the problem; a lack of or inconsistent application of screening procedures to vulnerable populations; a lack of comprehensive and sufficient specialized services for all victims, particularly adults, males, and LGBTI populations; insufficient funding for anti-trafficking efforts, including for victim services; ineffective prevention and public awareness activities; poor inter-agency coordination in some countries in the region; weak efforts to hold allegedly complicit or corrupt officials accountable for trafficking crimes; and problems with collecting and sharing data about trafficking cases and victims across relevant government agencies.

Tier 2 Watch List Countries

As of 2019, five countries—Barbados, Belize, Bolivia, Curacao, and Nicaragua—were on the Tier 2 Watch List compared to six countries in 2013 (Barbados, Haiti, Honduras, St. Lucia, Suriname, Trinidad & Tobago, Venezuela), five countries in 2008 (Argentina, Dominican Republic, Guatemala, Panama, Venezuela), and zero countries in 2003 because the Tier 2 Watch List did not exist at that time.

Serious and sustained efforts among a few, but not all of the Tier 2 Watch List countries included: investigating and prosecuting cases; screening vulnerable individuals for trafficking; identifying and providing limited victim services to some victims; providing anti-trafficking training for immigration and law enforcement officials, including on victim identification protocols; and conducting public awareness campaigns.

However, these countries faced continued challenges, which included: anti-trafficking laws that are inconsistent with international law; very few investigations, prosecutions, and convictions, including of allegedly complicit officials; efforts to address forced labor remained insufficient; very few identified victims; inadequate victim services; detention and deportation of victims, including Venezuelans, who did not immediately agree to cooperate in the case against their traffickers and without referring them to care services or without consideration of possible abuse in their home country; lack of national action plans; lack of resources for their anti-trafficking efforts; and a lack of cooperation with NGOs.

Tier 3 Countries

As of 2019, two countries—Cuba and Venezuela—were Tier 3 compared to zero countries in 2013, one country in 2008 (Cuba), and five countries in 2003 (Belize, Cuba, Dominican Republic, Haiti, and Suriname). Serious and sustained efforts among these countries included: prosecuting sex traffickers and one labor trafficker and imprisoning sex tourists engaged in child sex trafficking in Cuba; and providing training for officials to begin the development of a victim protection protocol in Venezuela.

However, these countries faced continued challenges, which included: no reported efforts to assist victims in Venezuela; no reported efforts to investigate, prosecute, or convict any traffickers in Venezuela; criminalization of all forms of forced labor or sex trafficking of children ages 16 and 17 in Cuba; a lack of procedures to proactively identify forced labor victims in Cuba; a lack of a comprehensive package of services to include housing and physical protection for victims in Cuba; the penalization of potential sex trafficking victims for unlawful acts their traffickers coerced them to commit in Cuba; and no investigations, prosecutions, or convictions of government officials complicit in trafficking, despite persistent allegations officials threatened and coerced some participants in the foreign medical missions to remain in the program in Cuba.

Conclusion

As is evident above, the Western Hemisphere countries have made significant strides over the past five years to combat human trafficking, although significant challenges remain. To combat these continuing challenges and help governments in their efforts, the TIP Office has recently funded the following grant and cooperative agreement programs in the Western Hemisphere region¹⁹:

¹⁹ TIP Office assistance is not inclusive of all US Government anti-trafficking assistance in the Western Hemisphere. Other Department of State bureaus and USAID address human trafficking as part of criminal justice sector reform, development, and human rights programming.

- **Brazil** (2018-2020; \$750,000): The International Centre for Migration and Policy Development is providing training on victim-centred protection services and investigation and prosecution procedures. Going forward, they will develop an online course on human trafficking as well as an anti-human trafficking guide for the Federal Police.
- **Dominican Republic** (2018-2022; \$1.325 million): The International Association of Women Judges (IAWJ) and International Justice Mission (IJM) are implementing projects to increase the capacity of the Dominican Government to combat human trafficking. IAWJ hosted a regional conference on combating human trafficking with participants from eight countries. This program has also provided training and support to more than 310 individuals in 13 local communities with high vulnerability to human trafficking. IJM will provide specialized investigative training to approximately 440 criminal justice actors.
- **Guyana** (2016-2022; \$850,000): The International Organization for Migration (IOM) in Guyana is training about 200 stakeholders in providing victim-centred protection services and 120 criminal justice actors on investigating and prosecuting the crime. This program has organized a civil society working group, which has raised awareness of the crime to more than 12,000 people.
- **Jamaica** (2018-2022; \$5.1 million): In 2018, the United States and Jamaica signed the U.S.-Jamaica Child Protection Compact (CPC) Partnership, a four-year agreement to build on Jamaica's existing efforts to prosecute and punish perpetrators of child trafficking, identify child trafficking victims and strengthen the provision of comprehensive protective services, and prevent child trafficking from occurring. This is the first CPC Partnership in the Caribbean. Implementing partners for the agreement are the International Organization for Migration, the Warnath Group, and Winrock International for activities, who are working collaboratively with Jamaican ministries and other civil society organizations to combat child trafficking throughout the country until 2022.
- **Paraguay** (2019-2022; \$750,000): Partners of the Americas is strengthening the capacity of the national government to fight human trafficking, provide trainings, and raise awareness.
- **Peru**: (2017-2022; \$6.7 million): In 2017, the United States and Peru signed the U.S.-Peru Child Protection Compact Partnership, a four-year agreement to build on existing efforts to prosecute and punish perpetrators of child trafficking; identify child trafficking victims and coordinate the provision of comprehensive protective services; and prevent child trafficking from occurring. The grant was the first of its kind in the Americas. Implementing partners for

the agreement are the International Labor Organization (ILO) and Centro Yanapanakusun, a local NGO. These implementing partners are working collaboratively with Peruvian government entities and other civil society organizations to combat child trafficking in metropolitan Lima, Cusco, Loreto, Madre de Dios, and Puno.

- **Venezuelan Migration and Human Trafficking in Aruba, Brazil, Colombia, Curacao, the Dominican Republic, Ecuador, Peru, and Trinidad and Tobago** (2019-2022; \$3 million): The UN Office on Drugs and Crime (UNODC) is enhancing a regional criminal justice response to human trafficking among migration flows involving Venezuelans. Within beneficiary countries, UNODC will promote the development of mechanisms, practices, and skills to identify victims as well as to investigate and prosecute cases in partnership with governments, civil society, and the private sector.

There are, however, a variety of additional mechanisms to increase action by nongovernment and international organizations, as well as regional cooperation and multilateral engagement, such as with the Organization of American States (OAS) and the Caribbean Community (CARICOM). For example, the OAS has created regular meetings on human trafficking and a work plan specifically on combating human trafficking.²⁰ In July 2019, academic researchers were funded by the CARIFORUM²¹ to conduct an in-depth study of the human trafficking problem in CARICOM Member States and the Dominican Republic.²² There is also the Regional Coalition against Human Trafficking and Migrant Smuggling, which consists of Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama; its purpose is to adopt and promote regional standards, policies and processes to combat and prevent these crimes and improve care for victims, as well as being a source of advice for countries on these issues.²³ Moreover, as part of its 2030 Agenda for Sustainable Development, the United Nations created 17 Sustainable Development Goals (SDGs); Goal 5.2 addresses violence against women, including trafficking and other types of exploitation.²⁴ Therefore, a range of multilateral fora exist for creating new partnerships and programming to combat human trafficking in the Western

²⁰ Organization of American States, accessed January 28, 2020, <http://www.oas.org/en/council/CSH/topics/tratapersonas.asp>

²¹ CARIFORUM refers to the body comprising Caribbean African, Caribbean, and Pacific Group of States which are signatories of the Georgetown Agreement. This Agreement was signed in 1975. The grouping is composed of 79 African, Caribbean and Pacific states. See: *CARICOM, CARIFORUM: The Context*, accessed January 23, 2020, <https://caricom.org/cariforum-the-context>.

²² CARICOM, “CARIFORUM Embarks on Critical Human Trafficking Study” (July 29, 2019), accessed January 23, 2020, <https://caricom.org/communications/view/cariforum-embarks-on-critical-human-trafficking-study>.

²³ MesoAmerican Regional Migration Program, “The countries of the Regional Coalition against Human Trafficking and Migrant Smuggling (CORETT) identified over 1,300 victims of human trafficking in 2018,” (December 12, 2019), accessed February 7, 2020, <https://programamesoamerica.iom.int/en/news/countries-regional-coalition-against-human-trafficking-and-migrant-smuggling-corett-identified>

²⁴ United Nations, Sustainable Development Goal 5: Achieve gender equality and empower all women and girls (2019), accessed January 23, 2020, <https://sustainabledevelopment.un.org/SDG5>.

Hemisphere region. The 20th anniversary of the Palermo Protocol in 2020 is a useful rallying point to initiate new anti-trafficking efforts in the area of prosecution, victim protection, and prevention.



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