

# COMBATING HUMAN TRAFFICKING IN THE UNITED STATES

What can  
Thailand learn  
from US  
approaches?

**PRESENTATION BY  
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# TVPA OF 2000

- Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the 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, (22 USC § 7102).
- Labor trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery, (22 USC § 7102).

# FEDERAL ACTORS

- Department of Health and Human Services
- Department of Homeland Security
- Department of Justice
- Department of Labor
- State Department
- Equal Employment Opportunity Commission

**DEPARTMENT OF  
HEALTH AND HUMAN  
SERVICES**

# ANTI-TRAFFICKING IN PERSONS DIVISION (ATIP)

- Funds services for foreign-born victims
- Provides grants to enhance identification of victims
- Funds outreach activities
- Provides certification and eligibility letters to victims
- Rescue and Restore Campaign
- Funds the National Human Trafficking Resource Center

**DEPARTMENT OF  
HOMELAND SECURITY**

# IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

- Human Smuggling and Trafficking Unit
  - Investigates crimes of human trafficking
  - Participates in anti-Trafficking Task Forces
  - Operated the Blue Campaign
- Predator Unit
  - Investigates crimes of child sexual exploitation, child pornography, and child tourism in the U.S. and abroad





# U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

- Adjudicates applications for T and U Visas

Department of Homeland Security U.S. Citizenship and Immigration Services		OMB No. 1615-0099; Expires 05/31/2014 <b>I-914, Application for T Nonimmigrant Status</b>																									
<b>START HERE - Type or print. Use black ink. See Instructions for information about eligibility and how to complete and file this application.</b>			<b>For USCIS Use Only</b>																								
<b>PART A. Purpose for Filing the Application</b> <i>Check all that apply:</i>			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Returned</td> <td style="width: 50%;">Receipt</td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Resubmitted</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Reloc Sent</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Reloc Rec'd</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Date</td> <td></td> </tr> </table>	Returned	Receipt	Date		Date		Resubmitted		Date		Date		Reloc Sent		Date		Date		Reloc Rec'd		Date		Date	
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<input type="checkbox"/> I am filing an application for T-1 nonimmigrant status, and have not previously filed for such status.																											
<input type="checkbox"/> I have a T-1 application pending. EAC #: _____																											
<input type="checkbox"/> I have received T-1 status.																											
<input type="checkbox"/> I am applying to bring family member(s) to the United States.																											
<b>PART B. General Information About You (Person filing this form as a victim)</b>																											
Family Name (Last Name)	Given Name (First Name)	Middle Name (if any)																									
_____	_____	_____																									
Other Names Used (Include maiden name/nickname)																											
_____																											
Home Address - Street Number and Name		Apt. #																									
_____		_____																									
City	State/Province	Zip/Postal Code																									
_____	_____	_____																									
Safe Mailing Address (if other than above) - Street Number and Name		Apt. #																									
_____		_____																									
C/O (in care of):																											
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City	State/Province	Zip/Postal Code																									
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Remarks																											
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**DEPARTMENT OF  
JUSTICE**

# DOJ HAS MANY UNITS INVOLVED IN ANTI-TRAFFICKING ACTIVITIES

- Child exploitation and obscenity section (CEOS)
- Civil Rights Division
- Bureau of Justice Assistance
- Office of Victims of Crime
- Bureau of Justice Statistics
- National Institute of Justice
- Office of Juvenile Justice and Delinquency Prevention
- Federal Bureau of Investigation (FBI)
  - Civil Rights
  - Innocence Lost Initiative
  - Collaborates with the National Center for Missing and Exploited Children

# CHILD EXPLOITATION AND OBSCENITY SECTION (CEOS)

- Prosecutes cases of
  - Child pornography
  - Sex trafficking of children
  - Parental child abduction
  - Sex tourism



# CIVIL RIGHTS DIVISION

- **Human Trafficking Prosecution Unit**
  - Prosecutes trafficking cases
- **Trafficking in Persons and Workers Exploitation Task Force**
  - Operates a complaint line



# OFFICE OF VICTIMS OF CRIME (OVC)

- Provides technical assistance to the Anti-Trafficking Task Forces
- Funds services to foreign national victims of trafficking
- Funds pilot sites for U.S. citizen minor victims of sex trafficking





Anchorage

# BJA / OVC Human Trafficking Task Forces (39)

- *17 Task Forces Funded Prior to FY2011*
- *22 Enhanced Collaborative Model Task Forces Funded in FY2011 through County to state and later with a pre-2011 award and an Enhanced Model award*



# Northern Mariana (Saipan)

**DEPARTMENT OF LABOR**



# DEPARTMENT OF LABOR

- **Labor Bureau of International Labor (ILAB): Office of Child Labor, Forced Labor and Human Trafficking**
  - publishes reports on international child labor, forced labor and human trafficking and provides funding to combat international child labor.
- **Wage and Hour Division (WHD):**
  - Enforces federal labor laws including the Fair Labor Standards Act (FLSA) and
  - Migrant and Seasonal Agricultural Workers Protection Act (AWPA) and
  - Assists with human trafficking investigations involving the violation of these laws.

**DEPARTMET OF STATE**

# OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS (J/TIP):

- Conducts awareness-raising activities, diplomacy with other countries
- Funds international anti-trafficking initiatives
- Publishes the annual Trafficking in Persons Report, which rates countries on their anti-trafficking efforts
- Maintains a list of resources and information for individuals in the U.S. on a nonimmigrant work or travel visa

# EMPIRICAL VACUUM

# ROLE OF RESEARCH

- Research fulfills a number of roles. One of them is to offer an independent and critical assessment of current policy and practice, including the implementation of counter-trafficking policies and practices.

# STATISTICAL DATA: ESTIMATES OR GUESSTIMATES?

- Limited information regarding methodology
- Discussion limited to methods used to calculate estimates
- Methodological weaknesses, gaps in data, numerical discrepancies (GAO 2006)
- Frequent revision of the number of trafficking victims brought to the U.S.

# THEORY

- Research influenced by ideology
- Moral crusades
- Research conducted by activists involved in anti-prostitution campaigns
- Radical feminist theory
  - No distinction between trafficking for forced prostitution and voluntary migration (legal or irregular) for sex work
- Research on trafficking for labor exploitation
  - disconnected from theory
  - no attempts to analyze the issue of cross-border trafficking for labor exploitation within existing international migration theories
  - Poverty as the major “push factor”

# METHODOLOGY

- Lack of innovative methodologies
- Reliance on unrepresentative samples
- Reliance on interviews with ‘key stakeholders’
  - Valuable ethnographic interviews
  - Untrained researchers
  - Participant observation
- Small samples
- Dangers of generalizing from small convenience samples are routinely ignored in the literature
- Need to emphasize the limitations of small samples for generalizations and extrapolations
- Need to stress the value of ethnographic investigations for hypothesis formulation



# FUTURE RESEARCH

- Move beyond stating that there is a problem
- Systematic and rigorous data collection
- Analysis of a range of issues:
  - Organization of human trafficking
  - Impact on victims, their family, and community members
  - Efficacy of counter-trafficking initiatives
  - Effectiveness of anti-trafficking legislation
  - Success of return and reintegration programs

# MAXIM TO LIVE BY

- Lack of research-based policy, practice, and knowledge may inadvertently ‘deepen rather than loosen the factors that make trafficking both so profitable and difficult to address’ (Kelly 2002: 60)

# RECOMMENDATIONS FOR THAILAND (TIP)

- Promptly and thoroughly investigate all reports of government complicity in trafficking
- increase efforts to prosecute and punish officials engaged in trafficking-related corruption
- Increase efforts to prosecute and convict trafficking offenders
- Develop and implement victim identification procedures
- Increase efforts to proactively identify victims of trafficking
- Pursue criminal investigations of cases in which labor inspections reveal indicators of forced labor
- Cease prosecuting criminal defamation cases against researchers or journalists who report on human trafficking
- Recognizing the valuable role of NGOs and workers' organizations in uncovering the nature and scope of human trafficking in Thailand

# RECOMMENDATIONS FOR THAILAND (TIP)

- Allow every adult trafficking victim—including sex trafficking victims—to travel, work, and reside outside shelters in accordance with provisions in Thailand’s anti-trafficking law
- Increase interpretation services across government agencies
- increase incentives for victims to cooperate with law enforcement
- in the investigation and prosecution of trafficking cases
- Consider establishing a dedicated court division

# ISSUES TO CONSIDER FOR THAILAND

- Promising US approaches
  - Victim protection and assistance
  - Immigration relief
  - Minors do not need to collaborate with law enforcement
  - Considerable involvement of the civil society
- Less successful strategies
  - Poor victim identification
  - Task Forces
  - Lack of evaluations, especially impact evaluations
  - No reliable centralized database
  - Limited collaboration across agencies
- Conceptualizations
  - Trafficking
  - Worker exploitation

# CONTACT INFORMATION

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