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TRAFFICKING IN PERSONS: THE RELIABILITY OF THE TIER RANKING SYSTEM
AND ITS ABILITY TO INFLUENCE GLOBAL POLICY DECISIONS

By

Zoe Elizabeth Storck

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

Oxford, MS

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Approved By

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Dedication

I would like to dedicate this thesis to my family for their constant love and support throughout my time at the University of Mississippi.

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I would like to acknowledge my thesis advisor, Dr. Weixing Chen, for his encouragement and wisdom throughout this process. I would also like to thank my other readers, Dr. Melissa Bass and Dr. Eva Payne for their willingness to be a part of this work. I am extremely grateful for the support and advice that my friends have provided me with throughout my undergraduate career. Finally, I would like to thank both the Trent Lott Leadership Institute and the Sally McDonnell Barksdale Honors College for the most amazing four years.

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ABSTRACT

ZOE ELIZABETH STORCK: (Under the direction of Dr. Weixing Chen)

This research investigates the Trafficking in Persons (TIP) report published annually by the United States. Specifically, this research examines both the role that the Trafficking in Persons report plays in pushing specific human rights policy decisions throughout the world and its overall effectiveness in creating governmental response. The tier rankings and country narratives included in the report are essential for identifying specific government responses to recommendations made in the TIP report, and the tier rankings specifically have created a system that pressures countries to pursue steps toward combatting human trafficking. The data collection method utilized throughout this research consists primarily of information within the Trafficking Victims Protection Act of 2000 and the twenty published Trafficking in Persons reports ranging from 2001 to 2021. Other notable points of reference for data collection are various reports from the Government Accountability Office, U.S. Embassy reports, and other pieces of both domestic and foreign legislation surrounding human rights and human trafficking. Although the preexisting literature surrounding the issue of human trafficking is not necessarily abundant, the relevant information utilized for this research proved to be vital in acknowledging the principal role of the TIP report in leading global responses against human trafficking.

The TIP report has a reputable status around the world and there are countries that do adhere to its recommendations in order to improve their tier rankings. However, it is problematic that the TIP Report, due to a lack of other research surrounding human trafficking on an international scale, has taken on the role as one of the only points of reference for governments around the world. It is necessary for other countries to take initiative into competing with the

United States in regards to human trafficking research and create other references of information in order to improve and increase global responses. In conclusion, the examination of five different countries, their tier rankings, and their corresponding responses to their tier ranking and TIP report recommendations overall illustrates the influential role that the report plays in creating change surrounding human trafficking. The trends in policy response in each country, while very different, all contribute to one concrete idea: the TIP report, despite its occasional criticism, maintains a very influential status with countries across the world, and governments have been known to find value in obtaining an admirable tier ranking in order to maintain positive relations with the United States in regards to human rights.

Chapter 1

Introduction

The Trafficking in Persons (TIP) report, since its first publishing in 2001, has established a strong influence on governments all around the world. Although there is room for improvement within the report and its handling of information, there is no doubt that countries consistently pay attention to the report, what it says, and the recommendations that it makes in the report's country narratives. By assessing and analyzing the cases of five different countries in this research, it is evident that countries do not only pay attention to the annually published tier rankings, but will also take the report's suggestions into account in an effort to both improve their ranking and increase their efforts to combat human trafficking. Overall, the TIP report has served to be a reputable source in human trafficking research throughout the past twenty years, and whether it is due to a specific tier ranking or policy recommendation, it is apparent that the report has played a part in encouraging global responses to combat human trafficking while also pursuing both domestic and international initiatives to aid in this evolving human rights issue.

A primary purpose of this research is to address the problems associated with the TIP report having the role of the world's primary human trafficking research resource. In order for the broad issue of human trafficking to see more widespread positive change, other countries around the world must take initiative into producing research that obtains the kind of influence that the TIP report does. It is evident that countries around the world rely upon this report as a sole source of information; it would be beneficial for there to be a larger pool of reliable research that countries could utilize comparatively in a way that would provide options that enhance a

government's ability to produce effective outcomes. This general lack of data that has forced the international community to rely upon the Trafficking in Persons report as the only resource that results in steps to combat human trafficking, and with this being the case, it is necessary that the tier rankings are established objectively (Roster, 2016). Although the principal idea is that other countries should increase their efforts to join the United States as a point of reference, it is also important for the U.S. to have an increased sense of responsibility in continuing to steer away the TIP report away from complacency in order to provide the international community with information that will be reliable enough to create increasingly productive outcomes.

Another key purpose of this research is to bring awareness to the issue of human trafficking as a whole. Human trafficking is the largest form of slavery to still exist in today's world. It affects every country and has the ability to adapt and shift into multitudes of forms. The State Department estimated that globally there were 24.9 million victims of human trafficking in 2019 (Congressional Research Service, 2019). Although knowledge and awareness of human trafficking as a global human rights issue has increased exponentially within the past two to three decades, there is still a significant amount of progress that needs to be made. This research is dedicated to not only illustrating the influence that the Trafficking in Persons report has on advocating for government responses across the world, but also to highlighting the importance of increasing awareness of the issue in general. As awareness of human trafficking in its various forms increases, so do noteworthy policy responses in addition to actions by nongovernmental organizations that are dedicated to eradicating human trafficking as a whole.

One limitation to this research is the small amount of preexisting literature of the TIP report and its impact; however, despite this, there was some existing literature that was utilized for this research. The Committee on Foreign Affairs represented various perspectives from congressional leaders as well as opinions relating to the TIP report, its influence, and its problems. In addition to this, reports from the Government Accountability Office (GAO) as well as other State Department reports provided a significant amount of insight into specific the initiatives in the TIP report as well as discussing arguments toward increasing transparency within the report in efforts to improve the report's reliability on an international scale. Other preexisting literature utilized for this research consists of human rights reviews, investigative journals, human trafficking case studies, congressional research reports, and a handful of outside credible news sources and literature relating to the issue of human trafficking. Through analyzing a small yet diverse pool of available literature, the information obtained for this research illustrates the widespread manner of human trafficking in addition to the increase in global attention that the issue has acquired throughout the past two decades.

Outside of the relevant existing literature, the methodology for this research consisted primarily of data collection and analysis from the twenty published TIP reports. All of the TIP reports were accessed through the TIP report archive on the Department of State's website, except for the 2021 report which was collected as a hard-copy. The data collection for the selection of the countries as well as specifics regarding tier rankings was conducted through an individual analysis of each report's tier ranking lists and the changes that occurred from one year to the next. In order to identify governmental efforts for each country, it was necessary to explore both the recommendations listed throughout the country narratives in addition to the data

collected by the Department of State in any relevant year. These country narratives included an abundance of information, resources, and statistics that were fundamental in distinguishing the influence and motivations behind the report itself. Using the reports to identify trends in a country's tier ranking over time and the corresponding correlations between report recommendations and government responses in following years contributed to the bulk of what was needed to support the argument in favor of the TIP report's impact on pressuring countries to combat human trafficking.

This research is organized with the intent of providing information that is relevant to the topics discussed as well as a basis for the policy recommendations and conclusions made at the end of the paper. The second chapter will dive into the Trafficking Victims Protection Act of 2000 as well as the Trafficking in Persons report; in addition to this, the background knowledge, evolution, details, and criticism surrounding the TIP report will also be discussed. Chapter three will consist of an analysis of the five different countries that will serve as points of reference toward the influential role that the TIP report has on pushing for government action to combat human trafficking and create change. This chapter will not only investigate how human trafficking portrays itself in each individual country, but will also identify specific government responses that have resulted from TIP report recommendations or from a disapproval of that country's tier ranking. The final chapter in this paper will provide policy recommendations in regards to the issue of human trafficking as a whole as well as suggestions as to how both the United States and the rest of the world should move forward in combatting human trafficking.

Chapter 2

The Trafficking in Persons Report and Tier Rankings

Human Trafficking

Human Trafficking is an issue that reaches across all borders and has consistently evolved throughout time. Although the trading of human dates back to European slave trades in Africa in the thirteenth century, the term “human trafficking” was developed much later. This modern day form of slavery was preceded by centuries of inhumane and barbaric treatments of people and several societal responses aimed at eliminating slavery (Melvin, 2006). However, slavery has never been eradicated, and even in the decades following the end of the Civil War and the Emancipation Proclamation in the United States, slavery was manifesting itself once again in many different forms. In regards to labor trafficking, the United States saw pressing problems in the late nineteenth century with Chinese immigrants being forced to work low paying jobs in harsh conditions, usually with long contracts and little rights (Rhoads, 2002). This kind of indentured labor was able to trap workers in specific industries without providing them with proper conditions of compensation. On another topic of trafficking, movements to combat the control of women also sparked global reactions throughout the majority of the nineteenth century through anti trafficking responses to international systems of prostitution (Soderlund, 2011). Historically, human trafficking in its modern, global form has been revealing itself much longer than some may perceive.

The 2020 Trafficking in Persons report attributes the fall of the former Soviet Union, the resulting migration flows, and the increasing concern about the growth of transnational criminal

organizations operating globally to human trafficking becoming a topic of public concern in the 1990s (Department of State, 2020). In 1994, the Department of State started to monitor human trafficking as a part of their annual human rights reports, focusing primarily on sex trafficking, the most known form of human trafficking at the time. As knowledge about human trafficking was acquired and increasingly became a more widespread issue, the United States saw a specific need for legislation to address how traffickers operate and to establish the legal tools necessary to combat human trafficking in all its potential forms (Department of State, 2020). Going forward from this, it was key for the United States to examine what human trafficking truly entailed and how to approach creating legislation that would produce positive change.

Human trafficking exists in many shapes and forms; there are multitudes of variables that have a direct effect on which populations of people are trafficked as well as who is at a higher risk. While the specific type of trafficking can vary, some of the most prevalent forms of human trafficking consist of people being moved within or to other countries by various means for differing purposes, including sexual exploitation, organ harvesting, domestic servitude, and exploitation in numerous other licit and illicit labour markets (Cockbain et al., 2019). The United States recognizes forced labor and sex trafficking as the two primary forms of trafficking in persons (Department of State, 2021). The Trafficking Victims Protection Act of 2000 defines “severe forms of trafficking in persons” as: sex trafficking 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; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (TVPA, 2000). This is

different from human smuggling, which is the illicit movement of people across borders; the definition of trafficking includes the victimization of both U.S. citizens and foreign nationals forced, defrauded, or coerced into labor or commercial sex in the U.S (Farrell et al., 2009).

The United States considers “trafficking in persons,” “human trafficking,” and “modern slavery” to be interchangeable umbrella terms that refer to both sex and labor trafficking (Department of State, 2019). Throughout the past two decades, these various terminologies have become increasingly interchangeable on both a domestic and international level. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (more widely known as the Palermo Protocol) was agreed on in the year 2000 by the United Nations as a result of bargaining and lobbying with global institutions, NGOs and government representatives to create a concept of trafficking that embraces the struggles against prostitution, slavery and child labour (Einarsdóttir et al., 2014). Under the UN Palermo Protocol, “trafficking in persons” is defined 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” (Department of State, 2019). Since the establishment of the Palermo Protocol over two decades ago, over 90% of states around the world have enacted domestic legislation that criminalizes human trafficking (UNODC, 2014). This legislation was the beginning of a global battle against human trafficking and established an international standard to which countries around the world could uphold in order to promote policy that would more efficiently combat this direct violation of human rights.

Trafficking Victims Protection Act of 2000

Although the issue of human trafficking has existed for centuries, it was not until 2000 that a piece of United States legislation was passed as a preliminary attempt to eliminate it. After years of rising attention to the issue and public demands for change, the United States decided to make a clear step toward fighting what was a highly global problem. At the time the Trafficking Victims Protection Act of 2000 (TVPA) was passed, there were at least 700,000 people being trafficked across international borders annually (TVPA, 2000). It was an issue that could no longer be ignored by the world. When creating the TVPA, it was important for the United States to create policy that was direct in how it would handle both human trafficking as a whole and the overall prosecution of traffickers. Importantly, the TVPA and the UN Palermo Protocol, passed just two months after the TVPA went into effect, contain similar definitions of human trafficking, and the elements of both definitions can be described using a three-element framework focused on the trafficker's acts, means, and purpose (Department of State, 2021). In order to form a human trafficking violation, all three of these elements are needed. The alignment of the TVPA and the Palermo Protocol was the beginning of a clear foundation that was drastically needed in order to address the issue on a global scale and also provide insight to countries as to how to perceive human trafficking in a more concrete manner.

The TVPA established the creation of the Trafficking in Persons report and outlined that countries receiving economic or security assistance must file an annual report outlining that specific country's responses and efforts to combat human trafficking. Section 105 of the TVPA creates a deadline on June 1 of each year for the Secretary of State to submit this report to the appropriate congressional committees to prepare for publication. The Department of State

prepares the report using information from U.S. embassies, government officials, NGOs, international organizations, published reports, news articles, academic studies, research trips to every region of the world, and information submitted to tipreport@state.gov (Department of State, 2020). The work of a task force appointed by the President is also utilized to evaluate international progress, collect and analyze data, and examine efforts of cooperation; this information is then utilized for country tier rankings, which are based on a country's success in combatting or attempting to combat human trafficking. This task force consists of the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, and the Director of Central Intelligence. The activities and responsibilities of the task force include evaluating the progress of the U.S. and other countries in trafficking prevention, expanding interagency procedures to collecting and organizing data, engaging in cooperative efforts with other countries, and engaging with NGOs and governmental organizations to promote advocacy and consultation (TVPA, 2000).

The Trafficking in Persons Report

The TIP report was created for several purposes. In a broad sense, the TIP report serves as a diplomatic tool to engage foreign governments (Kennedy, 2016). Another more specific purpose of the report originally was to establish international guidelines for abolishing human trafficking while also encouraging other countries to take action. There are three specific lists that are required to be included in each report: a list of countries that meet the minimum

standards for the elimination of human trafficking and whose governments comply with these standards, a list of countries who meet minimum standards yet lack government compliance with standards, and a list of countries that do not meet minimum standards and are not making efforts to comply with these standards. These three lists correspond to the tier rankings that are included in each report with criteria for these rankings being listed in section 110. Countries are placed in different tiers, ranging from 1 (satisfactory compliance), 2 (unsatisfactory) to 3 (non-compliance); these terms of compliance are in reference to the minimum standards put forth by the TVPA. The minimum standards according to the TVPA for countries to combat human trafficking are as follows:

- 1) The government should prohibit trafficking and punish acts of trafficking.
- 2) The government should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault, for the knowing commission of trafficking in some of its most reprehensible forms.
- 3) For knowing commission of any act of trafficking, the government should prescribe punishment that is sufficiently stringent to deter, and that adequately reflects the offense's heinous nature.
- 4) The government should make serious and sustained efforts to eliminate trafficking.

Ability or inability to meet these minimum standards has a direct effect on a country's tier ranking within the report and can also potentially impact how the United States views that country in terms of human rights. Although the range of efforts toward prohibiting trafficking may vary from country to country, these standards are the basis for countries looking to maintain

a prominent tier ranking. These efforts are not limited to but can include: enactment of laws prohibiting severe forms of trafficking in persons, criminal penalties prescribed for human trafficking offenses, government funding to provide victims with access to primary care, governmental measures to prevent human trafficking, victim protection efforts, and implementation of human trafficking laws through vigorous prosecution (Department of State, 2020). Although there are more actions that a country can take to improve their ranking, most steps taken from year to year fall in the range of this list. However, for countries that are not making any notable efforts to eliminate trafficking, there are consequences. According to the TVPA, failure to meet these standards or make significant efforts toward meeting these standards results in the ability for the United States to deny any non humanitarian, non trade-related foreign assistance. These tier-related sanctions will be discussed more thoroughly later within this chapter.

There has been a notable amount of growth since the first report was published in 2001. The original 2001 report included just 82 countries; this number increased to 116 in 2003 and 131 in 2004. Between 2008 and 2009, the report grew from including 154 countries to including 173 countries. Throughout the years, the TIP report has continued to grow in relevance as well, with governments around the world awaiting the report each year to see where they are ranked. The report also has a distinct format that has maintained consistency throughout the past decade, consisting of varying sections that contribute to a lengthy report of anywhere from 500 to 650 pages. The report begins each year with a section of background on human trafficking and its global history before transitioning into topics of special interests; it is also known to provide significant amounts of information about trafficking, reporting on the work of government

agencies, NGOs and activists (Wilson et al., 2016). Following this is the child soldiers prevention act list, methodology section, and global law enforcement data. After highlighting TVPA minimum standards, the report then moves into the tier placements and country narratives. Each country is given its own narrative; this narrative describes the criteria for that country being ranked either Tier 1, 2, Tier 2 Watch List, or 3 before providing a list of prioritized recommendations for that country to pursue in an attempt to improve their ranking in the following year.

Each country is also evaluated in their country narrative according to three other criteria in their efforts to combat human trafficking: prosecution, protection, and prevention. Consequently, in each country narrative there are corresponding reviews to each of these criteria in regards to what that country is or is not doing with respect to prosecuting human trafficking, protecting victims, and pursuing ways to prevent human trafficking in the future. A trafficking profile is the final part of a country narrative; this profile addresses the role of traffickers in that country and the characteristics of that country that traffickers find appealing. This profile also expands on the types of trafficking that occur in that country and how traffickers exploit specific variables in that country in order to continue trafficking. This two to three pages of information and recommendations are useful for countries to examine and analyze their efforts, whether their motive is to simply improve their ranking or to become a leading force in the fight against human trafficking. There are, on the other hand, a few criteria that do not affect a country's tier ranking or narrative. In the 2021 report, these criteria were nongovernmental efforts, public awareness events, and broad-based law enforcement initiatives (Department of State, 2021).

In regards to tier rankings, there are criteria for countries to meet in order to improve their ranking; these standards prove that efforts are being made toward combatting human trafficking as a governmental response. The fourth criteria for the minimum standards that countries must meet according to the TVPA claims that countries must be making “serious and sustained efforts” toward combatting human trafficking. There are twelve criteria for serious and sustained efforts: enforcement and prosecution, victim protection, trafficking prevention, international cooperation, extradition, trafficking patterns and human rights protections, enforcement and prosecution of public officials, foreign victims, partnerships, self-monitoring, progress, and demand reduction (Congressional Research Service, 2019). Serious and sustained efforts must be being made in order to avoid the previously mentioned possibility of sanctions on countries placed in the third tier (indicating no compliance with international standards).

Tier 2 Watch List

The report has continuously changed since its establishment in 2001. It has undergone various physical changes as well as changes in content and methodology, although the most noteworthy format changes occurred in the 2004 report. One of the more significant changes is the addition of the Tier 2 Watch List. This addition resulted from a TVPA modification from Congress that stemmed from difficulties discerning differences amidst Tier 2 countries; the Watch List aided with addressing countries that needed enhanced scrutiny (Congressional Research Service, 2019). This addition to the tiers also provided countries with a tier that, although not reaching the more preferred status of Tier 2, prevented them from being placed in

Tier 3 and facing potential sanctions by the United States. The Department of State also utilizes the Tier 2 Watch List to motivate countries to increase their anti-trafficking efforts in order to reach the full Tier 2 status. This is a very noticeable step by the United States to ensure that countries are given an opportunity to improve their efforts toward meeting minimum standards before being placed at Tier 3.

For countries in the Tier 2 Watch List, there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials (Department of State, 2021). Many countries that consistently find themselves alternating between Tier 2 and the Tier 2 Watch List struggle to improve their number of investigations, prosecutions, and convictions; in many country narratives, increasing prosecution time and/or efficiency is often somewhere within the recommendations made for that country. For Tier 3 countries that have taken steps to meet TVPA minimum standards but are not yet at the point of being Tier 2, the Tier 2 Watch List can serve as a solid middle-ground by illustrating that the United States recognizes their efforts while also encouraging them to still improve in combatting human trafficking.

However, countries are not encouraged to remain on the Tier 2 Watch List. Countries remaining on this Watch List for 2 years or more can be expected to be downgraded to Tier 3, as this represents non-compliance toward increasing efforts to combat human trafficking. Although sanctions have rarely been imposed, the TIP reports have acquired a high profile in the international community and especially the placement on the Tier 2 Watch List seems to exert

considerable influence on governments (Van Dijk et al., 2014). It is evident that, especially when countries are moved from Tier 2 to the Tier 2 Watch List, that TIP report recommendations listed in that country's narrative are increasingly acted upon in the following year in order to either avoid moving to Tier 3 or to reestablish Tier 2 status. When considering the role of the TIP report in pushing countries to join efforts in fighting human trafficking, the Tier 2 Watch List is a successful means of reducing tier ranking complacency and pressuring countries to increase their efforts to avoid the possibility of seeing repercussions from the United States.

Tier Three

Countries that are listed as Tier 3 have demonstrated non-compliance with the minimum standards to combat human trafficking as established in the TVPA. Tier 3 countries are subject to being denied non-humanitarian, non-trade-related assistance if authorized by the President of the United States. Consequently, these countries also face U.S. opposition to seeking and acquiring funds from multilateral financial institutions, including the World Bank and the IMF (Gallagher, 2010). Again, since the first report was published in 2001, there have rarely been sanctions placed on a Tier 3 country. For example, The U.S. chose to place sanctions on Burma in 2012 due to the disregard by Burma's ruling military junta, the State Peace and Development Council (SPDC), for the human rights and civil liberties of the people of Burma. The Obama Administration did, however, choose to waive some of the existing sanctions in an effort to promote further reforms and to support perceived pro-reform Burmese government officials (Martin, 2012). The United States chose to impose these sanctions on Burma via six laws and

five presidential documents, which include visa bans, restrictions on financial services, prohibitions of Burmese imported goods, a ban on new investments in Burma, and constraints on U.S. assistance to Burma (Martin, 2012). This illustrates the ability of the United States to personalize sanctions on a country that result from a Tier 3 ranking as the President sees fit.

Tier 3 sanctions are meant as a direct consequence to not adhering to guidelines established in the TVPA and hence serves as an incentive to take steps toward compliance in order to improve a country's ranking for the following year's report. However, in regards to waivers, the United States also has the ability to grant complete waivers to Tier 3 countries; there are also specific cases in which these waivers have been considered controversial in the past. In 2014, for example, a Tier 3 waiver for Saudi Arabia sparked questions surrounding the country's role in human trafficking in relation to ISIS. The 2014 TIP report did not address the role that Saudi Arabian citizens hold in providing services to ISIS in re-selling harvested organs to international buyers, although it does address how nationals were found to use legally contracted temporary marriages to sexually exploit women in neighboring Middle Eastern countries (Kennedy, 2016). Consequently, due to the waiver, Saudi Arabia continued to be well funded by the United States. In conclusion, although some countries see the full extent of consequences resulting from Tier 3 rankings and a lack of compliance with TVPA minimum standards, some countries reap the benefits of having a history of good relations with the United States at the expense of a blind eye to human rights violations.

Chapter 3

Report Impact, Changes, and Criticism

Definitional Issues

The issue of human trafficking has gained a drastic amount of attention since the 1990's; with changes in public perception also came changes in definitions. Countries began to see a struggle in finding definitions that encapsulated human trafficking in all of its forms in order to adequately and accurately facilitate prosecutions. For example, the International Organization for Migration once defined human trafficking as “the facilitation for money of largely voluntary human migration” which would now be definitionally closer to what is considered human smuggling (Rao et al., 2012). As the TIP report and the issue of human trafficking gained more international attention, definitions improved and became more specific, but there have still been definitional problems even in recent years. As certain definitions became more widely known and accepted, especially after the establishment of the Palermo Protocol, public policy measures and responses to human trafficking aligned with them throughout the process. This was a necessary step toward increasing prosecutions on both a domestic and international scale. Global responses to human trafficking have been complicated for a few reasons; it is difficult to truly know the scope of the problem, and fixing the issue collides between both law enforcement and human rights (Bailey, 2018). Finding a global definition that encompassed the entirety of human trafficking was an essential step toward increasing global prosecutions in a way that helped countries align more closely with both international and TVPA standards.

Many definitional issues have been resolved in recent years, although some definitional discrepancies were more difficult to solve than others. One of the more prominent examples is

the topic of transit in relation to human trafficking. In the earlier years of discussion surrounding human trafficking prosecution and the Trafficking in Persons report, there were questions as to whether transit from one place to another was a necessary factor to human trafficking.

Definitions of trafficking according to both the Palermo Protocol and other U.S. trafficking laws include the “recruitment, receipt, or harboring of persons”, any one of which is considered trafficking as long as conditions of coercion, deception, or exploitation are met, regardless of whether geographical movement occurred (Weitzer, 2015). Therefore, a victim need not be physically transported from one location to another for the crime to fall within this definition (Department of State, 2020). This definitional clarity was an important step toward acquiring a sense of universality in prosecution and established that trafficking did not need to cross borders or simply move locations in order to be labeled as trafficking.

Consent is another definitional issue; this issue dates farther back than some may perceive, even going back to the Mann Act of 1910, which outlawed the transportation of women across state lines for prostitution or “immoral purposes”... with or without consent (Legal Information Institute, 2020). In various critiques of the Trafficking in Persons report, there is often an emphasis on how some analysts and states include all unauthorized, assisted migration for purposes of obtaining work irrespective of whether the individual consented or “was aware of the type and conditions of work at the destination” (Weitzer, 2015). This topic is especially relevant and applicable in both sex and labor trafficking. Critics have argued that the lack of clarity on the topic of consent in the U.S. definition may have allowed for the possibility of victims being denied full relief if they consented to migrant smuggling or prostitution, but still experienced the kind of “force, fraud, or coercion” that would make them a victim under the Palermo Protocol definition of human trafficking (Bailey, 2018). This is a topic of global concern because

discrepancies in what consent means in terms of human trafficking can potentially prevent certain victims from receiving the assistance and aid that other victims are able to access, even if they experienced the same harmful conditions. Consequently, wording and definitions have proven to be an obstacle to international human trafficking laws for decades, and the TIP Report is no exception. As we will see in the next chapter, in order for global human trafficking data to be both effective and accurate, consistency is key.

Criticism

There are several important points of criticism of the Trafficking in Persons report that must be considered in order to fully understand the influence of the report and its evolution over time. Most obviously, there is the claim that the United States falsely asserts itself as superior while sometimes controversially pointing fingers at other countries. While there are countries that approve and boast of their annual tier rankings from the United States, there are also countries that claim that their low tier rankings result from bias. In addition to this, there are discrepancies in which countries the United States sanctions for Tier 3 status and which countries are granted waivers. However, despite constant questioning from both domestic and international analysts about the reports' methodology and data collection, the TIP report and its rankings maintain a significant influence on human trafficking and the efforts of countries to combat it. This is illustrated through the efforts of the United States to adapt and improve the report when needed in order to more accurately focus on its true purpose of encouraging government responses to human trafficking.

Prior to 2010, the United States was not included in the TIP report; this also contributed to a lot of the criticism in regards to whether the United States was truly following the standards that it was enforcing on other countries. In order to increase the legitimacy of the report and cancel out claims of bias in the report, the 2010 report included a U.S. self-assessment of performance toward combatting human trafficking. This self-assessment has never claimed the United States to be perfect, and it does highlight the human trafficking issues that are unique to the United States while also making a plethora of recommendations in how to improve. For example, the 2019 Trafficking in Persons report acknowledged the role that the foster care system plays in human trafficking in the United States, as reports have indicated that a significant number of victims of child sex trafficking were in the foster care system at some point in time (Department of State, 2019). Despite the United State's flaws, it does make serious efforts each year to combat human trafficking and abides by TVPA minimum standards. The TIP report has ranked the United States as a Tier 1 country every year.

There have also been vocalized concerns about how U.S. trade partners have potentially received higher rankings than they deserve according to TVPA guidelines. Christopher H. Smith, chairman of the subcommittee on Africa, Global Health, Global Human Rights, and International Organizations claimed that both the 2015 and 2016 TIP Reports "gave passing grades" to several countries (Malaysia, China) with records of government complicity in human trafficking (United States, 2016). Political proximity is another issue that has received increased attention as to how the report ranks some countries in regards to political favoritism from the United States. The idea that a pertinent global human rights problem such as human trafficking, that is seemingly separate from political interests, can still be intertwined with politics and bias is illustrative of this critique and represents a plethora of problems that must be addressed. It has been noted that

the TIP report may be employed in diplomatic negotiations between the U.S. and foreign governments and that to improve the effectiveness of the report, there needs to be increased research and precision regarding tier rankings (Roster, 2016). Although this topic will be discussed more thoroughly in the recommendations chapter of this paper, this is an issue that must be addressed in order to avoid criticism that could potentially reduce the efficacy and reliability of the TIP report and rankings in the eyes of the international community.

The Government Accountability Office (GAO) has also made claims in the past that the Trafficking in Persons report lacks clarity, specifically within the tier rankings. In their 2016 report, they claimed that the TIP report did not explicitly explain the basis for the tier rankings of certain countries or why a tier ranking may have changed from the previous year. In regards to Tier 1 rankings, the GAO found that both the 2015 and 2016 TIP reports did not clearly explain a justification for their rankings and that the narratives sometimes included language that seemed contradictory to certain standards and criteria (U.S. GAO, 2016). The GAO also claimed that for the report to remain a useful tool in fighting human trafficking around the world, it is vital that information is portrayed and communicated in a way that is beneficial to everyone. When the GAO made the recommendation to post evidence to support downgrade waivers on the Department of State's website, improving explanations for tier rankings and changes, and assessing the effectiveness of the report as a tool to address trafficking, the Secretary of State agreed with GAO's recommendations (U.S. GAO, 2016). In the following year's 2017 TIP Report, a new addition included a tier justification paragraph at the beginning of each country's narrative. This change has had a positive effect on the report as a whole and has given countries

increased clarity as to how they acquired their ranking and therefore how to improve in preparation for the following report.

In the earlier years of the report, there were complaints that the tier narratives were not clear enough. The 2003 report noted this and identified that the narratives do not go into great detail nor discuss “comprehensive information” about the countries or governments; they also do not acknowledge any anti-trafficking activities undertaken by non-governmental entities (U.S. Department of State, 2003). As both of these factors are vital to understanding a country’s human trafficking situation, the report had to address this problem. In the years following, the country narratives increasingly grew in detail and provided a significant amount of information for each country as to what efforts had been made as well as what future efforts would be beneficial. This was a necessary step that enhanced the TIP Report’s clarity and provided more information on each country. This allowed for increased understanding as to why each country received the ranking that it did while also acknowledging outside factors that may not have otherwise been included.

COVID-19 Pandemic

2020 marked the twentieth anniversary of the TIP report. The report was published in June of 2020, just three months into the COVID-19 global pandemic; because of this, the 2020 report did not include much data concerning how the COVID-19 pandemic had impacted human trafficking up to that point. However, the 2021 report had a significant amount of information on how countries around the world are addressing and combatting human trafficking amidst one of

the most tumultuous years that this generation has faced. When information began being collected for the 2021 report, it was evident that the 2021 report would dive into how the COVID-19 pandemic had a direct affect on human trafficking, the human trafficking industry, and the ability of governments to combat it amidst the redirection of resources to fill other voids caused by the pandemic.

The 2021 TIP report begins by acknowledging the “unprecedented repercussions for human rights and economic development” due to the COVID-19 pandemic. The report continues to claim that governments across the world used resources toward the pandemic that were being previously utilized for anti-trafficking efforts. Some consequences of this were decreased protection measures and service provision for victims, reduction of preventative efforts, and hindrances to investigations and prosecutions of traffickers (Department of State, 2021). The report also addresses how traffickers adapted to the COVID-19 pandemic and utilized certain consequences to their advantage. It was noted that traffickers “targeted families experiencing financial difficulties and offered false promises and fraudulent job offers to recruit their children” (Department of State, 2021). The report highlights that, especially in 2020, traffickers were focused on exploiting people who were placed in difficult economic situations due to the COVID-19 pandemic. In regards to how the pandemic affected tier rankings, many countries that were granted waivers relating to COVID-19, as many low ranking countries were unable to make efforts in 2020 to combat trafficking according to TVPA minimum standards.

In order for this paper to adequately examine the role of the TIP report in influencing global policy decisions, it is necessary to examine how even the most recent global events have

shifted responses to human trafficking. COVID-19 is exploiting inequalities that already existed in policing and providing services to victims (Warria, 2020) and it is important that countries take steps to provide safety for vulnerable populations. Although the pandemic permitted some changes in the tier rankings of select countries in the 2021 report, it is important to take pandemic-related factors into account when considering the TIP report's effectiveness in creating positive change in eliminating human trafficking around the world. It is currently unclear how the U.S. and the TIP report will handle pandemic-related tier waivers in the 2022 report; however, it is reasonable to expect that the COVID-19 pandemic and its role in human trafficking will occupy an extensive amount of the report.

Chapter 4

Country Cases and Tier Ranking Trends

Each annual TIP report has narratives for each country. These narratives contribute to the bulk of the report each year and provide an overview of the trafficking situation in a country and that specific country's efforts to combat it. Because the situation of trafficking differs from one country to another, each narrative is unique and explains why that country received the ranking that it did. Additionally, these narratives dive into the history of human trafficking in that country as well as efforts that have been made in previous years. The narratives are split into intentional paragraphs in order to organize the information. The first paragraph of each narrative broadly describes the trafficking problem in the country and indicates the reasons that the country has been included in the report. The second paragraph indicates how the government is complying or not complying with TVPA minimum standards and makes several recommendations for efforts to combat trafficking in the following year. The list of recommendations is typically very detailed and offers a plethora of useful steps that country should consider before the following year's report is published. The paragraphs that follow typically describe that country's governmental efforts to prevent trafficking, prosecute traffickers, and protect victims and thus justify the tier placement of that country.

This chapter will delve into the specific cases of five countries in regards to human trafficking. More specifically, this chapter will serve both as a discussion of what contributes to the tier rankings, trends, and overall policy implementation in these countries and also as an analysis of what report recommendations countries prioritized, whether it was to improve their

tier ranking or to simply encounter human trafficking as a prominent human rights issue. Each country's analysis begins with a brief discussion of that country's historical background in regards to human trafficking as well as their trends in tier ranking. Following this is a more detailed investigation into how human trafficking presents itself in that country; each country included in this chapter experiences different forms of human trafficking, and it was necessary to include these forms in order to increase understanding of that country's policy responses and in human trafficking in general. Each country's conclusion consists of specific TIP report recommendations as well as efforts by that country to follow the report recommendations; these efforts support the primary argument that the report does play a role in promoting global responses toward combatting human trafficking.

Specific criteria contributed to the selection of these five countries. While each country is unique in its battle against human trafficking, the primary factor in criteria selection was that there was a trend of inconsistency in that country's ranking throughout time. Each of the five countries met at least one of two criteria required for this research. The first criteria was that the country struggled to maintain a high-ranking at either Tier 1 or Tier 2; the second criteria was that the country illustrated trends of inconsistency in regards to their tier ranking and saw changes in tier ranking year after year. Geographic diversity was another defining characteristic in selecting the countries. Because human trafficking can take on different forms and look differently depending on location, it was necessary to include five countries that represented regions that were not too close in geographic region, primarily due to the topic of transport and the role that trafficking plays within different industries. Therefore, the five countries that will be discussed in this chapter are as follows: Thailand, Costa Rica, South Africa, Afghanistan, and

Belize. Each of these countries supports a very clear conclusion: the Trafficking in Persons report does play a role in influencing international policy decisions regarding human trafficking.

Thailand

In Thailand, certain industries are known to contribute to forms of human trafficking. This was a primary reason for Thailand's selection; as these industries have grown, so has trafficking, and Thailand's ranking throughout the past decade has reflected this. Thailand has been inconsistent. In 2010, Thailand was downgraded to the Tier 2 Watch List after maintaining its position in Tier 2 for several consecutive years. In 2014, Thailand was downgraded to Tier 3. Two years later, Thailand was upgraded back to the Tier 2 Watch List, and was upgraded once again to Tier 2 in 2018 where it would remain until 2021 when it was downgraded to the Tier 2 Watch List once again. Thailand has experienced a roller-coaster-like pattern within the Trafficking in Persons report. Now it is necessary to examine Thailand's experiences with human trafficking in order to identify efforts the country needs to make to reestablish itself as a Tier 2 country.

Several factors contributed to increased attention to Thailand from the U.S. government in regards to human trafficking. The tourism boom that Thailand saw after 2014 played a significant role in the increase of human trafficking. In 2019, Thailand recorded having 10 million more tourists than they did just four years prior in 2015 (World Bank, 2019). While this was economically beneficial for the country, it opened up an entire new population of possible

victims for traffickers. In addition to tourism, booming industry is another primary means for human trafficking increases in Thailand. In recent years, Thailand has advanced both its agricultural industry and fishery industry significantly; with this growth Thailand became the country of origin, transit country, and the largest destination of victims of human trafficking (Sihotang et al., 2021). This growth in trafficking-prone industries and tourism thus correlates with downgrades in its tier ranking, as noted in numerous TIP reports as justification for increased scrutiny from the United States. Trafficking in Thailand has exponentially affected surrounding countries as well, specifically due to economic success. Thailand is a center of sexual and labor exploitation in the Greater Sub-Mekong Area, hence involving neighboring countries such as Laos, Myanmar, and Cambodia (Sihotang et al., 2021).

Thailand's trafficking connection with its neighboring countries has also represented more problems in terms of labor due to industry growth. The 2015 TIP report claims that many trafficking victims from Burma, Cambodia, Laos, China, Vietnam, Uzbekistan, and India willingly migrate to Thailand for employment, usually with the help of family (Department of State, 2015). This willingness to migrate has contributed to an increase in forced labor and worker exploitation. Forced labor, also referred to as "labor trafficking," is when a person uses force, fraud, or coercion to obtain the labor or services of another person (Department of State, 2021). In regards to Thailand's fishing industry, the same report identified that Thai, Burmese, Cambodian, and Indonesian men have been subjected to forced labor on Thai fishing boats and that some men remain at sea for years, are paid very little, work as many as 18 to 20 hours per day, or are threatened and physically beaten (Department of State, 2015). Although this issue is not unique to Thailand and forced labor is seen throughout the world, Thailand is a primary

example of a country whose trafficking increase corresponds directly with industry increase. The United States considered Thailand's labor trafficking issue specifically in the 2021 report where they were placed on the Tier 2 Watch List, noting that officials lacked a general understanding of labor trafficking and that the government "lacked standard procedures for labor inspectors" to report potential trafficking cases to law enforcement (Department of State, 2021).

Since Thailand was placed on Tier 3 in 2014, their government has made significant efforts to respond to TIP report suggestions and to improve their human trafficking situation; however, it is questionable if these efforts are actually resulting in improvement (Riback, 2018). Despite this, the effort is still there, and it is evident that the country finds value in both their tier ranking and in human rights approval from the United States. Following recommendations made in previous TIP reports, the Thai government implemented several positive changes in 2021 that the report commends. These efforts included attempting to improve coordination in trafficking investigations and victim protection, creating workshops for prosecutors and judges on trauma-informed procedures, launching investigations of nine officials reported to be complicit in trafficking crimes, and established working groups to consider adopting a reflection period for victims (Department of State, 2021). Although Thailand has spent 2021 on the Tier 2 Watch List, with more advanced efforts toward meeting TVPA minimum standards, there is a possibility that the country could once again establish itself as Tier 2 in upcoming years.

Costa Rica

Costa Rica's tier ranking within the Trafficking in Persons report has fluctuated between Tier 2 and the Tier 2 Watch List for two decades now. While it has never been downgraded to Tier 3, Costa Rica has consistently struggled to break into being both strongly and consistently ranked as a Tier 2 country. Costa Rica is a special case because, with other countries, there is a correlation between other success indicators and a country's TIP ranking; however, with Costa Rica, this is not the case. The World Bank goes so far as to describe Costa Rica as a "success story in terms of development", acknowledging its steady economic growth over the past 25 years (World Bank, 2021). Despite Costa Rica's rapid economic growth, the country has continued to struggle with both human trafficking and creating successful policy to combat it. Consequently, there are other characteristics that make the country unique for the purposes of this research. Although there are several factors that have contributed to Costa Rica's struggle to combat human trafficking, the country has continued to take initiative in recent years to follow TIP report recommendations; however, in order to avoid finding itself in Tier 3, these efforts must continue to increase.

Costa Rica is unique in that just a few years ago, they had a definitional issue that only a select few countries had that resulted in issues surrounding the prosecution of traffickers. Although definitional inconsistencies were common in the early 2000s, as previously mentioned, many countries altered their laws in order to align with the Palermo Protocol. However, Costa Rica did not amend their laws, and this lack of consistency contributed to statistical issues specifically in regards to prosecution (Department of State, 2021). These laws were also

problematic as they did not criminalize all forms of sex and labor trafficking because it required movement to constitute a trafficking offense (U.S. Embassy in Costa Rica, 2018). In addition to this, Costa Rican trafficking laws established the use of force, fraud, or coercion as “aggravating factors: of human trafficking rather than as essential elements of the crime (U.S. Embassy in Costa Rica, 2018). In an attempt to resolve this issue, the 2017 TIP report’s recommendations for Costa Rica specifically called on the government to “amend legislation to define human trafficking consistent with international law” (Department of State, 2017). In the following year, Costa Rica did exactly that, and in 2018, Costa Rica’s human trafficking laws aligned with international standards.

In the 2016 report, Costa Rica was placed on the Tier 2 Watch List for the second consecutive year. The report justified this in their country narrative by claiming that although Costa Rica was making significant effort toward the TVPA minimum standards for eliminating human trafficking, the government did not increase efforts from the previous reporting period (U.S. Department of State, 2016). It is evident that, in order for countries to improve their ranking, their efforts must improve as well. Following recommendations made in 2016, Costa Rica was upgraded to Tier 2 in 2017 after finally increasing efforts by disbursing funds from its national anti-trafficking and smuggling fund to key government agencies for the first time, providing funds to open a second emergency shelter, addressing complicity by indicting a former mayor on charges of establishing a trafficking network, and improving public awareness-raising activities about forced labor (Department of State, 2017). It is also important to note that, because Costa Rica has not been downgraded to Tier 3 yet, they consistently make efforts in their Tier 2 Watch List years to combat human human trafficking and meet TVPA minimum standards

in order to avoid being pushed to Tier 3. Now, after remaining ranked as Tier 2 for five consecutive years, it is necessary for the country to continue to improve its efforts to potentially reach Tier 1 status in upcoming years.

South Africa

Prior to 2009, South Africa frequently alternated between Tier 2 and the Tier 2 Watch List. However, in 2018, South Africa was placed on the Tier 2 Watch List for the first time in a decade. In 2020, South Africa was brought back to Tier 2, but was pushed back to the Watch List once again in 2021. Therefore, South Africa represents a case in which a country maintained strong tier consistency after a somewhat unsteady start, only to rebound back into tier inconsistencies after an entire decade, primarily due to corruption and official complicity in recent years (Department of State, 2021). South Africa is also the major destination country in southern Africa for trafficked men, women, and children (Riback, 2018). While trafficking exists there in many forms, South Africa has the largest number of child trafficking victims recruited from poor rural areas to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein, where girls are subjected to sex trafficking while boys are forced to work in food service, agriculture, begging, and many criminal activities (Nkem, 2015). The tourism industry is another factor contributing to South Africa remaining a trafficking hotspot due to its role in prostitution and child prostitution (Britton et al., 2014). In addition to absences in trafficking investigations, convictions, and prosecutions in recent years, South Africa also faces human

trafficking problems that require a discussion of the country's struggles with human rights issues in the past.

South Africa's history plays a pertinent role in regards to its status with human trafficking; specifically, South Africa struggles with a turbulent history that provides structural foundations conducive to human trafficking (Riback, 2018). Instability is a negative result of this. The system of apartheid in South Africa during the latter half of the twentieth century is the most distinctive example. While many of the conflicts have ended and most of southern Africa is now predominantly peaceful and democratic, remnants of economic inequality, political unrest, and migration continue (Britton et al., 2014). One example of this is that poor blacks from rural areas suffering high rates of unemployment are most vulnerable to trafficking (Department of State, 2010). This illustrates the role that various forms in inequality can play in producing populations that human traffickers prey upon and manipulate to their advantage, especially in sex and labor trafficking. South Africa's trafficking profile in the 2020 report acknowledges that traffickers typically recruit victims from poor and/or rural areas within South Africa, particularly the Gauteng province (Department of State, 2020).

South Africa does not take their TIP report tier ranking lightly, and the country is an effective example of the influence of the TIP report on combatting human trafficking. Even though South Africa has never surpassed Tier 2 in the TIP report tier rankings, there has consistently been a push in the region to implement comprehensive trafficking policies, especially following the establishment of the Palermo Protocol (Britton et al., 2014). As a result, South Africa took initiative toward pursuing policy changes that would aid in combatting human

trafficking; this contributed to the country's rank success from 2009-2017. From year to year, South Africa continued to improve its efforts to combat human trafficking through implementing a Child Protection Strategy at the national and provincial levels (U.S. Department of State, 2010), providing anti-trafficking training for diplomatic personnel and troops deployed abroad (U.S. Department of State, 2016), and prescribing maximum penalties for forced labor for both children and adults through a 2014 amendment in the Basic Conditions of Employment Act of 1997 (BCEA) (U.S. Department of State, 2017). These efforts did not go unnoticed by the United States, hence explaining the decade-long span of commendable Tier 2 rankings prior to 2018.

In 2021, the TIP report justified its decision to place South Africa on the Tier 2 Watch List by noting several areas in which South Africa struggled to combat human trafficking amidst the COVID-19 pandemic. The 2021 report claims that the South African government "did not demonstrate overall increasing efforts compared to 2020" and that the government did not take action in most reported cases of human trafficking (Department of State, 2021). It also notes that law enforcement was notably less engaged and that multiple agencies did not investigate some reported trafficking cases, even when they had the resources and cooperative survivors to help build cases (Department of State, 2021). However, despite obvious room for improvement, South Africa has also taken some considerable steps in recent years toward acting upon recommendations from the United States. In 2020, these efforts included increased investigations, prosecutions, and convictions of traffickers, in addition to providing protective services in partnership with NGOs for victims who assisted in investigations (Department of State, 2020). In 2021, despite being on the Tier 2 Watch List, South Africa still increased

prosecutions from 2020 and continued investigations into officials reported to be complicit in trafficking (Department of State, 2021).

Afghanistan

Afghanistan was a Tier 2 ranked country from the initial TIP report in 2001 until 2010, when it was downgraded to the Tier 2 Watch List for the first time since the creation of the Trafficking in Persons report. The country did not return to Tier 2 until 2014 and only remained there until 2016 when it returned to the Watch List once again. This tumultuous pattern continued when Afghanistan was once again upgraded to Tier 2, but only for three consecutive years before returning to the Watch List in 2019. In 2020, Afghanistan was pushed to the bottom of the rankings to Tier 3 where it remains today. It is clear through this pattern that Afghanistan has struggled year to year in its efforts to meet the minimum standards set forth by the TVPA. There are several factors that have contributed to Afghanistan's fluctuation in the rankings throughout the past decade. In order to better understand this pattern, it is important to first acknowledge what human trafficking looks like in Afghanistan and how it has shifted in recent years, as well as what steps have been taken toward combatting human trafficking at both local and national levels.

Human trafficking exists in Afghanistan in several distinct forms that represent an entire sphere of trafficking. In 2018, the Middle East and North Africa Business Report (MENA) claimed that trafficking in Afghanistan is typically internal and consists mostly of bonded labor

where debt is assumed by a worker and is exploited; this can result in the entrapment of other family members and can last for generations. “Debt bondage” refers to human trafficking crimes in which the trafficker’s primary means of coercion is debt manipulation (Department of State, 2021). This is prevalent throughout many other countries as well, especially in the Middle East. The same MENA report also acknowledges the brick-making industry in Afghanistan as an example of this, as many families are caught in this industry due to debt bondage and this debt only repeats itself from generation to generation. Child debt bondage victims can be exploited through carpet making, domestic servitude, commercial sex, begging, poppy cultivation, transnational drug smuggling and the trucking industry (The MENA Report, 2018). Overall, child trafficking is one of the most prevalent forms of trafficking in Afghanistan and has proven to be one of the primary reasons for its low ranking in recent years.

One of the largest issues contributing to Afghanistan’s high numbers of child trafficking victims can be traced back to complicity throughout all levels of government. Even in its years on the Tier 2 Watch List, official complicity remained a problem through the sexual exploitation and recruitment of children by Afghan security forces (U.S. Department of State, 2017). The 2016 TIP report claimed that in 2015, multiple sources indicated that the Afghan government continued to recruit and use children in combat and non-combat roles, and the UN reported an increase in the number of children recruited primarily by the Taliban (U.S. Department of State, 2016). In 2019, Congress amended the TVPA to acknowledge that governments can also act as traffickers, referring specifically to a “government policy or pattern” of human trafficking; in 2021, Afghanistan was named a country that acts like a trafficker (Department of State, 2021). In

2021, Afghanistan was also placed on the Child Soldiers Prevention Act List, subjecting the country to restrictions on certain security assistance and the licensing of military equipment.

There are other obvious factors that have contributed to Afghanistan's human trafficking problem throughout the past twenty years. The 2001 TIP report claims political instability and transition to be some of the root causes of human trafficking; consequently, it also acknowledges that political instability, militarism, civil unrest, and internal armed conflict may result in an increase in trafficking (Department of State, 2001). Afghanistan is a country that has experienced a significant amount of instability for over two decades now, with the majority of it resulting from war with the United States. Although the majority of the reports have explicitly lacked mentioning this war and the political and economic instability that it has caused, it is evident that Afghanistan's struggle to combat human trafficking does correlate with the idea that many resources were allocated to war efforts rather than anti-trafficking efforts. This case is particularly interesting due to its direct relationship with increases in human trafficking as a result of war with the United States and migration flows that came as a result.

Although there has not been a drastic shift in Afghanistan's efforts to combat human trafficking in recent years, the country has taken several small steps toward following some of the recommendations made in recent TIP reports. These efforts included initiating investigations of allegations of official complicity in trafficking and establishing five new Child Protection Units (CPUs) with the purpose of preventing the recruitment of children into the Afghan National Police (ANP) (Department of State, 2019). This was a valuable step for the Afghan government to take, considering their immense struggle with child trafficking. The 2019 report

also highlighted the efforts of the Afghan government in partnering with an international organization to finalize and publish standard operating procedures (SOPs) for victim identification and referral to care. Although the 2021 report notes that complicity remained a significant issue, it acknowledged that the Afghan government increased law enforcement efforts (Department of State, 2021). In conclusion, although there is still a significant amount of progress to be made in Afghanistan, it is evident that it as well as other countries are willing to take even the smallest steps toward acting upon TIP report recommendations.

Belize

Belize is an example of a country that sees costly human trafficking issues as a result of migration. A State Department Report from 2006 claimed that human trafficking in Belize consists primarily of women from Central America being exploited into prostitution while children are trafficked for labor exploitation. Belize has largely unmonitored borders with Guatemala, Honduras and Mexico, which can put vulnerable migrants at a higher risk for trafficking. This same report said Belize failed to "show evidence of significant law enforcement or victim protection efforts" in 2005, and that the country's laws against trafficking remained "weak and largely unenforced" (State Department, 2006). In 2013, although Belize was ranked as a Tier 2 country, there were very clear problems surrounding human trafficking in the nation. In the same year, the UN Office of the High Commissioner for Human Rights claimed that in Belize human trafficking disproportionately affects women through sex trafficking, especially

women from the neighboring countries of Guatemala, El Salvador and Honduras (BBC, 2013).

This topic of transport and the exploitation of migrants in human trafficking has remained a problem in Belize, as it has in other parts of Central America, and TIP report recommendations in recent years have reflected this issue.

The United States has traditionally worked quite cordially with Belize. The U.S. government provided aid to Belize in an attempt to fight the trafficking of narcotics and other criminal activity, with one mission being to improve the government's capacity to confront and disrupt criminal organizations (Belize, 2015). With the U.S. providing both increased funds and military training in combatting crime, it seemed likely that Belize would also pursue solutions for human trafficking on a larger scale. However, this is not the case. In 2016, for example, Belize was ranked Tier 3 for the third consecutive year, with several concerning issues included in their country narrative along with multiple report recommendations. The 2016 report noted that in 2015, although authorities began investigations into several trafficking cases, not a single prosecution was made that year; in addition, the only conviction made in 2016 was limited to a simple fine in lieu of jail time (Department of State, 2016). Recommendations for Belize in the same year consisted of amending laws to restrict the ability to offer fines in lieu of prison time for trafficking offenders and implementing measures to expedite trafficking prosecutions (Department of State, 2016).

However, in recent years, there have been more positive aspects of Belize's response to human trafficking. With increased efforts toward TIP report recommendations, Belize has the capacity to improve its ranking in future years. In 2019, Belize was noticeably raised to the Tier

2 Watch List. This resulted from several valuable steps that the country took in 2018; these efforts included two prosecutions of human trafficking, the designation of a Supreme Court Justice and a Magistrate Judge to provide specialized attention to human trafficking cases, and the dedication of five full-time officers to an anti-trafficking police unit (Ross, 2019).

Consequently, in the following year, the government investigated nine trafficking cases: eight for forced labor and one for sex trafficking (Department of State, 2019). In 2019, however, Belize did not investigate or prosecute any public officials for complicity in trafficking-related offenses and did not convict any traffickers for the third consecutive reporting period (Ross, 2019).

Although complicity remains a significant trafficking problem today, the increases in prosecutions, law enforcement efforts, and government positions to combat human trafficking are commendable.

Belize's efforts to combat human trafficking were acknowledged in the 2021 TIP report; however, due to the COVID-19 pandemic, the Belize government did not convict any traffickers and identified fewer victims of trafficking than the previous reporting period (U.S. Department of State, 2021). Because of this connection with the pandemic, Belize was granted a waiver per the TVPA from an otherwise required downgrade to Tier 3 after two consecutive years on the Tier 2 Watch List (Department of State, 2021). However, several positive efforts made in 2020 included providing shelter for male trafficking victims for the first time, including anti-trafficking training in police academy training for the first time, and initiating an investigation against a police officer accused of complicity in a trafficking case (Department of State, 2021). These noteworthy attempts by Belize to work toward TVPA minimum standards exemplify the

influential role of the Trafficking in Persons report and the country-specific recommendations that it makes each year.

Country Cases Conclusions

In this chapter, five countries were examined in regards to their history with human trafficking as well as their responses to recommendations made in the Trafficking in Persons report. There are many forms in which human trafficking presents itself across the world, and it is evident just through the five countries explored in this research that each country must tailor its own policy response to human trafficking based on its own needs. However, there are several conclusions that can be determined from the analysis and discussion of these five countries. First, there are commonalities among the countries in their tier ranking, recommendation responses, and/or human trafficking issues in general. In addition, there are also contrasting ways that human trafficking manifests itself, even though the specific type of trafficking may remain consistent across borders.

There are specific country responses that the United States seems to prioritize when considering a country's tier ranking. One of the most noticeable characteristic contributing to either low or high rankings is the number of prosecutions and convictions of traffickers. This is not particularly surprising, as the United States has historically emphasized prosecution rates and incarceration as a means of attempting to solve criminal behavior, despite evidence that this is not always the best approach. In each of the five countries discussed in this chapter, prosecutions

or convictions were mentioned either within the trafficking profile of that country or was listed as a recommendation to respond to in the following year. Countries that did not increase prosecutions in any specific year were likely to experience either a tier ranking reduction in the following year or a lack of tier improvement. In Belize, this was illustrated through a tier increase from Tier 3 to the Tier 2 Watch List in 2019 after directly increasing trafficking prosecutions. On the other hand, South Africa was downgraded to the Tier 2 Watch List in 2021 due to a lack in government action in investigating and prosecuting trafficking cases. Although this is just one governmental response that the United States strongly recommends that countries prioritize, it is definitely one that seems to be a determining factor in a country's tier ranking.

Another factor that was consistently illustrated in low tier rankings was government complicity. Each country examined in this research has had or currently struggles with some form of government complicity in regards to human trafficking. Reducing government complicity and increasing trafficking investigations into allegedly complicit officials seems to be a top priority for the United States, as it is a topic discussed in the majority of country narratives, whether positive or negative. For countries that do not make drastic efforts or progress toward reducing government complicity, such as Afghanistan, there is a high chance that that country will neither acquire praise in the report nor increase its tier ranking. On the other hand, for countries that do make respectable efforts toward directly addressing government complicity through new policy, investigations, or prosecutions, there is an increased chance that country could receive a higher tier ranking. For countries looking to improve their tier ranking, taking steps toward reducing various forms of trafficking complicity at the government level is a noteworthy place to start.

There are also certain variables that are displayed throughout all five countries. The topics of transport and migration in connection to human trafficking were evident primarily in Thailand and Belize. Multiple years of TIP reports address this problem in both of these nations, especially for labor trafficking. A very widespread form of trafficking today is seen in laborers migrating for work in other countries and being trafficked into a specific trade or forced into labor with harsh conditions and little to no pay. In this chapter, this kind of labor trafficking was identified in Thailand, specifically throughout the fishing industry. The TIP report addresses a similar issue in Afghanistan, where workers are trafficked through debt bondage that can result in generational trafficking that is seen throughout multiple industries. It is important for multinational corporations and their directors to realize their role in human trafficking and take their own steps to implement systems that create responsibility and reduce trafficking violations. Another prevalent factor was widespread child trafficking in multiple forms. In Afghanistan, for example, children are highly trafficked as child soldiers, whereas in South Africa children are more likely to be trafficked either sexually or for labor exploitation. Although these forms of trafficking may look different in each country, they are still globally prevalent manifestations of human trafficking that the United States pays very close attention to in regards to how efforts are being made.

In conclusion, although each country experiences different factors in relation to their tier ranking and their TIP report recommendations, it is evident that a significant number of countries are willing to take action to combat human trafficking within their borders. Although not all countries are prioritizing this human rights issue to the standard that the United States prefers, there have been countless governmental responses that coordinate with TIP report

recommendations. Additionally, there are country recommendations within the report that are addressed more frequently than others, and for countries struggling to combat trafficking due to problems surrounding law enforcement, trafficking convictions, and complicity, it is necessary to take drastic steps toward addressing and potentially eliminating these issues if true progress is to be made. Despite the similarities and differences of human trafficking, policy decisions, and tier ranking trends, the TIP report has maintained a discernible influence on the actions of governments across multiple geographic regions of the world.

Chapter 5

Policy Recommendations and Conclusions

Despite its criticism and flaws, it is evident that the Trafficking in Persons report has maintained a sphere of global influence since it was created by the Trafficking Victims Protection Act of 2000. This research has discussed the intent, methodology, purpose, and contents of the Trafficking in Persons report while also examining the effects of the tier rankings in promoting government action and policy decisions. In addition to this, through the examination and discussion of five different countries, their histories, and their responses to their tier rankings and the TIP report in general, several different factors can be identified in correlation as to why specific countries struggle to combat human trafficking both consistently and efficiently. There are several conclusions that can be drawn from this research in a way that promotes both improvements in the report while also acknowledging the positive results that it has yielded over the past two decades in pushing for government responses.

One important point to consider in drawing this conclusion is the increase in Tier 1 countries. The number of countries ranked as Tier 1 has steadily increased since the enactment of the TIP report in 2001. Even after the number of countries added to the report increased exponentially between 2001 and 2006, the number of countries that were ranked Tier 1 was very minuscule. For example, in 2008, there were only two new countries (Fiji, Macau) added to the TIP report; that year, there were only 28 countries ranked as Tier 1, compared to just 24 in 2005. In 2019, there were 33 countries ranked as Tier 1. While this number may vary year-to-year, it is evident that even within the first few years that the Trafficking in Persons report was

published, the number of Tier 1 countries increased. This information shows that, by one way or another, countries have continued to take steps toward meeting TVPA minimum standards and combatting human trafficking. As the TIP report has gained influence and maintained its considerable reputation throughout the world, countries that want to maintain a good relationship with the United States have increasingly taken steps toward consistently being ranked as a Tier 1 country.

The TIP report has, in recent years, had an “invaluable positive impact” on the war against human trafficking (Roster, 2016). It has become common knowledge that the United States will not support foreign governments that refuse to take a stand against human trafficking. Prior to the creation of the TIP report, there was little to no true knowledge or research about human trafficking on a global level or government action toward combatting it. Although the report is not perfect and there is always room for improvement, there is evidence that the majority of countries included in the report do find useful information and guidance throughout the TIP report. As illustrated through the efforts of countless governments every year, countries around the world do find at least some sense of value in their tier ranking, and countries will take into consideration TIP report recommendations, whether to simply improve their ranking or to potentially become a trailblazer in human rights. It is evident that countries do not want to find themselves ranked as a Tier 3 country and, in order to boost themselves to the Tier 2 Watch List or to Tier 2, will create policy or other governmental responses in line with what the TIP report recommends most strongly.

Policy Recommendations

Although the Trafficking in Persons report is vitally useful to both the United States and other countries around the world, it is important to make improvements for the report to stay relevant and continue to have an impact. As previously mentioned, there is no doubt that the TIP report has an influence in pressuring countries to combat human trafficking; however, for this to remain the case in the future and for human trafficking to decrease internationally, the TIP report must continually improve. This has been illustrated through both the existing literature as well as through the five country cases discussed in this research. Based on the conclusions that have already been established, several policy recommendations are necessary for both the Trafficking in Persons report and the handling of human trafficking in general.

For the United States to maintain a sense of global legitimacy with the TIP report in a way that will continue to have an impact on the actions of governments throughout the world, the U.S. government must change how it handles both Tier 3 sanctions and waivers. Failing to sanction countries that have consistently disregarded human rights creates doubts that the U.S. will not tolerate human trafficking claims. To enhance the validity of the TIP report and the value of the tier rankings, the United States should increase consistency in imposing Tier 3 sanctions in a way that does not inflict struggle on a country's population but rather their government. In addition, if it is absolutely necessary to issue a waiver, this presidential decision should simply provide solid reasoning (Kennedy, 2016). If the United States wants the rest of the world to treat the global issue of human trafficking with utmost seriousness, it must uphold the standards established in the TVPA. On the other hand, it is important that when placing sanctions on a country, the U.S. ensures that those sanctions are truly being imposed on the government rather

than individual citizens. This may require increased cooperation between nations; however, in order to create pressure for a country to increase their anti-trafficking efforts, the U.S. must prioritize long-term change that does not negatively impact specific populations.

Furthermore, if we want to see true steps toward the elimination of human trafficking, having an abundance of information and resources to analyze must be a priority worldwide. It is not enough to simply rely on what the Department of State publishes each year. The lack of a diverse range of resources and information surrounding all facets of human trafficking has remained a limitation in human trafficking research for over two decades, and it is necessary for other countries to take steps toward producing their own reports similar to the TIP report. Because of the lack of reliable statistical measures of human trafficking, the international community is forced to rely on politically-influenced qualitative accounts of human trafficking to inform policy (Wilson et al., 2016); this unnecessary reliance could be reduced or even eliminated if there were more governments willing to allocate the kinds of resources toward human trafficking research that the United States did through the TVPA in 2000.

Human trafficking has plagued this world for an unknown amount of time and continues to evolve, as illustrated through the COVID-19 pandemic. It is a human rights issue that knows no boundary and continuously targets vulnerable populations across the world. The past twenty years have made a significant difference globally as more countries joined the battle to eliminate human trafficking, but there is still much progress to be made. The Trafficking in Persons report has contributed resources, recommendations, and information that were not previously available nor utilized in a way that could produce change, and overall, the report has had a significant

amount of influence on the policy decisions of governments around the world as well as the issue of human trafficking as a whole. However, improvements need to be made and a bigger picture needs to be examined more thoroughly: if the goal of the international community is to truly eliminate human trafficking, then governments around the world simply must do more than meet the minimum standards the TVPA outlined in 2000. The issue of human trafficking is much larger than a simple tier ranking or government sanction; it is the lives of people generations from now that will see the impact of human trafficking policy decisions made today.

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