

GAO

Report to the Chairman, Committee on
the Judiciary and the Chairman,
Committee on International Relations,
House of Representatives

July 2006

HUMAN TRAFFICKING

Better Data, Strategy,
and Reporting Needed
to Enhance U.S.
Antitrafficking Efforts
Abroad



G A O

Accountability * Integrity * Reliability



Highlights

Highlights of [GAO-06-825](#), a report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives

Why GAO Did This Study

Human trafficking is a worldwide form of exploitation in which men, women, and children are bought, sold, and held against their will in involuntary servitude. In addition to the tremendous personal damage suffered by individual trafficking victims, this global crime has broad societal repercussions, such as fueling criminal networks and imposing public health costs. In 2000, Congress enacted the Trafficking Victims Protection Act (TVPA) to combat trafficking and reauthorized this act twice. This report reviews U.S. international antitrafficking efforts by examining (1) estimates of the extent of global trafficking, (2) the U.S. government's strategy for combating the problem abroad, and (3) the Department of State's process for evaluating foreign governments' antitrafficking efforts.

What GAO Recommends

GAO recommends that the Secretary of State (1) improve information on trafficking, (2) develop and implement a strategy that clarifies agencies' roles and responsibilities and establishes a way to gauge results abroad, and (3) clearly document the rationale and support for country rankings.

In their comments, the agencies primarily responsible for these activities generally concurred with our recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-06-825.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Thomas Melito, 202-512-9601, melitot@gao.gov.

HUMAN TRAFFICKING

Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad

What GAO Found

The U.S. government estimates that 600,000 to 800,000 persons are trafficked across international borders annually. However, such estimates of global human trafficking are questionable. The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the U.S. government's estimate was developed by one person who did not document all his work, so the estimate may not be replicable, casting doubt on its reliability. Moreover, country data are not available, reliable, or comparable. There is also a considerable discrepancy between the numbers of observed and estimated victims of human trafficking. The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within government entities.

While federal agencies have undertaken antitrafficking activities, the U.S. government has not developed a coordinated strategy for combating trafficking abroad or developed a way to gauge results and target its overall assistance. The U.S. government has established coordination mechanisms, but they do not include a systematic way for agencies to clearly delineate roles and responsibilities in relation to each other, identify needs, or leverage activities to achieve greater results. Further, the U.S. government has not established performance measures or conducted evaluations to gauge the overall impact of antitrafficking programs abroad, thus preventing the U.S. government from determining the effectiveness of its efforts or adjusting its assistance to better meet needs.

The Department of State assesses foreign governments' compliance with minimum standards to eliminate trafficking in persons; but the explanations for ranking decisions in its annual *Trafficking in Persons Report* are incomplete, and the report is not used consistently to develop antitrafficking programs. It has increased global awareness, encouraged government action, and raised the risk of sanctions against governments who did not make significant efforts to comply with the standards. However, State does not comprehensively describe compliance with the standards, lessening the report's credibility and usefulness as a diplomatic tool. Further, incomplete country narratives reduce the report's utility as a guide to help focus U.S. government resources on antitrafficking programming priorities.

Principal U.S. Government Agencies with Responsibilities for Antitrafficking Programs



Sources: U.S. agencies listed in figure (data) and Corel (logos).

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Abbreviations

| | |
|-------|---|
| DHS | Department of Homeland Security |
| G/TIP | Department of State’s Office to Monitor and Combat Trafficking in Persons |
| HHS | Department of Health and Human Services |
| ILO | International Labor Organization |
| IOM | International Organization for Migration |
| NGO | nongovernmental organization |
| SPOG | Senior Policy Operating Group |
| TVPA | Trafficking Victims Protection Act |
| UNODC | United Nations Office on Drugs and Crime |
| USAID | United States Agency for International Development |

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United States Government Accountability Office
Washington, D.C. 20548

July 18, 2006

The Honorable Jim Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives

The Honorable Henry J. Hyde
Chairman
Committee on International Relations
House of Representatives

Human trafficking is a worldwide form of exploitation in which men, women, and children are bought, sold, and held against their will in slave-like conditions. People are trafficked and forced to work in the commercial sex trade, sweatshops, agricultural settings, domestic service, and other types of servitude. In addition to the tremendous personal damage suffered by individual trafficking victims, this global crime has broad societal repercussions. It fuels criminal networks, imposes public health costs, and erodes government authority. Since the mid-1990s, the United States has played a leading role in putting human trafficking on the international community's agenda. In 2000, Congress enacted the Trafficking Victims Protection Act (TVPA) to combat trafficking in persons and established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (Interagency Task Force). Congress reauthorized this Act—in the Trafficking Victims Protection Reauthorization Act of 2003 (TVPA 2003) and the Trafficking Victims Protection Reauthorization Act of 2005 (TVPA 2005). This legislation requires the Secretary of State to report to Congress annually on foreign governments' compliance with minimum U.S. standards for the elimination of trafficking. Since 2001, the U.S. government has provided about \$375 million¹ in antitrafficking assistance to foreign governments and nongovernmental organizations to help eliminate human trafficking.

¹This amount includes over \$150 million from the Department of Labor, which was unable to break out funding amounts that specifically addressed trafficking but include funding amounts for activities that either have trafficking as a central focus, one component of a larger project linked to trafficking, or as an issue within the overall context of the project.

This review is part of a larger body of work that you requested.² To review the status of U.S. international efforts to combat trafficking in persons, we examined (1) estimates of the extent of global trafficking in persons, (2) the U.S. government's strategy for combating trafficking in persons abroad, and (3) the Department of State's (State) process for evaluating foreign governments' antitrafficking efforts.

To address these objectives, we reviewed pertinent State, Justice, Labor, Homeland Security, Health and Human Services, and U.S. Agency for International Development planning, funding, and program documents for international human trafficking. We discussed U.S. international trafficking efforts with officials from these departments, along with knowledgeable officials from international and nongovernmental organizations. We conducted an extensive analysis of the global trafficking databases developed and maintained by the U.S. government, the International Organization for Migration, the International Labor Organization, and the U.N. Office on Drugs and Crime (UNODC).³ We also analyzed the country narratives in State's 2005 *Trafficking in Persons Report* to determine how it assesses compliance with the minimum standards for the elimination of trafficking, as laid out in the Trafficking Victims Protection Act of 2000. We conducted our review from September 2005 to May 2006 in accordance with generally accepted government auditing standards.

Results in Brief

The U.S. government estimates that 600,000 to 800,000 persons are trafficked across international borders annually; however such estimates of global human trafficking are questionable. The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the U.S. government's estimate was developed by one person who did not document all of his work, so the estimate may not be replicable, casting doubt on its reliability. Moreover, the quality of existing country level data varies due to limited availability, reliability, and comparability. There is also a considerable discrepancy between the numbers of observed and estimated victims of human

²We have also initiated a review of U.S. efforts to investigate and prosecute trafficking in persons, and will soon begin a review of multilateral organizations' antitrafficking efforts.

³The International Organization for Migration is a multilateral organization that works with migrants and governments to respond to migration challenges. The International Labor Organization is a United Nations agency that promotes human and labor rights. UNODC assists member states in fighting illicit drugs, crime, and terrorism.

trafficking. The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within various government agencies.

More than 5 years after the passage of the landmark antitrafficking law, the U.S. government has not developed a coordinated strategy to combat trafficking in persons abroad, as called for in a presidential directive, or evaluated its programs to determine whether projects are achieving the desired outcomes. Task forces and other coordinating mechanisms have been established to coordinate U.S. government efforts abroad; the focus of these mechanisms is to avoid duplication of effort and ensure compliance with U.S. government policy. However, the process does not include a systematic approach for agencies to clearly delineate roles and responsibilities in relation to each other, identify needs, and target ways to complement each others' activities to achieve greater results. In addition, the Interagency Task Force has not established performance measures or conducted evaluations to measure the impact of the U.S. government's antitrafficking programs abroad. The lack of a coordinated strategy and evaluation plan prevents the U.S. government from determining the effectiveness of its efforts to combat human trafficking abroad or to adjust its assistance to better meet needs.

The Department of State annually assesses foreign governments' compliance with U.S. minimum standards to eliminate trafficking in persons, but State's explanations for its ranking decisions are incomplete, and the report is not used consistently to develop governmentwide antitrafficking programs. Each year since 2001, State has issued the *Trafficking in Persons Report* that ranks foreign governments into one of three categories, or tiers, depending on their efforts to comply with the minimum standards and criteria established in U.S. legislation. This report has increased global awareness of human trafficking, encouraged action by governments who failed to comply with the minimum standards, and raised the risk of sanctions against governments who did not make significant efforts to comply with these standards. However, some of the minimum standards are subjective, and the report does not comprehensively explain how they were applied, lessening the report's credibility and hampering its usefulness as a diplomatic tool. For example, country narratives for most countries in the top category (tier 1) failed to clearly explain compliance with the second minimum standard, regarding prescribed penalties for sex trafficking crimes, established in the TVPA. The report is also intended to

serve as a guide to antitrafficking programming priorities overseas, but agencies do not systematically link programs with reported deficiencies.

To improve U.S. efforts to combat human trafficking abroad, we are making several recommendations. To improve information on global trafficking that could be used to effectively target resources and programs, we are recommending that the Chair of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons work closely with relevant agencies in researching a mechanism to develop a reliable global trafficking estimate. We are also recommending that the Chair develop and implement a strategy that would delineate agency roles and responsibilities and mechanisms for integrating activities; and determine priorities, measurable goals, time frames, performance measures, and a methodology to gauge results. Finally, to improve the credibility of State's annual report on trafficking in persons, we are recommending that the Secretary of State clearly document the rationale and support for tier rankings and improve the report's usefulness for antitrafficking programming.

In commenting on a draft of this report, State generally agreed with our recommendations. In response to agencies' technical comments, we clarified our second recommendation to state that agencies' roles and responsibilities should be delineated in relation to each other, consistent with our report findings. The U.S. government agency that prepares the trafficking estimate fundamentally concurs with our characterization of the U.S. global estimate of trafficking flows.

Background

Human trafficking occurs worldwide and often involves transnational criminal organizations, violations of labor and immigration codes, and government corruption. Although their circumstances vary, fraud, force, or coercion typically distinguishes trafficking victims from people who are smuggled. Moreover, most trafficking cases follow the same pattern: people are abducted or recruited in the country of origin, transferred through transit regions, and then exploited in the destination country.⁴ People may also be trafficked internally, that is, within the borders of their own country. Trafficking victims include agricultural workers who are brought into the United States, held in crowded unsanitary conditions, threatened with violence if they attempt to leave, and kept under constant

⁴UNODC. *Trafficking in Persons Global Patterns*. (April 2006).

surveillance; child camel jockeys in Dubai who are starved to keep their weight down; Indonesian women who may be drawn to a domestic service job in another country, are not paid for their work and are without the resources to return home; child victims of commercial sexual exploitation in Thailand; and child soldiers in Uganda.

During the 1990s, the U.S. government began drawing attention to the problem of human trafficking before various international forums and gatherings.⁵ In 1998, a presidential memorandum⁵ called on U.S. government agencies to combat the problem through prevention of trafficking, victim assistance and protection, and enforcement. This approach came to be known as “the three p’s”—prevention, protection, and prosecution.

In 2000, Congress enacted TVPA⁶ and reauthorized and amended the act twice.⁷ The act defines victims of severe forms of trafficking as those persons subject to (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such acts is under age 18 or (2) 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. The TVPA does not specify movement across international boundaries as a condition of trafficking; it does not require the transportation of victims from one locale to another. Under the TVPA, an alien, who is identified as a victim of a severe form of trafficking in the United States and meets additional conditions, is eligible for special benefits and services.

The TVPA, as amended, provides a framework for current U.S. antitrafficking efforts. It addresses the prevention of trafficking, protection and assistance for victims of trafficking, and the prosecution and punishment of traffickers. The TVPA also laid out minimum standards for eliminating trafficking to be used in the Secretary of State’s annual

⁵Memorandum for the Secretary of State, the Attorney General, the Administrator of the Agency for International Development, the Director of the United States Information Agency on “Steps to Combat Violence against Women and Trafficking in Women and Girls” (Mar. 11, 1998).

⁶Pub. L. No. 106-386.

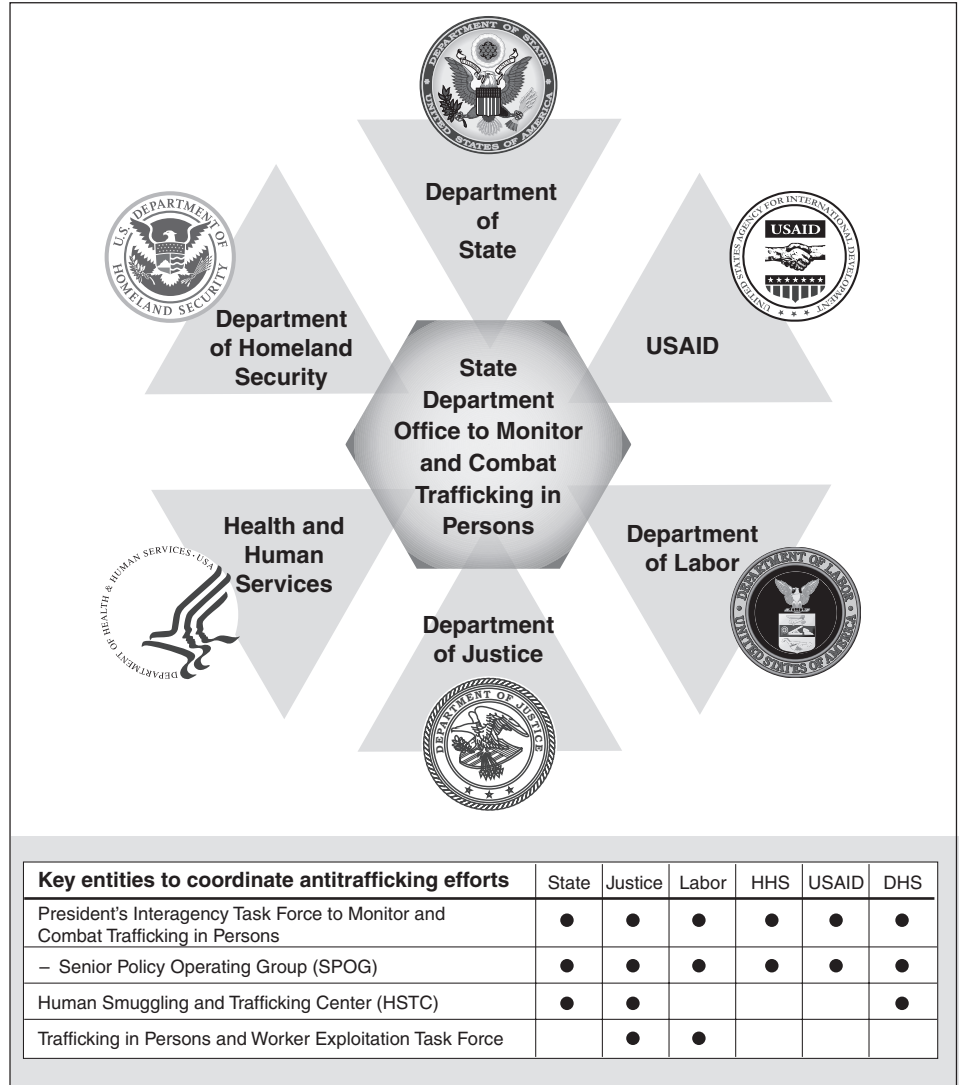
⁷TVPA 2003 (Pub. L. No. 108-193) and TVPA 2005 (Pub. L. No. 109-164).

assessment of foreign governments' antitrafficking efforts. It authorized U.S. foreign assistance for efforts designed to meet these standards and established sanctions— withholding nonhumanitarian, nontrade-related assistance—that could be applied against governments of countries not in compliance with the standards and not making significant efforts to bring themselves into compliance.⁸

Responsibility for implementing U.S. government antitrafficking efforts domestically and abroad is shared by the Departments of State, Justice, Labor, Health and Human Services (HHS), Homeland Security (DHS), and the U.S. Agency for International Development (USAID). Each agency addresses one or more of the three prongs of the U.S. antitrafficking approach. Some agencies have more responsibility for implementing international trafficking efforts than others. Figure 1 shows agencies and task forces with responsibilities for antitrafficking efforts.

⁸The United States is also a signatory to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, G.A. res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), which entered into force on December 25, 2003. The United States ratified the protocol on December 3, 2005.

Figure 1: Principal U.S. Government Agencies with Responsibilities for Antitrafficking Activities and Associated Coordination Entities



Sources: Departments of Health and Human Services, Homeland Security, Justice, Labor, and State, and the U.S. Agency for International Development (data); Corel (logos).

Note: The TVPA 2000, 2003, and 2005 establish that the members of the President's Interagency Task Force and the Senior Policy Operating Group include the agencies listed above, as well as the Director of National Intelligence, the Secretary of Defense, and such other officials as may be designated by the President.

The government has also created several coordinating mechanisms for these antitrafficking efforts, as shown in figure 1. The TVPA directed the President to establish the Interagency Task Force to Monitor and Combat Trafficking in Persons, comprised of various agency heads and chaired by the Secretary of State, to coordinate the implementation of the act, among other activities. Furthermore, the TVPA authorized the Secretary of State to create the Department of State's Office to Monitor and Combat Trafficking in Persons (Trafficking Office) to provide assistance to the task force. Subsequently, TVPA 2003 established the Senior Policy Operating Group, which addresses interagency policy, program, and planning issues regarding TVPA implementation. The TVPA 2003 directed the Director of the Office to Monitor and Combat Trafficking in Persons to serve as chair of the group. In addition, the Intelligence Reform and Terrorism Prevention Act of 2004,⁹ passed in December 2004, established the Human Smuggling and Trafficking Center to be jointly run by the Departments of State, Justice and DHS. This center houses several agency data systems to collect and disseminate information to build a comprehensive picture of certain transnational issues, including, among other things, human trafficking.

Since 2001, the U.S. government has obligated approximately \$375 million for international projects to combat trafficking in persons. For example, in fiscal year 2005, the U.S. government supported more than 265 international antitrafficking programs in about 100 countries. State, Labor, and USAID are the three largest providers of international assistance to target trafficking (see table 1).

⁹Pub. L. No. 108-458.

Table 1: Funding Obligated for International Activities to Combat Trafficking in Persons, Fiscal Years 2001-2005

Dollars in millions

| | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 | Total FY 2001-2005 |
|--|----------------|----------------|----------------|-------------------|----------------|---------------------|
| Department of State | \$11.47 | \$23.01 | \$28.13 | \$33.36 | \$34.41 | \$130.38 |
| U.S. Agency for International Development | 6.74 | 10.72 | 15.42 | 27.59 | 21.34 | 81.81 |
| Department of Labor ^a | 20.65 | 32.93 | 48.31 | 18.65 | 38.40 | 158.94 ^a |
| Department of Justice ^b | 0 | 0 | 0 | 0.20 ^b | 0 ^b | 0.20 ^b |
| Department of Health and Human Services | 0 | 0 | 0 | 0 | 2.20 | 2.20 |
| Department of Homeland Security ^c | N/A | 0 | 0 | 0.20 | 0 | 0.20 |
| Total | \$38.86 | \$66.66 | \$91.86 | \$80.00 | \$96.35 | \$373.73 |

Source: GAO analysis of data provided by State, Labor, Justice, HHS, DHS, and USAID.

Note: The information represents the most current data provided respectively by these agencies. The annual reporting of these data may vary by agency based on when the funds were considered obligated.

^aThe Department of Labor was unable to break out funding amounts that address trafficking. Totals include obligations for activities that either have trafficking as a central focus, one component of a larger project linked to trafficking, or as an issue within the overall context of the project.

^bIn addition to the \$200,000 in Department of Justice funding, State provided additional funding to the department's Office of Overseas Prosecutorial Development, Assistance and Training and International Criminal Investigative Training Assistance Program to conduct training overseas. In fiscal year 2004, State provided a total of \$6.5 million to the two programs. In fiscal year 2005, it provided \$2.08 million. These amounts are reflected in the State total in table 1. Department of Justice officials stated additional funds used to carry out antitrafficking activities, including law enforcement activities, come from the regular budget and cannot be broken out.

^cAgency officials stated additional funds used to carry out antitrafficking activities, including law enforcement activities, come from the regular budget and cannot be broken out. The \$200,000 reported in 2004 was from State's Presidential Initiative funding for overseas project initiation.

During an address to the U.N. General Assembly in September 2003, the President declared trafficking in persons a humanitarian crisis and announced that the U.S. government was committing \$50 million to support organizations active in combating sex trafficking, sex tourism, and the rescue of women and children. In 2004, eight priority countries for the initiative were identified—Brazil, Cambodia, India, Indonesia, Mexico, Moldova, Sierra Leone, and Tanzania. The initiative was centered on developing the capacity of each country to rescue women and children, to provide emergency shelters, medical treatment, rehabilitation services,

vocational training, and reintegration services, and to conduct law enforcement investigations and prosecutions.

Estimates of Global Human Trafficking Are Questionable, and U.S. Data Collection Efforts Are Fragmented

Existing estimates of the scale of trafficking at the global level are questionable, and improvements in data collection have not yet been implemented. The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data and numerical discrepancies. For example, the U.S. government's estimate was developed by one person who did not document all of his work, so the estimate may not be replicable, casting doubt on its reliability. Moreover, country data are generally not available, reliable or comparable. There is also a considerable discrepancy between the numbers of observed and estimated victims of human trafficking. The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within various government agencies. While trafficking data collection in the United States is fragmented, the database created by the International Organization for Migration (IOM) provides a useful systematic profile of victims and traffickers across countries.

Accuracy of Estimates in Doubt Because of Methodological Weaknesses, Gaps in Data, and Numerical Discrepancies

The U.S. government and three international organizations gather data on human trafficking, but methodological weaknesses affect the accuracy of their information. Efforts to develop accurate trafficking estimates are further frustrated by the lack of country level data. Finally, there is a considerable discrepancy between the numbers of observed and estimated victims of human trafficking.

Methodological Weaknesses Cast Doubt on U.S. and International Estimates

The U.S. government and three international organizations have gathered data on global human trafficking. However, these organizations face methodological weaknesses and institutional constraints that cast doubt on the accuracy of the collected data.

The four organizations with databases on global trafficking in persons are the U.S. government, International Labor Organization (ILO), IOM,¹⁰ and UNODC. The U.S. government and ILO estimate the number of victims

¹⁰IOM's database was funded in part by State's Trafficking Office.

worldwide, IOM collects data on victims it assists in the countries where it has a presence, and UNODC traces the major international trafficking routes of the victims. The databases provide information on different aspects of human trafficking since each organization analyzes the problem based on its own mandate. For example, IOM looks at trafficking from a migration and rights point of view¹¹ and ILO from the point of view of forced labor.

Despite the fact that the databases use different methodologies for data collection and analysis and have various limitations, some common themes emerge. For example, the largest percentage of estimated victims is trafficked for sexual exploitation. In addition, women constitute the majority of estimated victims. However, the estimated percentage of victims that are children ranges from 13 to 50 percent. Table 2 describes the victim profiles that emerge from the data.

¹¹The database is primarily a social service and protection case management tool.

Table 2: Victim Profiles in U.S. government, ILO, UNODC, and IOM databases

| | U.S. government | ILO ^a | UNODC ^b | IOM ^c |
|--------------------------------|---|---|--|---|
| Main focus | Global estimate of victims | Global estimate of victims | Country and regional patterns of international trafficking | Actual victims assisted by IOM in 26 countries |
| Number of victims | 600,000 to 800,000 people trafficked across borders in 2003 ^d (est.) | At least 2.45 million people trafficked internationally and internally during 1995 to 2004 (est.) | Not available | 7,711 victims assisted during 1999 to 2005 |
| Type of exploitation | | | | |
| Commercial sex | 66% | 43% | 87% ^e | 81% |
| Economic or forced labor | 34% | 32% | 28% | 14% |
| Mixed and other | | 25% | | 5% |
| Gender and age of victims | 80% female ^f 50% minors | 80% female ^g 40% minors | 77% female ^h 9% male 33% children | 83% female 15% male 2% not identified 13% minors |
| Definition of trafficking used | TVPA 2000 | U.N. Protocol | U.N. Protocol | U.N. Protocol |
| Criteria for data collection | Transnational trafficking | Internal and transnational trafficking | Transnational trafficking | Internal and transnational trafficking |

Source: GAO analysis of U.S. government, ILO, UNODC, and IOM data.

^aFor a detailed discussion, see Belser, Patrick, de Cock, Michaelle and Ferhad Mehran, *ILO Minimum Estimate of Forced Labour in the World*, ILO, (Geneva: April 2005).

^bFor a detailed discussion, see UNODC, *Trafficking in Persons Global Patterns*, (Vienna: April 2006).

^cFor a detailed discussion, see IOM, *Data and Research on Human Trafficking: A Global Survey*, (Geneva: 2005).

^dThe estimate was repeated in the 2005 and 2006 *Trafficking in Persons Reports*.

^eThe numbers refer to the percentage of different sources (i.e., source institutions) that have reported in any of their publications a trafficking route, in which women, men and children have been trafficked for sexual exploitation or forced labor. The sum of the percentages is greater than 100 because one source can indicate more than one victim profile or form of exploitation.

^fWomen and girls.

^gWomen and girls, where the gender/age information is available.

^hWomen only.

U.S. Data

Methodological weaknesses and limitations cast doubt on the U.S. estimate of global trafficking flows. We identified several important limitations:

-
- *Estimate not entirely replicable.* The U.S. government agency that prepares the trafficking estimate is part of the intelligence community, which makes its estimation methodology opaque and inaccessible. During a trafficking workshop in November 2005, the government agency provided a one-page overview of its methodology, which allowed for only a very limited peer review by the workshop participants. In addition, the U.S. government's methodology involves interpreting, classifying, and analyzing data, which was performed by one person who did not document all of his work. Thus the estimate may not be replicable, which raises doubts about its reliability.
 - *Estimate based on unreliable estimates of others.* The biggest methodological challenge in calculating an accurate number of global trafficking victims is how to transition from reported to unreported victims. The U.S. government does not directly estimate the number of unreported victims but relies on the estimates of others, adjusting them through a complex statistical process. It essentially averages the various aggregate estimates of reported and unreported trafficking victims published by NGOs, governments, and international organizations, estimates that themselves are not reliable or comparable due to different definitions, methodologies, data sources, and data validation procedures. Moreover, the methodologies used to develop these estimates are generally not published and available for professional scrutiny.¹²
 - *Internal trafficking data not included.* The U.S. government does not collect data on internal trafficking, which could be a significant problem in countries such as India, where forced labor is reportedly widespread. According to the 2005 *Trafficking in Persons Report*, many nations may be overlooking internal trafficking or forms of labor trafficking in their national legislations. In particular, what is often absent is involuntary servitude, a form of severe trafficking. The report also noted that the TVPA specifically includes involuntary servitude in the U.S. definition of severe forms of trafficking. Nonetheless, the U.S. government estimate does not account for it, because it only collects data on offenses that cross national borders.

¹²Because of concerns with the reliability and credibility of aggregate data, ILO chose not to use such data in developing its global trafficking estimate.

-
- *Estimate not suitable for analysis over time.* The U.S. government methodology provides an estimate of trafficking flows for a 1-year period and cannot be used to analyze trafficking over time to determine whether it is increasing, decreasing, or staying the same. Therefore, the estimate cannot help in targeting resources and evaluating program effectiveness.

International Data

Methodological weaknesses also raise questions about the accuracy of trafficking information from international organizations. For example, UNODC's methodology attempts to identify global trafficking flows across international borders. It tracks and totals the number of different source institutions that have reported a country having a trafficking incident. However, whether the trafficking incident involved 5 or 500 victims is irrelevant for UNODC's methodology. In addition, by classifying countries in five categories based on the frequency of reporting, UNODC might rank a country very high as, say, a destination country, due to the country's heightened public awareness, transparency and recognition of trafficking as a serious crime. Alternatively, ILO's methodology provides a global estimate of trafficking victims. However, it attempts to overcome the gap between reported and unreported victims using an extrapolation that is based on assumptions and observations that have not been rigorously tested and validated. Moreover, global databases are based on data sources drawn from reports from a limited number of countries or restricted geographically to specific countries. For example, IOM's data only come from countries where IOM has a presence, which are primarily countries of origin, and the organization is constrained by issues related to the confidentiality of victim assistance. Finally, although the three organizations are trying to collaborate in the area of data collection and research, they are having difficulty in mobilizing the necessary resources for their efforts. Therefore, this fragmentary approach prevents the development of a comprehensive and accurate view of global trafficking.

(See app. II for additional information about the different methodologies, analytical assumptions, data validation, and data sources used by the international organizations and the U.S. government.)

Reliable and Comparable Country Data Do Not Exist

The quality of existing country level data varies due to limited availability, reliability, and comparability. Table 3 summarizes the main limitations of trafficking data, identified in our review of literature on human trafficking.

Table 3: Reasons that Limit the Quality of Trafficking Data

| Availability | Reliability | Comparability |
|--|---|--|
| <ol style="list-style-type: none"> 1. Trafficking is an illegal activity and victims are afraid to seek help from the relevant authorities. 2. Few countries collect data on actual victims on a systematic basis. 3. Data collection is focused on women and children trafficked for sexual exploitation, and other forms of trafficking are likely to be underreported. | <ol style="list-style-type: none"> 1. Capacity for data collection and analysis in countries of origin is often inadequate. 2. Trafficking convictions in countries of destination are based on victim testimony. 3. Estimates of trafficking are extrapolated from samples of reported victims, which may not be random and thus representative of all trafficking victims. | <ol style="list-style-type: none"> 1. Countries and organizations define trafficking differently. 2. Official statistics do not make clear distinctions among trafficking, smuggling, and illegal migration. 3. Data are often program specific and focus on characteristics of victims pertinent to specific agencies. |

Source: GAO analysis of reports, articles and presentations from international organizations, the U.S. government and academia.

The availability of data is limited by several factors. Trafficking victims are a hidden population because trafficking is a clandestine activity, similar to illegal migration and labor exploitation. This limits the amount of data available on victims and makes it difficult to estimate the number of unreported victims. Trafficking victims are often in a precarious position and may be unwilling or unable to report to, or seek help from, relevant authorities. Moreover, HHS reported that victims live daily with inhumane treatment, physical and mental abuse, and threats to themselves or their families back home. Victims of human trafficking may fear or distrust the government and police because they are afraid of being deported or because they come from countries where law enforcement is corrupt and feared. In such circumstances, reporting to the police or seeking help elsewhere requires courage and knowledge of local conditions, which the victims simply might not have.

In addition, some governments give low priority to human trafficking violations and do not systematically collect data on victims. In most countries where trafficking data are gathered, women and children are seen as victims of trafficking, and men are predominantly seen as migrant workers, reflecting a gender bias in existing information. Men are also perceived as victims of labor exploitation that may not be seen as a crime but rather as an issue for trade unions and labor regulators. Thus, data collection and applied research often miss the broader dimensions of trafficking for labor exploitation. For example, the demand for cheap labor, domestic service, slavery, and child labor have not been sufficiently investigated as factors affecting the scale of human trafficking.

The reliability of existing data is also questionable. In developing countries, which are usually countries of origin, capacity for data collection and

analysis is often inadequate. In countries of destination, human trafficking convictions are often based on victim testimony. Moreover, estimates of trafficking are extrapolated from samples of reported cases, which are not random. Therefore, it is difficult to determine how representative those cases are of the general population of all human trafficking victims and what biases have been introduced.

Data quality is further constrained by limited data comparability. Countries and organizations define trafficking differently. A practice that is considered trafficking in one country may be considered culturally and historically acceptable in another country. For example, in West African countries, people, in particular children, commonly move within and across borders in search of work and are placed in homes as domestic servants or on farms and plantations as laborers. Due to economic deprivation and an abundant supply of children from poor families, a child may be sold by his or her parents based on promises for job training and good education or may be placed with a creditor as reimbursement.

The incompatibility of definitions for data collection is exacerbated by the intermingling of trafficking, smuggling, and illegal migration in official statistics. Countries have used different definitions regarding the scope and means of trafficking; the activities involved, such as recruitment, harboring, transportation and receipt of victims; the purpose; the need for movement across borders; and the consent of victims. For example, there are discrepancies in the collection of data on sex trafficking. Under the TVPA, participation of children under the age of 18 in commercial sex is a severe form of trafficking. However, some countries define children as people under the age of 16 and, according to U.S. government officials, this difference has implications for how countries collect data on children engaged in commercial sex.

Finally, data are often program and institution specific and focus on the needs of individual agencies. Estimates may be developed for the purpose of advocacy. For example, some NGOs record all victims based on the first contact made with them regardless of whether they subsequently meet the criteria for receiving assistance such as legal counsel, shelter, financial support, or support during a trial, while others record only those who receive assistance. Data are also collected for operational purposes within criminal justice systems, and individual authorities use their own definitions and classifications.

Significant Difference Exists
between Numbers of Estimated
and Observed Victims

There is significant discrepancy between the number of estimated victims and the number of observed victims, which include officially reported, certified, registered and assisted victims. For example, the U.S. government estimated that the number of people trafficked into the United States ranged from 14,500 to 17,500 in 2003.¹³ Despite concerted U.S. government efforts to locate and protect victims, the government certified fewer than 900 victims in the United States during the 4 ½ years between March 2001 and September 2005.¹⁴ The June 2006 *Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons for Fiscal Year 2005* indicates that the 14,500 to 17,500 figure may be overstated because it was an early attempt to quantify a hidden problem. The number of certified victims may not reflect the total number of victims identified. For example, some alien victims need not seek certification because they can remain in the United States through family connections. The Justice Department indicates that further research is under way to determine a more accurate figure based on more advanced methodologies and a more complete understanding of the nature of trafficking. Similarly, the U.S. government estimated that a total of 600,000 to 800,000 people were trafficked across transnational borders worldwide annually. Yet, since 1999, fewer than 8,000 victims in 26 countries have received IOM assistance.

Organizations may also publish estimates that incorrectly characterize the data reported by others. For example,¹⁵ in a 2001 report a Cambodian nongovernmental organization states that there were 80,000 to 100,000 trafficked women and children nationwide. However, this statement is based on a report which discusses 80,000 to 100,000 sex workers in the country, who may or may not be trafficking victims. Moreover, the latter report uses two other sources that did not corroborate this estimate.

Several factors could explain the differences between the numbers of observed and estimated victims, but it is unclear the extent to which any single factor accounts for the differences. For example, the 2005

¹³2004 *Trafficking in Persons Report*, Department of State.

¹⁴Adult aliens are eligible for certification; victims under age 18 do not need to be certified to receive benefits. To be certified, the alien must be willing to assist law enforcement in the investigation and prosecution of severe forms of trafficking. Also, the alien's presence in the United States must be required to ensure prosecution of traffickers in persons or the alien must have made application for a T visa.

¹⁵As reported in a USAID report.

Trafficking in Persons Report cited cases in which victims reported by law enforcement were deported before they reached an assistance agency. In addition, agencies may not make sufficient efforts in identifying and helping victims or may have constraints imposed by certain assistance requirements. Victims assisted by IOM missions are those willing to go back to their country of origin. However, if there are other opportunities available in the country of destination, such as receiving a residence permit, victims may not be willing to accept IOM assistance. In the United States, one requirement of receiving official certification is that victims of human trafficking must be willing to assist with the investigation and prosecution of trafficking cases. According to an HHS official, this requirement may work to limit the number of recorded victims. Given the weaknesses in data and methods, it also cannot be dismissed that the estimates may overstate the magnitude of human trafficking.

Trafficking Data Collection in the United States Is Fragmented While IOM's Is Systematic

The U.S. government has not yet established an effective mechanism for estimating the number of victims or for conducting ongoing analysis of trafficking related data that resides within various government agencies. The TVPA 2005, passed in January 2006, called on the President, through various agencies, to conduct research into the development of an effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis. Since 2005, the U.S. government has funded a project to develop a transparent methodology for estimating the number of men, women, and children trafficked into the United States for purposes of sex or labor trafficking. To date, the modeling has been limited to 10 countries of origin—Colombia, Venezuela, Ecuador, Peru, El Salvador, Guatemala, Nicaragua, Mexico, Haiti, and Cuba—and one arrival point in the United States—the southwest border. The firm developing this methodology is in the early stages of this effort and plans to continue to refine and test its methodology. Thus, it is too early to assess this methodology. The U.S. government also recently funded an outside contractor to improve future global trafficking estimates. To date, the U.S. government has funded few projects to improve estimates of trafficking on a regional or international basis.

In addition, the Intelligence Reform and Terrorism Prevention Act of 2004 established the Human Smuggling and Trafficking Center¹⁶ to serve, among

¹⁶Pub. L. No. 108-458. The Human Smuggling and Trafficking Center is a joint State, DHS, and Justice operation.

other responsibilities, as a clearinghouse for all relevant information and to convert it into tactical, operational, and strategic intelligence to combat trafficking in persons. The Human Smuggling and Trafficking Center collects trafficking information from U.S. government agencies and sends this information to other agencies that have an interest in it for law enforcement purposes. Center officials stated that they receive and collate trafficking information from federal government agencies. However, officials stated that they do not systematically analyze the trafficking information they receive and lack the human and financial resources to do so. In addition, we identified eight entities within the federal government that possess some information related to domestic and international trafficking. The Justice Department alone has four different offices that possess domestic trafficking information. None of the federal agencies systematically shares their international data with the others, and no agency analyzes the existing data to help inform international program and resource allocation decisions. (See app. III for information on the type of trafficking data available within agencies.)

Furthermore, based upon our analysis of agency data sets, we found that federal agencies do not have data collection programs that could share information or include common data fields. As a result, it is difficult to use existing agency trafficking data to compile a profile of trafficking victims. In previous work, we have reported that it is good practice for agencies to establish compatible policies, procedures, standards, and data systems to enable them to operate across agency boundaries.¹⁷ Although some information exists, agencies were unable to provide an account of the age, gender, type of exploitation suffered, and origin and destination of trafficking victims into the United States. Moreover, some agencies with law enforcement missions were generally unwilling to share demographic trafficking data with us and would release statistics for law enforcement purposes only. The U.S. National Central Bureau was able to extract limited profile information from its case management system.

While the information on trafficking victims collected by U.S. agencies is fragmented, the database created by IOM allows for the development of a useful, in-depth profile of traffickers and their victims across 26 countries. Although IOM's data are limited to countries where IOM provides direct assistance to trafficking victims, has a short history of about 7 years, and

¹⁷GAO, *Results-oriented Government: Practices that Can Help Enhance and Sustain Collaboration among Federal Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005).

may not be easily generalizable, it is the only one of the four databases that contains data directly obtained from victims. Drawing from more than 7,000 cases, it includes information about the victims' socioeconomic profile, movement, exploitation, abuse, and duration of trafficking. Moreover, the database tracks victims from the time they first requested IOM assistance, through their receipt of assistance, to their subsequent return home. Importantly, it also tracks whether victims were subsequently re trafficked. These factors provide information that could assist U.S. efforts to compile better data on trafficking victims.

As shown in figure 2, the victims IOM assisted often were enticed by traffickers' promise of a job, most believed they would be working in various legitimate professions, and were subjected to physical violence.

Figure 2: Profile of 7,711 Trafficking Victims IOM Assisted between 1999 and 2005

| Prior to being trafficked, victims were: | Victims believed they would be working in the following professions: | After their arrival in destination countries, victims were: |
|--|---|---|
| <ul style="list-style-type: none"> • Enticed by promise of a job (85%) • Unemployed (55%) but had work experience in the country of origin (91%) • Single (66%) • Living with their families (80%) | <ul style="list-style-type: none"> • Waitresses (22%) • Domestic workers (14%) • Sales associates (10%) • Dancers and entertainers (10%) • Sex workers^a (10%) | <ul style="list-style-type: none"> • Forced to engage in an activity against their will (87%) • Subjected to physical violence (52%) • Completely denied freedom of movement (50%) |

Source: GAO analysis of IOM data.

Note: All estimates are a result of GAO analysis of IOM data and are based on cases with available data.

^aIOM's policy is to use the term "prostitute" rather than "sex worker" although the latter is used in their database.

In addition, based on cases with available data on the duration of the trafficking episode, the average duration of stay in the destination country before seeking help from IOM is more than 2 years. Most of the sexual exploitation victims worked 7 days a week and retained a small fraction of their earnings. Moreover, about 54 percent of the victims paid a debt to the recruiter, transporter and/or other exploiters, and about 52 percent knew they were sold to other traffickers at some stage of the trafficking process.

The database also contains information about the recruiters' and traffickers' networks, nationality, and relationship to victims. It thus provides insights into the traffickers and the mechanisms traffickers used to identify and manipulate their victims. For example, in 77 percent of the cases, contact with the recruiter was initiated based on a personal relationship. Moreover, the correlation between the nationality of the recruiter and that of the victim was very high (0.92). Trafficking networks may have a complex organization, with the recruiter being only one part of the whole system. The organization may involve investors, transporters, corrupt public officials, informers, guides, debt collectors, and money launderers. The extent of information on victims and traffickers in the database improves the overall understanding of the broader dimensions of trafficking.

Lack of Strategy and Performance Measures Prevents U.S. Government from Determining Overall Program Effectiveness Abroad

While federal agencies have undertaken activities to combat trafficking in persons, the U.S. government has not developed a coordinated strategy to combat human trafficking abroad, as called for in a presidential directive. The U.S. government has established an interagency task force and working group on human trafficking, which have focused on complying with U.S. policy on prostitution and avoiding duplication of effort, but they have not focused on developing and implementing a systematic way for agencies to clearly delineate roles and responsibilities in relation to each other, and identify targets of greatest need and leverage overseas activities to achieve greater results. In addition, governmentwide task forces have not developed measurable goals and associated indicators to evaluate the overall effectiveness of efforts to combat trafficking abroad or outlined an evaluation plan to gauge results, making the U.S. government unable to determine the effectiveness of its efforts abroad or to adjust its assistance to better meet needs.

U.S. Government Has No Overall Strategic Framework to Combat Human Trafficking Abroad

Although the U.S. government established an interagency task force and working group in 2002 to coordinate U.S. agencies' antitrafficking activities,¹⁸ as required by legislation, it has not developed a coordinated strategy to combat trafficking in persons abroad, as called for by a

¹⁸The working group was first established as the Senior Policy Advisory Group in 2002, according to the Department of State, and became the Senior Policy Operating Group as mandated in TVPA 2003.

presidential directive.¹⁹ The directive further stated that strong coordination among agencies working on domestic and foreign policy is crucial and that departments and agencies shall coordinate U.S. foreign assistance programs to combat trafficking in persons. In addition, our previous work on issues that are national in scope and cut across agency jurisdictions has shown that a strategic framework can be useful in guiding agency resource and policy decisions.²⁰ Furthermore, our previous work has shown that lack of a coordinated strategy creates the risk of overlap and fragmentation that may result in wasting scarce funds and limiting program effectiveness.²¹

Despite the presidential directive that requires the Senior Policy Operating Group (the Group) to develop a coordinated strategy to combat human trafficking, agency officials acknowledged that there is no coordinated government strategy for efforts abroad. One senior agency official stated that her agency uses the three-pronged approach of prevention, protection, and prosecution as guidance. However, officials agreed that a strategic plan could help improve understanding and coordination among agencies. In addition, of the six government agencies that conduct antitrafficking programs abroad, only two—State’s Trafficking Office and USAID—provided us with strategy-type documents that specifically addressed trafficking abroad and included a majority of the characteristics that we have identified in previous work as necessary to implement a national strategy. Both agencies’ documents, at least partially, address the six characteristics we identified. However, neither agency’s documents clarified roles in relation to other agencies or established clear and strategic performance measures to gauge results and evaluate effectiveness.

¹⁹National Security Presidential Directive (NSPD) 22, signed on December 16, 2002.

²⁰We identified six desirable characteristics to include in a national strategy: (1) purpose, scope, and methodology; (2) problem definition and risk assessment; (3) goals, subordinate objectives, activities, and performance measures; (4) resources, investments, and risk management; (5) organizational roles, responsibilities, and coordination; and (6) integration and implementation. See GAO, *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, [GAO-04-408T](#) (Washington, D.C.: Feb. 3, 2004), and *Prescription Drugs: Strategic Framework Would Promote Accountability and Enhance Efforts to Enforce the Prohibitions on Personal Importation*, [GAO-05-372](#) (Washington, D.C.: Sept. 8, 2005).

²¹[GAO-04-408T](#).

Coordination Efforts Focused on Avoiding Duplication Abroad, Not on Leveraging Resources to Maximize Impact

As required by TVPA 2003, the U.S. government has established the Group to coordinate the activities of federal agencies regarding policies involving international human trafficking; but, although the coordination efforts have focused on compliance with U.S. policy on prostitution and avoiding duplication of effort, the efforts do not include a focus on developing and implementing a systematic way for agencies to clearly delineate roles and responsibilities in relation to each other and to identify targets of greatest need and leverage activities to achieve greater results. The presidential directive calls on agencies to work together through the Group to address coordination, sharing of information, and marshalling of law enforcement resources.

According to participating agency officials, the Group—through the work of its various subcommittees—served as a forum for agency officials to discuss trafficking policy and programs. The Group also instituted a grants funding notification system that requires agencies to notify members about each antitrafficking grant program that an agency is considering awarding. According to the Group’s guidance, agencies can offer comments on potential duplication, partnership opportunities, and whether a proposed project or grantees comply with the U.S. government policy on prostitution.²² Information provided to the Group for notification includes the name of the recipient, location, short description of the project, and the proposed amount. Members can comment on a grant, but they do not provide approval; the awarding agency makes the final decision about whether to award the grant. According to agency officials, the formal notification process takes place after the awarding agency has held its own grants panel and has chosen its final grants, making it too late for other agencies’ comments to have a significant impact on the grant.

According to officials knowledgeable with the Group’s actions, it has not developed or implemented a systematic way for agencies to identify

²²The TVPA 2003 added the provision that no funds made available to carry out the TVPA as amended may be used to promote, support, or advocate the legalization or practice of prostitution. In addition, no funds made available to carry out the TVPA, as amended, may be used to implement any program that targets victims of severe forms of trafficking through any organization that has not stated in a grant application or agreement that it does not promote, support, or advocate the legalization or practice of prostitution. National Security Presidential Directive 22, signed on December 16, 2002, states that U.S. policy opposes prostitution and prostitution-related activities, such as pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons. The U.S. government’s position is that these activities should not be regulated as a legitimate form of work for any human being.

priorities and target efforts abroad to complement each others' activities to achieve greater results than if the agencies were acting alone.²³ The presidential directive required agencies to submit plans to implement the provisions in the directive. Agencies submitted these plans. Our review of these plans found that, for the most part, they provide information summarizing ongoing activities, but officials from several agencies were unable to explain if, or to what extent, they used them to target resources and coordinate activities. One Trafficking Office official stated that the office never used its implementation plan; however, the official further stated that the office is in the process of updating it to make it more applicable.

The U.S. Government Does Not Have a Plan to Evaluate Its Overall Antitrafficking Efforts Abroad

Despite the mandate to evaluate progress, the Interagency Task Force has not developed a plan to evaluate overall U.S. government efforts to combat trafficking abroad. In TVPA 2000, Congress called upon the Interagency Task Force to measure and evaluate the progress of the United States and other countries in preventing trafficking, protecting and providing assistance to victims, and prosecuting traffickers. However, the Task Force has not developed an evaluation plan or established governmentwide performance measures against which the U.S. government can evaluate the overall impact of its international antitrafficking efforts.²⁴ In previous work, we have reported that monitoring and evaluating efforts can help key decision makers within agencies, as well as clients and stakeholders, identify areas for improvement.²⁵ Further, in its 2005 annual assessment of U.S. government activities to combat human trafficking, the Department of Justice recommended that the U.S. government begin measuring the impact of its antitrafficking activities. Although the project-level documentation that we reviewed from agencies, such as USAID and the Department of Labor, included measures to track activities on specific projects, officials stated that USAID's agency-level aggregate indicators are intended as a way of communicating agency outputs, not as a means of

²³In previous work, we broadly defined collaboration as any joint activity intended to produce more public value than could be produced when the organizations act alone. [GAO-06-15](#).

²⁴In previous work on desirable characteristics of a national strategy, we have found that identifying priorities, milestones, and performance measures, usually developed in conjunction with a strategic framework, can help agencies achieve results, and enable more effective oversight and accountability. See [GAO-04-408T](#).

²⁵[GAO-06-15](#).

evaluating the effectiveness of programs. In addition, according to the 2005 State Department Inspector General report, State's Trafficking Office needs to better identify relevant, objective, and clear performance indicators to compare progress in combating trafficking from year to year. Officials from State's Trafficking Office recognized the need to establish mechanisms to evaluate grant effectiveness. However, officials stated that the office lacks the personnel to monitor and evaluate programs in the field and that it relies on U.S. embassy personnel to assist in project monitoring. In early 2006, the Trafficking Office adopted a monitoring and evaluation tool to assist embassy personnel in monitoring its antitrafficking programs, but it is too soon to assess its impact.

Our review of the Department of State documentation and discussions with agency officials found little evidence of the impact of various antitrafficking efforts. For example, the 2005 Trafficking in Persons Report asserts that legalized or tolerated prostitution nearly always increases the number of women and children trafficked into commercial sex slavery, but does not cite any supporting evidence. However, apart from a 2005 European Parliament sponsored study²⁶ on the link between national legislation on prostitution and the trafficking of women and children, we found few studies that comprehensively addressed this issue. In addition, the State Inspector General report noted that some embassies and academics questioned the credentials of the organizations and findings of the research that the Trafficking Office funded. The Inspector General recommended that the Trafficking Office submit research proposals and reports to a rigorous peer review to improve oversight of research efforts. In addition, according to agency officials in Washington, D.C. and in the field, there is little or no evidence to indicate the extent to which different types of efforts—such as prosecuting traffickers, abolishing prostitution, increasing viable economic opportunities, or sheltering and reintegrating victims—impact the level of trafficking or the extent to which rescued victims are being re trafficked.

²⁶The study concluded that a country's legal position on prostitution was not the only factor that influences the number of women and children trafficked for sexual exploitation and that a final evaluation of the legislative model and the impact on the number of victims should be based on a wider, more reliable and comparable set of data. Transcrime, *Study on National Legislation on Prostitution and the Trafficking in Women and Children*, a report prepared for the European Parliament, August 2005.

Department of State's Annual Report Ranks Foreign Governments' Antitrafficking Efforts but Has Limited Credibility and Does Not Consistently Influence Antitrafficking Programs

As required by the TVPA, the Department of State issues an annual report that analyzes and ranks foreign governments' compliance with minimum standards to eliminate trafficking in persons. This report has increased global awareness about trafficking in persons, encouraged action by some governments who failed to comply with the minimum standards, and raised the threat of sanctions against governments who did not make significant efforts to comply with these standards. The Department of State includes explanations of the rankings in the report, though they are not required under the TVPA. However, the report's explanations for these ranking decisions are incomplete, and agencies do not consistently use the report to influence antitrafficking programs. Information about whether a country has a significant number of trafficking victims may be unavailable or unreliable, making the justification for some countries' inclusion in the report debatable. Moreover, in justifying the tier rankings for these countries, State does not comprehensively describe foreign governments' compliance with the standards, many of which are subjective. This lessens the report's credibility and hampers its usefulness as a diplomatic tool. In addition, incomplete country narratives reduce the report's utility as a guide to help focus U.S. government resources on antitrafficking programming priorities.

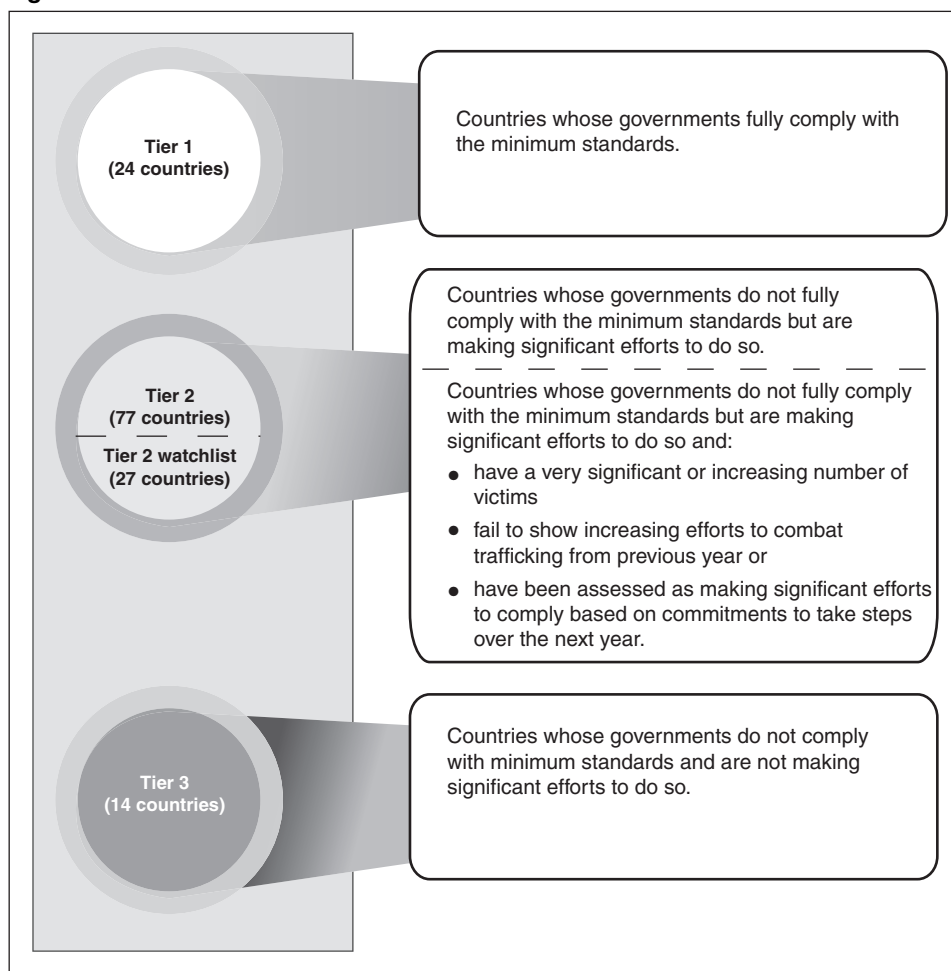
Department of State's Annual Report Assesses Foreign Governments' Efforts to Eliminate Trafficking

Each year since 2001, State has published the congressionally mandated *Trafficking in Persons Report*, ranking countries into a category, or tier, based on the Secretary of State's assessment of foreign governments' compliance with four minimum standards for eliminating human trafficking, as established in the TVPA. These standards reflect the U.S. government's antitrafficking strategy of prosecuting traffickers, protecting victims, and preventing trafficking. The first three standards deal with countries' efforts to prohibit severe forms of trafficking and prescribe penalties for trafficking crimes, while the fourth standard relates to government efforts to eliminate trafficking.²⁷ The TVPA instructed the Secretary of State to place countries that are origin, transit, or destination countries for a significant number of victims of severe forms of trafficking in one of three tiers. In 2003, State added a fourth category, the tier 2 watch

²⁷The fourth standard provides 10 indicia that can be used to assess these efforts. According to the Trafficking Office, it focuses on 5 of the 10 as core criteria: (1) prosecution of traffickers, (2) prosecution of corrupt government officials who contribute to trafficking, (3) protection of victims, (4) prevention of trafficking, and (5) demonstrated progress in combating trafficking from year to year (see app. IV).

list, consisting of tier 2 countries that require special scrutiny in the coming year (see fig. 3). Governments of countries placed in tier 3 may be subject to sanctions by the United States.

Figure 3: Tier Definitions



Source: 2005 Trafficking in Persons Report.

In addition to the rankings, each *Trafficking in Persons Report* contains country narratives intended to provide the basis for each country's tier placement. Although the narratives are not required by the TVPA, they state the scope and nature of the trafficking problem, explain the reasons for the country's inclusion in the report, and describe the government's efforts to

combat trafficking and comply with the minimum standards contained in U.S. legislation. For countries placed in the lowest two tiers, State develops country action plans to help guide governments in improving their antitrafficking efforts.

Trafficking in Persons Report Has Raised Global Awareness about Human Trafficking

The *Trafficking in Persons Report* has raised global awareness about human trafficking and spurred some governments that had failed to comply with the minimum standards to adopt antitrafficking measures. According to U.S. government and international organization officials and representatives of trafficking victim advocacy groups, this is due to the combination of a public assessment of foreign governments' antitrafficking efforts and potential economic consequences for those that fail to meet minimum standards and do not make an effort to do so.

U.S. government officials cited a number of cases in which foreign governments improved their antitrafficking efforts in response to their tier placements. For example, State and USAID officials cited the case of Jamaica, a source country for child trafficking into the sex trade, which was placed on tier 3 in the 2005 report. The country narrative noted deficiencies in Jamaica's antitrafficking measures and reported that the government was not making significant efforts to comply with the minimum standards. Jamaica failed to investigate, prosecute, or convict any traffickers during the previous year, despite the passage of a law to protect minors. In response, the Jamaican government created an antitrafficking unit within its police force and conducted raids that led to nine trafficking-related arrests.

In addition, the 2004 report placed Japan on the tier 2 watch list, and the country narrative noted that Japan is a destination country for large numbers of foreign women and children who are trafficked for sexual exploitation. It highlighted weaknesses in Japan's law enforcement efforts. For example, the lack of scrutiny of Japan's entertainer visas reportedly allowed traffickers to use them to bring victims into the country. The country narrative also mentioned Japan's failure to comply with minimum standards for protecting victims, deporting foreign trafficking victims as undocumented aliens who had committed a crime by entering the country illegally. According to State officials and the 2005 report, the Japanese government responded to the report's criticisms by tightening the issuance of entertainer visas and ceasing the criminal treatment of trafficking victims.

Governments of countries placed on tier 3 that do not implement the recommendations in the country action plan may be subject to sanctions or other penalties. The United States, for example, may oppose assistance for the country from international financial institutions such as the International Monetary Fund.²⁸ Since 2003, full or partial sanctions have been applied to eight countries,²⁹ most of which were already under sanctions from the United States.

Limitations in the 2005 Trafficking in Persons Report Affect Its Credibility as a Diplomatic Tool

According to the presidential directive and the *2005 Trafficking in Persons Report*, the annual report is intended as a tool to help the United States engage foreign governments in fighting human trafficking. According to U.S. government officials, the report's effectiveness as a diplomatic tool for discussing human trafficking with foreign governments depends on its credibility. The country narratives used as the basis for ranking decisions should provide clear and comprehensive assessments of foreign governments' antitrafficking efforts and demonstrate consistent application of the standards. Our analysis of the 2005 report found limitations in the country narratives, and State officials in the Regional Bureaus expressed concerns that these limitations detract from the report's credibility and usefulness. These include some countries' inclusion in the report based on unreliable data, incomplete explanations of compliance with the minimum standards by some of the highest-ranked countries, and country narratives that did not clearly indicate how governments complied with certain standards and criteria. We also found criticisms of the process for resolving disputes about country inclusion and tier rankings.

Some Countries' Inclusion in the Report Based on Unreliable Data

The TVPA requires State to rank the antitrafficking efforts of governments of countries that are sources, transit points, or destinations for a "significant number" of victims of severe forms of trafficking. Since 2001,

²⁸In 2001, we assessed whether the Treasury Department was able to influence operations at the International Monetary Fund (Fund) in a direction that would be consistent with U.S. policies. We found that it was difficult to attribute Fund operations to any one member because the Fund generally operates on a consensus decision-making basis. GAO, *International Monetary Fund: Efforts to Advance U.S. Policies at the Fund*, GAO-01-214 (Washington, D.C.: Jan. 23, 2001).

²⁹In 2003, the President decided to impose full sanctions on Burma, Cuba, and North Korea and partial sanctions on Liberia and Sudan. In 2004, full sanctions were again imposed on Burma, Cuba, and North Korea and partial sanctions on Equatorial Guinea, Sudan, and Venezuela. In 2005, full sanctions were imposed on Burma, Cuba, and North Korea and partial sanctions on Cambodia and Venezuela.

State has used a threshold of 100 victims to determine whether or not to include a country in the *Trafficking in Persons Report*.³⁰ However, as discussed earlier in this report, reliable estimates of the number of trafficking victims are generally not available. For example, according to State officials, one country was included in the report because a junior political officer stated that at least 300 trafficking victims were in the country and that the government's efforts to combat trafficking should be assessed. According to these officials, this statement was based on the political officer's informal survey of brothels in that country. Since then, other embassy officials, including the ambassador, have argued that the country does not have a significant number of victims, but it continues to appear in the report. In addition, State officials cited Estonia as a country that was included in the report based on an IOM official's informal estimate of more than 100 victims. State officials said that a subsequent embassy-funded study of trafficking in Estonia found that the country had around 100 confirmed victims in a 4-year period, but internal discussions have not led to the removal of Estonia from the *Trafficking in Persons Report*. However, the country narrative for Estonia in the 2005 report was modified from previous years to state that Estonia is a source and transit country for a "small number" of trafficking victims.

Our review of country narratives in the 2005 report revealed some cases in which it was not clear how the situations used to justify the country's inclusion in the report constituted severe forms of trafficking under U.S. law. For example, the country narratives for Algeria, Saudi Arabia, and Singapore described cases in which human smugglers abandoned people, domestic workers were abused by their employers, and foreign women engaged in prostitution. The narratives either did not clearly establish whether the situation involved victims of severe forms of trafficking or failed to provide enough information about the magnitude of the problem to convey the sense that the number of victims had reached 100 people. According to State officials, inclusion of human rights abuses or labor issues in the description of foreign countries' human trafficking problem can damage the report's credibility with foreign governments. Some State officials have suggested abandoning the threshold of 100 victims and including all countries in the report.

³⁰The threshold of 100 victims is not legislatively mandated.

Unclear Threshold for Meeting Standard on Prescribed Punishment

Our analysis of the 2005 report found that many narratives did not clearly state whether and how the government met the minimum standard regarding stringency of punishment for severe forms of trafficking (see app. I for a description of the methodology used to analyze the 2005 report). This standard requires that prescribed penalties for severe forms of trafficking be sufficiently stringent to deter such trafficking and that they reflect the heinous nature of the offense. The Trafficking Office has not defined a threshold for what constitutes “sufficiently stringent” punishment. Our analysis showed that in over one-third of cases, the 2005 report’s country narratives did not characterize the prescribed penalties as sufficiently stringent. Moreover, in many cases the narratives do not state whether or not the government met this minimum standard. State officials agreed that this subjectivity makes it difficult for reports staff and foreign governments to know what constitutes compliance, negatively affecting the report’s credibility and utility as a diplomatic tool.

Narratives for Highest-Ranked Countries Did Not Fully Explain Their Placement

Our analysis of the 2005 report found that many country narratives do not provide a comprehensive assessment of foreign governments’ compliance with the minimum standards, resulting in incomplete explanations for tier placements. Although the 2005 report discusses the importance of imposing strict penalties on traffickers, we found that only 2 of the 24 tier 1 country narratives clearly explained compliance with the second minimum standard established in the TVPA, which, among other things, calls for governments to prescribe punishment for sex trafficking that is commensurate with that for grave crimes such as forcible sexual assault. The narratives for 17 (71 percent) of the tier 1 countries provided information on penalties for sex trafficking but did not compare these with the governments’ penalties for other grave crimes. Five (21 percent) tier 1 countries did not mention whether the governments complied with this standard at all.

Our analysis of the tier 1 country narratives in the 2005 report also showed that, while most explained how these governments fully met the core criteria for the fourth minimum standard, related to government efforts to eliminate severe forms of trafficking, some did not. A senior official at the Trafficking Office confirmed this finding. We found that country narratives for 11 (46 percent) of the 24 tier 1 countries raised concerns about the governments’ compliance with key parts of core criteria used to determine if the government is making a serious and sustained effort to eliminate severe forms of trafficking. However, the narratives failed to explain whether and how the governments’ success in meeting the other core

criteria outweighed these deficiencies and justified their placement in tier 1.

For example, the 2005 report described France, a tier 1 country, as a destination for thousands of trafficked women and children. Although the report states that the French government fully complied with the minimum standards, our analysis of the narrative found that the first three standards were not mentioned. Furthermore, the narrative also discussed the French government's failure to comply with the criterion on protecting trafficking victims, one of the key objectives of U.S. antitrafficking legislation. The narrative discusses a French law, which harmed trafficking victims by arresting, jailing, and fining them. Senior officials at the Trafficking Office are concerned about France's lack of compliance with the victim protection criterion. The narrative, however, did not balance the discussion of these deficiencies by explaining how the government's compliance with the other core criteria allowed it to meet the fourth minimum standard and thus be placed in tier 1.

Similarly, the country narratives for two tier 1 countries stated that the governments were not taking steps to combat official corruption, which the 2004 report highlights as a major impediment to antitrafficking efforts. For example, the narrative for Nepal, a source country for women and children trafficked to India and the Middle East, states that the government fully complied with the minimum standards. However, the narrative noted that the government has not taken action against immigration officials, police and judges suspected of benefiting from trafficking-related graft and corruption, and it did not explain how the deficiency in this core criteria was outweighed by Nepal's efforts with other core criteria.

Internal Process for Resolving Disagreements Lacks Credibility

According to State officials, there are a considerable number of disagreements within State about the initial tier placements proposed by the Trafficking Office. These disagreements are not surprising, given that the Trafficking Office focuses exclusively on antitrafficking efforts while the Regional Bureaus manage bilateral relations, which comprise a wide range of issues. However, it is important that the process for resolving these conflicts be credible. Some disagreements on tier rankings are resolved in meetings between the Trafficking Office and the Deputy Assistant Secretaries of the Regional Bureaus, but most are elevated to the undersecretary level. A few disagreements are even referred to the Secretary of State for resolution. According to State officials, some disputes are worked out by clarifying misunderstandings or providing additional information. Although Trafficking Office staff said that these

discussions are constructive, staff in State's Regional Bureaus said that many disagreements over tier rankings are resolved by a process of "horsetrading," whereby the Trafficking Office agrees to raise some countries' tier rankings in exchange for lowering others. In these cases, political considerations may take precedence over a neutral assessment of foreign governments' compliance with minimum standards to combat trafficking. Senior officials at the Trafficking Office acknowledged that political considerations sometimes come into play when making the tier ranking decisions.

Trafficking in Persons Report Is Not Used to Prioritize Programs or Target Resources

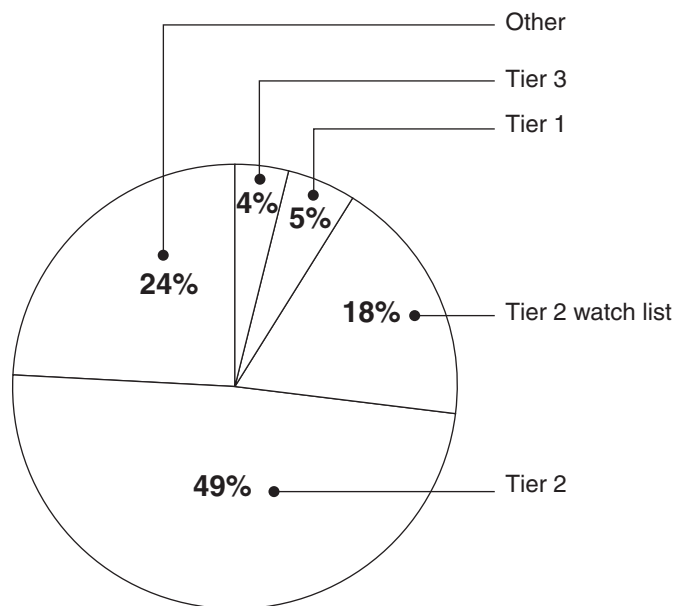
The Trafficking Office's implementation plan and the 2005 *Trafficking in Persons Report* states that the report should be used as a guide to target resources to prosecution, protection, and prevention programs. However, we found that U.S. government agencies do not systematically link the programs they fund to combat trafficking overseas with the tier rankings or the deficiencies that are identified in the report's country narratives. For example, U.S. agencies did not use the report when they selected high-priority countries to participate in the 2-year \$50 million *Presidential Initiative to Combat Trafficking in Persons*. Moreover, we found that many of the country narratives describing deficiencies in foreign governments' antitrafficking efforts were incomplete, making it difficult to use them to guide programming.

U.S. Government Lacks Mechanism to Link Its Overseas Programs to Deficiencies Identified In *Trafficking in Persons Report*

Officials from State's Trafficking Office acknowledged that the management processes and staff responsible for producing the report are not linked with those managing overseas assistance programs. State's Inspector General reported in November 2005 that the lack of synchronization between the Trafficking Office's grants cycle (January and February) and reporting cycle (June) makes it difficult to address the shortcomings identified in the report and the countries' programming needs. In addition, most of the State requests for grant proposals that we reviewed were generic in scope and were not tailored to address a specific problem or priority. For example, one request for proposal was directed broadly at prevention and protection programs in Africa, the Caribbean, and Latin America. In addition, officials from State's regional bureaus said that most of their requests for grant proposals are sent to all the embassies in their region and are not targeted to those countries on lower tiers. However, officials from one regional bureau stated that they sent a request for grant proposals dealing with law enforcement issues only to those countries on the tier 2 watch list to ensure the programs were targeted where they were most needed.

The presidential directive stated that agencies are to develop a consensus on the highest priority countries to receive antitrafficking assistance through interagency consultation and in consultation with U.S. missions overseas. The Trafficking Office's implementation plan called for using the annual *Trafficking in Persons Report* as a guide to target assistance, with priority to countries ranked in the lowest tiers and assistance to only those tier 1 and 2 countries with limited resources and whose governments showed a clear commitment to combat trafficking. In fiscal year 2005, the U.S. government obligated about \$96 million to support more than 265 international antitrafficking programs in about 100 countries. Only one-fourth of this money went to countries ranked in the lowest two tiers (see fig. 4).

Figure 4: Fiscal Year 2005 Obligations for Antitrafficking Activities by Tier Ranking



Source: GAO analysis.

Note: The "other" category refers to obligations directed to multicountry or regional programs that cannot be categorized by tier placement.

Through the Senior Policy Operating Group, in January 2004 agencies selected eight countries to target their efforts for the presidential initiative to combat trafficking in persons; however, documentation of the decision-making process does not mention use of the *Trafficking in*

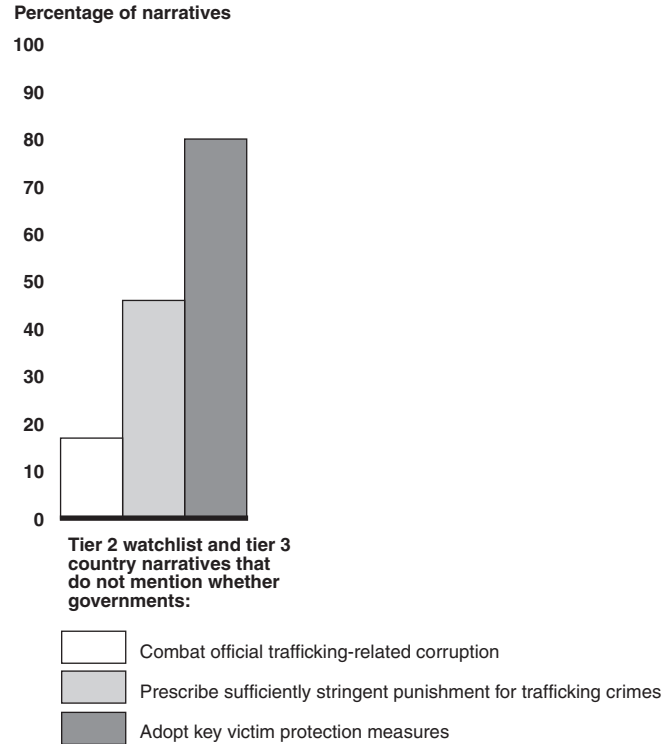
Persons Report's tier rankings or country narratives to affect this selection. Officials from the Trafficking Office and the documents we reviewed stated that the Group selected countries based on several factors, including anticipated host government commitment and the ability to start implementation in a short time frame. The eight countries selected were ranked in tier 2 in the 2003 *Trafficking in Persons Report*, suggesting that their governments showed some commitment to combating trafficking by making efforts to comply with the minimum standards and criteria outlined in the TVPA. However, it was not clear how the Group applied the criteria in selecting the countries. For example, host government commitment to combat trafficking did not necessarily translate into a willingness to receive U.S. assistance. The Department of State cables indicate that the governments in Brazil and India did not support U.S. efforts to fund antitrafficking programs under the presidential initiative. In addition, despite an emphasis on selecting countries in which the United States could start implementation in a short time frame, agreements necessary to conduct law enforcement projects were not in place in Brazil and Mexico, causing these initiatives to be delayed. Also, according to an agency official and documents we reviewed, Tanzania was included because a senior official had just traveled there and thought trafficking might be a problem.

Incomplete Assessments of Foreign Governments' Antitrafficking Deficiencies

The country narratives' incomplete assessments of deficiencies in foreign governments' efforts to combat trafficking diminish the *Trafficking in Persons Report's* utility as a programming guide. Our analysis of the 2005 report found that many country narratives failed to include information on the governments' compliance with some standards and core criteria, making it difficult for U.S. government officials to use the report as a programming guide. For example, all narratives for countries in the lowest two tiers contained some discussion of government efforts to protect trafficking victims. However, we found that 80 percent failed to mention key aspects of the victim protection criterion, including whether victims were encouraged to cooperate with law enforcement, whether the government provided legal alternatives to deportation, and whether victims were protected from inappropriate treatment as criminals (see fig. 5). In addition, 92 percent of country narratives for tier 2 countries, which receive the largest share of U.S. government antitrafficking funds, did not mention compliance with certain standards and criteria.³¹

³¹Our finding that 92 percent of tier 2 narratives did not mention compliance with certain standards and criteria is based on a random probability sample and is surrounded by a 95 percent confidence interval that extends from 82 percent to 95 percent.

Figure 5: Completeness of Country Narratives for Governments in Tier 2 Watch List and Tier 3



Source: GAO analysis.

Conclusion

The United States has placed trafficking on the international agenda and has spurred governments and organizations into action through its funding of international programs and the publication of the annual *Trafficking in Persons Report*. Additionally, the development of a victim-centered approach based upon prevention, protection, and prosecution programs has provided an operational framework for both governments and practitioners in the field. However, more than 5 years since the passage of the TVPA, the U.S. government lacks fundamental information on the nature and extent of the global trafficking problem and an overall strategy for agencies to target their programs and resources abroad.

As the United States and other countries work to identify victims of trafficking, the scope of the global trafficking problem remains unknown in terms of overall numbers within countries of origin; victims' gender, age,

and type of exploitation suffered; and the profile and methods of the perpetrators. The United States has provided about \$375 million in antitrafficking assistance since 2001 for projects in about 100 countries. However, the lack of an overall government strategy which ties together and leverages the program expertise and resources of agencies with the knowledge of victims' identity and location, raises questions about whether antitrafficking activities are targeted where they are most needed. Furthermore, little evaluation research has been conducted to determine which international antitrafficking activities are working or how best to tailor them to meet specific needs.

The fight against human trafficking will almost certainly require years of effort and the continued monitoring of governments' actions. To enhance its usefulness as a diplomatic tool, the narratives and country rankings in the annual *Trafficking in Persons Report* must be viewed as credible by governments and informed human rights and country observers. However, the report does not comprehensively or clearly describe how decisions about tier rankings were reached. Moreover, problems identified in the report provide the means to better identify program needs and allocate resources, but agencies have not linked their activities to identified deficiencies.

Recommendations for Executive Action

To improve efforts to combat trafficking in persons abroad, we recommend that the Secretary of State, in her capacity as Chair of the Interagency Task Force to Monitor and Combat Trafficking, consider the following actions:

1. Work closely with relevant agencies as they implement U.S. law calling for research into the creation of an effective mechanism to develop a global estimate of trafficking. This could include assigning a trafficking data and research unit to serve as an interagency focal point charged with developing an overall research strategy, collecting and analyzing data, and directing research.
2. In conjunction with relevant agencies, develop and implement a strategic approach that would delineate agency roles and responsibilities in relation to each other, strengthen mechanisms for integrating activities, and determine priorities, measurable goals, time frames, performance measures, and a methodology to gauge results.
3. To improve the credibility of State's annual report on trafficking in persons, we recommend that the Secretary of State ensure that the

report clearly documents the rationale and support for tier rankings and improve the report's usefulness for programming by making the narratives more comprehensive.

Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Secretaries of State, Justice, Health and Human Services, Homeland Security, and Labor; the Administrator of USAID; the U.S. government agency that prepares the trafficking estimate; and cognizant officials at the ILO, IOM, and UNODC, or their designees. We received written comments from State, which are reprinted in appendix V along with our responses to specific points.

State generally agreed with our recommendations. State agreed with our first recommendation to work closely with relevant agencies as they implement U.S. law calling for research into the creation of an effective mechanism to develop a global estimate of trafficking and provided detailed suggestions for areas of future research that are consistent with our findings. Regarding our second recommendation that the Secretary of State develop and implement a strategic approach, State recognized the need for better performance measures and enhanced interagency coordination while also stating that roles and responsibilities have been established. In response, we clarified our recommendation to state that agencies' roles and responsibilities should be delineated in relation to each other, consistent with our report findings. In response to our third recommendation, State said that while its annual *Trafficking in Persons Report* can improve, it has become a much richer, more useful product since first published in 2001. State also said our report includes some useful recommendations that the department will explore integrating with ongoing efforts in light of available resources. In addition, State commented that its 2006 *Trafficking in Persons Report* offers a greater and more consistent examination of the minimum standards as they apply to each country. We conducted a selective review of 26 tier 1 country narratives in the 2006 report and found that many of the concerns we cited in our report remain. For example, none of the tier 1 country narratives clearly explained whether or not the government complied with the second minimum standard established in the TVPA, which, among other things, calls for governments to prescribe punishment for sex trafficking that is commensurate with that for grave crimes such as forcible sexual assault.

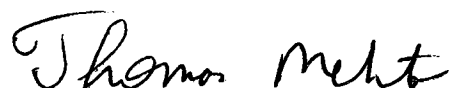
In oral comments, the U.S. government agency that prepares the trafficking estimate fundamentally concurs with our characterization of the U.S. global estimate of trafficking flows. The agency stated that it has sought to

improve upon the 2004 estimate's accuracy and utility through working with an outside contractor with the intention of thoroughly documenting and vetting a methodology, as well as preparing detailed recommendations for improving future estimates. According to the agency, many of this contractor's initial recommendations have been in-line with those delineated in our report. Despite these efforts and the inherent difficulty of preparing estimates of hidden populations, the agency agreed with our overall findings—particularly with the idea that housing the estimate in the intelligence community makes it opaque and inaccessible. The agency stated that it believes that other U.S. government agencies are best positioned to produce the global trafficking estimate in the future, because they have access to the same unclassified data, would be better able to vet the methodology, and could provide additional information to allow for a closer link between international and domestic human trafficking flow estimates.

State, Justice, Labor, USAID, the U.S. government agency that prepared the trafficking estimate, and the ILO, IOM, and UNODC submitted technical comments which we have incorporated into this report as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the Secretaries of State, Justice, Health and Human Services, Homeland Security, and Labor; the Administrator of USAID; the U.S. government agency that prepares the trafficking estimate; ILO; IOM; and UNODC; and interested congressional committees. Copies of this report will also be made available to other interested parties on request. In addition, this report will be made available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-9601. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Thomas Melito". The signature is written in a cursive, slightly slanted style.

Thomas Melito, Director
International Affairs and Trade

Objectives, Scope, and Methodology

Our objectives were to examine (1) estimates of the extent of global trafficking in persons, (2) the U.S. government's strategy to combat trafficking in persons abroad, and (3) the Department of State's (State) process for evaluating foreign governments' antitrafficking efforts.

To examine estimates of the extent of global human trafficking, we conducted an analysis of the global trafficking databases developed and maintained by the U.S. government, the International Organization for Migration (IOM), the International Labor Organization (ILO), and the U.N. Office on Drugs and Crime (UNODC). We met with officials from each organization, determined the reliability of their global trafficking data, reviewed documents and assessed their methodologies for collecting and analyzing human trafficking data, and analyzed the data collected by IOM. We examined ILO, UNODC, and IOM reports.¹ We also reviewed the existing relevant literature on data and methodologies used in global human trafficking research. We collected reports, journal articles, conference presentations, U.S. government sponsored studies, and books that discuss human trafficking. We read and analyzed these documents and used them to identify issues that affect the quality of data on trafficking. We grouped these issues into three major categories: availability, reliability, and comparability.

To examine the U.S. government's strategy for combating human trafficking abroad, we reviewed U.S. laws and presidential directives describing actions that various U.S. government entities were to undertake in combating trafficking. These include the Trafficking Victims Protection Act (TVPA) of 2000 and its reauthorizations in 2003 and 2005, Executive Order 13257, and National Security Presidential Directive 22. We also analyzed documents and interviewed officials from the Departments of Health and Human Services (HHS), Homeland Security (DHS), Justice, Labor, State, and the United States Agency for International Development (USAID). Documents we reviewed include each agency's plan to implement the presidential directive, agency and project-level monitoring and evaluation documents, project proposals, interagency coordination guidance, the Bureau Performance Plan from State's Office to Monitor and Combat Trafficking in Persons, USAID's strategy to combat trafficking in

¹Belser, Patrick, de Cock, Michaëlle and Ferhad Mehran, *ILO Minimum Estimate of Forced Labor in the World*, ILO (Geneva: April 2005); UNODC, *Trafficking in Persons Global Patterns*, (Vienna: April 2006); and IOM, *Data and Research on Human Trafficking: A Global Survey* (Geneva: 2005).

persons, as well as regional and country-level strategic framework documents.

To examine State's process for evaluating foreign governments' antitrafficking efforts, we reviewed 122 country narratives in the 2005 *Trafficking in Persons Report*. We examined the narratives for all 66 countries in tier 1, tier 2 watch list, and tier 3. For the 77 narratives in tier 2, we reviewed all of the narratives for the 35 countries whose tiers had changed from the previous year's report. For the remaining 42 country narratives, we drew a random probability sample of 21 countries. With this probability sample, each narrative in the 2005 report had a nonzero probability of being included and that probability could be computed for any member. Each sample element was subsequently weighted in the analysis to account statistically for all the narratives in the 2005 report, including those not selected. Because we followed a probability procedure based on a random selection of tier 2 countries, our sample is only one of a large number of samples that we might have drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 5 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the intervals in this report will include the true values in the study population. All percentage estimates from the narrative review have margins of error of plus or minus 7 percentage points or less, unless otherwise noted.

In addition, we systematically compared the country narratives describing these governments' antitrafficking efforts with the minimum standards and five core criteria in the legislation and determined whether or not the country narrative mentioned each standard or criteria. If the country narrative did not mention a standard or criteria, we coded that as "not mentioned." If the country narrative did mention a standard or criteria, we determined whether the narrative showed that the government complied or did not comply with the standard or criteria. If we determined that the narrative showed that the government complied with the standard or criteria, we coded that as "yes." If we determined that the narrative showed that the government did not comply with the standard or criteria, we coded that as "no." In some cases, the narrative mentioned a standard or criteria, but we could not determine conclusively whether or not the narrative demonstrated the government's compliance. We coded those cases as "not clear." Finally, elements of some criteria were not applicable to certain countries. For example, if the report described a country as a source of

trafficking victims rather than as a destination for victims, the criterion regarding provision of victims with legal alternatives to deportation would not apply. We coded these cases as “not applicable.” We then tallied the number of responses in each category.

Finally, to ensure analytical validity and reliability, our analysis involved multiple phases of checking and review of analytical procedures, categories, and results. Two GAO analysts reviewed a selection of country narratives, independently coded them, and agreed on the basis for the coding decisions. Next, one GAO analyst performed the coding for the remaining country narratives. A second GAO analyst reviewed a number of these coding decisions and both analysts discussed them. Finally, a third GAO analyst performed a review of all coding decisions and tabulations. In addition, to ensure the reliability of the funding data used, we reviewed the information collected by the State Department on each agency’s funding obligations. We then checked with each individual agency to verify that the amounts State reported were correct.

We conducted our review from September 2005 to May 2006 in accordance with generally accepted government auditing standards.

Methodologies Used by Four Organizations to Collect Data on Human Trafficking

This appendix describes the data sources, data validation, methodology, and key assumptions used by the U.S. government, ILO, UNODC, and IOM to collect data on and/or estimate the extent of human trafficking as well as the limitations of these databases. (See tables 4 and 5.)

Table 4: Four Organizations' Data Sources and Validation

| | U.S. government | ILO^a | UNODC^b | IOM^c |
|-----------------|--|--|---|---|
| Episodes/ cases | 1500 | 1534 | 4950 | 7711 |
| Data sources | Public sources—articles primarily identified and translated into English by the Foreign Broadcasting Information Service, Stop Traffic List Serve, IOM, UN, ILO and NGOs based on trafficking incidents in 2000 to 2001. | Public sources—1500 publications in multiple languages such as reports, court and police records, trade unions, NGOs, academia and the media between 1995 to 2004. | Public sources—publications such as reports, periodicals, books, Web sites and others from 113 individual source institutions between 1996 to 2003. | Data collected by IOM missions from victims starting in Kosovo in 1999/2000 and expanding to 26 countries through 2005. |
| Data validation | Performed by one analyst. | Based on an organized procedure involving four steps. | Performed by one researcher. | Inaccuracies corrected by the original data entry official. |

Source: GAO analysis of U.S. government, ILO, UNODC, and IOM data.

^aFor a detailed discussion, see Belser, Patrick, de Cock, Michaelle and Ferhad Mehran, *ILO Minimum Estimate of Forced Labour in the World*, ILO (Geneva: April 2005).

^bFor a detailed discussion, see UNODC, *Trafficking in Persons Global Patterns* (Vienna: April 2006).

^cFor a detailed discussion, see IOM, *Data and Research on Human Trafficking: A Global Survey* (Geneva: 2005).

**Appendix II
Methodologies Used by Four Organizations
to Collect Data on Human Trafficking**

Table 5: Four Organizations' Methodologies, Key Assumptions and Limitations

| | U.S. government | ILO^a | UNODC^b | IOM^c |
|-----------------|--|---|---|--|
| Methodology | (A) average of aggregate estimates of reported and unreported victims (B) data augmentation to fill in missing values. ^d | Estimation based on two extrapolations: (A) estimation of all reported victims ^e (B) estimation of all reported and unreported victims. ^f | (A) assignment of a score of 1 each time a country is reported by a different institution (B) coding gender, age, and type of trafficking using the same technique. | Not applicable. |
| Key assumptions | For (A) above—underlying data of total victims are reliable and comparable; For (B) above—technical conditions for the procedure are plausible. | For (A) above—technical conditions for the procedure are met; For (B) above—the ratio of the average duration of a case divided by the probability of being reported is greater than or equal to 10. | For both (A) and (B) above—how much a country is affected by the trafficking problem depends on the frequency of it being reported by different institutions. | Not applicable. |
| Limitations | <ul style="list-style-type: none"> • internal trafficking not studied • subject to very limited peer review • may not be replicable | <ul style="list-style-type: none"> • limited to sources in 11 languages | <ul style="list-style-type: none"> • no information about the number of victims • no measure of the severity of the problem • internal trafficking not studied | <ul style="list-style-type: none"> • data limited to the countries where IOM has a presence • confidentiality of victim assistance • may not be generalizable |
| | <ul style="list-style-type: none"> • cannot be used for time series studies • not based on reliable country level data | | | |

Source: GAO analysis of U.S. government, ILO, UNODC, and IOM data.

^aFor a detailed discussion, see Belser, Patrick, de Cock, Michaelle and Ferhad Mehran, *ILO Minimum Estimate of Forced Labour in the World*, ILO (Geneva: April 2005).

^bFor a detailed discussion, see UNODC, *Trafficking in Persons Global Patterns* (Vienna: April 2006).

^cFor a detailed discussion, see IOM, *Data and Research on Human Trafficking: A Global Survey* (Geneva: 2005).

^dThe data augmentation is performed using Monte Carlo Markov chain simulations with Bayesian inference. Making use of plausible values for unknown information, the technique replaces missing data under a wide range of conditions to reflect uncertainty in the open source information regarding the type of trafficking, age group, gender, country of origin and destination.

^eThe estimation procedure uses the capture-recapture method. Two random samples of reported human trafficking cases are independently drawn and the counts of common and different cases between the two samples are used to estimate the total number of reported trafficking cases.

^fUnder the most conservative assumption, the minimum estimate corresponds to assigning to the probability of being reported a value of 1.

Eight U.S. Government Entities' Data on Human Trafficking

This appendix describes the data on human trafficking maintained by eight U.S. government entities. (See table 6.)

Table 6: Data on Human Trafficking Maintained by U.S. Government Entities

| Agency | Trafficking data fields |
|--|--|
| Justice—Office for Victims of Crime | <ul style="list-style-type: none"> —Type of trafficking (labor, sex, other) — Identification of victims (nationality, age, gender) |
| Justice—Civil Rights Division | <ul style="list-style-type: none"> Trafficking cases prosecuted in the United States, including —Information about traffickers —Type of trafficking (commercial sex, involuntary servitude) |
| Justice—Federal Bureau of Investigation, Criminal Investigation Division | <ul style="list-style-type: none"> —Information about traffickers (names, business involved, criminal organization connections) —Type of trafficking (commercial sex, migrant farms, construction, labor camps, domestic servitude) —Identification of victims (nationality, age, gender, recruitment method) —Points of entry —Logistics (use of illegal documents, funding) |
| Justice—Bureau of Justice Assistance | <ul style="list-style-type: none"> —Number of potential domestic victims identified by task forces —Number of identified potential domestic victims for which law enforcement has requested continued presence^a in the United States |
| HHS | <ul style="list-style-type: none"> Trafficking victims certified in the United States, including —Age (minor or adult) —Gender —Geographic distribution of the certification (i.e., which U.S. state) —Nationality |
| DHS | <ul style="list-style-type: none"> Trafficking victims awarded continued presence: —Date of birth —Gender —Nationality Information about traffickers, including: —Name —Nationality —Gender —Date of Birth —Violation type —Statute used to arrest the violator |
| Labor | <ul style="list-style-type: none"> Nature and extent of 144 countries' worst forms of child labor, including children involved in forced labor and sexual exploitation |
| National Central Bureau (INTERPOL) | <ul style="list-style-type: none"> Individuals wanted internationally for trafficking/smuggling related crimes |

Sources: Departments of Justice, HHS, DHS, Labor, and the National Central Bureau.

^aFederal law enforcement officials who encounter alien victims of severe forms of trafficking in persons who are potential witnesses to that trafficking may request that DHS grant the continued presence of these victims in the United States in order to ensure prosecution of those responsible.

State's Process for Assessing Foreign Governments' Compliance with U.S. Minimum Standards to Eliminate Human Trafficking

Table 7: Minimum Standards and Criteria for the Elimination of Human Trafficking

| | |
|--------------------|--|
| Standard 1 | The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking. |
| Standard 2 | For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault. |
| Standard 3 | For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense. |
| Standard 4 | The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons. |
| Criterion 1 | Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government, which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good-faith effort to collect such data. |
| Criterion 2 | Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked. |
| Criterion 3 | Whether the government of the country has adopted measures to prevent severe trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe trafficking. |
| Criterion 4 | Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons. |
| Criterion 5 | Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition.) |
| Criterion 6 | Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country. |

**Appendix IV
State's Process for Assessing Foreign
Governments' Compliance with U.S.
Minimum Standards to Eliminate Human
Trafficking**

(Continued From Previous Page)

| | |
|---------------------|--|
| Criterion 7 | Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government, which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004 and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good-faith effort to collect such data. |
| Criterion 8 | Whether the percentage of victims of severe forms of trafficking in the country that are noncitizens of such countries is insignificant. |
| Criterion 9 | Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts. |
| Criterion 10 | Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year. |

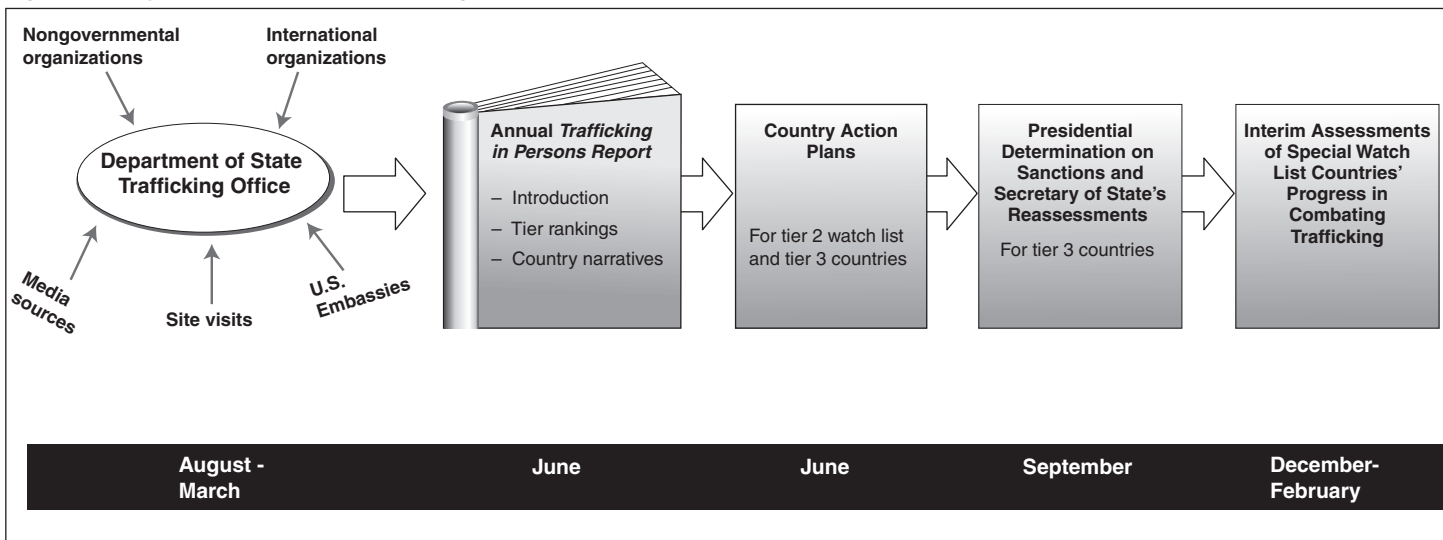
Sources: TVPA 2000 and TVPA 2003.

Note: Criteria in bold text are those that the Trafficking Office has designated "core criteria."

**Appendix IV
 State's Process for Assessing Foreign
 Governments' Compliance with U.S.
 Minimum Standards to Eliminate Human
 Trafficking**

Figure 6 illustrates the Department of State's process for producing the annual *Trafficking in Persons Report*.

Figure 6: Key Elements of the *Trafficking in Persons Report* Process



Source: GAO analysis of Department of State information.

Comments from the Department of State

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of State

*Assistant Secretary for Resource Management
and Chief Financial Officer*

Washington, D.C. 20520

Ms. Jacquelyn Williams-Bridgers
Managing Director
International Affairs and Trade
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548-0001

JUN 29 2006

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "HUMAN TRAFFICKING: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad," GAO Job Code 320374.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Paula Goode, Deputy Director, Bureau of Democracy and Global Affairs, Office to Monitor and Combating Trafficking in Persons, at (202) 312-9882.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad R. Higgins".

Bradford R. Higgins

cc: GAO – Thomas Melito
G/TIP – John Miller
State/OIG – Mark Duda

Department of State Comments on GAO Draft Report

**HUMAN TRAFFICKING: Better Data, Strategy, and Reporting
Needed to Enhance U.S. Anti-Trafficking Efforts Abroad,
(GAO-06-825, GAO Code 320374)**

The U.S. Department of State welcomes the Congressional inquiry regarding the status of U.S. international efforts to combat trafficking in persons which led to the Government Accountability Office (GAO) report “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-Trafficking Efforts Abroad.”

The Administration has registered tremendous accomplishments since the passage of the Trafficking Victims Protection Act (TVPA) in late 2000. In less than five years, beginning with the opening of the Office to Monitor and Combat Trafficking in Persons (G/TIP) within the Department of State in late 2001, the following benchmarks have been achieved: forming the Cabinet-level President’s Task Force on Trafficking in Persons and the Senior Policy Operating Group (SPOG) within the Department of State and organizing regular meetings of those groups to coordinate anti-TIP grant policies by U.S. agencies; managing the growth of G/TIP, which tripled in size between 2002 and 2005; distributing \$375 million dollars worldwide in anti-trafficking assistance; developing 32 regional U.S. anti-TIP taskforces by the U.S. Department of Justice; forming 17 broad-based anti-TIP coalitions across the U.S. by the Department of Health and Human Services; encouraging the conviction of trafficking criminals worldwide, which rose to a record 4,766 in 2005; encouraging foreign governments to approve comprehensive anti-trafficking laws, which increased to a record 41 new or amended laws in 2005; and initiating a discussion aimed at decreasing the demand for human trafficking victims.

Further, the Department of State completed six annual Trafficking in Persons Reports as mandated by Congress, the world’s most comprehensive anti-trafficking assessment. It is used by foreign governments, NGOs, and international organizations to raise awareness and motivate action. These measurable and diverse achievements have elevated the human trafficking issue, both domestically and globally.

The GAO report concludes that the Secretary of State should: 1) improve information on human trafficking; 2) strengthen the strategic framework for anti-trafficking programs; and 3) increase documentation related to country rankings in the TIP Report. These are goals shared by everyone working in the anti-human trafficking arena. Our responses to GAO's specific recommendations follow:

Recommendation 1: Work closely with relevant agencies as they implement U.S. law calling for research into the creation of an effective mechanism to develop a global estimate of trafficking. This could include assigning a trafficking data and research unit to serve as an interagency focal point charged with developing an overall strategy, collecting and analyzing data, and directing research.

The Department of State agrees that more research would help in the fight against modern day slavery. The GAO correctly notes that there is only one part time analyst position devoted to global estimates. However, the Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) continues to pursue better estimates of the scope of the problem through the National Institute of Justice (NIJ) and the academic community. To further this work, the Senior Policy Operating Group (SPOG) has established a subcommittee on Trafficking in Persons Research to insure regular interagency information sharing on TIP research projects, to avoid duplication of effort, to shape future research agendas, and to work to close the most important data gaps. G/TIP has also increased its emphasis on research and plans to set aside a substantial portion of its program budget each year for TIP research, including research that fills major data gaps and research that evaluates the effectiveness of U.S. Government anti-trafficking programs. G/TIP funds the International Organization for Migration (IOM) global database and has full access to the quantitative data that IOM generates. With this knowledge, should Congress still decide to set up a trafficking data and research unit as suggested by GAO, the State Department will work closely with other agencies to set up such a unit.

Further, the Department believes that a better global estimate of the number of TIP victims, while desirable, should not be the primary focus of additional research initiatives. What law enforcement officers and social service providers need most is "actionable research" informing anti-trafficking policy. A more valuable approach for appropriating resources and creating programs would be research providing information on the

See comment 1.

See comment 2.

comparative severity of trafficking in particular regions, countries, or localities, information on the methods used by traffickers to coerce and exploit victims and information on the effectiveness of anti-trafficking programs. Over time, as law enforcement agencies and social service agencies gain greater experience and compile more statistics, arriving at a more reliable global will become possible.

While there have been recent studies that examine possible links between prostitution and trafficking, the State Department agrees with the GAO Report that more research is always helpful. As noted in the 2006 Trafficking in Persons Report and codified in National Security Presidential Directive 22 the U.S. Government “opposes prostitution and related activities, including pimping, pandering and maintaining brothels, as contributing to the phenomenon of human trafficking. These activities are inherently harmful and dehumanizing.” Moreover, the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 (also cited in the 2006 Report) “brings important attention to reducing the demand for the commercial sex acts that fuel trafficking.” Further, to be effective, anti-trafficking strategies must target both supply (the traffickers) and demand (the owners, consumers, or sex buyers in the case of trafficking for sexual exploitation).

Recommendation 2: Develop and implement a strategy that would delineate agency roles and responsibilities and mechanisms for integrating activities and determine priorities, measurable goals, timeframes, performance measures, and a methodology to gauge results.

The State Department believes roles and responsibilities of government agencies in combating trafficking in persons have been established. Congress laid out the roles and responsibilities in the Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations in 2003 and 2005. Each federal agency or department has its own legislation and corresponding appropriation that provides each organization with its mission goals.

The State Department, through the Senior Policy Operating Group (SPOG) and the President’s Interagency Task Force (PITF), has played a clear leadership role in creating information sharing mechanisms and forums to promote coordination and avoid duplication. The SPOG, chaired by G/TIP, creates an active forum where interagency representatives work

See comment 3.

together to identify strengths and weaknesses of the U.S. approach to combat trafficking in real time. SPOG quarterly meetings and the annual Assessment of U.S. Government Activities to Combat Trafficking in Persons drafted by the U.S. Department of Justice are used as tools to help identify where the U.S. Government needs to focus its energies to improve its efforts to combat modern-day slavery. Moreover, several subcommittees (regulations, grant-making, research, and public affairs, domestic trafficking and U.S. TIP statistics) focus on improving U.S. Government efforts to combat TIP. In addition, since the publication of the 2005 report two positions were added to the G/TIP office to support the SPOG. They have worked tirelessly over the last year to improve operation of the PITF and the SPOG. G/TIP is now finalizing an updated office strategy to guide its efforts to combat modern-day slavery. The final strategy will address enhanced interagency coordination. Through the SPOG, federal agencies share information on all anti-trafficking programs, including those administered as grants.

The GAO suggestion that information be shared earlier in the grant process is consistent with the law and the SPOG is looking at how to reconcile the different agency grant processes so as to achieve an earlier exchange of information. The State Department acknowledges the need cited in the GAO report for better performance measures; and notes that efforts to develop measurement tools have been under way for the past few years. For example, the State Department's Population, Refugee, and Migration Bureau (PRM) funded IOM in 2003 to develop an initial set of performance indicators in the context of preventive information campaigns and victims' assistance. Since FY05, all PRM-funded anti-trafficking projects include performance indicators. In 2006, in an effort to further develop these tools, PRM funded and directed IOM to compile a comprehensive list of performance indicators in the areas of prevention, prosecution and protection, to be developed in coordination with all interested USG agencies. State, DOL, DOJ, HHS, USAID and DHS are participating, in an effort to develop common performance measures. In addition, the U.S. Government is looking for a coordinated way to measure the results of the President's \$50 Million Anti-Trafficking Initiative.

G/TIP has also developed a list of program indicators for assessing measurable outcomes of G/TIP-funded projects, including activities related to public awareness and prevention, protection and assistance to victims, investigation and prosecution, and training of professionals. G/TIP shared

this list with PRM and the IOM project team and has begun applying the indicators to new grant projects. Further, G/TIP has set aside FY 06 funds to evaluate the effectiveness of G/TIP-funded programs; such work is intended to guide the development of successful program models and best practices that can be replicated in other settings. Embassy personnel also play an important role in guiding project activities, ensuring accountability, and observing these project activities first-hand. This experience makes for better local vetting of new projects each year.

Recommendation #3: “To improve the credibility of the State’s annual report on trafficking in persons, we recommend that the Secretary of State ensure that the report clearly documents the rationale and support for tier rankings and improve the report’s usefulness for programming by making narratives more comprehensive.”

The State Department acknowledges that the TIP Report can improve every year and, in fact, it has consistently become a much richer, more useful product since first published in 2001. It is the only global human trafficking assessment and represents the most comprehensive anti-trafficking review issued by any government. G/TIP notes that the 2006 TIP Report is far more thorough than the 2005 TIP Report, which is the subject of this GAO review. The 2006 Report offers greater and more consistent examination of the minimum standards as they apply to each country. The TIP Report is a credible and valuable tool used by international organizations, NGOs, and foreign governments for information on trafficking in persons and a catalyst for change. As the GAO report notes, the TIP Report has raised global awareness about human trafficking and spurred governments to adopt anti-trafficking measures. The State Department believes that the recently-released 2006 TIP Report addresses many of the issues raised by the GAO review. However, in 2007, the State Department will continue to increase the comprehensiveness of the TIP Report and seek to provide more detailed explanation wherever appropriate for tier rankings. G/TIP strives each year to increase the information in each TIP narrative, and the State Department feels confident that the 2006 TIP Report reflects a more complete picture of trafficking in the world, an effort that will continue in 2007.

Guidance provided by the TVPA, as amended, requires the State Department to submit to Congress “a list of countries” in each of the three tiers and also those on the “special watch list.” The law does not require a

See comment 4.

narrative. In order to make the report more useful, the State Department provides Congress with a general overview of trafficking in each country included in the TIP Report. The State Department believes that as drafted the Report serves as a tightly focused analytical tool (using multiple sources) to assess governments' concrete actions to address trafficking. The TVPA does require that the State Department, as part of making tier determinations, gauge the degree to which governments show "serious and sustained efforts" (the fourth minimum standard) and "appreciable progress" when compared to the assessment in previous years (criterion #10 under the fourth minimum standard). Thus, much of the country narrative is focused on these factors, especially if a country has been on the TIP Report for a number of years. Countries on the "special watch list" are subject to TVPA-mandated interim assessments. These assessments serve as a guide as to how a country is doing before the release of the TIP Report in June of each year.

Criteria for Country-by-Country Assessments. The State Department believes these criteria created by Congress are sound, although the criteria allow for the exercise of policy judgments. As part of the four minimum standards on which countries are to be judged, ten criteria are provided under the fourth minimum standard which "*should*" be considered as indicia of a government's "serious and sustained" efforts. These are not mandatory criteria; report narratives cite specific criteria of the fourth minimum standard only as they are relevant and indicative of deficiencies in a foreign government's anti-trafficking performance. Under G/TIP's current guidelines to keep narratives short, readable, and focused on deficiencies, the Report does not provide (and the law does not require) an exhaustive examination in the light of all of the minimum standards' criteria. Such an approach would create lengthy country narratives that would lose their readability, effectiveness and policy relevance and would significantly increase the size of the report.

Incomplete Assessments of Foreign Government's Anti-trafficking Deficiencies. Here and elsewhere the GAO Report calls for more information, comprehensive assessment of compliance with all standards and more complete explanations of ratings. The State Department believes that keeping the report concise is paramount to keeping it an effective foreign policy tool, not only rank countries but to spotlight the issue and encourage action. Some Congressmen, Senators and NGOs

See comment 5.

involved in the fight against modern day slavery have praised the report precisely because it is concise and readable and understand the report is supplemented by interactions between the State Department and foreign governments throughout the year.

Credibility as a Diplomatic Tool. The diplomatic credibility of the TIP Report does not rest solely on the report's contents. The State Department does not issue the TIP Report without substantial engagement with host governments. G/TIP, U.S. embassy personnel, and other officials engage with foreign governments extensively throughout the year regarding their individual trafficking problems and efforts to combat them. This engagement is concrete and specific. For many countries, this engagement culminates in the interviews that inform the embassy's response to the tasker upon which the annual report is based. In others, it extends well into the period of the drafting of the narratives, as the State Department follows up with questions designed to identify every positive action a country might be taking to fight trafficking or help its victims.

While some governments routinely denounce the report, NGOs are encouraged and newspapers often praise it. In addition, the report and U.S. diplomatic engagement have encouraged numerous governments to take dramatic actions to address the problem. Several years ago U.S. allies, Turkey and Greece were placed in Tier 3, the lowest tier. In the three months after the report, both governments made numerous arrests, started numerous prosecutions of alleged traffickers, set up victim referral systems between NGOs and law enforcement and increased support for NGOs helping survivors. Last year the government of Jamaica, while critical of the report's Tier 3 rating, in the month after the report's release set up a special police anti-trafficking unit. In many cases, governments are spurred by the report to review and more vigorously address their policies on modern day slavery. For example, the government of Japan after receiving a Tier 2 Watch List rating in 2004 passed anti-trafficking amendments to its criminal law, drastically revised its visa requirements to stop the luring of victims to Japan and started working with anti-TIP NGOs. In these and many other cases the report has helped to free the victims of modern day slavery.

Unreliable Data to Conclude a Country has 100 Victims of Trafficking. The GAO Report questions the data used to include countries in the Report. The TVPA requires the TIP Report to include countries with a "significant number of victims of severe forms of trafficking." As a matter

See comment 6.

of policy the minimum 'significant number of victim' has been defined as 100. Since many countries have not analyzed their crime statistics through the prism of trafficking in persons before appearing in the report, and since most victims of the crime are hidden, it is frequently necessary to rely on the best available data. In keeping with the spirit and intent of the TVPA, the report serves to err on the side of including countries rather than leaving them out. It must also be emphasized that the "significant number of victims" threshold does not include a particular timeframe (e.g. one or several years). If countries were added to or fell from the report annually based on annual numbers of victims identified, the report's credibility would be weakened and it would be very difficult to build and continue a healthy dialog with countries.

Sufficient Sentences for Traffickers. The GAO Report questions whether the Department has defined "sufficiently stringent" punishment in the law. The Department has defined "sufficiently stringent" punishment to mean time in jail, preferably at least several years in jail. Under the TVPA, the minimum standards require that a government "prescribe punishment that is sufficiently stringent to deter and adequately reflects the heinous nature of the offense," in order to be deemed to be fully complying with the minimum standards and thus qualify for Tier 1.

The law does not clearly define what constitutes a sufficient sentence to deter, or that adequately reflects the heinous nature of the offense. Nor is it clear whether it is sufficient that the government have a law that *prescribes* a punishment or whether the *actual imposition* of the punishment is intended. This is further made difficult by the fact that criminal justice systems greatly differ across the globe and many may not prescribe jail-time for traffickers (for instance, some countries allow for conditional sentences for trafficking crimes). Faced with these and other areas of legal and factual ambiguity, the State Department has generally stated, as a matter of policy that a trafficking-related crime should result in some jail time.¹ Otherwise, the punishment given would be unlikely to deter.

¹ The United Nations Convention Against Transnational Organized Crime, which is supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defines "serious crime" as "conduct constituting an offense punishable by a maximum deprivation of liberty of at least four years or a more serious penalty."

See comment 7.

Trafficking in Persons Report is Used to Prioritize Programs and Target Resources. GAO criticizes a lack of linkage between programs and tier ratings. The State Department agrees that there should be increased coordination between the annual Report and international programs. G/TIP is increasingly targeting funding to assist Tier 2 Watch List and Tier 3 countries that express a willingness to work on improving their response to human trafficking, or to NGOs in these countries that can play a critical role in protection of victims or improving the law enforcement response. The Department agrees that it is important to support such activities when needed to strengthen anti-trafficking efforts or establish pioneering or model anti-TIP programs, but this may be true even if the country is placed in Tier 2 or in rare cases, in Tier 1. However, linkage is not always possible. There are cases in which the Department will note a deficiency in the TIP Report, but there is no programmatic capacity to address the deficiency. The State Department encourages resource-rich countries not qualified to receive U.S. funding to fund their own anti-trafficking projects. Furthermore, linkage is made more difficult by a grants award process that may take up to several months.

Conclusion. The State Department, as previously noted, believes that the GAO Report includes some useful recommendations that the Department will explore integrating with ongoing efforts in light of available resources.

The following are GAO's comments on the Department of State's letter, dated June 30, 2006.

GAO Comments

1. State agreed that more research would help in the fight against human trafficking. State said that its Trafficking in Persons office (G/TIP) continues to pursue better estimates of the scope of trafficking; that the Senior Policy Operating Group (the Group) has established a subcommittee on trafficking research to, among other things, ensure regular interagency communication on research and close the most important data gaps; that G/TIP plans to set aside a substantial portion of its program budget for trafficking research; and that G/TIP funds IOM's database. We recognize two ongoing projects to develop better estimates of trafficking and note that it is too early to assess the results of these projects. The Group subcommittee began meeting within the past year and, at the time of our review, had not established research priorities. During our review, G/TIP staff expressed concern about the limited amount of funding available for research, including continued funding for IOM's database, which G/TIP partially funds.
2. State said that a better global estimate of the number of trafficking victims should not be the primary focus of additional research initiatives. State said a more valuable approach would be information on the comparative severity of trafficking in particular regions, countries, or localities; on the methods used by traffickers; and the effectiveness of antitrafficking programs. We believe our recommendation is consistent with State's comments. We agree that additional research on these areas is valuable as discussed in the report. We report that reliable and comparable country data do not exist. We also report that U.S. agencies collect information on traffickers and their victims but do not share their information or analyze the information to identify trends and compile a profile of victims. We also describe the value of IOM's database in providing information on traffickers' routes and nationalities and the mechanisms they use to identify and manipulate their victims. We also agree that more information on the effectiveness of antitrafficking programs is needed, and we note that little or no evidence is currently available to indicate the extent to which different types of efforts impact the level of trafficking. Our recommendation calls upon the Secretary of State, in her capacity as Chair of the Interagency Task Force to Monitor and Combat Trafficking in Persons, to consider assigning a trafficking data

and research unit but does not call for setting up a new unit as State's comments suggest.

3. State agreed with the need for better performance measures, said that the Group is looking at how to reconcile the different agency grants processes so as to achieve an earlier exchange of information, and said that State will address enhanced interagency coordination in its upcoming G/TIP office strategy. State said that roles and responsibilities of government agencies in combating trafficking in persons have been established. We have clarified our recommendation to state that agencies' roles and responsibilities should be delineated in relation to each other, consistent with our report findings. State also said that the Group creates an active forum where interagency representatives work together to identify strengths and weaknesses of of the Group's the U.S. approach to combat trafficking in real time. State also said that the Attorney General's annual report and several of the Group's subcommittees focus on improving efforts to combat trafficking in persons. We reported findings from the Attorney General's report. We also reported that the Group, through the work of its various subcommittees, served as a forum for agency officials to discuss trafficking policy and programs. However, based on information from the other Group members, we believe that our report remains accurate in also stating that the Group has not developed or implemented a systematic way for agencies to identify priorities and target efforts abroad to complement each others' activities to achieve greater results than if the agencies were acting alone.
4. The Department of State agrees with our finding that its annual *Trafficking in Persons Report* could provide more comprehensive and clearer explanations for the tier ranking decisions. The Department of State said that the 2006 report offers a greater and more consistent examination of the minimum standards as they apply to each country. We conducted a selective review of 26 tier 1 country narratives in the 2006 report and found that many of the concerns we cited in our report remain. For example, none of the tier 1 country narratives clearly explained how the government complied with the second minimum standard established in the TVPA, which, among other things, calls for governments to prescribe punishment for sex trafficking involving force, fraud, or coercion that is commensurate with that for grave crimes such as forcible sexual assault. Also, as in the 2005 report, our review found that some tier 1 country narratives in the 2006 report described governments' failure to comply with certain core criteria, but

the narratives did not explain how the governments' success in meeting the other core criteria outweighed these deficiencies and justified their placement in tier 1. We acknowledge in our report that the Department of State is not legislatively mandated to include country narratives in the annual *Trafficking in Persons Report*. However, the 2006 *Trafficking in Persons Report* and reports from previous years characterize the country narratives as "an assessment of the government's compliance with the minimum standards ... as laid out in the TVPA of 2000, as amended." According to the report, the narratives are also intended to explain the basis for the tier ranking decisions.

5. State said that under G/TIP's current guidelines to keep narratives short, readable, and focused on deficiencies, the *Trafficking in Persons Report* does not provide (and the law does not require) an exhaustive examination of compliance with all of the minimum standards' criteria. According to State, such an approach would create lengthy country narratives that would lose their readability, effectiveness, and policy relevance and would significantly increase the size of the report. As described in our report, we did not assess whether the 2005 report's country narratives considered all 10 criteria for the fourth minimum standard, and we do not criticize the Department of State for failing to provide an exhaustive examination of governments' compliance with all 10 of these criteria. Instead, our analysis focused on the four minimum standards required by the TVPA; and for the fourth standard, we looked only at whether the narratives explained governments' compliance with the five core criteria identified by the Trafficking Office. We believe these issues can be discussed while maintaining a concise reporting format.
6. State said the TVPA requires the *Trafficking in Persons Report* to include countries with a "significant number of victims of severe forms of trafficking." As a matter of policy the minimum "significant number of victims" has been defined as 100. As discussed in our report, our interviews with State officials as well as our review of the 2005 report's country narratives indicated that some countries' inclusion in the report was questionable. State acknowledges that many countries have not analyzed their crime statistics through the prism of trafficking in persons, making the available data unreliable.
7. State said the law does not clearly define what constitutes a sufficient sentence to deter, or that adequately reflects the heinous nature of the offense. The department has defined "sufficiently stringent"

punishment to mean time in jail, preferably at least several years in jail. We recognize the subjectivity of the third minimum standard in our report. Even though some narratives indicate that countries prescribe jail time, State's report does not explicitly state the department's definition that sufficiently stringent means some jail time nor did some of the narratives state that the punishment was sufficiently stringent. Thus, it is unclear how the government complied with this minimum standard.

GAO Contact and Staff Acknowledgments

GAO Contact

Thomas Melito (202) 512-9601 or melitot@gao.gov

Staff Acknowledgments

Cheryl Goodman, Assistant Director; Suzanne Dove; Christina Werth; Gergana Danailova-Trainor; Bruce Kutnick; Barbara Stolz; and Patrick Dickriede made key contributions to this report. In addition, Lynn Cothorn, Martin de Alteriis, Etana Finkler, and Mary Moutsos provided technical or legal assistance.

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