

# ISSUE BRIEF

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## How to Assess Human Trafficking in Asia

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The State Department's Office to Monitor and Combat Trafficking in Persons will release its annual Trafficking in Person (TIP) report in June. Ahead of final deliberations, the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing to discuss the significance of the seminal TIP report's rankings.<sup>1</sup>

The committee hearing emphasized the important work of the State Department and significance of the TIP report but questioned whether the State Department was accurately applying TIP methodology.

That human trafficking exists is unquestionable, but its prevalence, the success of current anti-trafficking programs, and the long-term impact of these programs are another matter altogether. Addressing these issues and determining best practices will require U.S. commitment to investigating and implementing empirical measurements of not only the rate of trafficking, but the effectiveness of anti-trafficking programming.

### **The Methodology Behind the Tier Rankings**

The TIP office originated from the passage of the Trafficking Victims Protections Act (TVPA) of 2000

and led to the State Department's first release of the TIP report in 2001. Countries are ranked in four tiers: Tier 1, Tier 2, Tier 2 Watch List, and Tier 3.

Countries that comply with anti-human trafficking standards are placed on Tier 1, while countries that fail to meet the minimum standards, but are taking adequate steps to achieve compliance are placed on Tier 2. Countries that consistently fail to meet minimum standards, but make promises for future compliance are placed on the Tier 2 Watch List. Finally, countries that fail to meet minimum standards and demonstrate limited movement toward compliance are placed on Tier 3, where they can be sanctioned on non-trade and non-humanitarian aid.<sup>2</sup>

Tier rankings are based primarily on government efforts in the areas of prosecution, prevention, protection, and more recently "partnerships"—short-hand for "minimum standards for the elimination of trafficking in persons."<sup>3</sup>

Tier rankings are not issued on the basis of the prevalence of human trafficking. Because prevalence is so difficult to measure, rankings only tangentially take into account reduction in numbers of trafficking victims. In fact, only the ranking for Tier 2 Watch List takes the prevalence of trafficking in a country into account.

The TIP report is intended to measure compliance with the above-mentioned "minimum standards for the elimination of trafficking in persons." The TVPA provides guidelines for measuring whether a government is taking "serious and sustained efforts" to combat trafficking. One requirement is: "Whether the government of the country achieves appreciable progress in eliminating severe forms

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of trafficking when compared to the assessment the previous year.”<sup>4</sup> Accurate prevalence studies could help inform the TIP office’s country analysis of progress, where reductions are linked to government action, as well as inform regional best practices for future government programming. However, prevalence studies are not part of evaluating individual countries’ anti-trafficking efforts. To its credit, the TIP office collects law enforcement data on prosecutions and convictions of traffickers, the number of victims identified and assisted during a year, whether victims are being repatriated, how much funding a country is committing to fight human trafficking, and whether the government is prosecuting corrupt officials. The TIP office also investigates trafficking initiatives through in-country meetings and analysis, monitors news and nongovernmental organization (NGO) reports, and relies on reporting from embassies to determine tier rankings.<sup>5</sup>

### **Evaluating Human Trafficking: The Challenges**

At a recent meeting at The Heritage Foundation on human trafficking in Asia, renowned Thai anti-trafficking expert Saisuree Chutikul and demographer Courtland Robinson noted the lack of empirical resources for evaluating the effectiveness of anti-trafficking efforts.

While many attempts have been undertaken to quantify human trafficking, there is reasonable disagreement on the number of trafficking victims that exist worldwide. A Department of Labor number, 21 million, is the figure most commonly cited.<sup>6</sup> However, studies conducted by *The Global Slavery Index* suggest that figure may be close to 36 million.<sup>7</sup>

Even more important than determining the precise number of trafficking victims is verifying the effectiveness of anti-trafficking programming. Many NGOs, including the renowned International Justice Mission (IJM), have conducted prevalence studies documenting the impact of their programs. During its projects in the Philippines and Cambodia, IJM documented a marked reduction in the availability of minors for child sex trafficking.<sup>8</sup> In the Philippines, the number of minors used for sex in commercial establishments dropped by 79 percent.<sup>9</sup>

However, there have been no major known attempts at quantifying the long-term impacts of the State Department’s programming; nor are clear empirical measurements applied to the evaluations of individual country’s efforts to combat trafficking. Since the U.S. has not developed a method for quantifying the human-trafficking problem and cannot critically evaluate the effectiveness of programs, it has no ability to demonstrate whether current

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1. Hearing, *Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking*, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Foreign Affairs Committee, U.S. House of Representatives, April 22, 2015, <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-accountability-and-transformation-tier-rankings-fight-against-human> (accessed April 27, 2015).
  2. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, “Trafficking in Persons Report 2014: Tier Placements,” June 2014, <http://www.state.gov/j/tip/rls/tiprpt/2014/226649.htm> (accessed April 27, 2015).
  3. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, “Trafficking in Persons Report 2014: Trafficking Victims Protection Act: Minimum Standards for the Elimination of Trafficking in Persons.”
  4. Ibid.
  5. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, “Trafficking in Persons Report 2014: Definitions and Methodology.”
  6. U.S. Department of Labor, Bureau of International Labor Affairs, “Child Labor, Forced Labor, and Human Trafficking,” <http://www.dol.gov/ilab/issues/child-forced-labor-trafficking/> (accessed April 27, 2015).
  7. Walk Free Foundation, *The Global Slavery Index 2014* (Australia: Hope for Children Organization Australia, 2014), pp. 17 and 33, <http://www.globalslaveryindex.org/download/> (accessed December 31, 2014).
  8. Holly Burkhalter, “Sex Trafficking, Law Enforcement and Perpetrator Accountability,” *Anti-Trafficking Review*, No. 1 (June 2012), <https://www.ijm.org/sites/default/files/download/resources/Sex-Trafficking-Law-Enforcement-and-Perpetrator-Accountability.pdf> (accessed January 26, 2015), and David Shaw, “Commercial Sexual Exploitation of Children in Cambodia: A Venue-Based Application of Time Space Sampling to Measure Prevalence in Phnom Penh, Siem Reap and Sihanoukville,” International Justice Mission, 2013, [https://www.ijm.org/sites/default/files/resources/CSEC%20Prevalence%20-%20Cambodia%20-%20FINAL%20-%202012%20Sept%202013%20\(1\).pdf](https://www.ijm.org/sites/default/files/resources/CSEC%20Prevalence%20-%20Cambodia%20-%20FINAL%20-%202012%20Sept%202013%20(1).pdf) (accessed May 7, 2015).
  9. Burkhalter, “Sex Trafficking, Law Enforcement and Perpetrator Accountability.”

methods for combatting trafficking are significantly reducing trafficking.

This situation is further complicated, explains Mark Lagon, former TIP director, when political considerations impact rankings, as in the case of China's upgrade from Tier 3 to Tier 2 Watch List in 2014.<sup>10</sup> Often, the U.S. will choose not to demote certain countries to Tier 3 in order to maintain positive political relationships. But as Representative Chris Smith (R-NJ) pointed out during the hearing, some of America's closest allies, South Korea and Israel, were once Tier 3 countries. During this time, the U.S. maintained positive relations with both countries, and, due to concerted efforts, both Israel and South Korea, are now on Tier 1.<sup>11</sup>

Smith's point is that demotion of a country to Tier 3 status does not automatically translate into a deterioration in U.S. relations with that country. But it is also crucial for the U.S. to present verifiable information to back up its designation decisions.

### What the U.S. Should Do

It has now been nearly 15 years since the passage of the original TVPA. With significant weight behind it, the U.S. should begin to empirically evaluate the effectiveness of counter-trafficking programming. Tier rankings will carry more weight if they directly measure the effectiveness of programming, critically evaluate the long-term impacts of such programming, and verify compliance with laws. The U.S. should:

- **Clarify the definition of human trafficking.** One of the challenges in quantifying human trafficking is that there is disagreement over its definition. While the State Department and the United Nations Palermo Protocol largely agree on definitions of human trafficking, different countries and NGOs disagree on what constitutes human trafficking. From the legal age of prostitution, to

various forms of human trafficking, many organizations adopt different definitions. By applying the State Department definition in a uniform metric of measurement of compliance, reductions and increases in human trafficking would be easier to track. The State Department defines human trafficking as "the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion."<sup>12</sup>

- **Develop quantitative, empirical methodologies to document not only the prevalence of human trafficking, but also the effectiveness of anti-trafficking programs.** The U.S. should collaborate with academic institutions and human-trafficking NGOs to develop a methodology for tracking the implementation, successes and failures, and long-term impacts of U.S. anti-trafficking programs. Once developed, the methodology should be integrated into the TIP report as one of many determining factors in assigning tier rankings.
- **Work with partners in Asia to standardize data collection and evaluation of human-trafficking programming.** The State Department relies in part on foreign governments to truthfully report the status of anti-trafficking efforts. By working with local and regional organizations, such as the Association of Southeast Asian Nations or the South Asian Association for Regional Cooperation, the U.S. may be able to create a unified means of collecting data on human trafficking in the region.<sup>13</sup> After solidifying the methodology, the U.S. should cooperate with other NGOs, regional organizations, and governments to standardize data collection and reporting on human trafficking.

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10. Mark Lagon, "Trafficking Trends and Key Rankings: Say No to Grade Inflation," testimony before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, Foreign Affairs Committee, U.S. House of Representatives, April 22, 2015, <http://docs.house.gov/meetings/FA/FA16/20150422/103357/HHRG-114-FA16-Wstate-LagonM-20150422.pdf> (accessed April 27, 2015).

11. Hearing, *Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking*, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations.

12. U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2013," June 2013, p. 29, <http://www.state.gov/j/tip/rls/tiprpt/2013/210543.htm> (accessed November 19, 2013).

13. Lisa Curtis and Olivia Enos, "Combating Human Trafficking in Asia Requires U.S. Leadership," Heritage Foundation *Backgrounder* No. 2995, February 26, 2015, <http://www.heritage.org/research/reports/2015/02/combating-human-trafficking-in-asia-requires-us-leadership>.

## **Conclusion**

As a global leader on human rights, the United States has a responsibility to ensure that the State Department's current programming is reducing international human trafficking.

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