Trafficking in Persons in Latin America and the Caribbean

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Summary

Trafficking in persons (TIP) for the purpose of exploitation is a lucrative criminal activity that is of major concern to the United States and the international community. According to the most recent U.S. State Department estimates, roughly 800,000 people are trafficked across borders each year. If trafficking within countries is included in the total world figures, official U.S. estimates are that some 2 to 4 million people are trafficked annually. While most trafficking victims still appear to originate from South and Southeast Asia or the former Soviet Union, human trafficking is also a growing problem in Latin America. The International Organization for Migration (IOM) has estimated that sex trafficking in Latin America generates some $16 billion worth of business annually.

Countries in Latin America serve as source, transit, and destination countries for trafficking victims. Latin America is a primary source region for people trafficked to the United States. As many as 17,500 are trafficked into the United States each year, according to State Department estimates. In FY2007, victims from Latin America accounted for 41% of trafficking victims in the United States certified as eligible to receive U.S. assistance. In FY2008, Mexico alone accounted for 23% of the foreign TIP victims who were certified.

Since enactment of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), successive Administrations and Congress have taken steps to address human trafficking. The 110th Congress passed The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457, signed into law on December 23, 2008). The Act, among other provisions, authorizes TIP appropriations for FY2008 through FY2011. Obligations for U.S.-funded anti-TIP programs in Latin America totaled roughly $13.7 million in FY2008, down from $17.5 million in FY2007.

On June 16, 2009, the State Department issued its ninth annual, congressionally mandated report on human trafficking. In addition to outlining major trends and ongoing challenges in combating TIP, the report categorizes countries into four "tiers" according to the government's efforts to combat trafficking. Those countries that do not cooperate in the fight against trafficking (Tier 3) have been made subject to U.S. foreign assistance sanctions. While Cuba is the only Latin American country ranked on Tier 3 in this year's TIP report, seven other countries and one territory in the region—Argentina, Belize, Dominican Republic, Guatemala, Guyana, the Netherlands Antilles, Venezuela, and St. Vincent and the Grenadines—are on the Tier 2 Watch List. Unless those countries make significant progress in the next six months, they could receive a Tier 3 ranking in the 2010 report.

The 111th Congress may continue to exercise its oversight of TIP programs and operations, including U.S.-funded programs in Latin America. Congress may consider increasing funding for anti-TIP programs in the region, possibly through the Mérida Initiative, or through other assistance programs. Congress may also monitor new trends in human trafficking in the region, including the increasing involvement of Mexican drug trafficking organizations in TIP. Another issue of interest may be whether sufficient efforts are being applied to address all forms of TIP in Latin America, including not only sexual exploitation, but also forced labor. For more general information on human trafficking, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Liana Sun Wyler, Alison Siskin, and Clare Ribando Seelke.

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Background

Trafficking in persons (TIP) is a growing problem in Latin America and the Caribbean, a region that contains major source, transit, and destination countries for trafficking victims. Major forms of TIP in the region now include: commercial sexual exploitation of women and girls, labor trafficking within national borders (including child labor), and the trafficking of illegal immigrants in Mexico and Central America. Latin America is a primary source region for people that are trafficked to the United States, as well as for victims trafficked to Western Europe and Japan. As many as 17,500 are trafficked into the United States each year, according to State Department estimates.[1] Latin America is also a transit region for Asian victims destined for the United States, Canada, and Europe. Some of the wealthier countries in the region (such as Brazil, Costa Rica, Chile, Argentina, Panama, and Mexico) also serve as TIP destinations.

This paper describes the nature and scope of the problem of trafficking in persons in Latin America and the Caribbean.[2] It then describes U.S. efforts to deal with trafficking in persons in the region, as well as discusses the successes and failures of some recent country and regional anti-trafficking efforts. The paper concludes by raising issues that may be helpful for Congress to consider as it continues to address human trafficking as part of its authorization, appropriations, and oversight activities.

Definition

Severe forms of trafficking in persons have been defined in U.S. law as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or ... the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."[3] Most members of the international community agree that the trafficking term applies to all cases of this nature involving minors whether a child was taken forcibly or voluntarily.

Trafficking vs. Human Smuggling

In 2000, the United Nations drafted two protocols, known as the Palermo Protocols, to deal with trafficking in persons and human smuggling.[4] Trafficking in persons is often confused with human smuggling. This confusion has been particularly common among Latin American officials.[5] Alien smuggling involves the provision of a service, generally procurement or

[1] This figure was cited in the U.S. Department of State, *Trafficking in Persons (TIP) Report 2006*, June 5, 2006. More recent TIP reports do not include estimates of the number of people trafficked into the United States.

[2] For more general information on human trafficking, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*.

[3] *Victims of Trafficking and Violence Protection Act of 2000 (TVPA)* (P.L. 106-386).

[4] The United Nations Convention Against Organized Crime and Its Protocols, available at http://www.unodc.org/unodc/en/crime_cicp_convention.html.

[5] The most accurate phrase in Spanish for referring to human trafficking is *la trata de personas* (the trade of people), rather than the commonly used phrase *el tráfico de personas* (the traffic of people), which means something akin to human smuggling. See: U.S. Department of State, *Trafficking in Persons (TIP) Report*, June 2009, available at http://www.state.gov/g/tip/rls/tiprpt/2009/.

transport, to people who knowingly consent to that service in order to gain illegal entry into a foreign country. It ends with the arrival of the migrant at their destination. The Trafficking Protocol considers people who have been trafficked, who are assumed to be primarily women and children, as "victims" who are entitled to protection and a broad range of social services from governments. In contrast, the Smuggling Protocol considers people who have been smuggled as willing participants in a criminal activity who should be given "humane treatment and full protection of their rights" while being returned to their country of origin.[6]

Many observers contend that smuggling is a "crime against the state" and that smuggled migrants should be immediately deported, while trafficking is a "crime against a person" whose victims deserve to be given government assistance and protection. The Department of Justice asserts that the existence of "force, fraud, or coercion" is what distinguishes trafficking from human smuggling.[7] Under U.S. immigration law, a trafficked migrant is a victim, while an illegal alien who consents to be smuggled is complicit in a criminal activity and may therefore be subject to prosecution and deportation.

Trafficking and Illegal Immigration

Incidences of human trafficking are often affected by migration flows, particularly when those flows are illegal and unregulated. In recent years, several factors have influenced emigration flows from Latin America and the Caribbean. Whereas a large percentage of emigrants from Latin America during the 1980s were refugees fleeing from the conflicts in Central America, a majority of the region's more recent emigrants have been economic migrants in search of better paying jobs in developed countries.[8] Primary destination countries for Latin American immigrants have included Spain, Italy, Canada, the Netherlands, Britain, and the United States. These countries, many with low birth rates and aging populations, have come to rely on migrant laborers from Latin America to fill low-paying jobs in agriculture, construction, manufacturing, and domestic service. At the same time, concerns about security and other issues related to absorbing large numbers of foreign-born populations have led many developed countries to tighten their immigration policies. These factors have led to a global rise in illegal immigration.

In the Western Hemisphere, illegal migration flows have been most evident in Mexico, particularly along its 1,951-mile northern border with the United States and its southern border with Guatemala (596 miles) and Belize (155 miles). Between 2002 and 2005, for example, the number of non-Mexican illegal migrants apprehended along the U.S.-Mexico border more than tripled.[9] The apprehension of Mexicans and non-Mexicans along the border has decreased significantly since 2006, however. While some have credited increased U.S. border security enforcement with discouraging would-be migrants from emigrating, many others have attributed recent declines in illegal immigration to the slowdown in the U.S. economy.[10]

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[6] http://www.unodc.org/unodc/en/crime_cicp_convention.html.

[7] U.S. Department of Justice, Human Smuggling and Trafficking Center, "Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking," January 2005.

[8] There are several exceptions to this general rule, including emigrants fleeing from Cuba and Colombia.

[9] "Life on a Trouble Frontier," *Fort Worth Star-Telegram*, June 4, 2006.

[10] "VOA News: Border Patrol Program Improves Security on U.S.-Mexico Border," *U.S. Federal News*, June 26, 2008; Mike Swift and Ken McLaughlin, "Recession Seen Deterring Illegal Immigration," *McClatchy-Tribune News Service*, July 22, 2009.

As U.S. immigration and border restrictions have tightened, illegal immigrants have increasingly turned to smugglers to lead them through Mexico and across the U.S.-Mexico border. In order to avoid detection by U.S. border patrol agents, smuggling routes have become more dangerous and therefore more costly. Some smugglers have sold undocumented migrants into situations of forced labor or prostitution in order to recover their costs. Recent studies illustrate how illegal immigrants transiting Mexico and Central America, many of whom lack legal protection because of their immigration status, have become increasingly vulnerable to human trafficking.[11]

Global Figures on Trafficking

TIP is considered to be one of today's leading criminal enterprises and is believed to affect virtually all countries around the globe. According to the United Nations, governments reported the trafficking of people originating from 127 countries and exploited in 137 countries worldwide from 1996 to 2003.[12] Despite limited data on the nature and severity of the problem, the U.S. government (USG) estimates that roughly 800,000 people are trafficked across borders each year.[13] If trafficking within countries is included in the total world figures, official U.S. estimates are that 2 to 4 million people are trafficked annually. The International Labor Organization (ILO) estimates that there are at least 2.4 million trafficked persons at any given moment, generating profits as high as $32 billion (USD).[14] The accuracy of these and other estimates, however, have been questioned.

The U.S. Government Accountability Office (GAO) released a report in 2006 casting doubt on the methodology and reliability of official USG figures. It concluded that 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."[15] Figures provided by other international organizations are unlikely to be any more accurate.

Trafficking in persons affects nearly every country and region in the world. Internal trafficking generally flows from rural to urban or tourist centers within a given country, while trafficking across international borders generally flows from developing to developed nations. Countries are generally described as source, transit, or destination countries for TIP victims. Many experts conclude that a country is more likely to become a source of human trafficking if it has recently experienced political upheaval, armed conflict, economic crisis, or natural disaster. The ILO and others have warned that there is likely to be a significant increase in trafficking worldwide as a result of the increased poverty and unemployment brought on by the global financial crisis.[16]

Studies have found that human trafficking disproportionately affects women and girls. Most recently, a U.N. Office on Drugs and Crime (UNODC) study found that, on average, 65%-75% of

[11] "Human Trafficking Assessment Tool: Mexico," *American Bar Association Rule of Law Initiative*, March 2009; U.N. Office on Drugs and Crime (UNODC), "Diagnóstico de las Capacidades Nacionales y Regionales Para la Persecución Penal del Delito de Trata de Personas en América Central," 2009.

[12] UNDOC, *Trafficking in Persons: Global Patterns*, April 2006.

[13] U.S. Department of State, *Trafficking in Persons Report*, June 2008. Notably, the estimate of 600,000 to 800,000 people trafficked across borders each year is from 2003.

[14] International Labor Organization (ILO), "ILO Action against Trafficking in Human Beings," 2008.

[15] U.S. Government Accountability Office (GAO), "Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad," July 2006, p. 3. (GAO-06-825).

[16] ILO, *The Cost of Coercion*, May 2009.

human trafficking victims are women and 15%-25% are minors.[17] The ILO estimates women and girls account for 56% of victims in forced economic exploitation, such as domestic service, agricultural work, and manufacturing—and 98% of victims in forced commercial sexual exploitation.[18] The vulnerability of women and girls is due to a number of factors in source, transit, and destination countries.[19]

Human Trafficking in Latin America and the Caribbean

Human trafficking is a growing problem in Latin America and the Caribbean. IOM has estimated that sex trafficking in Latin America now generates some $16 billion worth of business annually. Internal trafficking for forced and child labor is widespread in many countries in the region. In addition, the U.S. State Department has identified several countries as major source, transit, and destinations for victims of transnational TIP. Those countries include:

- **Source countries:** Colombia, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Nicaragua, and Paraguay
- **Transit countries:** All of Central America and the Caribbean
- **Destination countries:** Argentina, Bahamas, Barbados, Brazil, Chile, Costa Rica, Mexico, Netherland Antilles, Panama, St. Lucia, and Trinidad and Tobago.[20]

Factors that Contribute to Human Trafficking in the Region

Both individual factors and outside circumstances contribute to human trafficking within and from Latin America and the Caribbean. Individual risk factors include poverty, unemployment, illiteracy, history of physical or sexual abuse, homelessness, drug use, and gang membership. The IOM in Colombia has identified some personal characteristics common among trafficking victims. These include a tendency to take risks in order to fulfill one's goals, a focus on short-term rewards that may result from short-term risks, and a lack of familial support and/or strong social networks.[21] These risk factors that may "push" an individual towards accepting a risky job proposition in another country have been compounded by "pull" factors, including the hope of finding economic opportunity abroad, which is fueled by television and internet images of wealth in the United States and Europe.

Outside factors contributing to human trafficking include the following: (1) the high global demand for domestic servants, agricultural laborers, sex workers, and factory labor; (2) political,

[17] UNODC and the United Nations Global Initiative to Fight Human Trafficking (UNGIFT), *Global Report on Trafficking in Persons*, February 2009.

[18] ILO, *A Global Alliance Against Forced Labor*, 2005.

[19] U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (G-TIP), "Fact Sheet: Gender Imbalance in Human Trafficking," June 16, 2009.

[20] U.S. Department of State, G-TIP, Power Point Presentation from Briefing on TIP in the Western Hemisphere, July 2009.

[21] Sanin et al., "Condiciones de Vulnerabilidad a la Trata de Personas en Colombia," IOM, 2005.

social, or economic crises, as well as natural disasters occurring in particular countries, such as the recent earthquake in Haiti; (3) lingering *machismo* (chauvinistic attitudes and practices) that tends to lead to discrimination against women and girls; (4) existence of established trafficking networks with sophisticated recruitment methods; (5) public corruption, especially complicity between law enforcement and border agents with traffickers and alien smugglers; (6) restrictive immigration policies in some destination countries that have limited the opportunities for legal migration flows to occur; (7) government disinterest in the issue of human trafficking; and (8) limited economic opportunities for women in Latin America. Although women have achieved the same (or higher) educational levels as men in many countries, women's employment continues to be concentrated in low-wage, informal sector jobs.

Child Trafficking

There is considerably less research on the extent and nature of trafficking in persons in Latin America and the Caribbean than there is on Asia and Europe. Most of the research that does exist has focused, at least until recently, on trafficking in children for sexual exploitation. Trafficking of children for sexual exploitation is most common in countries that are both popular tourist destinations and centers of sex tourism.[22] This problem is exacerbated by the fact that most countries in the region have legislation establishing (on average) 14 years of age as the legal age of consent to work. The available data show that the number of children (girls and boys) sexually exploited in the region is increasing while the average age of exploited children is decreasing.[23]

Although street and orphaned children are particularly vulnerable to trafficking into the sex industry, a large percentage of children who have been trafficked remain living with their families and engage in commercial sex activity in order to contribute to household income. A 2002 study of child prostitutes in El Salvador found that 57% of those interviewed lived with their parents or other close relatives.[24] Other factors associated with children at risk of trafficking include poverty, infrequent school attendance, physical or sexual abuse, drug or alcohol addiction, and involvement in a criminal youth gang.

In addition to sexual exploitation, Latin American children have been trafficked for illegal adoptions, for use as soldiers in armed conflict, and to work for organized criminal groups. Guatemala has been among the largest source countries of children kidnapped and trafficked internationally for adoption.[25] The Colombian government estimates that, although more than 3,000 child soldiers have been disarmed and demobilized in the last few years, another 6,000 Colombian children may still be working as combatants for paramilitary and guerrilla groups.[26] In

[22] The State Department has identified Brazil, Costa Rica, the Dominican Republic, Honduras, Jamaica, Mexico, and Nicaragua as countries with significant child sex tourism industries. G-TIP, Power Point Presentation from Briefing on TIP in the Western Hemisphere, July 2009.

[23] Pamela Coffey et al., "Literature Review of Trafficking in Persons in Latin America and the Caribbean," Development Alternatives, Inc (DAI) for the U.S. Agency for International Development, August 2004.

[24] Zoila Gonzalez de Innocenti, "Explotación Sexual Comercial de Niñas y Adolescentes: Una Evaluación Rápida, ILO/IPEC, 2002.

[25] The Guatemalan government has taken steps to reduce illegal international adoptions from Guatemala since signing the Hague Convention on Intercountry Adoption in 2007.

[26] This estimate, cited in the State Department's 2009 TIP report, is substantially lower than an estimate cited in the 2004 Child Soldiers Global Report published by the Coalition to Stop the Use of Child Soldiers. That report found that some 11,000 to 14,000 Colombian youth had been forcibly recruited as child soldiers. For information on the Disarmament, Demobilization, Rehabilitation, and Reintegration program in Colombia, see Care International, (continued...)

addition to the recruitment of child solders for armed conflict, some countries, such as Brazil and Mexico, are facing increasing instances of youth trafficked by drug gangs into urban warfare.

Children are also trafficked both internally and across international borders for use as domestic servants. State Department officials have estimated that as many as 1 million children work as domestic servants in Latin America, many of whom are vulnerable to verbal, physical, and sexual abuse.[27] A 2004 U.S. Agency for International Development (USAID)-sponsored study explored the case of child domestic servants from Haiti trafficked to the Dominican Republic. In November 2005, the United Nations Children Emergency Fund (UNICEF) and the Inter-American Commission on Human Rights (IAHCR) condemned this practice, which has involved the trafficking of some 30,000 Haitian children to the Dominican Republic.[28]

Finally, the ILO and the U.S. Department of Labor (DOL) have documented instances from across the region of children forced to work under dangerous circumstances in agricultural or mining industries. A 2006 ILO report found that the number of children working in Latin America and the Caribbean, many of whom may have been trafficked for forced labor, fell by two-thirds between 2000 and 2004, faster than any other region in the world.[29] However, a September 2009 DOL report found continued evidence of the use of child labor in the production of a wide range of goods in many countries in Latin America. Examples of some of the goods cited in that report include bricks, gold, coffee, sugarcane, and other agro-export crops.[30]

Trafficking for Sexual Exploitation

While trafficking for forced labor is a serious problem in Latin America and the Caribbean, trafficking for sexual exploitation has been perceived as a more widespread and pressing regional problem.[31] Most victims are trafficked for prostitution, but others are used for pornography and stripping. Children tend to be trafficked within their own countries, while young women may be trafficked internally or internationally, sometimes with the consent of their husbands or other family members. A recent investigation estimates that some 10,000 women from southern and central Mexico are trafficked for sexual exploitation to the northern border region each year.[32] The State Department has estimated that at least 100,000 Latin Americans are trafficked internationally each year, with large numbers of victims coming from Colombia and the

(...continued)

"Overcoming Lost Childhoods," January 2008.

[27] Interview with representative from the Global Office to Monitor Trafficking in Persons, U.S. Department of State, September 29, 2005.

[28] Smucker and Murray, "The Uses of Children: A Study of Trafficking in Haitian Children," USAID/Haiti Mission, December 28, 2004; "Rights Organizations Slam Illegal Trade in Children on Haitian-Dominican Border," *BBC News*, November 7, 2005.

[29] "The End of Child Labor: Within Reach," International Labor Organization, May 2006.

[30] U.S. Department of Labor (DOL), *The DOL's List of Goods Produced by Child Labor or Forced Labor*, September 2009.

[31] Laura Langberg, "A Review of Recent OAS Research on Human Trafficking in the Latin American and Caribbean Region," in *Data and Research on Human Trafficking: A Global Survey*, IOM, 2005.

[32] Arun Kumar Acharya, "Tráfico de mujeres hacia la Zona Metropolitana de Monterrey: Una Perspectiva Analítica," *Revista Espacios Públicos*, Year 12, No. 24, 2009.

Dominican Republic, among others. It has identified Spain, Italy, Portugal, the United States, and Japan as major destination countries for Latin American trafficking victims.[33]

There are also intra-regional trafficking problems. A 2005 report by the International Organization for Migration (IOM) asserts that the Caribbean's relatively open borders, lax enforcement of entertainment visa and work permit rules, and legalized prostitution have contributed to the problem of trafficking there.[34] Argentina and Brazil are destination countries for women trafficked from the Andes and Caribbean countries like the Dominican Republic. Panama has been a destination for women from Colombia and Central America trafficked to work in the sex industry. Trafficking has also occurred at border crossings throughout Central America and Mexico, especially the Mexico-Guatemala border, as undocumented women who have not been able to get to the United States end up being forced into prostitution.

Trafficking for Forced Labor

The ILO reports that trafficking victims comprise 20% (or 250,000) of the 1.3 million people in Latin America engaged in forced labor. These numbers do not include the increasing numbers of Latin Americans who have ended up in situations of forced labor after migrating to Europe or the United States. Despite the relatively large number of victims trafficked for forced labor in the region, there are relatively few studies on this topic.

Between 1995 and 2008, the Brazilian government has rescued more than 30,000 laborers from situations of forced labor.[35] In Brazil, forced labor is most common in isolated, rural areas. Despite government efforts, more than 25,000 Brazilian men are still being held in situations of slave labor on cattle ranches, in logging and mining camps, and on plantations where soy beans, corn, cotton, and sugarcane are produced. In 2008, roughly half of the 5,244 workers freed by the Brazilian government from slave-like working conditions were employed at plantations growing sugarcane, some of which is used for ethanol production.[36]

Forced labor is also used in the mahogany, brick-making, and gold-mining industries in the Amazonian regions of Peru. In 2005, the ILO reported that more than 30,000 people work as forced laborers in Peruvian logging camps that produce mahogany, roughly 95% of which was exported illegally. Press reports have recently revealed that slave and child labor is also a major problem in several of the 2,000 or so gold mines in the Peruvian Amazon. Indigenous peoples in Peru, Bolivia, and Paraguay are particularly at risk of being trafficked for forced labor.[37]

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[33] U.S. Department of State, G-TIP, Power Point Presentation from Briefing on TIP in the Western Hemisphere, July 2009.

[34] "Exploratory Assessment of Trafficking in Persons in the Caribbean Region," IOM, June 2005.

[35] The International Labor Organization (ILO) defines forced labor as any situation in which work is carried out involuntarily under the menace of a penalty. The terms "forced labor" and "slave labor" are often used interchangeably. For a description of the extent of forced labor in Brazil and the country's efforts to combat it, see Patricia Trindade Maranhão Costa, "Fighting Forced Labor: The Example of Brazil," ILO Special Action Program to Combat Forced Labor, 2009.

[36] Repórter Brasil, "Brazil of Biofuels: Sugarcane 2008," January 2009.

[37] For information on ILO research and programs in these countries, see http://www.ilo.org/sapfl/Projects/lang--en/WCMS_082040/index.htm. See also "U.N. Permanent Forum on Indigenous Issues Calls for Urgent Action to Stop Forced Labor in Bolivia, Paraguay," *Targeted News Service*, August 31, 2009. Trip reports available at http://www.un.org/esa/socdev/unpfii/.

Every year thousands of undocumented Haitians flock to the Dominican Republic lured by false promises from recruiters of profits to be made in the sugarcane fields (*bateyes)*. Haitians and their Dominican-born children are regularly denied identity documents necessary to prove their citizenship and job status and to permit their children to attend school. Although this practice was condemned by an October 2005 Inter-American Court of Human Rights ruling against the Dominican government, the policy has yet to be altered.[38]

In the past few years, the Department of Justice has prosecuted an increasingly large volume of cases of foreigners trafficked into forced labor in the United States. Although the majority of these cases have involved trafficking for prostitution, a significant number have involved the agricultural sector. Annually some 1.5 million seasonal farm workers, mostly from Latin America and the Caribbean, plant and harvest produce in the United States. Low wages, harsh working conditions, and a lack of legal protection, combined with an ever increasing demand for cheap labor, have resulted in growing numbers of forced labor abuses.

Relationship to Organized Crime and Terrorism

In many parts of the world, trafficking in money, weapons, and people is largely conducted by criminal gangs or mafia groups. Human trafficking can be a lucrative way for organized criminal groups to fund other illicit activities. In Latin America, Mexican drug cartels are increasingly involved in the trafficking of people as well as drugs.[39] According to the Bilateral Safety Corridor Coalition (BSCC), criminal gangs from Mexico, Central America, Russia, Japan, Ukraine and several other countries have been caught attempting to traffic victims across the U.S.-Mexico border. During recent congressional testimony, one expert on security issues in Latin America identified human trafficking as the second most serious organized criminal threat to Central America (behind drug trafficking).[40]

Some analysts maintain that these gangs could eventually form ties with terrorist groups, such as Al Qaeda, thereby threatening regional security, although there has been no evidence of this to date. They argue that, just as terrorists have engaged in drug trafficking in Colombia and the Tri-Border region (Argentina, Brazil and Paraguay), they may increasingly turn to human trafficking to fund their networks and operations. Others contend that trafficking is a type of "disorganized crime" in which traffickers are generally individuals or small groups that collaborate on an ad-hoc basis, rather than a big business controlled by organized crime.

Trafficking and HIV/AIDS

One of the serious public health effects of human trafficking is the risk of victims contracting and transmitting HIV/AIDS and other diseases. On the global level, women engaged in prostitution, whether voluntarily or not, have a high prevalence of HIV/AIDS. Some experts have noted that human trafficking may be linked to the spread and mutation of the AIDS virus. Research in Latin

[38] "Dominican Republic Rejects Criticism of Migrant Treatment," *Reuters*, December 10, 2006; "Dominican Republic: New Constitution Makes no Gesture to Haitians," October 1, 2009.

[39] "Threat Analysis: Organized Crime and Narcoterrorism in Northern Mexico," *Military Review*, January 1, 2008; "Mexico on the Brink," *Guardian UnLimited*, July 28, 2009.

[40] Testimony of Eric L. Olson, Senior Advisor, Security Initiative, Woodrow Wilson Center, before the House Subcommittee on National Security and Foreign Affairs, October 1, 2009.

America and the Caribbean has shown that trafficking victims, along with other irregular migrants, are at high risk of contracting HIV/AIDS. Factors that put these groups at risk include poverty, discrimination, exploitation, lack of legal protection and education, cultural biases, and limited access to health services.

U.S. Policy

Anti-Trafficking Legislation[41]

Anti-TIP efforts have accelerated in the United States since the enactment of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA, P.L. 106-386). The TVPA established minimum standards to combat human trafficking applicable to countries that have a significant trafficking problem. The Act directed the Secretary of State to provide an annual report by June 1, listing countries that do and do not comply with minimum standards for the elimination of trafficking. In the report, the Act directed the Secretary to rank countries on the basis of their efforts to combat TIP, with Tier 1 as the best countries and Tier 3 as the worst. Tier 3 are the countries whose governments are deemed as not fully complying with the minimum standards and not making significant efforts to do so. The TVPA called for the United States to withhold non-humanitarian assistance and instructed the U.S. executive director of each multilateral development bank and the International Monetary Fund to vote against non-humanitarian assistance to Tier 3 countries, unless continued assistance is deemed to be in the U.S. national interest.

Congress is continuously re-evaluating the efficacy of U.S. anti-trafficking laws and programs, and since 2000, has reauthorized the TVPA several times. In 2003, for example, Congress approved the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 (P.L. 108-193). The TVPRA of 2003 refined and expanded the "minimum standards" for the elimination of trafficking that governments must meet and created a "Tier 2 Watch List" of countries that the Secretary of State determined were to get special scrutiny in the coming year.

Most recently, the 110th Congress passed the William Wilberforce Trafficking Victims Reauthorization Act of 2008 (P.L. 110-457). P.L. 110-457 authorizes appropriations for FY2008 through FY2011 for the TVPA as amended and establishes a system to monitor and evaluate all assistance under the Act. P.L. 110-457 requires the establishment of an integrated database to be used by U.S. agencies to collect data for analysis on TIP. In addition, it increases the technical assistance and other support to help foreign governments inspect locations where forced labor occurs, register vulnerable populations, and provide more protection to foreign migrant workers. The Act requires that specific actions be taken against governments of countries that have been on the Tier 2 Watch-List for two consecutive years. In addition, among other measures to address the issue of child soldiers, the Act prohibits military assistance to foreign governments that recruit and use child soldiers.

[41] For a complete history of U.S. anti-TIP legislation, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Liana Sun Wyler, Alison Siskin, and Clare Ribando Seelke.

Trafficking in Persons Reports and Latin America

On June 16, 2009, the State Department issued its ninth annual report on human trafficking, *Trafficking in Persons Report (TIP), June 2009,* as mandated by the TVPA (P.L. 106-386 as amended).The 2009 TIP report is more comprehensive than prior reports, ranking 173 countries as compared to 153 countries in the 2008 report.[42] Five Caribbean countries (Antigua and Barbuda, Bahamas, Barbados, St. Vincent and the Grenadines, and Trinidad and Tobago) and the Netherland Antilles are ranked for the first time in the 2009 report. The report also discusses trafficking in persons in two "special case" countries—Haiti and Somalia—where sufficient information was not available to provide a ranking.

As in previous years, most Latin American countries fall somewhere in the middle of the tier rankings, with 18 countries on Tier 2, and eight on the Tier 2 Watch List. Cuba is the only Latin American country identified as Tier 3 and made subject to possible U.S. trafficking-related sanctions, while Colombia is the only country in the region to earn a Tier 1 ranking.[43] Countries on the Tier 2 Watch List include: Argentina, Belize, Dominican Republic, Guatemala, Guyana, Venezuela, and St. Vincent and the Grenadines. The Netherland Antilles, a semi-autonomous territory of the Netherlands, would earn a Tier 2 Watch List placement were it a separate, independent country subject to the TVPA. The State Department must submit an interim report by February 2010 on the Tier 2 Watch List countries in advance of the next TIP report.

According to the 2009 TIP report, while some countries made substantial progress in combating human trafficking, others lagged behind. Costa Rica upgraded its tier ranking by passing a TIP law; improving its victim's assistance programs; training close to 1,000 police and other government officials on TIP-related issues, and launching a national TIP awareness campaign. Similarly, Panama passed legislative reforms to strengthen its anti-TIP regime, ended a visa category that had been used to traffic women (mostly Colombians) to work in the sex trade, and increased its prevention efforts. In contrast, Belize fell to the Tier 2 Watch List for failing to show progress in convicting and prosecuting TIP offenders. Nicaragua was also downgraded to the Watch List for failing to provide adequate assistance and protection for TIP victims. Several other countries remained on the Tier 2 Watch List, including Argentina, the Dominican Republic, Guatemala, Guyana, and Venezuela.

U.S. Government Anti-Trafficking Programs in Latin America

In FY2008, the U.S. government obligated $75.9 million in anti-trafficking assistance to foreign governments worldwide, down from the $79.4 million obligated in FY2007. Roughly 18% of U.S. international anti-TIP funding supported projects in Latin America. Anti-trafficking programs are administered by a variety of U.S. agencies, primarily the State Department, the U.S. Agency for International Development, and the Department of Labor. The majority of the

[42] One reason for the increase in countries in the 2009 TIP report is because of a change in the TVPA reporting requirement, as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Sec. 106(1) of P.L. 110-457). Prior TIP reports were required to include countries that are a point of origin, transit, or destination for "a significant number of" victims of severe forms of trafficking. This was interpreted by the State Department to mean at least 100 cases per year. P.L. 110-457 struck out the phrase "a significant number of," resulting in a lower threshold requirement for reporting on countries in the 2009 TIP report and thereafter.

[43] The other Tier 3 countries include Burma, Chad, Eritrea, Fiji, Iran, Kuwait, Malaysia, Mauritania, Niger, North Korea, Papua New Guinea, Saudi Arabia, Sudan, Swaziland, Syria, and Zimbabwe.

programs are either regional, or directed at countries that were placed on either Tier 3 or the Tier 2 Watch-list in recent TIP reports.

Whereas regional programs in Latin America support initiatives necessary to address the cross-cutting nature of human trafficking, bilateral programs aim to help governments solve specific challenges they have had in addressing human trafficking. For example, anti-trafficking programs in the Dominican Republic are focusing on victim identification, establishing a shelter for TIP victims, and training officials from the Attorney General's office and the judiciary on how to investigate and prosecute TIP cases. Three complementary programs in Argentina are helping develop specialized anti-TIP police units in certain provinces, train prosecutors and judges on how to secure testimony from TIP victims, and improve victim assistance programs. The largest anti-TIP program in Mexico supports a Resident Legal Advisor who is helping reconstruct the anti-trafficking unit within the Attorney General's Office and train Mexican officials on how to investigate and prosecute TIP cases.

In addition to foreign aid programs, various agencies within the Department of Homeland Security are stepping up joint efforts with Mexican officials to identify, arrest, and prosecute human trafficking and smuggling rings that operate along the U.S.-Mexico border and beyond. In August 2005, the Bureau of U.S. Customs and Border Protection (CBP) in DHS announced a new program, the "Operation Against Smugglers (and Traffickers) Initiative on Safety and Security" (OASISS), aimed at strengthening cooperation with Mexican officials to crack down on these types of criminal groups. According to DHS, with funding from the Mérida Initiative,[44] Mexico intends to implement the program across the entire United States-Mexico border. [45]

Various units within the Department of Justice's Civil Rights and Criminal Division have provided training and technical assistance courses to foreign officials in the United States and overseas. In FY2008, for example, officials from the Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) assisted the Brazilian government in drafting and enacting a child pornography law. OPDAT also convened two workshops on investigating and prosecuting TIP cases in Mexico City, Mexico.

Regional and Country Anti-Trafficking Efforts

Organization of American States

OAS efforts to combat trafficking in persons began in 1999 when the Inter-American Commission of Women (CIM) co-sponsored a research study on trafficking in persons in nine countries in Latin America that offered broad recommendations for its elimination. In 2003 and 2004, the OAS General Assembly passed two resolutions on the subject, the latter of which created an OAS Coordinator on the Issue of Trafficking in Persons, originally based in the CIM and now part of the Department for the Prevention of Threats to Public Security.

[44] For more information on the Mérida Initiative, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, by Clare Ribando Seelke.

[45] House Committee on Appropriations, Subcommittee on Homeland Security, Statement of Mark Koumans, Deputy y Assistant Secretary, Office of International Affairs, at hearing on "DHS Security Response to Violence on the Border with Mexico," March 10, 2009.

Since 2005, the Anti-Trafficking in Persons Unit has organized, facilitated and implemented training programs, promoted anti-trafficking policies, and provided opportunities for the exchange of information and best practices to assist OAS Member States in their anti-TIP efforts. The unit has developed several capacity-building programs for parliamentarians, law enforcement officials, migration officers, and consular and diplomatic representatives to prevent, identify and protect victims of human trafficking. In the last two years, the program trained more than 550 government officials from Bolivia, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Paraguay, Peru, and Trinidad and Tobago. During 2008-2009, the unit trained over 350 United Nations peacekeeping trainers, military, and civilian police personnel from the region on anti-TIP efforts prior to their deployment. As a self-sustaining program, the Train-the-Trainers Peacekeeping Project continues to train military and civilian police prior to deployment in peacekeeping missions throughout the world.

Inter-American Development Bank

In 2004, the Inter-American Development Bank (IDB) formed an internal working group to begin developing ways to support governments' anti-trafficking efforts in the region. The IDB is coordinating its efforts with the OAS and the IOM, and has developed technical cooperation projects for Bolivia, Colombia, El Salvador, Guyana, and Paraguay. The IDB is also working with the Ricky Martin Foundation to raise awareness of the extent of child trafficking in the region through public service announcements, promotional materials, and a video on best practices to combat trafficking in the region. In 2006, the Bank and the Foundation opened trafficking prevention hotlines (funded by IOM) in Central America, Colombia, Mexico, and Peru. As of July 2009, those hotlines had received more than 12,000 calls and led to the initiation of at least 175 police investigations and the rescue of at least 30 TIP victims.[46]

Country Efforts: Progress and Remaining Challenges

Over the last few years, most Latin American countries, perhaps motivated by international pressure or the threat of U.S. sanctions, have taken steps to address the growing problem of human trafficking. As evidenced in **Table 1**, a majority of countries in the region have signed and ratified several international protocols in which they have pledged to combat various aspects of the trafficking problem. Those agreements include The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, ILO Conventions on Abolishing Forced Labor and the Worst Forms of Child Labor; the Optional Protocol to the UN Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Pornography; and The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. A number of countries, including five countries in 2008, also passed new or amended anti trafficking legislation.[47] Several countries also created National TIP Coordinators or Task Forces to coordinate anti-TIP programs and initiatives.

According to some, the general problem with the new international commitments, legal reforms, and human trafficking initiatives that have emerged in Latin America is that many countries appear to lack the resources and perhaps the political will to fund and implement their anti-

[46] "V-ME Premieres IDB Documentary on Human Trafficking," *U.S. Fed News*, July 10, 2009.

[47] Several countries in the Caribbean, Chile, Honduras, and Panama have yet to pass laws to punish forced labor trafficking.

trafficking programs. Many governments are facing other crime problems (such as drug trafficking and gang violence) which they perceive as a bigger problem than human trafficking. Sometimes country efforts are thwarted by larger problems, such as political instability, as in the cases of Haiti, Honduras, and Guatemala. Many countries have few, if any, shelters for trafficking victims and no follow-up plans to help victims after they return from overseas to their former residences. Mexico, a large middle-income country, just opened its first shelter for TIP victims. Some countries, including Guyana and Belize, have appeared to model their national TIP laws so closely to TVPA that they do not have the resources or the manpower to implement the complicated legislation. Public corruption is also a major obstacle to effective anti-trafficking programming as there is often complicity between traffickers and corrupt border officials, customs agents, law enforcement personnel, and politicians. Finally, conviction and prosecution rates for TIP offenders are low compared to other regions, particularly for forced labor and domestic servitude crimes, but this is not surprising given the general weakness of many of the countries' police and judicial systems.

Issues for Policy Consideration

U.S. interests in Latin America are multiple and, at times, conflicting. These interests include strengthening democracy, promoting economic growth through free trade, stemming the flow of illegal narcotics and migrants, and cooperating on border security and anti-terrorism measures. These broad interests either directly or indirectly affect all U.S. policy in the region and may at times conflict with specific human rights goals, such as fighting human trafficking. As is the case with many human rights issues, ethical concerns about human trafficking must be balanced against broader U.S. geopolitical goals and interests in each country.

There are several ways in which broader U.S. foreign policy goals may influence the TIP report and sanctions process. Some observers maintain that there are certain U.S. allies in the region that could never be sanctioned for political reasons. Others contend that the repeated inclusion of Cuba and, until recently, Venezuela on the Tier 3 list has constituted "selective indignation" on the part of the U.S. government.[48] U.S. officials working in the region have noted that it is sometimes difficult to produce an unbiased account of government efforts against trafficking without being swayed by underlying foreign policy concerns. Others say that it is difficult to deal with trafficking in persons when a country is undergoing extreme political instability, and that were TIP sanctions actually enforced, that they might undermine the broader U.S. goals of preventing democratic breakdown in the hemisphere. Issues that may be considered when evaluating the implementation of U.S. anti-trafficking policies are discussed below.

Sanctions: Are They Useful?

Since 2003, no governments in Latin America except Cuba and Venezuela have been subject to partial or full sanctions for failing to meet the minimum standards of TVPA. Ecuador appeared on the Tier 3 list in both 2004 and 2005 but did not face sanctions. Some argue that sanctions will probably only be applied to countries already subject to sanctions—such as Burma, Cuba, or North Korea—and that threatening other countries with sanctions may actually encourage them to become less open to working with the United States. Others argue that this may be the case with

[48] "Politics: U.S. Trafficking Report Includes Cuba and Venezuela," *Global Information Network*, June 10, 2005.

China or Saudi Arabia, but most Latin American countries depend on good political and economic relations with the United States and fear the public humiliation that comes with a Tier 3 designation as much as actual sanctions. For example, some believe a Tier 3 designation motivated the government of Belize to take several positive steps against trafficking in the summer of 2006. Others maintain that the progress that Belize made in 2006 has not been sustained, noting that the country received a Tier 2 Watch List rating in this year's TIP report.

How to Measure Success

It is often difficult to measure success in the fight against human trafficking. Many countries in Latin America have reported increases in the number of training courses provided, conferences held, and workshops convened as evidence of their commitment to combat human trafficking. However, as stated in the 2009 TIP report, the State Department prefers countries to focus on "concrete actions" when determining the adequacy of a particular country's anti-TIP efforts. "Concrete actions" include enacting new or amended TIP legislation; expanding victim assistance and prevention programs; and, perhaps most importantly, securing prosecutions, convictions, and prison sentences for TIP offenders. While many countries in Latin America have passed or amended their existing TIP laws in recent years, the number of TIP-related arrests, prosecutions, and convictions remain low in comparison to other regions. Some have questioned the adequacy of the State Department's indicators, asserting that more credit should be given to countries that are seeking to address the underlying factors that put people at risk for trafficking, such as gender and racial discrimination, violence against women and children, and economic inequality.[49]

Enforcement Improvement

In 2008, there were 448 prosecutions of suspected traffickers, but only 161 convictions in Latin America. These figures pale in comparison to East Asia and the Pacific, with 1,083 prosecutions and 643 convictions, and Europe, with 2,808 prosecutions and 1,721 convictions in 2008. They also pale in comparison to the number of reported victims both in Latin America and globally. Some have asserted that the low conviction rates in Latin America may be due to the fact that it is easier to prosecute traffickers for other offenses, such as money laundering, than for trafficking in persons. Others have noted that even in the United States, there were only 82 defendants charged with trafficking and 77 individuals convicted of TIP-related crimes in 2008.[50]

In order to improve enforcement of TIP legislation in Latin America, some observers have urged U.S. officials and other donors not to encourage countries to pass laws modeled entirely after those from other countries (such as the TVPA). Instead, countries should be given time to develop trafficking laws that respond to their particular TIP problems and law enforcement capacities. Once legislation is in place, more attention and resources may be needed to help countries implement that legislation, and that assistance may need to go beyond training for law enforcement and legal professionals. Third, attention may be needed to address the issue of police corruption that has long-plagued many countries in the hemisphere. This could be addressed by stiffening penalties for police, border guards, or other officials caught assisting traffickers.

[49] David E. Guinn, "Defining the Problem of Trafficking: the Interplay of U.S. Law, Donor, and NGO Engagement and the Local Context in Latin America," *Human Rights Quarterly*, 30 (2008).

[50] U.S. Department of Justice, *Attorney General's Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons*, June 2009.

Forced Labor: Adequacy of Country Efforts

Recent research suggests that while TIP for sexual exploitation is both a highly prevalent and particularly visible form of human trafficking, TIP for forced labor exploitation may account for a large, often unreported and possibly growing share of TIP globally. Recent interest in forced labor as a form of TIP has sparked calls for greater research in analyzing the prevalence of forced labor, increased international efforts to combat this form of TIP, and more awareness to prevent and educate potential victims. The State Department's TIP reports since 2005 have placed an added emphasis on evaluating country efforts to combat trafficking for forced labor, and several other programmatic efforts to combat TIP for forced labor are underway at the State Department. Other international groups, particularly the ILO, also play a large role in efforts to combat forced labor. Within Latin America, Brazil has been singled out by the ILO for its efforts to address forced labor.[51] Across the region, labor trafficking prosecutions and convictions are increasing: from one prosecution and one conviction in the 2007 reporting period to 42 prosecutions and 24 convictions in 2008.[52] Despite this slow progress, many Latin American countries have yet to broaden their anti-TIP efforts out from focusing largely on the commercial sexual exploitation of women and children.

Debates About Prostitution and Trafficking

The current U.N. definition of TIP assumes that there are at least two different types of prostitution, one of which is the result of free choice to participate in the prostitution business while the other is the result of coercion, vulnerability, deception, or other pressures. Of these, only the latter type is considered TIP under the U.N. definition. Based on the TVPA, as amended, sex trafficking is not considered a "severe form of TIP" unless it is associated with commercial sex acts induced by force, fraud, or coercion, or in which the person induced to perform such acts is a minor.[53]

Several groups in the United States have sought to redefine TIP to include all prostitution, but many countries have thus far rejected those attempts. Proponents of this broader definition of TIP argue that prostitution is "not 'sex work;' it is violence against women [that] exists because ... men are given social, moral and legal permission to buy women on demand."[54] Several European and Latin American countries, which have legal or government-regulated prostitution, reject such a definitional change and argue that this broader definition would impede the capacity of the international community to achieve consensus and work together to combat trafficking.

The U.S. State Department asserts that prostitution and TIP are inextricably linked. Most recently, in its 2008 TIP Report to Congress, the State Department states that "sex trafficking would not exist without the demand for commercial sex flourishing around the world" and that prostitution and any related activities "should not be regulated as a legitimate form of work for any human

[51] Patricia Trindade Maranhão Costa, "Fighting Forced Labor: The Example of Brazil," ILO Special Action Program to Combat Forced Labor, 2009.

[52] TIP Report, June 2009.

[53] Sec. 103 (8-9) of P.L. 106-386, as amended.

[54] Janice G. Raymond, "Sex Trafficking is Not 'Sex Work,'" *Conscience*, Spring 2005.

being."[55] State Department officials have identified the fact that legalized prostitution fuels sex trafficking in the region as an obstacle to anti-TIP efforts in Latin America.[56]

Is U.S. Anti-TIP Assistance for Latin America Sufficient?

In recent years, the percentage of U.S. international anti-trafficking program funds dedicated to Latin American and the Caribbean has declined. Total U.S. anti-TIP obligations for the region fell from roughly $17.5 million in FY2006 and FY2007 to some $13.7 million in FY2008. Some of these declines are due to the fact that funds from President Bush's $50 million Initiative to Combat TIP, launched in 2004, have begun to run out.[57]

Representatives from the State Department's Office to Monitor and Combat Trafficking in Persons have expressed hope that more anti-TIP programs in Mexico and Central America might be funded through the Mérida Initiative.[58] To date, Congress has appropriated roughly $1.6 billion for Mérida and related anti-crime and counterdrug assistance programs in Mexico and Central America. Mérida currently does not include much funding specifically devoted to combat human trafficking aside from support for DHS' "Operation Against Smugglers (and Traffickers) Initiative on Safety and Security" (OASISS) and funds to support a Resident Legal Adviser on TIP issues that is assisting the Mexican Attorney General's office.

[55] U.S. Department of State, 2008 TIP Report. The 2009 TIP Report does not discuss linkages between prostitution and trafficking.

[56] U.S. Department of State, G-TIP, Power Point Presentation from Briefing on TIP in the Western Hemisphere, July 2009.

[57] The President's Initiative provided $50 million in anti-TIP assistance to eight countries (including Brazil and Mexico) based on the severity of the TIP problems they faced and their willingness to work with the U.S. government to combat those problems.

[58] U.S. Department of State, G-TIP, Power Point Presentation from Briefing on TIP in the Western Hemisphere, July 2009.

Table 1. Latin America and the Relevant International Conventions on Human Trafficking

Country	2008 Tier Placement	2009 Tier Placement	UN TIP Protocol		ILO Convention 105	ILO Convention 182	Optional Protocol of CRC		Optional Protocol CRC Armed Conflict	
			Signed	Ratified (a)	Ratified	Ratified	Signed	Ratified (a)	Signed	Ratified (a)
Antigua & Barbuda	Not Rated	Tier 2			X	X	X	X		
Argentina	**Tier 2 WL**	**Tier 2 WL**	X	X	X	X	X	X	X	X
Bahamas	Not Rated	Tier 2	X	x	X	X				
Barbados	Not Rated	Tier 2	X		X	X				
Belize	Tier 2	**Tier 2 WL**		X (a)**	X	X	X	X	X	X
Bolivia	Tier 2	Tier 2	X	X	X	X	X	X		X(a)
Brazil	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Chile	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Colombia	Tier 1	Tier 1	X	X	X	X	X	X	X	X
Costa Rica	**Tier 2 WL**	Tier 2	X	X	X	X	X	X	X	X
Cuba	**Tier 3**	**Tier 3**			X		X	X	X	X
DR	**Tier 2WL**	**Tier 2 WL**	X		X	X		X(a)	X	
Ecuador	Tier 2	Tier 2	X	X	X	X	X	X	X	X
El Salvador	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Guatemala	**Tier 2WL**	**Tier 2WL**		X (a)	X	X	X	X	X	X
Guyana	**Tier 2 WL**	**Tier 2 WL**		X (a)	X	X				
Haiti	Not rated	Not rated	X		X		X		X	
Honduras	Tier 2	Tier 2			X	X		X (a)		X (a)
Jamaica	Tier 2	Tier 2	X	X	X	X	X		X	X
Mexico	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Nicaragua	Tier 2	**Tier 2 WL**		X (a)	X	X		X (a)		X(a)
Panama	**Tier 2 WL**	Tier 2	X	X	X	X	X	X	X	X

Country	2008 Tier Placement	2009 Tier Placement	UN TIP Protocol		ILO Convention 105	ILO Convention 182	Optional Protocol of CRC		Optional Protocol CRC Armed Conflict	
			Signed	Ratified (a)	Ratified	Ratified	Signed	Ratified (a)	Signed	Ratified (a)
Paraguay	Tier 2	Tier 2	X	X	X	X	X	X	X	X
Peru	Tier 2	Tier 2	X	X	X	X	X	X	X	X
St. Vincent &Grenadines	Not Rated	**Tier 2 WL**	X		X	X		X (a)		
Suriname	Tier 2	Tier 2		X(a)	X	X	X		X	
Venezuela	**Tier 2 WL**	**Tier 2 WL**	X	X	X	X		X	X	X

Source: U.S. Department of State, *Trafficking in Persons Report, 2008,* June 4, 2008.

Notes:
* (WL) indicates placement on Tier 2 Watch List as opposed to Tier 2.
** (a) indicates accession.

Treaties and Protocols:
—U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons
—ILO Convention 105 (Abolition of Forced Labor)
—ILO Convention 182 (Convention on the Worst Forms of Child Labor)
—Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Pornography
—Optional Protocol to the CRC on the Involvement of Children in Armed Conflict

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