



December 2016

# HUMAN TRAFFICKING

State Has Made  
Improvements in Its  
Annual Report but  
Does Not Explicitly  
Explain Certain Tier  
Rankings or Changes

# GAO Highlights

Highlights of [GAO-17-56](#), a report to congressional addressees

## Why GAO Did This Study

Human traffickers exploit men, women, and children for financial gain. Congress enacted the TVPA in 2000, which requires the Secretary of State to report annually on governments' efforts according to the act's minimum standards for the elimination of trafficking. Each year since 2001, State has published the *Trafficking in Persons Report*, ranking countries into one of four tiers. GAO found in 2006 that the report did not fully describe State's assessment of compliance with standards or provide complete explanations for ranking decisions.

The explanatory statement accompanying the Consolidated Appropriations Act, 2014, included a provision for GAO to review the report's preparation and effectiveness. This report addresses (1) the process to develop the report, (2) the extent to which country narratives discuss minimum standards, and (3) the extent to which State assesses the report's effectiveness as a tool to address trafficking. GAO compared 220 country narratives in the 2015 and 2016 reports with the minimum standards and analyzed 82 narratives for countries that changed tier. GAO also interviewed State and other officials.

## What GAO Recommends

GAO is making four recommendations to the Secretary of State to improve the clarity and usefulness of the *Trafficking in Persons Report* by posting evidence to support downgrade waivers on State's website, improving explanations for tier rankings and changes, and assessing the effectiveness of the report as a tool to address trafficking. State agreed with GAO's recommendations.

View [GAO-17-56](#). For more information, contact Thomas Melito, (202) 512-9601, [melitot@gao.gov](mailto:melitot@gao.gov)

December 2016

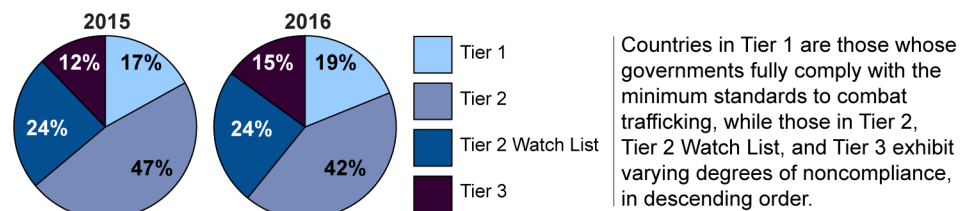
## HUMAN TRAFFICKING

# State Has Made Improvements in Its Annual Report but Does Not Explicitly Explain Certain Tier Rankings or Changes

## What GAO Found

The Department of State's (State) Office to Monitor and Combat Trafficking in Persons (Trafficking Office) compiles information on countries' actions to combat human trafficking and recommends tier rankings for the *Trafficking in Persons Report* but did not post information on waivers within mandated timeframes. The figure below shows the percentage of countries by tier in the 2015 and 2016 reports. Disagreements about tier rankings between the Trafficking Office and other parts of State, which have different priorities, are usually resolved at the working level, according to officials, with only a few elevated to the Secretary of State for resolution. The Secretary of State determines all final tier rankings. The Trafficking Office recommends whether to grant waivers for countries that otherwise would be automatically downgraded to the lowest tier. The Trafficking Victims Protection Act (TVPA) requires State to post a detailed description of the credible evidence used to support these waivers on its website annually, but State did not do so for the 2014 through 2016 reports until September 2016.

Figure: Percentage of Countries by Tier in 2015 and 2016 *Trafficking in Persons* Reports



Source: GAO analysis of the Department of State's 2015 and 2016 *Trafficking in Persons* reports. | GAO-17-56

State has made improvements to the *Trafficking in Persons Report* since 2006 but does not explicitly explain the basis for certain countries' tier rankings or, where relevant, why countries' tier rankings changed. GAO's analysis of the 2015 *Trafficking in Persons Report* found that, compared with GAO's previous report in 2006, there were fewer instances in which minimum standards and criteria were not mentioned in the narratives. However, most narratives for the highest-ranked, or Tier 1, countries in the 2015 and 2016 reports did not explicitly explain the basis for the tier rankings. The narratives sometimes included language that seemed contradictory to certain standards and criteria. In addition, GAO found that, for countries that changed tier from one year to the next, most narratives did not provide an explicit explanation as to why the rankings changed. *Standards for Internal Control in the Federal Government* states that information should be communicated in a way that is useful to internal and external users. Lacking such clarity could diminish the report's usefulness as a tool to advance efforts to combat trafficking.

State and other officials indicate that the *Trafficking in Persons Report* can be a useful tool to engage other countries about trafficking, but State has not systematically assessed the report's effectiveness. As a result, the effect of the report in encouraging governments to make progress in combating trafficking is not well understood. However, State officials stated that they are working on efforts to assess the report's effectiveness at achieving the goal of addressing trafficking worldwide.

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### Abbreviations

DOD	Department of Defense
NGO	nongovernmental organization
State	Department of State
Trafficking Office	Office to Monitor and Combat Trafficking in Persons
Treasury	Department of the Treasury
TVPA	Trafficking Victims Protection Act, as amended
USAID	U.S. Agency for International Development

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December 5, 2016

Congressional Addressees

Human traffickers around the world exploit men, women, and children for financial gain. Trafficking victims are forced to work in illegal professions, such as the commercial sex trade, as well as in labor environments such as garment factories, fishing boats, agricultural settings, and domestic service. In addition to inflicting grave personal damage upon its victims, trafficking undermines government authority, fuels organized criminal groups and gangs, and imposes social and public health costs. In 2000, Congress enacted the Trafficking Victims Protection Act (TVPA) to combat trafficking in persons.<sup>1</sup> Congress reauthorized this act four times, most recently in 2013.<sup>2</sup> This act, as amended, requires, among other things, that the Secretary of State report to Congress annually on foreign governments' antitrafficking efforts according to the act's minimum standards for the elimination of trafficking.<sup>3</sup> By statute, the report should include lists of those countries arranged by the range of their governments' compliance with the U.S. minimum standards.<sup>4</sup> We found in July 2006 that the explanations for country ranking decisions in the *Trafficking in Persons Report* were incomplete and that the report did not comprehensively describe compliance with the minimum standards to combat trafficking.<sup>5</sup>

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<sup>1</sup>Enacted as Division A of the Victims of Trafficking and Violence Protection Act of 2000. Pub. L. No. 106-386, Div. A, 114 Stat. 1464, 1466-91.

<sup>2</sup>Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875; Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (Jan. 10, 2006); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044; Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, Title XII, 127 Stat. 54,136-160.

<sup>3</sup>22 U.S.C. § 7107(b).

<sup>4</sup>22 U.S.C. § 7107(b). The TVPA, as amended, states that the report should include lists of countries whose governments (1) fully comply with the minimum standards, (2) do not yet fully comply with the minimum standards but are making significant efforts to bring themselves into compliance, and (3) do not fully comply with such standards and are not making significant efforts to bring themselves into compliance. The Department of State (State) is also required to submit to the appropriate congressional committees a list of countries on a special watch list. State's reporting refers to these lists as "tier rankings."

<sup>5</sup>GAO, *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*, [GAO-06-825](#) (Washington, D.C.: July 18, 2006).

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The explanatory statement accompanying the Consolidated Appropriations Act, 2014,<sup>6</sup> includes a provision for GAO to assess the methodology used in the preparation of the Department of State's (State) annual *Trafficking in Persons Report* and the effectiveness of this report as a tool to encourage countries to address human trafficking. This report addresses (1) the process State uses to prepare country narratives and decide tier rankings in the *Trafficking in Persons Report*, (2) the extent to which country narratives in the *Trafficking in Persons Report* clearly discuss the minimum standards to combat trafficking as enumerated in the TVPA and interpreted by State, and (3) the extent to which State assesses the effectiveness of the *Trafficking in Persons Report* as a diplomatic tool to encourage countries to address human trafficking.

To address these objectives, we reviewed relevant laws and State documents and interviewed State, other agency, and nongovernmental organization (NGO) officials with input into the process.<sup>7</sup> We reviewed 185 country narratives in the 2015 *Trafficking in Persons Report*, as well as 35 country narratives in the 2016 report for countries with the highest ranking.<sup>8</sup> We systematically compared the country narratives with the minimum standards (as interpreted and applied by State) and determined whether the narratives clearly explained State's assessment regarding governments' compliance with them. We did not assess whether State had placed countries in the appropriate tier. Each country narrative was assessed independently by two analysts, using a detailed rules document developed using State's guidelines and through discussions with State. We also analyzed the narratives for the countries that changed tiers in the 2015 and 2016 *Trafficking in Persons* reports to assess whether the narratives clearly explain why State decided to change a country's tier

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<sup>6</sup>Pub. L. No. 113-76, 128 Stat. 5 (see 113<sup>th</sup> Congress, 2<sup>nd</sup> Sess. *Congressional Record*, vol. 160, No. 9 – daily edition, pp. H475-H1215 for the explanatory statement). Subsequently, 2 Senate co-requesters signed on as sponsors for our review and are addressees of this report.

<sup>7</sup>We interviewed officials from the Departments of Defense (DOD) and the Treasury, and the U.S. Agency for International Development (USAID), as well as officials from NGOs focused on trafficking in persons.

<sup>8</sup>Although the 2015 *Trafficking in Persons Report* includes 188 country narratives, we reviewed 185. We excluded the narratives for Aruba and St. Maarten that are territories or autonomous entities of other countries because, according to the report, they are not "countries" to which the minimum standards for the elimination of trafficking in the TVPA apply. We also excluded the narrative for Somalia, which, as a special case in the report, discusses the government's efforts to address trafficking but does not provide a tier ranking for the country.

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ranking. Appendix I provides more information about our scope and methodology.

We conducted this performance audit from September 2015 to December 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

Human traffickers exploit individuals, and human trafficking often involves transnational criminal organizations, violations of labor and immigration codes, and government corruption. Many forms of trafficking—including sex trafficking and labor trafficking—can take place anywhere in the world and can occur without crossing country boundaries. As discussed in the *Trafficking in Persons Report*, trafficking victims include Asian and African women and men who migrate to the Persian Gulf region for domestic labor but then suffer both labor trafficking and sexual abuse in the homes of their employers. Some victims are children; for example, Pakistani children as young as 5 are sold or kidnapped into forced labor to work in brick kilns, some of which are owned by government officials. Other victims are subjected to sexual exploitation; in some cases, women and girls have been bought and sold as sex slaves by members of the Islamic State; in others, adult men and women are forced to engage in commercial sex, and children are induced to do the same. Individuals, including men, are exploited in forced labor in a variety of sectors; Burmese men, for example, have been subjected to forced labor 20 hours a day, 7 days a week on fishing boats in Thailand.

Reliable data on the scope of trafficking are limited due to a number of factors.<sup>9</sup> Trafficking is a clandestine activity, which limits the data available on victims. Victims may live daily under inhumane treatment, physical and mental abuse, and threats to themselves or their families. Because of their vulnerable position, trafficking victims may be unwilling or unable to report to, or seek help from, relevant authorities. They may distrust the government and police because they are afraid of being deported or because they come from countries where law enforcement is

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<sup>9</sup>See [GAO-06-825](#).



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corrupt and feared, or their traffickers made such threats to discourage their reporting to law enforcement. Further, some governments do not systematically collect data on victims or do not recognize some types of trafficking, such as forced labor or the trafficking of men.

In 2000, Congress enacted the TVPA and reauthorized it four times, most recently in 2013.<sup>10</sup> The act, as amended, defines severe forms of trafficking in persons as (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 act 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.<sup>11</sup> The TVPA does not specify movement across international boundaries as a condition of trafficking nor does it require the transportation of victims from one locale to another. According to State officials, the TVPA definition of trafficking is largely consistent with the definition set forth in the UN Protocol on trafficking in persons.

The TVPA, as amended, provides a framework for current U.S. antitrafficking efforts, including the criteria for the *Trafficking in Persons Report*. According to State officials, it is also consistent with the UN Protocol on trafficking in persons in approaching this crime within a framework known as the “three p’s”: prosecution, protection and prevention. These include the prosecution and punishment of traffickers, the protection of and assistance for victims of trafficking, and the prevention of trafficking. The TVPA, as amended, also laid out minimum standards for eliminating trafficking to be used in the Secretary of State’s annual assessment of foreign governments’ antitrafficking efforts (see app. II).<sup>12</sup> The first three standards deal with countries’ efforts to enact laws to prohibit severe forms of trafficking and prescribe penalties for trafficking. The fourth standard, as detailed by State, relates to government efforts to implement those laws and includes 12 criteria that

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<sup>10</sup>The 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 (also known as the *Palermo Protocol*) on December 3, 2005.

<sup>11</sup>22 U.S.C. § 7102.

<sup>12</sup>22 U.S.C. § 7106.

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can be used to assess these efforts.<sup>13</sup> For example, criteria for the fourth minimum standard include whether a country's government has achieved appreciable progress in eliminating trafficking—including prosecuting traffickers, protecting victims, and preventing trafficking—compared to efforts from the previous year and whether a country's government has taken steps to protect and provide assistance, such as counseling and shelter, to victims.

The Office to Monitor and Combat Trafficking in Persons (Trafficking Office) was established in accordance with the TVPA of 2000. The office is headed by an ambassador-at-large and is organized into four sections: Reports and Political Affairs, International Programs, Public Engagement, and Resource Management and Planning. The Reports and Political Affairs section prepares the congressionally mandated *Trafficking in Persons Report* annually. Other parts of State, including regional bureaus, which cover geographic regions, and functional bureaus, which cover global issues such as refugees and human rights, also have input into the report.

The report ranks countries into one of four categories, or tiers, based on the Secretary of State's assessment of foreign governments' compliance with the four minimum standards for eliminating human trafficking. See figure 1 for the number of countries in each tier in 2015 and 2016. As reported by State, the definitions of the four tiers are as follows:

- Tier 1: countries whose governments fully meet the minimum standards.
- Tier 2: countries whose governments do not fully meet the minimum standards but are making significant efforts to do so.<sup>14</sup>
- Tier 2 Watch List: countries whose governments do not fully meet the minimum standards but are making significant efforts to do so and
  - have a very significant or increasing number of victims,

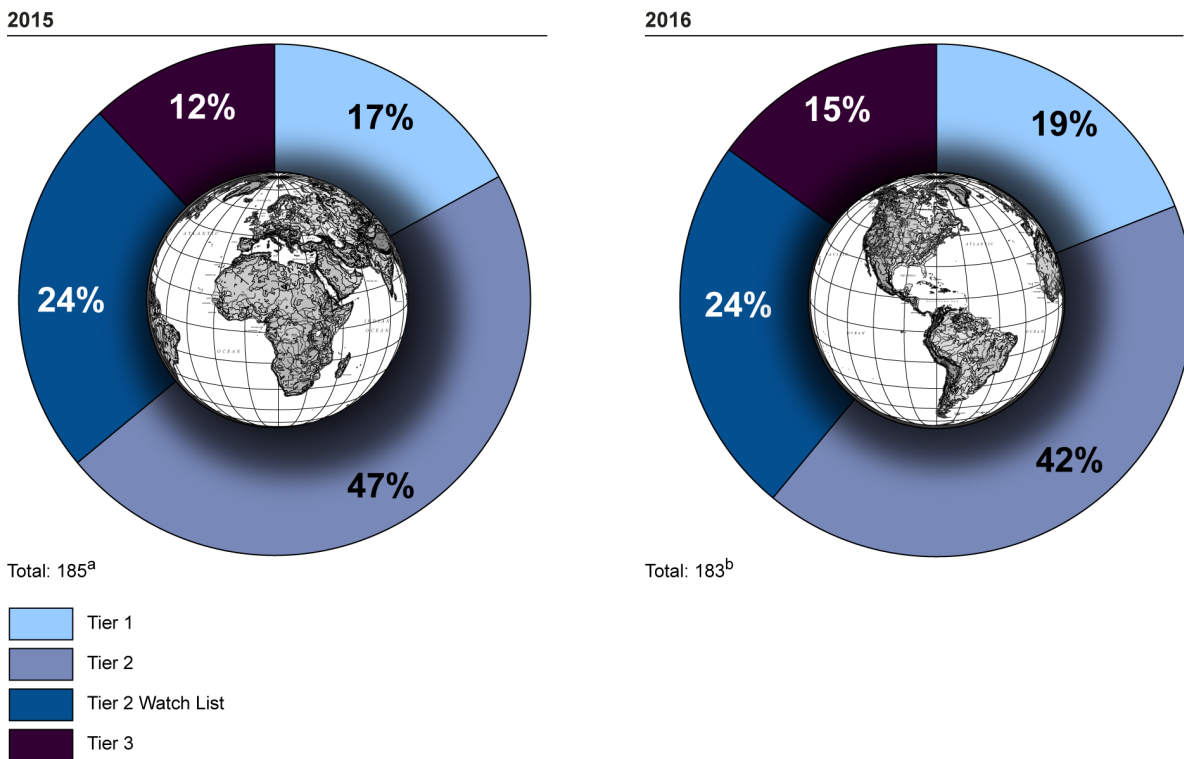
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<sup>13</sup>According to Trafficking Office officials, a particular criterion within minimum standard 4 does not necessarily determine whether the government has met that standard. Rather, each criterion is one of the factors State weighs to assess the government's efforts.

<sup>14</sup>The TVPA lists additional factors to consider in determining whether the government of a country is making significant efforts, including reasonable measures that the government would need to undertake to be in compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

- fail to show increasing efforts to combat trafficking from the previous year, or
- have been assessed as making significant efforts to comply based on commitments to take steps over the next year.
- Tier 3: countries whose governments do not meet the minimum standards and are not making significant efforts to do so.

**Figure 1: Percentage of Countries by Tier in the Department of State’s 2015 and 2016 *Trafficking in Persons* Reports**



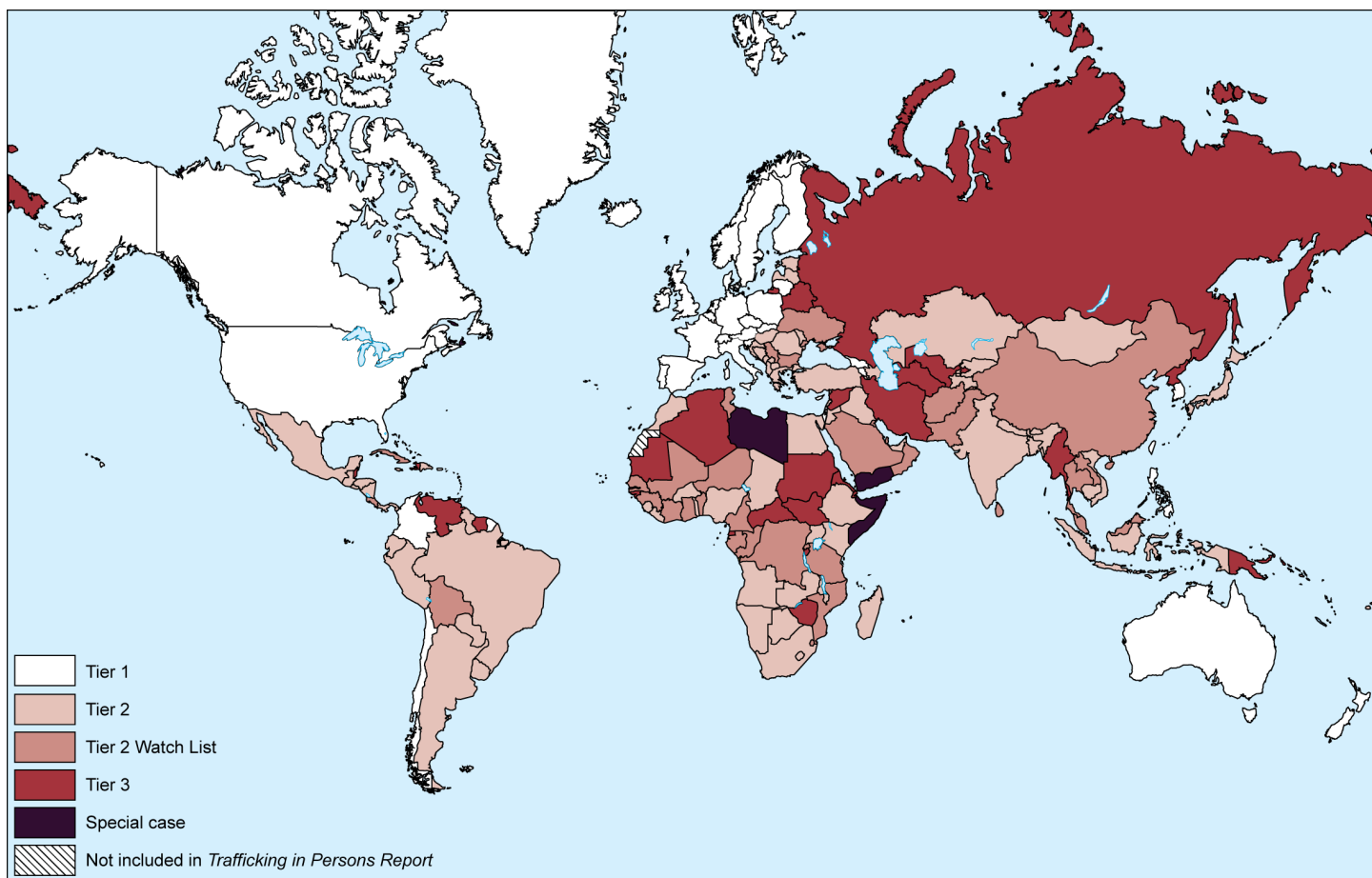
Sources: GAO analysis of the Department of State’s 2015 and 2016 *Trafficking in Persons* reports (data); Map Resources (maps). | GAO-17-56

<sup>a</sup>In addition to the 185 countries, the 2015 *Trafficking in Persons Report* also included two territories—Aruba and St. Maarten—and one special case—Somalia. For special cases, the report discusses a country’s government’s efforts to address trafficking but does not provide a tier ranking for the country.

<sup>b</sup>In addition to the 183 countries, the 2016 *Trafficking in Persons Report* included two territories—Aruba and St. Maarten. It also included three special cases—Libya, Somalia, and Yemen. Libya and Yemen were on Tier 3 in 2015. For special cases, the report discusses a country’s government’s efforts to address trafficking but does not provide a tier ranking for the country.

Figure 2 shows tier ranking by country. Appendix III lists each country by tier.

**Figure 2: Tier Ranking by Country in the Department of State's 2016 Trafficking in Persons Report**



Sources: GAO analysis of the Department of State's 2016 Trafficking in Persons Report (data); Map Resources (map). | GAO-17-56

Note: For special cases, the Trafficking in Persons Report discusses a country's government's efforts to address trafficking but does not provide a tier ranking for the country.

In addition, under a 2008 amendment to the TVPA, any country that has been included on the Tier 2 Watch List for 2 consecutive years and that would otherwise be ranked on the Tier 2 Watch List for the next year will

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be included in Tier 3 in the third year.<sup>15</sup> The Secretary of State is authorized to waive the automatic downgrade if the Secretary determines that a government has devoted sufficient resources (such as funding, staffing, or in-kind or other resources) to a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards and reports credible evidence of such to specified congressional committees.<sup>16</sup> Countries may receive such a waiver for two consecutive years, after which time a country must either go up to Tier 2 or down to Tier 3.

The TVPA, as amended, also established funding restrictions, such as withholding nonhumanitarian, nontrade-related assistance, that could be applied against governments that are not in compliance with the minimum standards and not making significant efforts to come into compliance (i.e., countries in Tier 3).<sup>17</sup> Types of assistance that can be withheld include support to a country's military. Those funding restrictions may be waived by the President if the provision of assistance would promote the purposes of the TVPA, or is otherwise in the U.S. national interest.

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<sup>15</sup>Although the TVPA, as amended, does not use the term "tiers" to refer to the different lists of countries, State uses the term in its reporting, and we adopt the same convention in this report. See also Pub. L. No. 110-457, § 107 (codified as amended at 22 U.S.C. § 7107(b)(2)(D)).

<sup>16</sup>22 U.S.C. § 7107(b)(2)(D). This waiver authority was granted to the President and then delegated to the Secretary of State. Delegation of Waiver Authority Pursuant to Section 107(a) of Public Law 110-457, 75 Fed. Reg. 67,023 (Nov. 1, 2010).

<sup>17</sup>Additional restrictions can include instructing the U.S. Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country, with certain exceptions. Moreover, in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance during the previous fiscal year, the U.S. will not provide such assistance to the government of the country for the subsequent fiscal year and will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year. See 22 U.S.C. § 7107(d) for a full explanation of the restrictions.

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Trafficking Office  
Drafts Country  
Narratives and Works  
with Bureaus to  
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the Required  
Deadline

The Trafficking Office drafts the *Trafficking in Persons Report* based on information it receives from a variety of sources including U.S. missions, NGOs, and foreign governments. In 2014, after the most recent TVPA reauthorization, State officials noted that they revised State's guidance for drafting country narratives and its guidelines for implementing the TVPA minimum standards to help ensure consistent application of the standards across country narratives. The Trafficking Office also makes tier ranking recommendations for each country. The Trafficking Office stated that it reported to Congress in a timely manner all required information on countries that received waivers to avoid being downgraded to Tier 3, but it did not annually post this information to its website within the TVPA required deadline for the 2014, 2015, or 2016 reports.<sup>18</sup> The information for all 3 years was posted in September 2016 despite the requirement to do so within 30 days of notifying Congress of these waivers. According to Trafficking Office officials, they resolve most tier ranking disagreements with regional bureaus, with relatively few elevated to the Secretary without a consensus recommendation. In the final step of the process, the Trafficking Office facilitates communication between other State bureaus and other government agencies to decide whether to recommend that the President grant waivers for funding restrictions for countries in Tier 3.

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Trafficking Office Drafts  
Narratives and Makes Tier  
Ranking  
Recommendations but Did  
Not Post Information on  
Downgrade Waivers on  
State's Website within the  
Required Deadline

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<sup>18</sup>This requirement was added to the TVPA in 2013 by the Violence Against Women Reauthorization Act of 2013. See Pub. L. No. 113-4, Title XII, § 1205 (codified at 19 U.S.C. § 7107(b)(2)(E)).

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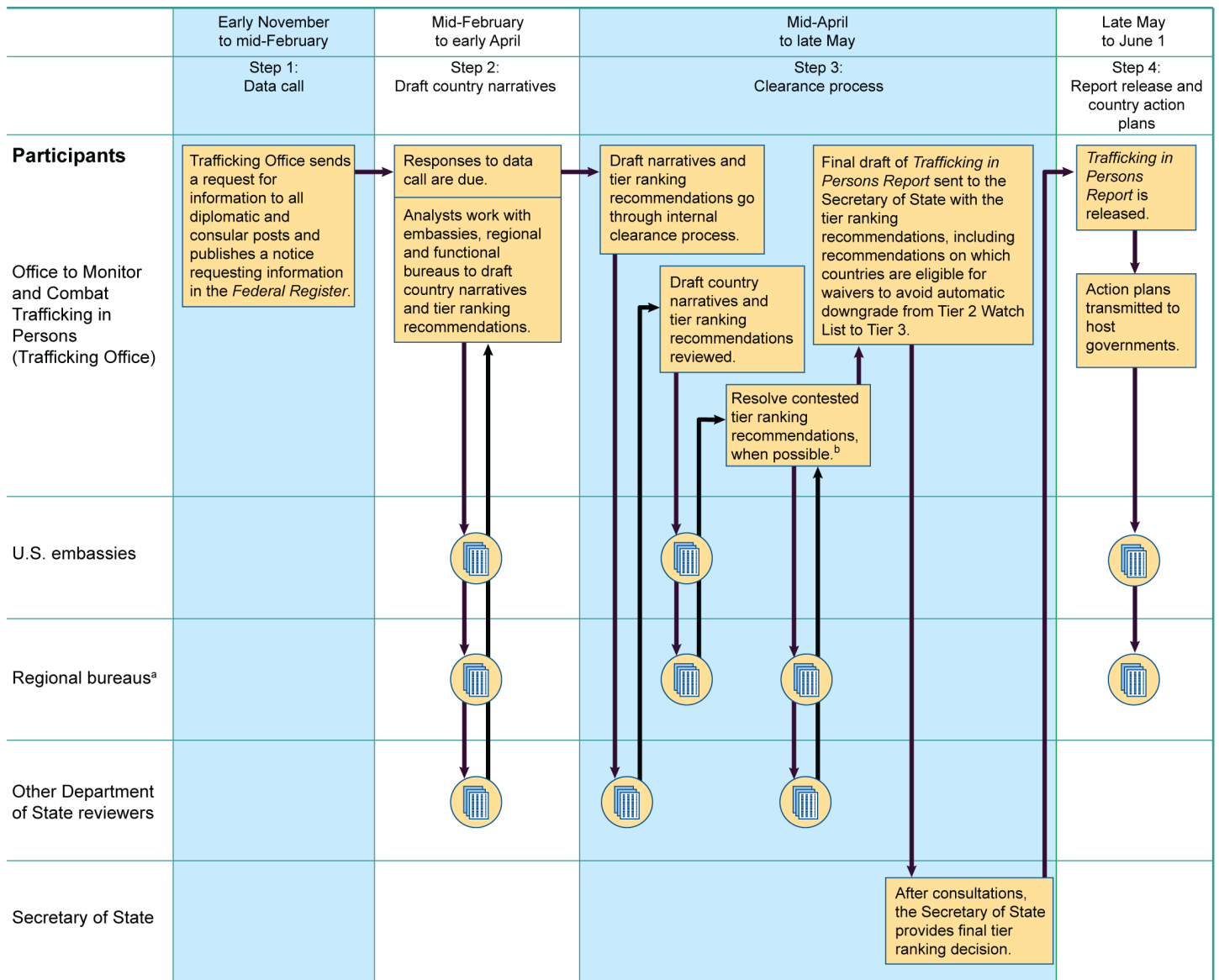
Trafficking Office Gathers  
Information and Has  
Developed Reporting  
Guidance

The Trafficking Office produces initial drafts of the State Department's annual *Trafficking in Persons Report* with input compiled from a variety of sources including U.S. missions, foreign governments, and NGOs.<sup>19</sup> Those drafts are edited and refined with the direct involvement of the regional and functional bureaus. The reporting period covers actions that governments take from April 1 of one year through March 31 of the next year. See figure 3 for an overview of the reporting process from information gathering through issuance.

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<sup>19</sup>In contrast, other annual State Department reports, such as the *International Religious Freedom Report* and the *Country Reports on Human Rights Practices*, are drafted by officers at the U.S. missions.

**Figure 3: Process for Gathering Information and Drafting, Clearing, and Issuing the *Trafficking in Persons Report***



Source: GAO analysis of Department of State documents. | GAO-17-56

<sup>a</sup>Regional bureaus cover specific geographic regions.

<sup>b</sup>Contested tier ranking recommendations are reviewed by analysts at the working level, and the remaining unresolved recommendations are elevated to the Trafficking Office Ambassador and Regional Assistant Secretaries.

According to State officials, Trafficking Office analysts gather information throughout the year from sources including foreign governments, U.S. missions overseas, other department offices and U.S. government



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agencies, NGOs, media reports, and research, as well as the analysts' travel and consultations around the world. Officials noted that the 12 analysts in the office were each responsible for 15 to 20 countries, grouped by geographic region, in the 2015 and 2016 reports. The *Trafficking in Persons Report* has narratives for 188 countries in the 2015 report, including two territories and one special case.<sup>20</sup> Trafficking Office officials stated that each analyst is responsible for maintaining expertise and gathering information for each country in his or her portfolio, which includes traveling to the countries to engage with U.S. mission staff, NGOs, and host government officials.

In November, the Trafficking Office sends a request for information to all diplomatic and consular posts and publishes a four-page notice in the *Federal Register* requesting information on the degree to which the United States and foreign governments meet the minimum standards for the elimination of trafficking in persons.<sup>21</sup> In response to the request to the U.S. missions, the officials at the missions return a detailed submission on the trafficking situation in the host country and the government's efforts to combat it, including updates from the previous year's report and specific data sets requested by the Trafficking Office (see app. IV for more on the law enforcement data included in the report). Reporting officers are encouraged to draw on a variety of sources to obtain this information, including host government officials, NGOs, and international and multilateral organizations. NGOs noted that they also provide information directly to the Trafficking Office throughout the reporting period. Analysts in the Trafficking Office said that they compile the information for the U.S. narrative primarily from the *U.S. Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons*, but also from other U.S. government agencies and NGOs. The information is due in mid-February, which is about 6 weeks before the end of the reporting period. Therefore, Trafficking Office analysts stated that they work to collect and update the information while they are still drafting country narratives to ensure that they have the latest and most accurate information.

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<sup>20</sup>In our analysis, we excluded the narratives for Aruba and St. Maarten that are territories of other countries, and Somalia, the special case.

<sup>21</sup>The information from the diplomatic and consular posts was due by mid-February for the 2015 *Trafficking in Persons Report*; the *Federal Register* had a submission deadline of January 30, 2015.

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The Trafficking Office provides State's implementation guidelines for State staff, including human trafficking reporting officers at the U.S. missions, during information sessions and on State's internal website. These guidelines detail State's implementation of the TVPA's reporting requirement, and include the definition of severe forms of trafficking in persons, the standards from the TVPA and how to implement them, the roles of the reporting officers, and the elements of the reporting process. The guidelines include descriptions of the actions a government should take to meet the various standards and applicable criteria. For example, to determine whether a foreign government satisfies the minimum standard for prescribing punishment for traffickers that is sufficiently stringent, the guidance states that the country should include criminal penalties to include a maximum sentence of at least 4 years deprivation of liberty, or a more severe penalty.

The Trafficking Office also gives similar guidance to its analysts to use in preparing the *Trafficking in Persons Report*. The guidance establishes some standard language for the narratives in the report. The guidance includes standard language to indicate compliance or noncompliance with the first three minimum standards enumerated in the TVPA, which address laws to prohibit and punish trafficking in persons. For example, using the guidance, an analyst may write "Country X prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with other serious crimes, such as rape." The guidance also establishes standard language for certain criteria for the fourth minimum standard on governments' efforts to implement its trafficking laws, such as training diplomatic personnel, addressing official complicity in participating in or facilitating trafficking, or not penalizing victims for acts committed as a direct result of being trafficked. For example, the standard language for official complicity, in cases where a government reported no efforts to combat official complicity in human trafficking and where no complicity is documented or known, is "The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses." Additionally, the guidance document establishes standard language for some countries downgraded from Tier 2 Watch List to Tier 3; for example, "The government of X does not fully comply with the minimum standards for the elimination of trafficking. The government of X does not have a written plan; therefore, Country X is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3."

In 2014, after the most recent TVPA reauthorization, State officials noted that they revised its guidance for drafting country narratives and its

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Trafficking Office Drafts  
Narratives and Assigns Tiers  
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guidelines for implementing the TVPA minimum standards to help ensure consistent application of the standards across country narratives.

The Trafficking Office writes the first drafts of the country narratives from mid-February through early April. The analysts use the information compiled all year from U.S. missions, NGOs, and foreign governments in combination with information obtained from travel, the media, and other sources to write the country narratives and assign recommended tier rankings. The rankings are based on the governments' efforts against trafficking as measured against State's implementation of the TVPA minimum standards, compared with the governments' efforts in the preceding years, and not compared to the efforts of other countries.

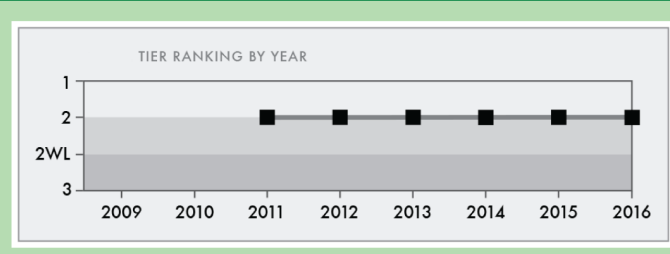
The *Trafficking in Persons Report* narratives provide data and analytical assessments of the governments' performance as related to the TVPA minimum standards as interpreted by State. The narratives follow a standard presentation and include the status of efforts to combat trafficking in the countries and recommendations for actions to improve these efforts. See figure 4 for a summary of the report elements.

**Figure 4: Elements of the Department of State’s *Trafficking in Persons Report***

**COUNTRY X: Tier X**

The opening paragraph(s) provides a profile of human trafficking in that country in recent years.

The final paragraph in the first section has a synopsis of government efforts based on information in the sections below on prosecution, protection, and prevention.



**RECOMMENDATIONS FOR COUNTRY X:**

The recommendations provide the government guidance on how to enhance its efforts and, as applicable, obtain a better tier ranking.

**PROSECUTION**

The prosecution section provides an overview of the country’s laws and the government’s law enforcement efforts against human trafficking.

The section opens with a summary of the government’s overall progress. For example: The government of X has sustained its prosecution efforts.

The narrative details the government’s law enforcement efforts, including

- antitrafficking laws and punishments; and
- data on number of cases investigated, prosecuted, convicted, and sentenced.

**PROTECTION**

The protection section provides an overview of the government’s efforts to ensure that trafficking victims are identified and provided adequate protection.

The section opens with a summary of the government’s overall progress. For example: The government of X has made inadequate efforts to protect trafficking victims.

The narrative details the government’s protection efforts, including

- the quality of shelter and services available for victims, and
- whether there were reports of victims being penalized for unlawful acts committed as a direct result of being subjected to trafficking.

**PREVENTION**

The prevention section provides an overview of the government’s efforts to prevent human trafficking.

The section opens with a summary of the government’s overall progress. For example: The government of X has made progress in its efforts to prevent sex and labor trafficking.

The narrative details the government’s prevention efforts, including

- public campaign against trafficking, and
- antitrafficking training for diplomats.

Source: GAO summary and excerpts from “How to Read a Country Narrative” in the Department of State’s 2016 *Trafficking in Persons Report*. | GAO-17-56

State officials told us that State does not use a formula to determine tier rankings; rather, it considers the totality of government efforts in the categories of prosecution, protection, and prevention. According to State officials, State generally gives more focus to prosecution and protection

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than to prevention because of the TVPA's structure. For example, State officials noted that the first three minimum standards as well as several criteria for minimum standard four are focused on prosecution.

As part of the tier ranking process, the Trafficking Office identifies countries that may require a waiver of a statutory automatic downgrade from Tier 2 Watch List to Tier 3 and that are potentially eligible to receive one. The Trafficking Office then leads an assessment of each country's eligibility for such a waiver and coordinates State Department-wide recommendations for the Secretary's consideration. Countries may remain on the Tier 2 Watch List for 2 years before being automatically downgraded to Tier 3. However, the TVPA, as amended, authorizes the President to waive a country's automatic downgrade for up to 2 years, if, among other things, there is credible evidence that the country has a written plan to make significant efforts to meet the minimum standards and has devoted sufficient resources to the plan's implementation.<sup>22</sup> This authority has been delegated by the President to the Secretary of State.<sup>23</sup>

The TVPA, as amended in 2013, requires State to provide a detailed description of the credible evidence supporting the determination to issue waivers of automatic downgrades for countries on the Tier 2 Watch List on its publicly available website within 30 days of the President notifying Congress of these waivers.<sup>24</sup> While State officials said they did provide the required information to Congress in a timely manner, they did not post this information within the 30-day deadline for the 2014, 2015, or 2016 reports. The information for all 3 years was posted in September 2016.<sup>25</sup> As a result, this information regarding waiver decisions for the last several years was not available on State's website, despite the requirement to post it within the specific deadline. In September 2016, the Trafficking Office provided an updated copy of its report preparation guidance which

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<sup>22</sup>22 U.S.C. § 7107(b)(2)(D).

<sup>23</sup>Delegation of Waiver Authority Pursuant to Section 107(a) of Public Law 110-457, 75 Fed. Reg. 67,023 (Nov. 1, 2010).

<sup>24</sup>22 U.S.C. § 7107(b)(2)(E). The State Department transmits a letter notifying Congress of these waivers along with the *Trafficking in Persons Report*, upon publication.

<sup>25</sup>Based on the 2014 report's issuance date of June 20, 2014, the credible evidence for that year should have been posted by July 20 of the same year. Based on the 2015 report's issuance date of July 27, 2015, the credible evidence should have been posted by August 27, 2015. Based on the 2016 report's issuance date of June 30, 2016, the credible evidence should have been posted by July 30, 2016.

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includes a new step to post the credible evidence information on its website in future years. State officials told us that this updated guidance is designed to ensure annual compliance with the TVPA requirement regarding public posting of information

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### Trafficking Office Resolves Most Tier Ranking Disagreements at the Working Level with Regional Bureaus

The Trafficking Office produces initial drafts of the narratives in the report, then works to resolve any disagreements on the draft content and recommended tier rankings with the regional bureau and U.S. mission staff.<sup>26</sup> Once the Trafficking Office has completed the first drafts of each country narrative, it sends the draft to the relevant overseas mission and regional bureau for review and further inputs.<sup>27</sup> According to the Trafficking Office, their analysts send out the draft narratives on a rolling basis as they are completed; this year, the earliest drafts went out in late February for initial factual review. Some of the regional bureaus we talked to received drafts for the 2016 report between mid-April and early May.

According to Trafficking Office officials, once the Trafficking Office and U.S. missions agree on the primary facts in the draft, the Trafficking Office formulates tier ranking recommendations. In the majority of cases, tier ranking recommendations are agreed upon early in the process at the working level. In other cases, several drafts are exchanged either due to significant gaps in data or because the characterization and weighing of data merit further discussion. When the regional bureaus and Trafficking Office disagree on the content of the narratives or the tier rankings, State officials explained that reconciliation involves several steps:

- (1) The Trafficking Office attempts to resolve any disagreements regarding the narratives and tier ranking recommendations at the working level, that is, between the Trafficking Office analyst and the contact at the U.S. mission and the regional bureau. According to

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<sup>26</sup>State officials noted that, along with the regional bureau and U.S. mission staff, many other parts of the department have the opportunity to weigh in, including the Office of the Legal Advisor; the Bureau of Democracy, Human Rights, and Labor; the Bureau of International Narcotics and Law Enforcement; the Bureau for Populations, Refugees, and Migration; the Office of Global Women's Issues; the Office of the Under Secretary for Civilian Security, Democracy, and Human Rights; the Office of the Under Secretary for Political Affairs; the Office of the Deputy Secretary; and the Office of the Deputy Secretary of State for Management and Resources.

<sup>27</sup>According to Trafficking Office officials, in some cases data are so scarce or unclear that a draft cannot be produced; instead, a series of questions is sent to the overseas mission for clarity.

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State officials, the majority of disagreements are resolved at the working level.

- (2) Disagreements that cannot be resolved at the working level are discussed at a meeting chaired by Trafficking Office Ambassador and the designated regional bureau counterpart. In cases where they do not reach consensus on recommendations, additional fact-gathering or subsequent conversations are required, sometimes including higher-level senior officials.<sup>28</sup>
- (3) All drafts and recommended tier rankings are sent to the Secretary, along with any remaining disagreements, for the Secretary's final decision.

According to the TVPA, the Secretary is required to submit the *Trafficking in Persons Report* to the appropriate congressional committees. The Secretary has the sole authority to assign tier rankings. The Secretary's decisions are informed by recommendations made by department staff. The Secretary makes the final decision on all tier rankings, including those that remain in disagreement. According to State officials, if the Secretary highlights a factual issue or thinks the narrative should be revised, State staff would respond accordingly. Regardless of the final tier ranking decision, Trafficking Office officials explained that it is the weighting of the facts, not the facts themselves, that is the determining factor in tier ranking decisions. Officials said that the Trafficking Office and regional bureaus might assess the facts differently because of differing priorities. For example, State officials said that the Trafficking Office is focused on trafficking issues in a country, while regional bureaus take a broader perspective that considers overall relations with countries.

Regional bureau officers said that consultations among stakeholders are part of the process to resolve disagreements about tier rankings. State officials explained that discussions about the facts and how they are weighed is an important part of the report drafting and tier ranking process. In some cases, the relatively short time the regional bureaus have from when they get the drafts to when they have the report consultations (around a week, in some cases) can make it difficult to

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<sup>28</sup>According to Trafficking Office officials, in previous years, the Under Secretary for Civilian Security, Democracy, and Human Rights chaired a second meeting, which was generally attended by the relevant regional bureau Assistant Secretary, in addition to the group present at the previous meeting. For the 2016 report, this step was removed to streamline the overall process and to bring the process into conformity with State's handling of other major reports and policy decisions.

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gather more information from regional bureaus and U.S. missions to make updates or corrections or to support resolution of tier ranking disagreements. According to State, late submission of information by governments or delays in providing edits on a draft can present similar challenges. However, one regional bureau official noted that the Trafficking Office generally sends the more controversial country narratives earlier, giving the bureau more time to review them. Regional bureau officials explained that they need time to update the information in the narratives between receiving the draft and starting the process to resolve tier ranking disagreements. Additionally, some bureau officials stated that they occasionally have received the tier ranking after they receive the draft, which leaves less time to gather the information needed from the U.S. missions and foreign governments to support a tier ranking disagreement.

In the final stage of the reporting process, State releases the *Trafficking in Persons Report* to Congress and the public. Before the public issuance of the report, State sends a notification to each U.S. mission in a country or territory in the report that includes the country narrative and tier ranking for release to the host government, accompanying notes of explanation for delivering the narrative and ranking to the host government, and an action plan containing recommended steps for making antitrafficking progress in the country or territory. The Trafficking Office drafts these action plans based on the recommendations in the country narratives, and clears the plans with the regional bureaus and U.S. missions. The plans are designed to guide the progress of the host governments' antitrafficking efforts.

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### The Trafficking Office Works with Other State Bureaus and Agencies to Decide on Waivers for Funding Restrictions

The Trafficking Office manages the process by which State and other relevant U.S. government agencies recommend which countries in Tier 3 receive waivers of assistance restrictions. This process results in specific recommendations for the Secretary that inform their final recommendations to the President. The President has responsibility for making the final determinations. Pursuant to the TVPA, as amended, governments of countries in Tier 3 may be subject to certain funding restrictions, whereby the U.S. government may restrict nonhumanitarian, nontrade-related foreign assistance. In addition, countries whose governments received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year may be subject to restrictions on funding for government employees' participation in educational and cultural exchange programs. Furthermore, consistent with the TVPA, as amended, the President will also instruct the U.S.



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Executive Directors of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country, with certain exceptions.

Officials stated that the Trafficking Office leads the formal process of considering waivers on funding restrictions for countries in Tier 3 usually around the start of July, as soon as the *Trafficking in Persons Report* is publicly released. According to the TVPA, the determination about waivers for Tier 3 countries must be made not less than 45 days or more than 90 days of the *Trafficking in Persons Report's* release.<sup>29</sup>

The Trafficking Office engages the regional and functional bureaus at State, as well as the Department of Defense (DOD), the U.S. Agency for International Development (USAID), and the Department of the Treasury to provide recommendations on the types of assistance in a given country that could be subject to restriction and whether countries will get full, partial, or no waivers. The regional and functional bureaus may argue for funding restriction waivers for some Tier 3 countries for many reasons, such as the fact that some assistance supports human trafficking goals (e.g., funding for training prosecutors); regional or functional bureaus as well as other agencies may argue for waivers on the basis of larger issues that are in the national interest of the United States. State officials explained that they compile a package with the list of recommendations to provide full, partial, or no waivers of funding restrictions for countries in Tier 3, which includes information to support the recommendations, and sends this list to the other agencies for their input. According to DOD and USAID officials, the agencies review the recommendations, coordinate the input of the related agency offices and components affected, and respond to State as to whether they agree or disagree with the recommendations on waivers. The Trafficking Office incorporates input from other entities at State and the other relevant agencies into a memo to the Secretary of State with recommendations. The Secretary transmits recommendations to the President, who makes the final determinations on funding restrictions and waivers and submits the list to Congress.

In 2015, 21 of the 23 countries ranked as Tier 3 received a full or partial waiver. Thirteen were granted full waivers, and 8 were granted partial

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<sup>29</sup>This timeframe also applies if State issues an interim report regarding countries on the Tier 2 Special Watch list.

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waivers. For example, Thailand received a full waiver of the TVPA restriction on nonhumanitarian, nontrade-related foreign assistance. South Sudan received a partial waiver to allow for nonhumanitarian, nontrade related assistance otherwise restricted under the act, except for funding for foreign military sales, foreign military financing, and excess defense articles, which was restricted as a result of its placement in Tier 3. North Korea and Iran were not granted any waivers on funding restrictions. However, the assistance the United States has provided to these governments, if any, would be limited, so little funding would be restricted as a result.

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## State Has Made Improvements to the *Trafficking in Persons Report* but Does Not Explicitly Explain the Basis for Certain Countries' Tier Rankings or Tier Changes

State has made improvements to the *Trafficking in Persons Report* but does not explicitly explain the basis for certain countries' tier rankings or, where relevant, why countries' tier rankings changed. Our analysis of the 2015 *Trafficking in Persons Report* found that, compared to our previous review in 2006, there were few instances in which minimum standards and criteria were not mentioned in the report country narratives. However, most narratives for the highest-ranked, or Tier 1, countries in the 2015 and 2016 reports did not explicitly explain the basis for the tier ranking. The TVPA-mandated reports state that Tier 1 countries are those whose governments fully comply with the minimum standards to combat trafficking. Specifically, the *Trafficking in Persons Report* states that "while Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards." Nonetheless, we found that the narratives sometimes included language that seemed contradictory to certain standards and criteria. These narratives also did not contain an explanation as to how the negative information provided fits into the country's overall placement in Tier 1 in accordance with State's reporting guidance. Moreover, the narratives also included ambiguous language, which made it unclear how State had determined whether certain standards and criteria were met. In addition, we found that, for countries that changed tier from one year to the next, most narratives did not provide an explicit explanation as to why State had decided to change those countries' tier rankings. *Standards for Internal Control in the Federal Government* states that information should

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be communicated in a way that is useful to internal and external users.<sup>30</sup> Without such clarity, the report's usefulness could be diminished.

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## State Has Made Improvements to the *Trafficking in Persons Report* Since 2006

Our analysis of the 2015 *Trafficking in Persons Report* found that State has made improvements to its annual report since our previous review in 2006.<sup>31</sup> In 2006, we reported that many country narratives in the 2005 *Trafficking in Persons Report* did not mention compliance with certain minimum standards and criteria.<sup>32</sup> In contrast, our analysis of the 2015 *Trafficking in Persons Report* found considerably fewer instances in which standards and criteria were not mentioned in the country narratives:

- For example, in 2006 we reported that the narratives for 21 percent of the Tier 1 countries did not mention whether the governments complied with the second minimum standard, which, among other things, calls for governments to prescribe penalties for sex trafficking that are commensurate with those for grave crimes such as forcible sexual assault. In contrast, our analysis of the 2015 *Trafficking in Persons Report* found that all Tier 1 country narratives mentioned the second minimum standard.
- We also reported in 2006 that the narratives for 80 percent of the countries in the lowest two tiers (Tier 2 Watch List and Tier 3) failed to mention key aspects of the victim protection criterion for minimum standard four, including whether victims were encouraged to assist in the investigation and prosecution of trafficking cases, whether the government provided legal alternatives to removal to countries in which victims would face retribution or hardship, and whether victims were protected from being inappropriately penalized for unlawful acts committed as a direct result of being trafficked. In contrast, our analysis of the 2015 *Trafficking in Persons Report* found that less than half (42 percent) of the Tier 2 Watch List and Tier 3 country narratives did not mention these aspects of the victim protection criterion.

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<sup>30</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: Nov. 1, 1999).

<sup>31</sup>[GAO-06-825](#).

<sup>32</sup>See appendix II for a list of the TVPA minimum standards and criteria.

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## Report Narratives for Countries in Lowest Three Tiers Appear to Generally Support Countries' Tier Rankings

The *Trafficking in Persons Report* defines the three lowest tiers (Tier 2, Tier 2 Watch List, and Tier 3) as exhibiting varying degrees of noncompliance with the TVPA minimum standards. We found that Tier 3 country narratives generally described decreasing or inadequate efforts. Furthermore, across the narratives for the countries in the lowest three tiers, we found that the groups of narratives in each tier contained progressively less negative information regarding governments' actions moving from Tier 3 to Tier 2 Watch List to Tier 2. For example, criterion 11 of minimum standard four concerns whether governments achieve appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.<sup>33</sup> Trafficking Office analysts said that governments should show overall increasing efforts across the prosecution, protection, and prevention categories to meet this criterion, and that State's assessment is captured in the first sentence of each category:

- *Tier 3 country narratives generally described decreasing or inadequate efforts.* Our analysis found that 20 (87 percent) of the 23 Tier 3 country narratives described decreasing or inadequate efforts in one or more of the prosecution, protection, and prevention categories. In addition, only two country narratives described increasing efforts in any of the three categories. The *Trafficking in Persons Report* defines Tier 3 countries as those whose governments do not fully comply with the minimum standards and are not making significant efforts to bring themselves into compliance with those standards.
- *Tier 2 Watch List country narratives generally described decreasing, mixed, or sustained efforts.* Our analysis found that 34 (77 percent) of the 44 Tier 2 Watch List country narratives described decreasing, mixed, or sustained efforts in one or more of the prosecution, protection, and prevention categories. Narrative reporting of mixed efforts included a combination of positive and negative findings, such as that the government had increased identification of victims but had provided victims inadequate assistance, or had made progress in law enforcement efforts but continued to lack trafficking convictions. The *Trafficking in Persons Report* defines Tier 2 Watch List countries as those whose governments do not fully comply with the minimum

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<sup>33</sup>According to the Trafficking Office, whether a government meets a particular criterion within minimum standard four is not conclusive in determining whether the government has met that standard. Rather, it is one of the factors State weighs to assess the government's efforts. See appendix II for a list of the TVPA minimum standards and criteria.

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standards but are making significant efforts to bring themselves into compliance with those standards, and where there is a failure to provide evidence of increasing efforts to combat trafficking from the previous year, among other things.

- *Tier 2 country narratives generally described increasing, mixed, or sustained efforts.* Our analysis found that 77 (89 percent) of the 87 Tier 2 country narratives described increasing, mixed, or sustained efforts in one or more of the prosecution, protection, or prevention categories. Furthermore, in contrast to the 87 percent of Tier 3 country narratives that described decreasing or inadequate efforts in one or more of the three categories, less than half (36 percent) of Tier 2 country narratives did. The *Trafficking in Persons Report* defines Tier 2 countries as those whose governments do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance with those standards.

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### Report Narratives in Most Cases Do Not Explicitly Explain the Basis for the Tier Ranking of the Highest-Ranked Countries

While our analysis of the narratives for the Tier 1 countries as a group continued the trend of showing increased improvement in governments' actions as compared to the groups of narratives for the other tiers, the narratives for most Tier 1 countries in State's 2015 and 2016 *Trafficking in Persons* reports did not explicitly explain the basis for the tier rankings. We did not assess whether State had placed countries in the appropriate tier; rather, we assessed the language State used in the country narratives. In implementing the TVPA, State ranks countries whose governments fully comply with the minimum standards as Tier 1; however, the report narratives sometimes included language that seemed contradictory to certain standards and criteria.<sup>34</sup> The narratives also included ambiguous language, which meant that we were unable to determine how State had determined whether certain standards and criteria were met.<sup>35</sup> Specifically, our analysis found that 61 (92 percent) of

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<sup>34</sup>As previously mentioned, the *Trafficking in Persons Report* states that "while Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards."

<sup>35</sup>Narratives at every level included language that seemed contradictory to certain standards or criteria, or ambiguous language, which resulted in our inability to determine how State had determined whether certain standards or criteria were met. We focus on Tier 1 countries because they are the only countries whose governments are found to comply with all the TVPA minimum standards. Thus, unclear language is more notable in these cases.

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the 66 Tier 1 country narratives in the 2015 and 2016 reports included language that seemed contradictory to certain standards and criteria, ambiguous language that made it unclear as to how State had determined whether certain standards and criteria were met, or both. However, the narratives did not explain how the contradictory or ambiguous language provided fits into the country's overall placement in Tier 1 in accordance with State's reporting guidance.<sup>36</sup> *Standards for Internal Control in the Federal Government* states that information should be communicated in a form that is useful to internal and external users.<sup>37</sup> Without clarity in country narratives regarding State's assessments of governments' compliance with the minimum standards to combat trafficking, particularly for Tier 1, which is described by the report as governments of countries that fully meet the TVPA's minimum standards for the elimination of trafficking, the report's usefulness could be diminished.

Over Half of Narratives Contained Language that Seemed Inconsistent with the Highest Ranking

Forty (61 percent) of the 66 Tier 1 country narratives in State's 2015 and 2016 *Trafficking in Persons* reports had at least one section that seemed inconsistent with State's reporting guidance regarding narratives for countries with the highest ranking. Our analysis of the Tier 1 country narratives in the 2015 and 2016 reports found that the narratives for 3 (5 percent) of the 66 Tier 1 country narratives for that period included language that seemed contradictory to State's interpretation of the first three minimum standards, which generally call for governments to prohibit severe forms of trafficking in persons and prescribe penalties that are sufficiently stringent and commensurate with those for grave crimes such as forcible sexual assault. Trafficking Office analysts said that, in drafting the narratives, the interpretation they use is that governments should prohibit all forms of trafficking and prescribe penalties that are sufficiently stringent<sup>38</sup> and commensurate with those for other serious crimes, such

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<sup>36</sup>Some country narratives included both language that seemed contradictory to certain standards and criteria, and ambiguous language that made it unclear as to how State had determined whether certain standards and criteria were met, without explaining how the contradictory or ambiguous language provided fits into the country's overall placement in Tier 1. As a result, the total percentages across both categories will exceed 100 percent.

<sup>37</sup>[GAO/AIMD-00-21.3.1.](#)

<sup>38</sup>As discussed earlier in this report, to determine whether a foreign government meets the minimum standard for prescribing penalties for trafficking crimes that are sufficiently stringent, State guidelines state that the country should include criminal penalties to include a maximum sentence of at least 4 years deprivation of liberty, or a more severe penalty.

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as rape,<sup>39</sup> to meet these standards. For example, the narrative for New Zealand in the 2016 report noted that the government enacted a bill that substantially conforms the definition of trafficking with international law; however, the narrative also stated that the bill does not include a provision making the sex trafficking of a child a crime regardless of deception or coercion, which is, according to the narrative, inconsistent with international law. The narrative further noted that prescribed penalties are not sufficiently stringent because of the possibility that a fine can be imposed in lieu of imprisonment and that the penalty for sex trafficking is insufficient because it is not a penalty commensurate with that imposed for other serious crimes, such as rape. The narrative does not, however, contain an explanation as to how the negative information provided fits into the country's overall placement in Tier 1.

Further, 39 (59 percent) of the 66<sup>40</sup> Tier 1 country narratives in the 2015 and 2016 reports included language that seemed contradictory to certain criteria State uses to assess whether governments are making serious and sustained efforts to eliminate severe forms of trafficking as called for by the fourth minimum standard.<sup>41</sup> Criterion 11 of minimum standard four concerns whether governments achieve appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year. Trafficking Office analysts said that governments should show overall increasing efforts across the prosecution, protection, and prevention categories to meet this criterion and that increasing efforts in each of these categories is not required. However, the narratives for 10 (15 percent) of the 66 Tier 1 country narratives for that period reported that the governments made decreased, weakened, limited, or inadequate efforts in at least one of the prosecution, protection, and prevention categories. While increasing efforts in each of these categories is not

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<sup>39</sup>To determine whether a foreign government meets the minimum standard for prescribing penalties for sex trafficking that are commensurate with those for grave crimes such as forcible sexual assault, State guidelines state that the prescribed penalties for sex trafficking crimes or trafficking involving rape, kidnapping, or death should be substantially similar to those involving rape, taking into account the full range of sentences available.

<sup>40</sup>These 39 country narratives include 2 of the 3 country narratives mentioned above that also include language that seemed contradictory to State's interpretation of the first three minimum standards.

<sup>41</sup>As discussed earlier in this report, there are 12 criteria that should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons for minimum standard four determinations. According to the Trafficking Office, it examines each criterion separately and its assessment of each individual criterion factors into its overall assessment of compliance with minimum standard four.

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required, this seems inconsistent with Trafficking Office guidelines and statements that indicate Tier 1 countries should show evidence of sustained progress in combating trafficking in persons. For example:

- The 2015 report narrative for Armenia noted that the government demonstrated decreased law enforcement efforts, as authorities reported fewer prosecutions and convictions.
- The narrative for Canada in the 2016 report stated that the government identified fewer trafficking victims than in previous years; the government did not provide adequate funding for specialized victim services; and the range, quality, and timely delivery of services varied across the provinces.<sup>42</sup>

The narratives also included language that seemed contradictory to State's interpretation of minimum standard four criteria addressing training for diplomats, efforts to reduce demand, and efforts to protect victims from inappropriate penalization for unlawful acts committed as a direct result of being trafficked. As previously discussed, there are 12 criteria that should be considered for minimum standard four determinations; the Trafficking Office examines each criterion separately, and its assessment of each individual criterion factors into its overall assessment of compliance with minimum standard four.<sup>43</sup> Specifically, we found that, of the 66 Tier 1 country narratives:

- 10 narratives (15 percent) noted that the governments did not provide antitrafficking training or guidance for their diplomatic personnel (criterion 3);<sup>44</sup>

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<sup>42</sup>According to the Trafficking Office, victim identification data should indicate increasing efforts compared to the previous year.

<sup>43</sup>According to the Trafficking Office, whether a government meets a particular criterion within minimum standard four is not conclusive in determining whether the government has met that standard. Rather, it is one of the factors State weighs to assess the government's efforts.

<sup>44</sup>For criterion 3, the TVPA speaks in terms of whether governments adopted measures to prevent trafficking, such as measures to ensure its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking. State's interpretation of this measure is that to determine whether governments' efforts have met this one measure, governments must provide training for diplomats as well as any troops deployed abroad as part of international peacekeeping missions (as applicable).



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- 12 narratives (18 percent) noted that the governments did not make efforts to reduce the demand for commercial sex acts or forced labor (criterion 12);<sup>45</sup> and
  - 15 narratives (23 percent) noted that the governments inappropriately penalized trafficking victims for unlawful acts committed as a direct result of being trafficked (criterion 2).

For example, the 2016 report narrative for Ireland stated that the government prosecuted, convicted, and imprisoned Asian victims of forced labor in illegal cannabis production for crimes committed while subjected to trafficking, with 70 Asian nationals remaining in prison related to cannabis offenses, including 30 cases where the defendants were in pretrial detention.

However, the narratives did not explicitly explain how these deficiencies fit into the country's overall placement in Tier 1.

Narratives Included Ambiguous Language, Making It Unclear How State Determined whether Certain Standards and Criteria Were Met

The 2015 and 2016 report country narratives included ambiguous language, making it difficult to determine how State had determined whether certain minimum standards and criteria were met, thus leaving State's justification for a Tier 1 ranking unclear. We were unable to determine, judging from the narratives, State's complete rationale for the placement of 45 (68 percent) of the 66 Tier 1 countries. Specifically, we found ambiguous language relating to the first minimum standard (addressing the prohibition and punishment of trafficking); the minimum standard four criterion on making appreciable progress; and the minimum standard four criterion on victim protection, as interpreted by State.<sup>46</sup>

- *Prohibiting and punishing trafficking (minimum standard 1)*. Our analysis found that the narratives for 13 (20 percent) of the 66 Tier 1 country narratives for 2015 and 2016 stated that the governments prohibit sex and labor trafficking, leaving it unclear how State considered information to determine whether the governments prohibit

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<sup>45</sup>For criterion 12, the TVPA discusses serious and sustained efforts in reducing the demand only for commercial sex acts and participation in international sex tourism; State's interpretation of the criterion also includes forced labor.

<sup>46</sup>For some country narratives, we found ambiguous language relating to more than one of the standards or criteria. As such, the total percentages across the standards and criteria will be greater than 100 percent.

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all forms of trafficking.<sup>47</sup> According to Trafficking Office analysts, Tier 1 countries must criminalize all forms of trafficking. The 2015 and 2016 reports include the following categories of trafficking: sex trafficking, child sex trafficking, forced labor, bonded labor or debt bondage, domestic servitude, forced child labor, and unlawful recruitment and use of child soldiers. The narratives for most Tier 1 countries explicitly stated that the governments prohibit all forms of trafficking. For those narratives that did not explicitly state that the governments prohibit all forms of trafficking, Trafficking Office analysts acknowledged that there could be gaps in the countries' laws, which should be explained in the narratives, or that inconsistent language might have been used across country narratives.

- *Making appreciable progress in eliminating severe forms of trafficking when compared to the previous year's assessment (minimum standard 4, criterion 11).* Our analysis of the 2015 and 2016 reports found that the narratives for 16 (24 percent) of the Tier 1 country narratives for that period did not contain clear language describing appreciable progress for any of the prosecution, protection, and prevention categories. For each category, the narratives described mixed efforts; stated that the governments made "modest efforts"; or stated that the governments "sustained," "maintained," or "continued" their efforts without defining those words or stating whether the country made progress. For example, the narrative for Israel in the 2015 report cited a mix of positive and negative findings for the prosecution and protection categories and "continued" efforts for the prevention category. For prosecution, the narrative noted that the government made strong law enforcement efforts but also gave inadequate sentences to convicted offenders. For protection, it stated that the government improved its efforts to identify and protect trafficking victims but also stated that unidentified victims among the African migrant population remained vulnerable to the government's policy of detaining migrants. The narrative cited "continued" government efforts for the prevention category without explaining whether those efforts demonstrated progress when compared with the previous year.
- *Protecting victims of trafficking (minimum standard 4, criterion 2).* Our analysis found that the narratives for 34 (52 percent) of the 66 Tier 1 country narratives for 2015 and 2016 were unclear regarding how

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<sup>47</sup>As previously mentioned, the *Trafficking in Persons Report* states that a Tier 1 ranking does not mean that a country has no human trafficking problem or that it is doing enough to address the problem.

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State considered information to determine whether governments met the overall victim protection requirement. State Trafficking Office analysts said that State defines victim protection as (1) the identification of victims, (2) the existence of systems to refer victims to care, and (3) the provision of victim assistance (e.g., services, shelter). However, the narratives did not clearly explain government compliance with this criterion for most Tier 1 countries in the 2015 and 2016 reports. For example, the 2015 report narrative for the United States stated that some trafficking victims, including those under 18 years of age, were detained or prosecuted for conduct committed as a direct result of being subjected to trafficking. The narrative also stated that NGOs reported that many state and local authorities failed to treat sex-trafficked children as victims of trafficking by arresting and incarcerating them, including states with “safe harbor” laws designed to protect children from criminalization. However, it also noted that to address these challenges, the U.S. Department of Health and Human Services facilitated training with advocates, attorneys, and service providers across the United States to increase identification of child trafficking victims.

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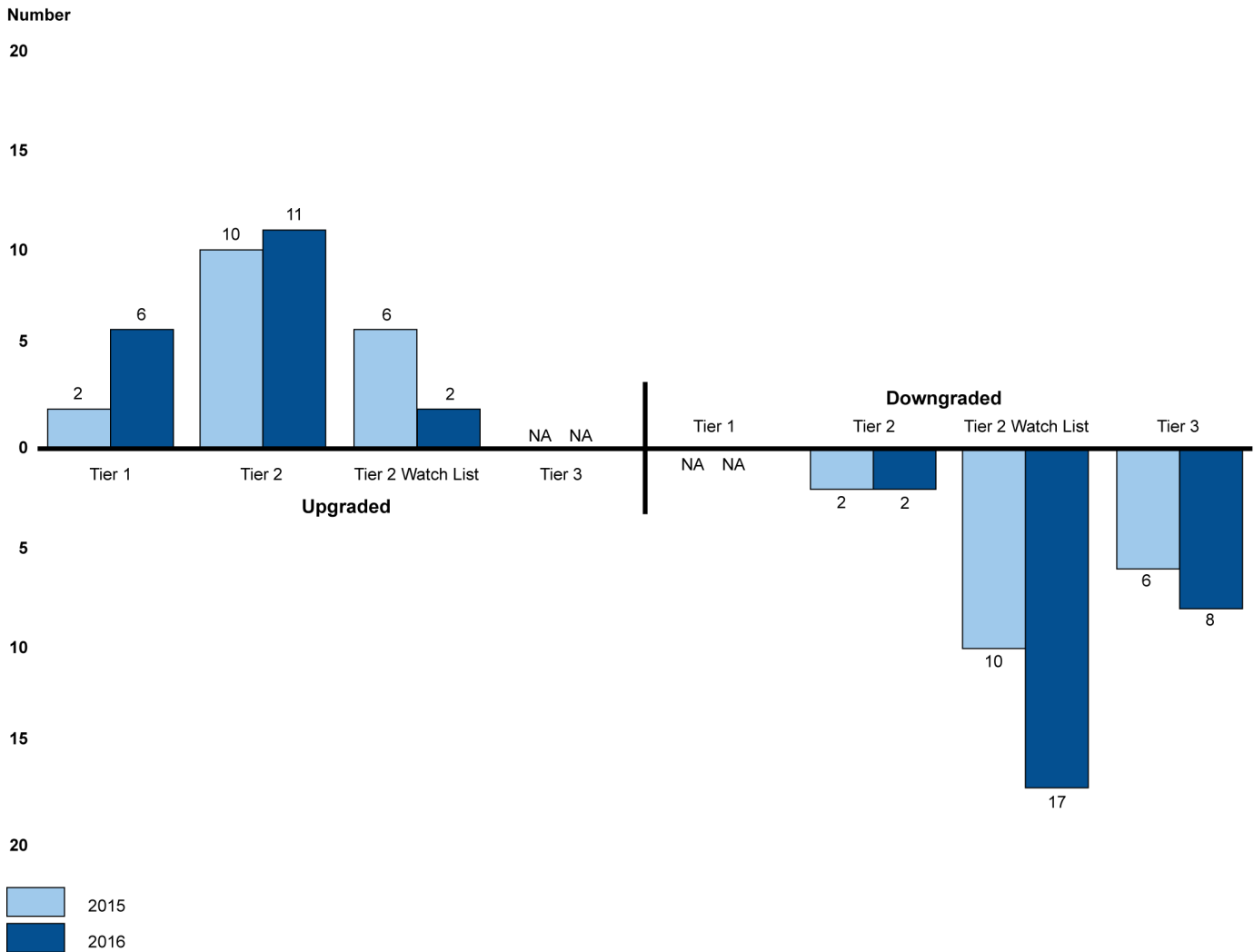
### Most Report Narratives Do Not Provide Explicit Explanations as to Why Countries Changed Tier Ranking

Our analysis of the 2015 and 2016 *Trafficking in Persons* reports showed that most country narratives did not provide an explicit explanation as to why countries were upgraded or downgraded in their tier ranking from one year to the next. Although each narrative includes a trend line that shows a country’s tier ranking from one year to the next, the narratives do not explicitly explain why a country’s tier ranking changed. *Standards for Internal Control in the Federal Government* states that information should be communicated in a form that is useful to internal and external users.<sup>48</sup> The lack of an explicit explanation for most of State’s decisions to upgrade or downgrade countries to a different tier could limit the ability of internal and external stakeholders to understand the justification for tier changes and, in turn, use the report as a diplomatic tool to advance efforts to combat trafficking. Further, understanding tier ranking changes is viewed as complicated, according to some State officials, by the challenges in determining whether a government’s efforts are significant according to the minimum standards when several indicators may point in different directions. The tier ranking for a total of 82 countries was changed in the 2015 and 2016 reports: 37 were upgraded, and 45 were downgraded (see fig. 5).

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<sup>48</sup>[GAO/AIMD-00-21.3.1.](#)

**Figure 5: Number of Countries Upgraded or Downgraded in Their Tier Ranking in the Department of State’s 2015 and 2016 Trafficking in Persons Reports**



NA = not applicable because a country cannot be upgraded to Tier 3 or downgraded to Tier 1.

Source: GAO analysis of the Department of State’s 2015 and 2016 Trafficking in Persons reports. | GAO-17-56

Note: In addition to the six countries upgraded to Tier 1 in 2016, one territory—St. Maarten—was also upgraded. Furthermore, two countries—Libya and Yemen—that were in Tier 3 in 2015 were moved to the special case category in 2016. For special cases, the Trafficking in Persons Report discusses a country’s government’s efforts to address trafficking but does not provide a tier ranking for the country.

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Our analysis showed that, of the 82 countries upgraded or downgraded in 2015 or 2016, 7 (9 percent) of the country narratives explicitly explained why the country's tier ranking changed; however, none of the remaining 75 country narratives explicitly explained why the country's tier ranking changed. According to Trafficking Office guidance and analysts, State's justification for a country's tier ranking is captured in the summary paragraph of the country narrative. The analysts also noted that the government does not need to show progress or lack of progress in all three categories (prosecution, protection, and prevention) for a tier change; in some cases, positive or negative movement in one category is sufficient for a tier upgrade or downgrade. We examined the summary paragraphs to determine whether they provided clear explanations as to why countries were upgraded or downgraded in their tier ranking. The only country narratives with an explicit explanation were for those countries subject to the TVPA automatic downgrade provision. As discussed earlier in this report, the TVPA, as amended, requires that countries be automatically downgraded to Tier 3 after 2 consecutive years on Tier 2 Watch List unless the country is granted a waiver based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to comply with the TVPA minimum standards and is devoting sufficient resources to implement the plan. The waiver can be issued for 2 consecutive years, bringing the total length of time a country can remain on Tier 2 Watch List to 4 consecutive years. The narratives with explicit explanations cited this 4-year time limit, or a waiver no longer being available, or the lack of a written plan, as the reason for downgrading a country from Tier 2 Watch List to Tier 3.

For those country narratives (75 of 82) that lacked an explicit explanation, we examined the summary paragraphs and the first sentence of each of the prosecution, protection, and prevention sections in the narratives to see if there was any discernible information that may explain the tier change. The narratives provided no direct linkage between the tier change and the information cited in the summary paragraphs and opening sentences. Trafficking Office analysts noted that they had not made a deliberate decision to exclude an explanation as to why a country changed tier but that this information can be inferred from the summary paragraphs.

We found that 2 of these 75 country narratives provided no discernible explanation for the tier change. The narratives described mixed efforts, or included other ambiguous or contradictory language. Seventy-three country narratives provided some information that could help explain

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State's decision to change the tier; however, no direct linkage was made between such information and the tier change. Specifically, some narratives provided an overarching statement summarizing State's determination regarding the country's progress or lack of progress against trafficking. For example, the 2015 summary paragraph for Kenya (which was upgraded to Tier 2) stated that the government had made robust efforts to implement the Counter-Trafficking in Persons Act for the first time since it came into effect in 2012. Other narratives provided some information for at least one of the three categories (prosecution, protection, and prevention) that could help explain State's decision to change the tier. For example, the most commonly cited negative finding for countries that were downgraded was that the government did not prosecute or convict any traffickers during the reporting period or that such law enforcement efforts had decreased when compared with the previous reporting period. However, the narratives did not directly explain that such information was a reason for the change in tier.

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**State and Other Officials Indicate that the *Trafficking in Persons Report* Is a Useful Tool in Engaging with Other Countries, but State Has Not Systematically Assessed Its Effectiveness**

Based on our discussions with selected officials from State, other agencies, and NGOs, the *Trafficking in Persons Report* has raised awareness about trafficking and that countries' concerns about their tier ranking can spur them to make progress. However, the report can also complicate bilateral efforts. Further, the U.S. government has waived Tier 3 funding restrictions, potentially reducing the reports' impact. Finally, State officials said they do not yet systematically assess the effectiveness of the *Trafficking in Persons Report* as a tool to encourage countries to combat human trafficking but plan to do so. Without such an assessment, the effect of the report in encouraging governments to make progress against trafficking is not well understood.

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*Trafficking in Persons Report* Can Create Opportunities and Challenges in Encouraging Actions against Trafficking

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*Trafficking in Persons Report*  
Can Be a Useful Tool to  
Encourage Governments to  
Address Trafficking

Most State, other U.S. government agency, and NGO officials we spoke with agreed that the *Trafficking in Persons Report* can be a useful tool to encourage other countries' governments to take action against trafficking in persons, with the United States seen as a leader on trafficking issues. According to U.S. government and NGO officials we interviewed, the report has international credibility, in part because the definition of trafficking and focus on prosecution, protection, and prevention are generally consistent with the UN Protocol on trafficking in persons, which most countries are party to.<sup>49</sup> In addition, according to some of these officials, the report has raised awareness about trafficking, including forced labor and domestic servitude.

Countries' concerns about their tier ranking, and thus their reputation, can help spur progress, according to State officials. For example, according to a regional bureau official, the report has helped prompt governments in the region to open shelters and raise awareness of trafficking, and, in one country, training recommended by the report led police to break up a trafficking ring. Further, other regional bureau officials said that improving their ranking in the *Trafficking in Persons Report* provides an incentive for those countries trying to join certain multilateral organizations, such as the North Atlantic Treaty Organization. Many countries want to highlight the good they are doing and move to Tier 1. For example, Georgia, which officials said has made determined efforts, has subsequently moved to Tier 1.

State officials said they use the *Trafficking in Persons Report* for engagement with a country's government. State communicates with each country's government to provide a plan for future action following the report's release. If State officials were considering downgrading a country but ultimately decided not to, a regional bureau official said they will use that information in discussions with the country. In addition, regional bureau officials said that some Chiefs of Mission will focus on trafficking as an issue in private meetings, public forums, op-eds, and speeches. State officials also discuss which of the *Trafficking in Persons Report* recommendations could be realistically addressed in the next reporting period, according to officials, and discuss those recommendations with

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<sup>49</sup>*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. As of September 7, 2016, 169 countries are party to the protocol.

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the country's government, especially those on Tier 2 Watch List and in Tier 3. According to a regional bureau official, the recommendations in the report are an important articulation of what the U.S. government sees as critical for a country to address. However, according to State officials, some of the recommendations cannot realistically be implemented in one year.

*Trafficking in Persons Report*  
Can Complicate Bilateral  
Relationships

The *Trafficking in Persons Report* can also complicate bilateral efforts, according to State regional bureau officials. If a country is making efforts to combat trafficking but is downgraded, that country might stop its antitrafficking efforts or reduce bilateral dialogue with the United States since the country did not see any positive recognition of its efforts in the report, according to an official. Further, regional bureau officials said that some countries may have requested assistance to work on their antitrafficking goals, which, however, was not provided. State officials noted that resources for such assistance is finite and thus is prioritized based on various factors. Some State officials noted that some governments reacted negatively to report findings and were less receptive to open dialogue. However, officials added that cases of decreased receptiveness were usually temporary. For example, when one country was on Tier 2 Watch List, the government would not engage the U.S. government on trafficking issues, but now that the country is in Tier 2, the government regularly engages with the trafficking officer at post, according to a regional bureau official. In addition, a regional bureau official said that another country completely shut down relations and discontinued bilateral engagement with the United States for months after a disappointing tier ranking. Finally, some of these officials said that the *Trafficking in Persons Report* highlights negative factors more than positive actions, which makes other countries' governments see the report as a punishment rather than an incentive to make efforts against trafficking.

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The U.S. Government Has  
Frequently Waived Tier 3  
Funding Restrictions,  
Potentially Reducing Their  
Impact

As previously discussed, countries in Tier 3 are subject to restrictions on assistance. These restrictions cover nonhumanitarian, nontrade-related foreign assistance for affected governments, assistance through multilateral development banks and, for certain countries, funding for government official or employee participation in educational and cultural exchange programs. The President has issued full or partial waivers for many of the governments subject to the restrictions. For example, as previously discussed, 21 of the 23 countries ranked Tier 3 in 2015 received a full or partial waiver. Officials raised questions about the efficacy of the funding restrictions. For example, some NGO officials said



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that, given the likelihood that the funding restrictions will be waived, governments do not see them as a credible threat that would motivate them to increase antitrafficking efforts. Further, some State officials said that, although some governments are motivated by the possibility of funding restrictions, many are more concerned about the reputational harm that comes with a Tier 3 ranking rather than about the risk of losing funding. In addition, State officials said that while the *Trafficking in Persons Report* is visible and is reported on locally, assistance from the World Bank and other international financial institutions, such as the International Monetary Fund, goes forward without U.S. support. Thus, U.S. opposition would not, on its own, prevent a country in Tier 3 from obtaining multilateral assistance.<sup>50</sup>

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**State Does Not Systematically Assess the Effectiveness of the *Trafficking in Persons Report***

State has not yet systematically assessed the effectiveness of the *Trafficking in Persons Report* as a tool to encourage countries to combat human trafficking, according to State officials. As a result, State does not have a formal assessment of how well the report achieves the goal of encouraging governments to make progress in combating trafficking.

State officials noted a number of difficulties in systematically assessing the report's effectiveness. For example, steps that foreign governments take to address human trafficking could be in response to any number of factors, not just the *Trafficking in Persons Report*. In addition, officials from one of the regional bureaus stated that because reliable data on the level of trafficking are limited due to its inherent clandestine nature, it is difficult to gauge the effectiveness of the *Trafficking in Persons Report* in encouraging change. It is also difficult to measure a country's efforts. For example, it can be difficult to assess whether a decrease in the number of victims identified indicates a decrease in trafficking, or fewer country efforts to identify and assist victims. The lack of reliable data on law enforcement and victim assistance further complicates efforts to assess effectiveness.

Trafficking Office and regional bureau officials stated that they do not systematically track the extent to which countries take the actions that State recommends in the report. According to State, the recommendations provide governments guidance on how to enhance

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<sup>50</sup>See GAO, *International Monetary Fund: Efforts to Advance U.S. Policy at the Fund*, [GAO-01-214](#) (Washington, D.C.: Jan. 29, 2001).

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their efforts to meet the TVPA's minimum standards. Officials noted that interim assessments required by the TVPA, and the process State has for producing them, serve as a systematic review of progress by governments in implementing the recommendations for Tier 2 Watch List countries. In addition, the guidance on developing the report that the Trafficking Office analysts use includes a section for assessment of efforts to address the previous year's recommendations. Further, the Trafficking Office has begun efforts to compile information on recommendations, such as the prioritization of the recommendations and the number of consecutive years the recommendations have been in the *Trafficking in Persons Report*. However, to date, the effort has not assessed the impact of the report's recommendations.

Officials from the Trafficking Office stated that they have taken steps to more systematically assess the report's effectiveness.<sup>51</sup> Specifically, officials said they have hired a monitoring and evaluation expert to assess the Trafficking Office's activities, including the *Trafficking in Persons Report*. In addition, Trafficking Office officials said they plan to develop a knowledge management database, for which they have solicited bids. According to these officials, a better understanding of the results of the *Trafficking in Persons Report* will contribute to this larger monitoring and evaluation effort. Further, these officials said they are considering ways to more effectively push for short- and medium-term progress in a way that also achieves the long-term structural changes needed to address trafficking. According to *Standards for Internal Control in the Federal Government*, agency officials need various types of information to determine whether they are meeting an agency's objectives.<sup>52</sup> Without systematically assessing the effectiveness of the *Trafficking in Persons Report* by, for example, tracking the implementation of recommendations, State does not know the extent to which the report is having an impact on punishing traffickers, protecting and assisting victims, and preventing human trafficking.

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## Conclusions

Human trafficking causes victims grave personal suffering and negatively affects the communities involved. Congress has maintained an active

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<sup>51</sup>At least one academic study shows a link between the *Trafficking in Persons Report* and government action taken to combat trafficking. See, for example, Judith G. Kelley and Beth A. Simmons, "Politics by Number: Indicators as Social Pressure in International Relations," *American Journal of Political Science*, vol. 59, no. 1 (2015).

<sup>52</sup>[GAO/AIMD-00-21.3.1](#).

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interest in human trafficking issues, including mandating and expanding the *Trafficking in Persons Report*, which highlights the exploitation of men, women, and children around the world and the efforts of governments to combat trafficking. Since our 2006 report, State has improved its reporting of these efforts. This complex task involves evaluation of every country against itself—per the minimum standards outlined in the TVPA and interpreted by State; one country's efforts are not directly compared to those of another. In addition, every country is different, with varying degrees of capacity to address this heinous crime.

Some important shortcomings of the *Trafficking in Persons Report* could limit its usefulness as a tool to encourage countries to increase their efforts to prosecute and punish traffickers, protect and assist victims, and prevent trafficking. First, despite a legislative requirement to do so, State has not regularly posted on its public website a detailed description of the credible evidence supporting the determination to issue a waiver to avoid an automatic downgrade to Tier 3. This lack of transparency limits the ability of external stakeholders to understand the justification for these waivers and their usefulness in the annual review process. In addition, the *Trafficking in Persons Report* does not always explicitly communicate State's assessment of how the highest-ranked foreign governments met the minimum standards to combat trafficking. The report also lacks an explicit explanation for many of the decisions to upgrade or downgrade countries to a different tier. This lack of clarity could cause confusion about the status of country actions or State's decision making and could limit the ability of State and others to use the report as a diplomatic tool to advance efforts to combat trafficking. Consistent language could help clarify State's assessment of actions governments have taken. Finally, State has not systematically assessed the effectiveness of the *Trafficking in Persons Report*; as a result, State does not know how well the report achieves the goal of diminishing trafficking in persons throughout the world. The *Trafficking in Persons Report* sheds light on the efforts governments and organizations throughout the world are taking to fight trafficking. Improvements to the report can increase its usefulness as another tool in the struggle to protect and provide justice for vulnerable populations.

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## Recommendations for Executive Action

To improve the transparency and clarity of the *Trafficking in Persons Report* and improve its usefulness as a diplomatic tool to encourage countries to address trafficking, we recommend that the Secretary of State take the following four actions:

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1. On an annual basis, ensure the full implementation of recently revised *Trafficking in Persons Report* preparation guidance that includes posting a detailed description of the credible evidence used to support automatic downgrade waivers on its publicly available website, in compliance with the 2013 TVPA.
  2. Improve explanations in narratives for Tier 1 rankings, including using consistent language, as feasible, in the *Trafficking in Persons Report*.
  3. Provide an explicit linkage between statements in the *Trafficking in Persons Report* and decisions to upgrade or downgrade a country's tier ranking.
  4. Take actions, such as tracking the recommendations in the *Trafficking in Persons Report*, to assess the effectiveness of the report as a tool to encourage countries to address human trafficking.

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## Agency Comments

We provided a draft of this report to the Department of State for comment. In its written comments, reproduced in appendix V, State concurred with the recommendations. Specifically, State said that, as our report noted, it has updated its standard operating procedures to ensure a description of the credible evidence used to support automatic downgrade waivers, as required by the TVPA, is posted to State's website. While updating State's procedures is an important step, our recommendation is to ensure the full implementation of those new procedures. In addition, State said it seeks to make each country narrative comprehensive in order to make the *Trafficking in Persons Report* as useful as possible to a broad array of stakeholders and will continue its commitment to ensure each narrative better serves this purpose. Finally, State described steps it is taking to more systematically assess the effectiveness of the *Trafficking in Persons Report* in encouraging governments to address human trafficking, including the recent establishment of a monitoring and evaluation position in the Trafficking Office.

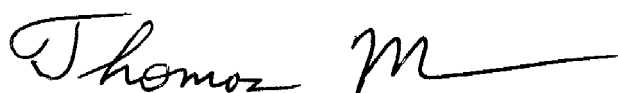
State also provided technical comments, which we incorporated as appropriate.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of State, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

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If you or your staff have questions about this report, please contact me at (202) 512-9601, or [melitot@gao.gov](mailto:melitot@gao.gov). 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 key contributions to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Thomas M" followed by a long horizontal flourish.

Thomas Melito  
Director, International Affairs and Trade

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*List of Addressees*

The Honorable Lindsey Graham  
Chairman

The Honorable Patrick J. Leahy  
Ranking Member

Subcommittee on State, Foreign Operations, and Related Programs  
Committee on Appropriations  
United States Senate

The Honorable Benjamin L. Cardin  
Ranking Member

Committee on Foreign Relations  
United States Senate

The Honorable Robert Menendez  
United States Senate

The Honorable Kay Granger  
Chairwoman

The Honorable Nita M. Lowey  
Ranking Member

Subcommittee on State, Foreign Operations, and Related Programs  
Committee on Appropriations  
House of Representatives

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# Appendix I: Objectives, Scope, and Methodology

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This report addresses (1) the process the Department of State (State) uses to prepare country narratives and decide tier rankings in the *Trafficking in Persons Report*; (2) the extent to which country narratives in the *Trafficking in Persons Report* clearly discuss the minimum standards to combat trafficking as enumerated in the Trafficking Victims Protection Act (TVPA) and interpreted by State; and (3) the extent to which State assesses the effectiveness of the *Trafficking in Persons Report* as a diplomatic tool to encourage countries to address human trafficking.

To address these objectives, we reviewed documents and relevant laws, including the TVPA, as amended. We interviewed officials from State's Office to Monitor and Combat Trafficking in Persons (Trafficking Office) and from all of State's regional bureaus: the bureaus of African Affairs, East Asian and Pacific Affairs, European and Eurasian Affairs, Near Eastern Affairs, South and Central Asian Affairs, and Western Hemisphere Affairs. In addition, we interviewed State functional offices and bureaus that have some involvement in the *Trafficking in Persons Report*. These include the Bureau of Economic and Business Affairs; the Bureau of Political-Military Affairs; the Office of Foreign Assistance; the Bureau of Democracy, Human Rights, and Labor; and the Bureau of Population, Refugees, and Migration. We also selected countries in each of the tiers that had changed tier in 2015 and interviewed the relevant officials from each of the U.S. missions and the corresponding country desk officers. We selected 3 countries that were upgraded to a higher tier (Portugal, Rwanda, and Uzbekistan)<sup>1</sup> and 2 that were downgraded to a lower tier (Slovenia and Belize).<sup>2</sup> As much as possible, we selected countries of different sizes and from different geographic regions. We also interviewed officials from agencies that have some involvement in the report process: the Departments of Defense (DOD) and the Treasury (Treasury), and the U.S. Agency for International Development (USAID). In addition, we held a roundtable discussion with officials from 13 nongovernmental organizations (NGOs), organized by an umbrella group of NGOs focused on trafficking in persons. We did not select a generalizable sample of officials to interview.

To assess the process State uses to prepare country narratives and decide tier rankings, we reviewed the TVPA, as amended; the *Trafficking in Persons Report*; and State report preparation guidance documents. We

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<sup>1</sup>Both Rwanda and Uzbekistan were subsequently downgraded in 2016.

<sup>2</sup>Slovenia was subsequently upgraded in 2016.

also interviewed cognizant officials from State, DOD, Treasury, and USAID, as well as from NGOs about the process, including how State gathers information for the report and how decisions are made on waivers to avoid automatic downgrades as well as waivers of funding restrictions for countries in Tier 3.

To assess the extent to which the country narratives in the *Trafficking in Persons Report* clearly discuss the minimum standards to combat trafficking as enumerated in the TVPA and interpreted by State, we reviewed 185 country narratives in the 2015 *Trafficking in Persons Report*.<sup>3</sup> We also reviewed the 35 Tier 1 country narratives in the 2016 *Trafficking in Persons Report*. We systematically compared the country narratives with the minimum standards (as interpreted and applied by State) and determined whether the narratives clearly explain State's assessment of the degree of governments' compliance with them. We used the following coding system when assessing the country narratives against State's interpretation of the minimum standards:

- If the country narrative did not mention a standard or criterion, we coded that as “not mentioned.”
- If the country narrative did mention a standard or criterion, we determined whether the narrative clearly described that the government complied or did not comply with the standard or criterion (as interpreted and applied by State).
  - If we determined that the narrative included language that seemed consistent with the standard or criterion, we coded that as “met.”
  - If we determined that the narrative included language that seemed contradictory to the standard or criterion, we coded that as “not met.”
  - In some cases, the narratives mentioned a standard or criterion, but included ambiguous language that made it unclear if the standard or criterion were met. We coded those cases as “cannot determine.”

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<sup>3</sup>In addition to the 185 countries, the 2015 *Trafficking in Persons Report* also included two territories (Aruba and St. Maarten), which are autonomous entities of other countries but not “countries” to which the minimum standards for the elimination of trafficking in the TVPA apply. The report also included one special case (Somalia), which discusses a country's government's efforts to address trafficking but does not provide a tier ranking for the country.



In addition, for criterion 11 of minimum standard four, we examined the first sentence of each of the prosecution, protection, and prevention sections of the country narratives to determine whether they clearly described that the government made appreciable progress in combating trafficking when compared with the previous year's assessment. Trafficking Office analysts said that governments should show overall increasing efforts across the prosecution, protection, and prevention categories to meet this criterion but that increasing efforts in each of these categories is not necessarily required.<sup>4</sup> We used the following coding system when assessing the opening sentences:

- If the sentence noted that the government made progress, or made strong, improved, or increased efforts (or other similar words), we coded that as "met." We then reported these as country narratives that generally described increasing efforts.
- If the sentence noted that the government made no efforts or progress, or made decreased or inadequate efforts, we coded that as "not met." We also coded as "not met" efforts described as weak or negligible (or other similar words). We then reported these as country narratives that generally described decreasing or inadequate efforts.
- If the sentence noted that the government sustained, maintained, or continued its efforts, we coded that as "cannot determine." We also coded mixed efforts, or efforts described using words such as modest, uneven, limited, or minimal as "cannot determine."<sup>5</sup> We then reported these as country narratives that generally described mixed or sustained efforts.

We did not assess whether State had placed countries in the appropriate tier. Each country narrative was assessed independently by two analysts, using a detailed rules document developed from State's guidelines and through discussions with State. We also analyzed the narratives for the 82 countries that changed tiers in the 2015 and 2016 *Trafficking in*

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<sup>4</sup>According to State guidelines, criterion 11 is particularly relevant for existing Tier 1 countries whose governments should show evidence of sustained progress in combating trafficking in persons.

<sup>5</sup>Trafficking Office analysts said that efforts described as "minimal" or "limited" mean that State might not have been able to make a clear determination one way or the other about whether a country increased its efforts; hence, we coded these as "cannot determine."

*Persons* reports to assess whether the narratives clearly explain why State changed a country's tier.<sup>6</sup>

To assess the extent to which State assesses the effectiveness of the *Trafficking in Persons Report* as a diplomatic tool to encourage countries to address human trafficking, we interviewed officials from State, DOD, the Treasury, USAID, and representatives of NGOs about the credibility and effectiveness of the report and how it is used. We also reviewed documents related to funding restrictions and waivers of funding restrictions for countries in Tier 3.

We conducted this performance audit from September 2015 to December 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>6</sup>In addition to the 82 countries, one territory (St. Maarten) was also upgraded in its tier ranking in the 2016 *Trafficking in Persons Report*.

# Appendix II: Minimum Standards and Criteria for the Elimination of Trafficking in Persons

<b>Minimum standard 1</b>	The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
<b>Minimum standard 2</b>	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.
<b>Minimum standard 3</b>	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.
<b>Minimum standard 4</b>	The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.
<i>In determinations under minimum standard 4, the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons</i>	
<b>Criterion 1</b>	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, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. 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.
<b>Criterion 2</b>	Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the 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, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.
<b>Criterion 3</b>	Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.
<b>Criterion 4</b>	Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.

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**Appendix II: Minimum Standards and Criteria  
for the Elimination of Trafficking in Persons**

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<b>Criterion 5</b>	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).
<b>Criterion 6</b>	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.
<b>Criterion 7</b>	Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources 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.
<b>Criterion 8</b>	Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
<b>Criterion 9</b>	Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with: (A) domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or (B) the United States toward agreed goals and objectives in the collective fight against trafficking.
<b>Criterion 10</b>	Whether the government of the country, consistent with the capacity of such government, systematically monitors efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
<b>Criterion 11</b>	Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.
<b>Criterion 12</b>	Whether the government of the country has made serious and sustained efforts to reduce the demand for— (A) commercial sex acts; and (B) participation in international sex tourism by nationals of the country.

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Source: Trafficking Victims Protection Act of 2000, as amended. Pub. L. No. 106-386, Div. A, 114 Stat. 1464, 1466-1490, codified as amended at 22 U.S.C. §§ 7101-13. | GAO-17-56

# Appendix III: Tier Ranking by Country in 2016 *Trafficking in Persons Report*

**Table 1: Tier 1**

Armenia	Czech Republic	Italy	Slovakia
Australia	Denmark	Korea, South	Slovenia
Austria	Finland	Lithuania	Spain
The Bahamas	France	Netherlands	Sweden
Belgium	Georgia	New Zealand	Switzerland
Canada	Germany	Norway	Taiwan
Chile	Iceland	Philippines	United Kingdom
Colombia	Ireland	Poland	United States of America
Cyprus	Israel	Portugal	

Source: The Department of State's 2016 *Trafficking in Persons Report* | GAO-17-56

Note: The *Trafficking in Persons Report* included St. Maarten in Tier 1. The report also noted that St. Maarten is an autonomous entity within the Kingdom of the Netherlands and, for the purposes of the report, is not a "country" to which the minimum standards for the elimination of trafficking apply. The report reflected how St. Maarten would be assessed if it were a separate, independent country.

**Table 2: Tier 2**

Albania	El Salvador	Lebanon	Palau
Angola	Estonia	Lesotho	Panama
Argentina	Ethiopia	Liberia	Paraguay
Azerbaijan	Fiji	Luxembourg	Peru
Bahrain	Greece	Macau	Romania
Bangladesh	Guatemala	Macedonia	Sierra Leone
Barbados	Guyana	Madagascar	Singapore
Bhutan	Honduras	Malawi	South Africa
Bosnia & Herzegovina	Hungary	Malta	Tajikistan
Botswana	India	Mauritius	Timor-Leste
Brazil	Indonesia	Mexico	Togo
Brunei	Iraq	Micronesia	Turkey
Burkina Faso	Jamaica	Moldova	Uganda
Cambodia	Japan	Mongolia	United Arab Emirates
Chad	Jordan	Montenegro	Uruguay
Croatia	Kazakhstan	Morocco	Vietnam
Curaçao	Kenya	Namibia	Zambia
Dominican Republic	Kosovo	Nepal	
Ecuador	Kyrgyzstan	Nicaragua	
Egypt	Latvia	Nigeria	

Source: The Department of State's 2016 *Trafficking in Persons Report* | GAO-17-56

**Appendix III: Tier Ranking by Country in 2016  
Trafficking in Persons Report**

Note: The *Trafficking in Persons Report* included Aruba in Tier 2. The report also noted that Aruba is an autonomous entity within the Kingdom of the Netherlands, and, for the purposes of the report, is not a “country” to which the minimum standards for the elimination of trafficking apply. The report reflected how Aruba would be assessed if it were a separate, independent country.

**Table 3: Tier 2 Watch List**

Afghanistan	Cote d'Ivoire	Mali	Solomon Islands
Antigua & Barbuda	Cuba	Mozambique	Sri Lanka
Benin	Gabon	Niger	St. Lucia
Bolivia	Ghana	Oman	St. Vincent & the Grenadines
Bulgaria	Guinea	Pakistan	Swaziland
Cabo Verde	Hong Kong	Qatar	Tanzania
Cameroon	Kiribati	Rwanda	Thailand
China (PRC)	Kuwait	Saudi Arabia	Tonga
Congo, Democratic Rep. of	Laos	Senegal	Trinidad & Tobago
Congo, Republic of	Malaysia	Serbia	Tunisia
Costa Rica	Maldives	Seychelles	Ukraine

Source: The Department of State's 2016 *Trafficking in Persons Report* | GAO-17-56

**Table 4: Tier 3**

Algeria	Djibouti	Korea, North	Suriname
Belarus	Equatorial Guinea	Marshall Islands	Syria
Belize	Eritrea	Mauritania	Turkmenistan
Burma	The Gambia	Papua New Guinea	Uzbekistan
Burundi	Guinea-Bissau	Russia	Venezuela
Central African Republic	Haiti	South Sudan	Zimbabwe
Comoros	Iran	Sudan	

Source: The Department of State's 2016 *Trafficking in Persons Report* | GAO-17-56

**Table 5: Special Cases**

Libya	Yemen
Somalia	

Source: The Department of State's 2016 *Trafficking in Persons Report* | GAO-17-56

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# Appendix IV: Law Enforcement Data in the State Department's *Trafficking in Persons Report*

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The Trafficking Victims Protection Act (TVPA) requires that the Secretary of State annually submit a report describing the antitrafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 108 of the TVPA.<sup>1</sup> The Department of State (State) interprets this to require that evidence of trafficking investigations, prosecutions, convictions, and sentences be considered in State's assessment of whether governments are making serious and sustained efforts to eliminate severe forms of trafficking. Our analysis of the 2015 *Trafficking in Persons Report* found that the country narratives generally mentioned such data, trends compared to previous years, as well as details on the legal basis of law enforcement action and the sufficiency of those laws and their implementation. However, it is unclear what the data may mean relative to other factors, such as a government's capacity or resources to address trafficking, the importance of cases, or the significance of the data relative to the magnitude of the trafficking problem in that country.

State bureau officials noted that law enforcement data could be difficult to interpret, unreliable, or may not provide a useful description of the situation in the country. For example:

- (1) *Data may be difficult to interpret.* Officials said data on prosecutions and convictions may not accurately reflect the level of law enforcement efforts. For example, it may be unclear whether increased prosecutions and convictions means the trafficking situation in the country is getting worse or that the government is doing a better job of enforcing its anti-trafficking laws.
- (2) *Data may be unreliable.* According to officials, it is unclear if the data are accurate or reliable. For example, the data may not be public, and countries may lack centralized systems, according to officials. Officials also noted that an emphasis on increased prosecutions and convictions might lead to a country arresting innocent people to increase its numbers.
- (3) *Data may not provide a useful description of the situation.* Officials said that an emphasis on increased law enforcement numbers may not accurately reflect a country's successes or tell the whole story. For example, a country might have increased its law enforcement efforts in ways that did not result in increased prosecutions. Further, a country might be penalized for not having convictions when the cases

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<sup>1</sup>22 U.S.C. § 7107(b)(1).

being prosecuted are taking time to work through the judicial system, or for not reporting data when lacking the systems needed to do so.

State's Office to Monitor and Combat Trafficking in Persons (Trafficking Office) acknowledges that there are limitations to the law enforcement data, but maintains that the data are a strength of the report. For example, State can use the numbers on investigations, prosecutions, and convictions, when they are too low relative to the trafficking problem, according to the Trafficking Office, to push governments to do more. The Trafficking Office also noted that it uses the same methodology every year so the data are comparable from one year to the next, and that it does not accept a government's data without efforts to verify the data, or noting in the report when there are issues with the data.



# Appendix V: Comments from the Department of State



United States Department of State

Comptroller

Washington, DC 20520

NOV 15 2016

Dr. Loren Yager  
Managing Director  
International Affairs and Trade  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548-0001


Dear Dr. Yager:

We appreciate the opportunity to review your draft report, "HUMAN TRAFFICKING: State Has Made Improvements in Its Annual Report but Does Not Clearly Explain Tier Rankings or Changes" GAO Job Code 100339.

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 Kyle Ballard, Senior Coordinator, Office to Monitor and Combat Trafficking in Persons, Office of the Under Secretary for Civilian Security, Democracy and Human Rights at (202) 312-9861.

Sincerely,

  
Christopher H. Flaggs

Enclosure:

As stated

cc: GAO – Thomas Melito  
J/TIP – Kari Johnstone  
State/OIG - Norman Brown

**Department of State Comments on GAO Draft Report**

**HUMAN TRAFFICKING: State Has Made Improvements in Its Annual  
Report but Does Not Clearly Explain Tier Rankings or Changes**  
**(GAO-17-56, GAO Code 100339)**

The U.S. Department of State welcomes the opportunity to comment on the GAO draft report *“Human Trafficking: State Has Made Improvements in Its Annual Report but Does Not Clearly Explain Tier Rankings or Changes.”*.

The Department has prioritized human trafficking in our diplomatic engagement and foreign assistance and is proud of its role in leading global efforts to combat trafficking in persons. The annual Trafficking in Persons (TIP) Report has been heralded as the “gold standard” by members of Congress, civil society organizations, and government officials around the world for assessing government efforts against consistent standards and effectively encouraging governments to make efforts to combat this global scourge.

The Department concurs with GAO’s first recommendation to post on the Department’s website a description of the credible evidence used to support automatic downgrade waivers, as required by the Trafficking Victims Protection Act (TVPA). The requirement to provide Congress and publicly post such descriptions was introduced in 2013 by an act of Congress. The Department has consistently submitted to Congress the required descriptions in a timely manner, but the documents’ absence from the Department’s website was an inadvertent oversight that has already been remedied. As the GAO report notes, the Department has updated standard operating procedures to ensure this does not happen in the future. As such, the Department respectfully asks that recommendation one be considered resolved and closed.

The Department also concurs with the second and third recommendations to improve explanations in the narratives for Tier 1 rankings, as feasible, and provide clear linkages between statements in country narratives and upgraded or downgraded rankings. The TVPA requires the Department to assign a single tier ranking that reflects the degree to which a government meets and/or is making significant efforts to meet the minimum standards that span the three “Ps” – prosecution, protection, and prevention. The minimum standards require an assessment of a government's "appreciable progress" over the previous year. Such an assessment requires consideration of the entirety of a government's efforts, including data that may indicate progress in some areas and lack of progress in

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others. The Department seeks to make each country narrative comprehensive in order to make the TIP Report as useful as possible to a broad array of stakeholders, and will continue its commitment to ensure each narrative better serves this purpose.

Finally, the Department concurs with GAO's fourth recommendation to assess the TIP Report's effectiveness in encouraging governments to address human trafficking. The Department is already taking steps to assess this more systematically, including through the recent establishment of a monitoring and evaluation position in the Office to Monitor and Combat Trafficking in Persons. Regarding the specific recommendation to track the TIP Report's recommendations, this has been part of the Department's process for producing the TIP Report since its inception, and is the basis of the annual interim assessments produced by the Department each year, as required by the TVPA.

The State Department believes the GAO report includes useful recommendations – some of which the Department is already addressing. The Department thanks Congress and the GAO for their work in helping the Department build on its 16-years of success to ensure the United States' leadership on fighting human trafficking continues into the future.

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# Appendix VI: GAO Contact and Staff Acknowledgments

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## GAO Contact

Thomas Melito, (202) 512-9601, [melitot@gao.gov](mailto:melitot@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Leslie Holen (Assistant Director), Christina Werth, Julia Jebo Grant, and Esther Toledo made key contributions to this report. In addition, Lynn Cothorn, Martin de Alteriis, Karen Deans, Neil Doherty, and Grace Lui provided technical assistance.

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