

Case Study Supplement: A Closer Look at Outcomes

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Scorecard Diplomacy: Grading States to Influence their Reputation and Behavior

This supplement is to be read in conjunction with the book. In particular, the case study selection as well as data comparing cases with non-cases is discussed in the Methods Appendix of the book and should be read before reading these cases. These case studies provide the background for the coding in Tables A6.6-9 in the book. They also provide the background for the discussion in Chapters 7 and 8 in particular.

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Defining outcomes: The human trafficking situation or government efforts?

It is important to be clear about how to think about outcomes for research on scorecard diplomacy. In the case of human trafficking, one might argue that one should ultimately consider whether the larger problem of human trafficking has been mitigated in meaningful ways on the ground. This is very difficult, however, because data on actual human trafficking outcomes is very poor. Indeed, our increasing access to better data also obscures trends in outcomes, although data on prosecutions and convictions, presented in the book, give some base lines at least for increased successes in fighting human trafficking.

Regardless of which data or measures one uses, in most countries the results of scorecard diplomacy on human trafficking outcomes has been mixed. The problem clearly persists even in countries that fight it hard; no country can declare victory. Human trafficking is a horrific and obstinate crime. Like murders, government efforts can mitigate their frequency, but the problem is unlikely to be eradicated in the absence of the eradication of very deep-seated and complex societal causes.¹ Countries' efforts to fight trafficking cannot be measured at any given time as being accomplished or not. The nature of human trafficking is such that there is no final outcome per se, only ongoing efforts to fight it, and these efforts may ebb and wane. Indeed, this is one of the motivations of the US TIP Report's ongoing nature. Government efforts are supposed to be sustained to maintain good rankings, and this endeavor never anticipates completion. Government attention to the problem has also proven sporadic in many countries. Even the US could do far more to fight trafficking within its borders, but the issue must compete for resources and attention like any other issue.

Instead of focusing on measures of the human trafficking outcomes data, another way is to consider the effectiveness of scorecard diplomacy is to consider the efforts countries are making to address trafficking and in this case more specifically their responses to US efforts to push certain recommendations for how to do so. This is more aligned with the more immediate objectives of scorecard diplomacy as it assesses the extent to which the policy is effective as motivating desired changes, rather than whether those policy solutions are actually the optimal ones. Therefore, *the outcomes in these cases focus on diplomatic "successes."* The cases describe incidents in countries that constituted some progress at that point in time according to the policies the US was pushing. In the cases it is possible to observe some incidents or periods when the US efforts appear to have considerable traction and help move things forward, while at other times there is stagnation or backsliding. Progress may occur when a policy advances, a new agency is created, a shelter is built or a new action plan is drawn up. Again, that does not mean that the country has solved the problem, or that the efforts have been maintained at high standards. It simply illustrates instances where some progress was made, or, conversely, times when it failed.

The case study methodology as well as the case selection is discussed in the Methodological Appendix of the book. As explained there, in drawing inferences about US influence, the analysis paid attention not only to sequencing, but also to the congruence between the substance of US recommendation and country behavior as well as statements by people involved that directly addressed causality.

Because the case studies aim to understand scorecard diplomacy, they have been reorganized from chronological accounts into discussions of the major steps of the scorecard diplomacy cycle, shown in Figure A.

¹ Wheaton, Schauer, and Galli 2010.

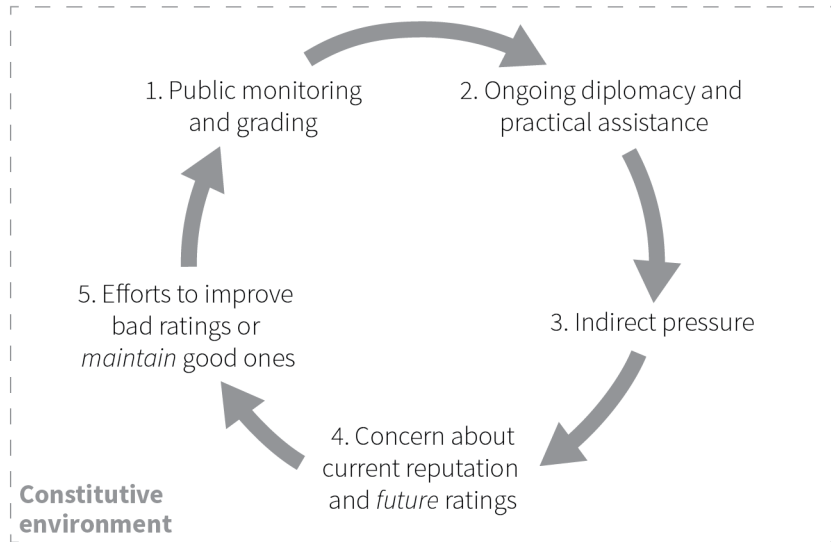


Figure A: The scorecard diplomacy cycle

Each case begins with a summary of the scorecard diplomacy of the case, followed by a *very* brief account of the trafficking situation in each country. This account is based mostly on recent TIP Reports, which interested readers should read for much greater details. The case studies then discuss the indirect pressure by NGOs, IGOs and the media and analyze the nature of the concerns revealed in the cases. The next sections discuss the results in terms of traceable effects of scorecard diplomacy on legislation, institutions, norms and practices. Each case study ends by discussing any factors that conditioned the influence of scorecard diplomacy.

Cases

Argentina

Summary

The Argentine case demonstrates how controversial TIP legislation can be and that getting it passed is by no means an easy accomplishment. It also demonstrates the frustration and anger that can come from government officials when, despite their efforts and manifested progress, the US retains a low Tier rating. Even the US embassy, which had built up strong personal relationships with officials, became frustrated with the continued TIP Report criticism and recommended that the TIP office embrace a more conciliatory approach. On the positive side, the case demonstrates the painstaking involvement of the US in Argentina's politics on trafficking, its role in bringing domestic officials to revise the legal definition of trafficking, its hand in facilitating inter-agency coordination and work with NGOs, its ability to influence domestic institutional design, and its funding of IGOs such as the IOM to carry out practical assistance programs, and the influence it can have when persistent and committed.

From the perspective of understanding the influence of scorecard diplomacy, the interactions show that Argentinian officials cared about Argentina's rating, compared Argentina with other countries with similar rankings, and undertook actions with the aim of improving the rankings and the language in the report. It also illustrates how elites may respond with concern for their own careers or reputations and that this can be an important factor. Finally, the case illustrates the interaction with domestic forces. In terms of outcomes, the case reveals influence on laws, norms, practices and institutions. Clearly, some changes were facilitated by a strong impetus from within, especially driven in the later part of the case by a trafficking case that captured attention in the national media.

Background

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. As a country with a history of serious human rights abuses that it adamantly wishes never to repeat, Argentina places a high priority on combatting trafficking, but nonetheless battles with widespread corruption and police complicity in the commercial sex industry. The 2015 TIP Report notes that according to the government, police are complicit in 40 percent of sex trafficking cases either as purchasers of commercial sex or as personal contacts of brothel owners. The different attitudes towards prostitution as sex-work or exploitation has contributed to debates around the role of consent and its relationship with human trafficking. Trafficking-related corruption is a serious concern among provincial officials.² Several measures have addressed the trafficking problem over time, as reflected in the TIP policy index also shown in Figure 1.

² 07BUENOSAIRE1723, 07BUENOSAIRE1353

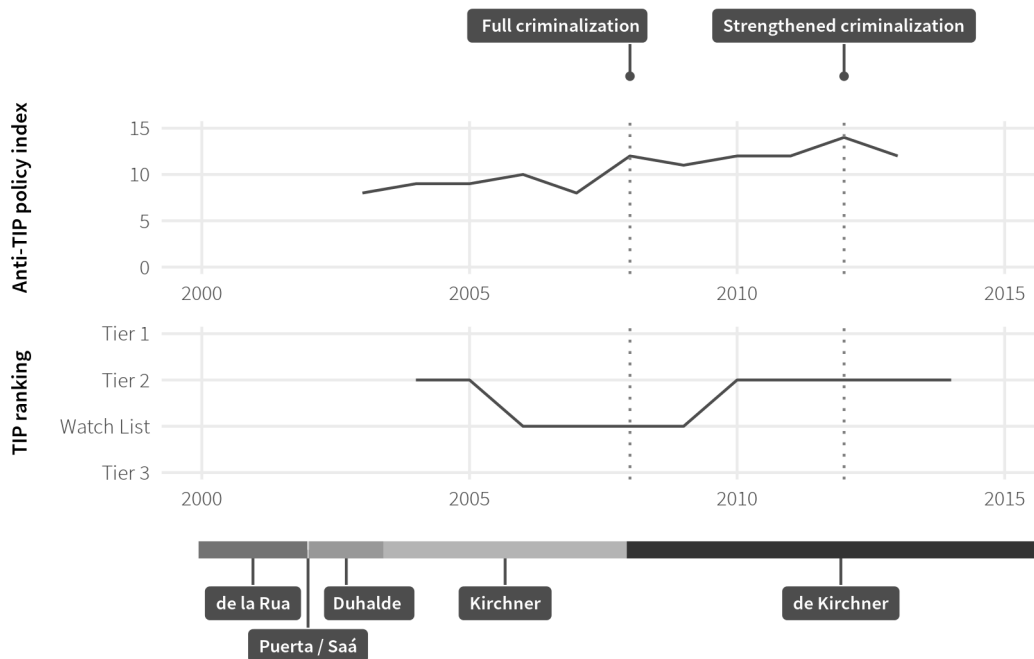


Figure 1: Argentina’s TIP ranking and policy during governments 2003–2014

Statistic	Value
Average GDP per capita	\$9,203.77
Total aid	\$108,138 million
Aid from US	\$275.43 million
Average total aid as percent of GDP	2.7%
Total TIP grants	\$1,310,156

Table 1: Key Argentinian statistics, averaged 2001–2013

Direct diplomacy

The Argentinian embassy has been very active on TIP, mentioning it through numerous meetings with top-level officials. These included, President Cristina Fernandez de Kirchner and other officials and policy makers such as the chief of cabinet minister, the justice and security minister, the interior minister, the foreign minister, the president of the senate, the speaker of the House, the Vice President of the House and many others. The documentation through the cables available begins in 2004 and the cables that discuss TIP constitute 9 percent of the overall available cables, suggesting that TIP was a highly discussed topic in general. Early efforts focused on influencing the passage and content of the 2008 law and pushed for the elimination of the notion of consent of victims. As Figure 1 shows, after Argentina entered the report in 2004, it has largely stayed on Tier 2, with the exception of a spell on the Watch List in the mid 2000s, which was intended to push for the passage of an anti-TIP law. US scorecard diplomacy also pressured Argentina to address official complicity in trafficking, provided technical assistance, and cooperated with IOM to train judges and officials. In addition, the US lobbied the government to formalize its inter-agency TIP coordination process and appoint a focal point to direct TIP-related activities, and encouraged the creation of the Trafficking Prevention and Assistance program. Throughout the years, the embassy worked hard to build relationships with local interlocutors, although the relations

were sometimes strained. The embassy also provided draft legislation and practical assistance. Embassy officials tenaciously reinforced their points repeatedly with domestic officials.

Indirect pressure

Indirect pressure by third parties played an important role in Argentina. The media augmented the US scorecard diplomacy. For example, when the 2006 TIP Report came out in June 2006, the leading *Clarín* editorialized about the report's placement of Argentina on the Watch List and argued that, "In view of this, the Government should promote the enactment of the draft bill against TIP, which is now in Congress... as well as take the struggle against the TIP seriously."³ After the release of the 2007 report, the media heightened the comparative elements by noting that the watch list placement grouped Argentina with Mexico, Egypt, China, Libya, Russia, Cambodia, Armenia and Mozambique, among others, and pushed the report's main recommendation by stressing that the "central point of criticism of Argentina is the delay of its Congress in passing legislation to fight trafficking in persons."⁴

NGO activism also strengthened scorecard diplomacy. The embassy supported local NGO activist Susana Trimarco, who gained prominence by starting her own foundation after her daughter was trafficked. Local NGOs recognized her receipt of the US "International Woman of Courage" award as a key moment that increased attention to the issue, and they used the TIP Report to pressure the government.⁵ The relationship was mutual: Trimarco provided the US with information, while the award boosted her recognition and willingness of officials to meet with her.⁶ For example, on May 4, 2007, the ambassador met with Trimarco, and they agreed that the latest iteration of the draft anti-TIP bill was flawed and discussed activism strategies.⁷ The ambassador then met with Interior Minister Aníbal Fernández and encouraged him to meet with Trimarco, which he did on May 15, after which Trimarco followed up with the embassy. The US thus facilitated government access.⁸ NGOs reported quite good relationships with the US.⁹ To the frustration of some politicians, NGOs used the TIP Reports to persist in making demands. One Argentinian researcher notes that "the [TIP] reports were an input frequently used by civil society organizations" to support their demands.¹⁰ "NGOs took the TIP Report as a tool to pressure the government, that is clear to me," she explained in an interview.¹¹

IGOs were also active and interacted with the US. The IOM and the OAS both played their roles, with the IOM in particular at the forefront. That said, the US funded IGOs as part of its strategy. For example, the US paid the IOM to train judges and implement programs, including handling of individual

³ 06BUENOSAIRES1340

⁴ 07BUENOSAIRES1162

⁵ Personal interview with Luján Araujo, Fundación María de los Ángeles, October 22, 2015. Conducted via email by Jessica Van Meir. Translated from Spanish by Jessica Van Meir.

⁶ Personal interview with Viviana Caminos, Red Alto a la Trata y el Tráfico, August 29, 2015. Conducted in person by Jessica Van Meir. Translated from Spanish by Jessica Van Meir.

⁷ Personal interview with Marcela Rodríguez, Program of Advice and Sponsorship for Victims of Trafficking in Persons, December 2, 2015. Conducted via video chat by Jessica Van Meir.

⁸ Personal interview with Cecilia Varela, Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET). July 8, 2015. Buenos Aires. Conducted in person by Jessica Van Meir.

⁹ For example: Susana Trimarco met with the ambassador May 4, 2007 and updated him on the bill and discussed its shortcomings with him (07BUENOSAIRES965)." Trimarco kept the ambassador abreast of her meetings with various politicians about the legislation and the ambassador also mentioned Trimarco to politicians and urged them to meet with her (07BUENOSAIRES965 (07BUENOSAIRES965))."

¹⁰ 07BUENOSAIRES965

¹¹ 07BUENOSAIRES965

¹² Personal interview with Carla Majdalani, Asociación Civil La Casa del Encuentro. June 25, 2015. Conducted via video chat by Jessica Van Meir.

¹³ Varela 2012, 49

¹⁴ Personal interview with Cecilia Varela, Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET). July 8, 2015. Buenos Aires. Conducted in person by Jessica Van Meir.

cases and regional coordination workshops.¹² The US also brought together NGOs, the IOM and the government.¹³

Concerns

The interactions demonstrate that Argentinian officials cared about Argentina's rating, compared Argentina with other countries with similar rankings, and acted to improve the rankings and the language in the report. Individual officials who became vested in the cause, especially Fernández, who at times took the issue very personally, drove progress. These officials explicitly asked whether the 2008 passage of the law would "change [US] coverage of the issue in future reports"¹⁴ and said they hoped this effort would be boost the next Tier rating.¹⁵ They also considered about Argentina's standing in the international community. For example, Foreign Minister Jorge Taiana asked the ambassador rhetorically, "how can anyone think that the TIP problem is worse in Argentina than in surrounding countries?"¹⁶

The case illustrates how elites may respond with concern for their own careers or reputations. An anonymous source familiar with the career officials said they responded to the criticisms and wanted attention for their accomplishments and that this motivated them to align their efforts with the US priorities. The source recalled that once Marcelo Colombo, Head of the Prosecutor's Office for the Combatting of Trafficking and Exploitation of Persons, was upset about getting a "bad grade" on the TIP Report, "saying it was bullshit, but he still does what the report says. For example now the TIP Report is saying that they should prosecute public officials for complicity... []... and now he's very interested in that." The source explained that many bureaucracies in the government try to enlarge their influence and get attention to what they are doing, and getting attention from the US is a way to get attention for their work and gain power."¹⁷

Outcomes

Legislation

The US used scorecard diplomacy to engage Argentina heavily on the content of legislation. Although Argentina helped create the UN Trafficking Protocol,¹⁸ the government struggled to bring its own domestic legislation into compliance with the protocol. When Argentina first entered the TIP Report in 2004, domestic anti-trafficking legislation was still missing. In June 2006, the TIP Report demoted Argentina to the watch list. Subsequently, the US engagement on the TIP issue peaked in April and May 2007 with numerous ministerial level meetings each month.

Once drafting of the legislation began, the US TIP Report and the embassy pushed hard for the text to omit a clause favored by local politicians, who benefitted from it though corrupt dealings with local brothels. The clause required adult victims to *prove* that they did not consent to their condition, something many feminist abolitionist women's groups and NGOs agreed with the US would make it even harder to prosecute traffickers, while sex worker activists disagreed on the basis that excluding consent from the law would conflate consensual sex work with trafficking. The US embassy repeatedly suggested in personal meetings that the consent clause should be removed from the bill, and the fact that the TIP Report kept Argentina on the Watch List in 2007 kept up the pressure for the bill's passage. This caused some conflict with the embassy's main interlocutor, Interior Minister Aníbal Fernández. In a personal interview, he expressed that while overall he had a good relationship with the US on this issue, when a US official attempted to give him a "corrected" version of Argentina's anti-TIP bill draft during a 2007 to

¹² 06BUENOSAIRES309

¹³ 05BUENOSAIRES190, 07BUENOSAIRES1113

¹⁴ 08BUENOSAIRES589

¹⁵ 08BUENOSAIRES520

¹⁶ 07BUENOSAIRES1302

¹⁷ Anonymous interview. Conducted in person by Jessica Van Meir.

¹⁸ Gallagher 2001, 982

DC, he felt the US was overstepping its role.¹⁹ He understood the US position on consent but also blamed it for delaying the law's passage.²⁰ Regardless of the negative signals from Fernandez, the ambassador continued to push for the bill and the specific language, meeting with ministers throughout the fall and delivering speeches urging the passage of TIP legislation.²¹ After the election, a spate of meetings ensued between US officials and Argentinians, including the newly elected president Cristina Fernández de Kirchner and the new interior minister, legislators, and the National Ombudsman.²² Because of the domestic power struggles, even the president eventually supported the inclusion of the consent clause as a necessary compromise, and so when the law passed in 2008 it retained this provision.

While former Minister Fernández downplayed US involvement, instead taking more personal credit, non-governmental actors gave the US some credit for the passage of the 2008 law, which led to more shelters and improved justice.²³ Nonetheless, though the US embassy and many domestic groups recognized the law as progress, they continued to emphasize the need for the consent clause to be modified. In December 2012, Argentina finally changed the law on the issue of consent, a move attributable partly to the influence of the US,²⁴ although, by 2012, NGOs were really in the forefront of pushing for the change to the law. The final trigger was a big court case that acquitted the accused traffickers of Marita Verón, whose case had dominated national news due to efforts by her mother, Susana Trimarco.²⁵ Still, multiple interviewees recognized that the US' financial support of Trimarco's organization and their awarding her with the International Woman of Courage Award in 2007 were key in getting her daughter's case on the public agenda.²⁶ The US thus played a significant role in the passage and content of the legislation in Argentina, and the embassy did so by using the Tier ratings to employ pressure and engage extensively in one-on-one high-level diplomacy, as well as by working through NGOs.

Institution building

The case of Argentina shows how scorecard diplomacy can stimulate the creation of domestic institutions to deal with TIP. Because multiple stakeholders were concerned about the Tier ratings, the embassy was able to engage them on implementation issues, which sometimes influenced institutional choices. The focus was not only on the passage of the law, but also on its implementation and on proper treatment of victims, for which the US provided both funding and training. The US TIP related advice sometimes intruded into Argentina domestic governance. For example, in 2004 when the government struggled with inter-agency coordination, the US lobbied the government to formalize its inter-agency TIP coordination process and appoint a focal point to direct TIP-related activities by year's end. Subsequently, the government identified such a focal point in the Federal Office of Victim's Assistance under the Attorney General's Office.²⁷ Likewise, in 2007 the US was pushing in the report for better assistance for victims. Later in 2007 the government created the Trafficking Prevention and Assistance program in the department of Justice, the program that had been mentioned in the recent TIP Report.

In 2012, the TIP hero award also bestowed more authority on Marcelo Colombo, Head of the Prosecutor's Office for the Combatting of Trafficking and Exploitation of Persons, who said in a personal

¹⁹ Personal interview with Anibal Fernandez, Chief of the Argentine Cabinet of Ministers, November 24, 2015. Conducted via video chat by Jessica Van Meir. Translated from Spanish by Jessica Van Meir.

²⁰ 08BUENOSAIRES425

²¹ 07BUENOSAIRES1888, 07BUENOSAIRES2119, 07BUENOSAIRES2095, 07BUENOSAIRES2290

²² 08BUENOSAIRES172, 08BUENOSAIRES390, 08BUENOSAIRES438

²³ Personal interview with Monique Altschul, Asociación Civil La Casa del Encuentro. July 10, 2015. Buenos Aires. In person interview by Jessica Van Meir.

²⁴ Varela Interview

²⁵ Araujo Interview, Caminos interview, Colombo interview, Encinas interview, and Rodriguez interview.

²⁶ Araujo interview, Caminos interview, Rodriguez interview, Varela interview.

²⁷ 05BUENOSAIRES190

interview that the recognition of the award had made his work better known outside Argentina and facilitated cooperation with the UNODC.²⁸

The promotion and adoption of new norms and practices

As part of the scorecard diplomacy effort, the US embassy participated actively in the discussion of the concept of trafficking. It was not alone in promoting its perspective, but it added a powerful voice. The US’ influence was evident around the debate about consent. In Argentina victims were seen as complicit if they initially consented, which placed the burden on them to prove that they had not consented. Although the government held onto this view for years, some Argentinian politicians and civil society actors understood the problems with this framing of consent. For example, Argentina’s National Public Defender said at a human trafficking conference that a victim could not consent to his or her own exploitation and urged the passage of the comprehensive TIP bill.²⁹ Still, the issue of consent required considerable educational effort and the US worked with the government, provincial governments, and civil society to raise awareness about the problem of the notion of victim’s consent.³⁰ Judges in Argentina also did not understand the need to treat TIP victims carefully. NGOs reported that victims were sometimes asked if they initially consented to the activities and if they answered yes this was used as proof that they were not trafficked. After the new TIP law was passed, officials from the ministry of justice noted that some federal judges did not grant extensions to law enforcement authorities to give them more time to obtain testimony from potential trafficking victims and that many judges and prosecutors had yet to fully understand the issues or their importance. The US funded its own experts to lead training workshops for judges and others, and also funded similar IOM trainings, thus facilitating learning and socialization around the concepts of consent and proper treatment of victims.³¹ The US also pointed to best practices on the issue, not only in the report, but also directly: During a visit, two U.S. Representatives showed the interior minister how Colombia had recently changed its TIP legislation to remove the issue of consent as a consideration for adults.³² After the narrower version of the law passed, the embassy continued to work to educate the federal and provincial governments on victim’s consent³³ Meanwhile, some judges understood the problem. For example, after the law was passed, a federal court ruled that that no one could consent to his or her own exploitation.³⁴ Thus, the US was able to use scorecard diplomacy to work with local actors, both government officials and NGOs, to stress the issue of consent.

Conditioning factors

Scorecard diplomacy faced some major obstacles in Argentina because of the widespread official complicity in trafficking, especially at the local level. In addition, the government was unstable at times. Prior to 2007, strained US-Argentinian relations also blocked constructive cooperation on TIP. The US had some strong interlocutors and access to high-level officials, although sometimes the embassy was also met with resistance from government officials and resistance to US interference in domestic politics. That said, the active NGO community was a major asset to the US efforts and one the embassy actively cultivated. It was important that the US was willing to assert pressure, as demonstrated by the tenaciousness of embassy officials in reinforcing their points repeatedly with domestic officials.

²⁸ Colombo interview.
²⁹ 07BUENOSAIRES2244
³⁰ 08BUENOSAIRES172
³¹ 06BUENOSAIRES309
³² 07BUENOSAIRES2300
³³ 08BUENOSAIRES172
³⁴ 09BUENOSAIRES1103

Armenia (see also case discussion in book)

Summary

Armenia illustrates the progress that can be made by generating reputational concerns using public ratings. Since 2001, the Armenian government has made substantial improvement on an extensive trafficking problem. The government was highly motivated to improve its Tier ranking, comparing itself with other countries. As seen in Figure 2 Armenia started out as a Tier-3 country in 2002. In the early years, officials tended to view human trafficking as a problem for donors to solve, and the US pushed hard for the country to take ownership of the problem. Legislation was passed in 2006, but not until 2009 did the government start to take responsibility for the issue and give it higher priority. Through close collaboration with the embassy, by 2013 it reached Tier 1, where it has remained since. The embassy also worked with the IOM, OSCE, and NGOs and cultivated a set of “reliable anti-TIP interlocutors” in the government.³⁵ The willingness in 2009 of a new deputy prime minister who had a good working relationship with the US embassy, Armen Gevorkian, to invest himself in all aspects of the issue further facilitated cooperation.³⁶ In addition, the US took part in many practical assistance programs to fight TIP. *The case demonstrates progress that was driven by the concern for the Tier ranking, which opened up opportunities for close diplomatic engagement. This underscores the basic argument about reputational concerns. It also shows the value of good working relationships and of indirect augmentation of the scorecard pressure through collaboration with civil society and IGOs. Finally, it illustrates how the information gathering that the TIP Report brings can focus attention and contribute to changes in domestic practices.*

Background

With its central location to Eastern Europe, Asia and the Middle East, Armenia is a source and, to a lesser extent, destination country for men, women, and children subjected to sex and labor trafficking. Women and children are increasingly subjected to sex and labor trafficking and forced begging within Armenia. Armenian victims sometimes end up trafficked to the United Arab Emirates (UAE) and Turkey, whereas Chinese women sometimes are trafficked into Armenia. Children often work, making them vulnerable to trafficking. As Figure 2 shows, the country has experienced every rating on the tier scale, consistently graduating from bottom to top with the policy index also indicating accompanying success. The gains have been particularly pronounced during the regime of President Serzh Sargsyan.

³⁵ 07YEREVAN691

³⁶ 09YEREVAN865

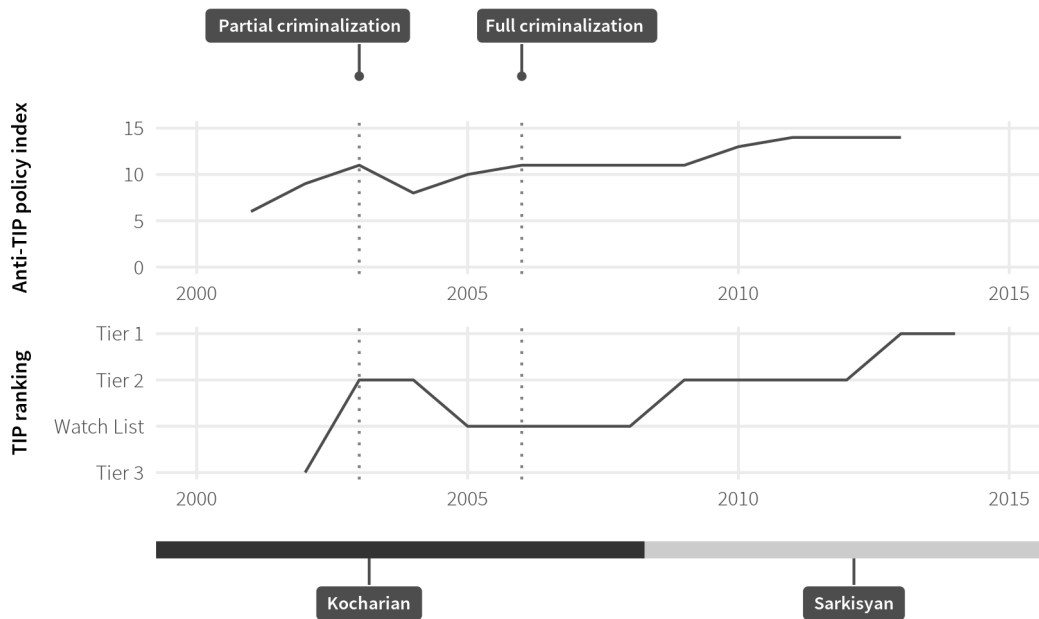


Figure 2: Armenia's TIP ranking and policy during governments, 2002–2014

Statistic	Value
Average GDP per capita	\$2,795.46
Total aid	\$7,017.22 million
Aid from US	\$1,378.93 million
Average total aid as percent of GDP	6.61%
Total TIP grants	\$1,728,605

Table 2: Key Armenian statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy on trafficking was a high priority for the US embassy, and meetings were frequent and at a high level and the embassy worked to build strong interlocutors. Meetings included the deputy prime minister and minister of territorial administration, the deputy foreign minister, members of parliament, the deputy defense minister, a presidential national security adviser and on several occasions the cables not that the issue rose to the level of the president. The documentation through the cables available begins in 2002 and is most intensive in the years 2002-2006. The cables that discuss TIP constitute 5 percent of the overall available cables, suggesting that TIP was a highly discussed topic in general. In the early years, the US pushed domestic officials to take ownership of the trafficking issue. The TIP report and local embassy pressured the government to address official complicity in trafficking and to increase prosecutions. Initially some officials were in denial. Lack of official recognition of the problem within many sectors of the government, however, contributed to the overall lack of progress. In 2005 the Minister of Justice declared that “trafficking does not exist as a phenomenon in Armenia.”³⁷ Scorecard diplomacy also focused on reorganizing the domestic administration and oversight of TIP

³⁷ As reported in the 2005 TIP Report discussion of Armenia.

policy, increasing inter-agency anti-TIP cooperation, and ensuring that the TIP commission had clout and was staffed well. The embassy also offered input into the content of anti-trafficking law and pushed for stricter penalties and full criminalization. Scorecard diplomacy also included legislative assistance offered through the OSCE and a resident legal advisor, as well as grants to support the strengthening of law enforcement and victim referral.

Indirect pressure

Multiple international organizations and actors were at work in Armenia. The US cooperated extensively with and funded the IOM and the OSCE efforts. They praised the work of the OSCE, which with US support helped organize an exhibition in Yerevan to raise awareness about TIP.³⁸ The US also funded a survey on TIP that the IOM initiated and carried out, an IOM program for a hotline to assist victims, another program to provide safe havens, and yet another for writing a manual for the diplomatic core offering guidelines for interviewing and repatriating TIP victims.³⁹ As noted, the US also funded the OSCE legislative assistance efforts to advise on the substance of legislative reforms. It has also interacted frequently with the NGO community, which has been aggressive in fighting TIP and skeptical of the government efforts, using NGOs as a source of information on TIP and funding research.⁴⁰ The Armenian government, knowing this, sought to sometimes pressure and at other times work with the NGOs, who had to walk a fine line between influencing and being pressured. As the government became more accepting of the TIP problem, collaboration with NGOs became more constructive.⁴¹

The media also enhanced scorecard diplomacy in Armenia by covering the report and being specific about its criticisms,⁴² although at times the government has also used the media to criticize the report's integrity.

Concerns

The government was candid that it was motivated to improve its Tier rating. For example, after the 2004 report came out, the head of the Armenian government's Migration and Refugees Department told local media that Armenia's Tier 3 rating in the first 2002 report shocked the government into action: "This assessment of Armenia was like a cold shower, as their approach was very strict and unexpected. In any case, we were not disappointed ending up in such a situation, but were given an incentive and concentrated all our efforts on making the fight against trafficking more organized." He displayed reputation-as-image concern as he continued, "It is clear to the world that in Armenia, not only do we understand the importance of fighting trafficking, we also take certain effective steps," noting specifically Armenia's desire for "integration into European structures."⁴³ Armenian officials also echoed this sentiment directly to the US officials, whom they told that Armenia was "anxious to portray itself as an ally to UN and other International arenas in this fight"⁴⁴ and that they hoped for US support in Armenia's efforts to join the UN Commission on Crime Prevention and Criminal Justice.

It was clear that Armenia saw their TIP report ranking as an issue where status vis-à-vis other countries was relevant. In 2007 the Armenian government drew up a detailed report to compare Armenia's report with that of Azerbaijan, Turkey, and Georgia, "highlighting differences in the three

³⁸ Text: Exhibition against Trafficking of Women Opens in Yerevan; Dept. of State, USAID, American Bar Assoc. among supporters." State Department. (November 18, 2002): 448 words. LexisNexis Academic. Web. Date Accessed: 2012/02/21

³⁹ 04YEREVAN1344, 06YEREVAN895

⁴⁰ 04YEREVAN1344

⁴¹ 06YEREVAN1161, 07YEREVAN351

⁴² See for example 05YEREVAN1091

⁴³ Armenian official upbeat on fight against human trafficking." BBC Summary of World Broadcasts. (June 18, 2004, Friday): 662 words. LexisNexis Academic. Web. Date Accessed: 2012/02/21

⁴⁴ 04YEREVAN1639

countries' performance which seemed decisive in Armenia's neighbors being graded higher than Armenia."⁴⁵

Officials' concern with image was also evident in officials' repeated practice of agreeing privately with the US while publically criticizing the report.⁴⁶ In 2005 the US downgraded Armenia to the watch list, criticizing, among other things, trafficking penalties as too mild. The US allegations of official complicity in trafficking motivated the government to clear its reputation. Although the prosecutor denied any evidence of such official complicity,⁴⁷ prosecutions in general increased in the fall of 2005.⁴⁸ Armenian officials and NGOs met specifically to discuss trafficking in advance of the embassy's submission of the 2006 TIP Report and urged all agencies to submit information to the embassy.⁴⁹ Tellingly, after the 2006 report, the government dismissed the accuracy of the report in public, but President Kocharian called a high-level meeting to discuss the issue, and officials privately remained very accepting and appreciative of the legal advice on the legislation.⁵⁰

Illustrating the "status maintenance" mechanism discussed in chapter 1, domestic attention has continued on keeping the Tier 1 rating earned in 2013. In 2015 the media reported widely on the report, noting, "The Republic of Armenia has maintained its Tier I status for a third year in a row in the US State Department's 2015 Trafficking in Persons assessment." They once again stressed the reputation-as-image concern, continuing, "Armenia is among just 31 countries out of 188 to have achieved Tier I status."⁵¹

Finally, the case also suggests the officials may take personal pride in an issue as discussed in Chapter 2 of the book. One cable updating Washington on the TIP situation notes that "The GOAM finally took our advice on this in 2008, appointing the Deputy Prime Minister/Minister of Territorial Administration Armen Gevorgian as chair, and this new structure has indeed energized government efforts. Gevorgian seems to have taken on the TIP issue as something that will fro personally, and has engaged himself energetically in the policy issues."⁵²

The US also provided great assistance to Armenia, which may have influenced government responses. As a former US ambassador explained, "It was an embassy mostly about assistance. So the threat to assistance was taken very seriously by us and by the Armenians."⁵³ Local Armenian media speculated that the threat of sanctions could have contributed to the creation of the commission.⁵⁴ That said, no public documented discussions of sanctions between US and Armenian officials exist.

Outcomes

Legislation and other policy

The US had a heavy hand in pushing for anti-TIP policy. In April 2003, Armenia amended its criminal code to criminalize trafficking for sexual exploitation. The US TIP Report was cataclysmic, a fact stressed both by local NGOs,⁵⁵ IGOs, and government officials.⁵⁶ An IOM official noted that the organization's initial efforts had fallen flat, but that "It was only after the US State Department's report

⁴⁵ 07YEREVAN888

⁴⁶ 06YEREVAN836

⁴⁷ 05YEREVAN2001

⁴⁸ 05YEREVAN2051

⁴⁹ 06YEREVAN214

⁵⁰ 06YEREVAN836

⁵¹ "Armenia Maintains 'Tier 1' Status in the 2015 Trafficking in Persons Report," *Asbarez*, 28 Jul. 2015, accessed 26 Dec. 2016, <http://asbarez.com/138159/armenia-maintains-Tier-1-status-in-the-2015-trafficking-in-persons-report/>.

⁵² 09YEREVAN135

⁵³ Author's Interview with John Ordway, Ambassador to Armenia from November 2001 to August 2004, Friday March 6, 2015. Phone.

⁵⁴ AZG DAILY #57, 26-03-2003, SERVANTS OF BLACK BUSINESS, <http://www.azg.am/EN/2003032604>

⁵⁵ AZG DAILY #211, 19-11-2002: FIGHTING HUMAN TRAFFICKING, <http://www.azg.am/EN/2002111901>

⁵⁶ Armenian official upbeat on fight against human trafficking." BBC Summary of World Broadcasts. (June 18, 2004, Friday): 662 words. LexisNexis Academic. Web. Date Accessed: 2012/02/21

that the government decided to take action and to work with the IOM.”⁵⁷ The US continued to play a strong role in legislative reforms, sometimes offering specific —and often well-received— advice on the wording of the legislation and also sending a legal adviser to work on the law.⁵⁸ At other times the US worked primarily through the Organization for Security and Co-operation in Europe (OSCE), which it funded to analyze the legislative gaps.⁵⁹ For several years the embassy pushed for full criminalization and stricter penalties. The eventual strengthening of penalties can be linked directly to interactions with the US about Tier ratings and criticisms in the US TIP Report.⁶⁰ By funding the OSCE legislative assistance efforts and sending a resident legal advisor, the US advised on the substance of legislative reforms. Parliament amended the Criminal Code in June 2006, following much of the US advice provided through the OSCE and other channels.⁶¹

The embassy continued to pressure the government to pass a new action plan and fund it properly, which eventually occurred.⁶² The US legal advisor assisted in the formulation of the Action Plan.⁶³ The embassy also pushed on issues such as official complicity in trafficking and increasing prosecutions of such cases. The US funded grants to support the strengthening of law enforcement agencies’ response to trafficking, including separate grants for training in victim referral and training in investigating trafficking cases. By 2009, more vigorous prosecutions were starting, with, in one major case, the embassy noting, “This is the type of vigorous prosecution that the USG applauds, and which it has been training and pushing the GOAM [Government of Armenia] to pursue for years ...[]... We continue to see and welcome the new level of maturity and willingness by Armenian law enforcement and the judiciary to address the trafficking issue seriously.”⁶⁴

Armenia’s success is far from complete, but its progress has been remarkable. Right from the beginning, the US frequently discussed the issue with high-level government officials, who showed concern about the US Tier rating and sought concrete information for how to improve their rating. The embassy reported that concrete results often followed the discussions.⁶⁵

Later developments bear mentioning. The 2014 TIP Report pushed the country on its efforts to identify victims of forced labor. Some progress was reported the next year when the reports noted that the government enhanced efforts to protect identified victims by adopting the Law on Identification and Assistance to Victims of Human Trafficking and Exploitation, but it still had not completed reforms to improve labor inspections.

Institution building

The US was involved with policy in several ways. It advised the government to reorganize the domestic administration and oversight of TIP policy. Following the criticism by US and other international actors, in October 2002, the prime minister decreed the creation of a government commission to address TIP and to start designing an action plan including new anti-TIP provisions into the Criminal Code.⁶⁶ The Commission agreed to use the anti-TIP website that the US funded for Armenia.⁶⁷

⁵⁷ Anti-trafficking Efforts in Armenia, Aghavni Eghiazaryan, 18:01, December 12, 2005. Published online. Last accessed on May 2, 2012 at <http://hetq.am/eng/articles/9526/anti-trafficking-efforts-in-armenia.html>

⁵⁸ 06YEREVAN761

⁵⁹ 04YEREVAN1344

⁶⁰ See for example 06YEREVAN761

⁶¹ 06YEREVAN960

⁶² 07YEREVAN106, 07YEREVAN1437

⁶³ 06YEREVAN761

⁶⁴ 09YEREVAN494

⁶⁵ 08YEREVAN244

⁶⁶ AZG DAILY #42, 04-03-2003, BRITISH EMBASSY LAUNCHES PROJECT TO RAISE AWARENESS ABOUT PEOPLE TRAFFICKING AND SMUGGLING, <http://www.azg.am/EN/2003030402>, http://www.armeniaforeignministry.com/fr/hr/hr_trafficking.html

⁶⁷ 04YEREVAN1344

Indeed, Armenia illustrates the information gathering effect well. In February 2005, the Inter-Agency Anti-Trafficking Commission met to discuss the government's anti-TIP efforts. They timed the meeting specifically before submission of information to the embassy for its filing to Washington for the TIP Report. Representatives from the Ministry of Justice, Ministry of Labor and Social Affairs, Department for Migration and Refugees, and others participated, as well as IGOs and NGOs. The discussions revealed a lack of inter-agency communication, which participants pledged to improve. The ministry chairing the commission encouraged all participants to send the US embassy a detailed summary of their anti-trafficking work before the TIP filing deadline. A representative of Armenian law-enforcement recommended that permanent staff be assigned under the Commission to improve its effectiveness. The US embassy reported to Washington that "This meeting of the Commission, as well as previous such gatherings, demonstrates that the USG's TIP report is one of the principal driving forces for the activities of the Government Anti-TIP Commission ... As the Commission reviews the implementation of the National Action Plan on Combating Trafficking (2004-2006) and prepares its own report and recommendations to the Government, it is clear that the USG's report is serving as a catalyst for interagency anti-TIP cooperation and is setting the Commission up as a more effective tool in coordinating the GOAM efforts on fighting TIP.⁶⁸ That the TIP reporting requirements spurred these meetings is a good example of how the information gathering that the TIP Report brings can focus attention and thus contribute to changes in domestic practices.

The embassy put considerable pressure on the government to increase the commission's power.⁶⁹ Years later, after repeated US efforts to push national TIP policy to a higher administrative level, the commission was elevated to a council with more decision making powers.⁷⁰ The embassy also successfully pushed for the appointment of a specific person as chair⁷¹ and through numerous meetings with interlocutors, who on US urging took the issue to the prime minister, got approval of budget requests for TIP policies.⁷² Embassy officials assessed that the TIP reporting requirement was "serving as a catalyst for interagency anti-TIP cooperation and...setting the Commission up as a more effective tool in coordinating the GOAM efforts on fighting TIP."⁷³ The US also funded Armenian officials to travel to destination countries to facilitate cooperation issues with these countries, funded the creation of a training manual for the diplomatic core in how to work with victims, and "conducted an anti-trafficking seminar for judges, prosecutors, investigators and police," as well as other domestic capacity-building grants.⁷⁴

The promotion and adoption of new norms and practices

Furthermore, the US embassy worked hard to change the mindset of Armenian officials. From the early years the embassy stressed the need for Armenia to "take ownership" of the issue.⁷⁵ Over the years, this began to happen. As the deputy prime minister noted in late 2009, "mentalities" about trafficking had begun to change for the better, and US efforts had brought the issue to the fore: "it wasn't the case four years ago that trafficking was so frequently discussed in the government."⁷⁶

Armenia exemplifies how the TIP Report can serve spread information about practices by other countries. As noted earlier, in 2007, one of the embassy's TIP interlocutors asked the embassy for feedback on a Ministry of Foreign Affairs report that compared Armenia's policies with the reports for Armenia, Azerbaijan, Turkey, and Georgia to understand what was leading to better ratings and said that

⁶⁸ 06YEREVAN214

⁶⁹ 06YEREVAN1548

⁷⁰ 07YEREVAN1437, 08YEREVAN555, 09YEREVAN135

⁷¹ 09YEREVAN135

⁷² 06YEREVAN1548, 06YEREVAN1667, 09YEREVAN135

⁷³ 06YEREVAN214

⁷⁴ 05YEREVAN1387, 06YEREVAN895, 07YEREVAN250

⁷⁵ 04YEREVAN314

⁷⁶ 09YEREVAN865

the Ministry of Foreign Affairs would then target their efforts on those areas where Armenia was deficient.⁷⁷

Conditioning factors

Major obstacles to TIP progress in Armenia included the scope of the problem, extensive official complicity, and poor domestic capacity. In several cases the government was slow to prosecute suspected officials. The US also had to push hard to get the government to allocate resources to the problem. An internal political crisis of 2008 slowed progress further.⁷⁸ The embassy enjoyed strong relationships with many dedicated officials and cultivated “reliable anti-TIP interlocutors,”⁷⁹ but complained that these interlocutors lacked sufficient authority.⁸⁰ These factors all worked against US scorecard diplomacy.

However, several factors also facilitated engagement. The embassy was heavily engaged and prioritized the issue at a high-level, leading to the development of consistent relationships. The authority of reliable interlocutors rose with the ascension to power of Deputy Prime Minister Gevorgian, who also became Chairman of the newly established Ministerial Council to Combat Trafficking and with whom the embassy had good relations.⁸¹ The ascension of Gevorgian facilitated greater attention to the issue and subsequent progress. In addition, the US had some leverage through its sizeable assistance program, including assistance targeted at TIP problems. US efforts to use scorecard diplomacy were also bolstered by Armenia’s concern for its international and domestic reputation, demonstrated by its sometimes vigorous attacks on the US report in the media while privately cooperating. Finally, the case was helped by cooperation with IGOs, especially the OSCE and the IOM, and local NGOs.

⁷⁷ 07YEREVAN888

⁷⁸ 08YEREVAN555, 09YEREVAN135

⁷⁹ 07YEREVAN691

⁸⁰ 07YEREVAN106

⁸¹ 09YEREVAN865

Chad

Summary

Despite considerable engagement between the US and Chad, little progress has been made due to other national concerns such as internal political conflict, ethnic violence, regional instability and the need to support the fragile peace that finally ensued in 2010, after which Chad remained actively engaged in fighting anti-government armed opposition groups that crossed into the country. As a result, Chad has not been able to pass legislation despite US pressure to do so, but the US has remained involved and funded IGOs to work on the topic. Chad and the US also disagreed on what constitutes trafficking, and the US has not been able to change the mindset. *The case thus illustrates the difficulties of cultural barriers to how trafficking is defined and the challenge of using scorecard diplomacy to influence policy when the government faces more imminent domestic turbulence. In some ways Chad was an inverse perfect storm: multiple conditions for lack of influence were present.*

Background

One of the poorest countries in Africa, Chad faces problems with trafficking and exploitation of children for begging, prostitution and labor. The trafficking problem is primarily internal, and frequently relatives, teachers, or intermediaries entrusted with the care of children will subject them to forced labor in domestic service or herding and begging. Children are sometimes sold in markets for use in cattle or camel herding. In addition, the Government also uses children for military service. As Figure 3 shows, Chad has had flat tier ratings, starting and ending as a Tier 2 country, with worsening in ratings in the late 2000s. The policy outcomes have also remained rather unchanged.

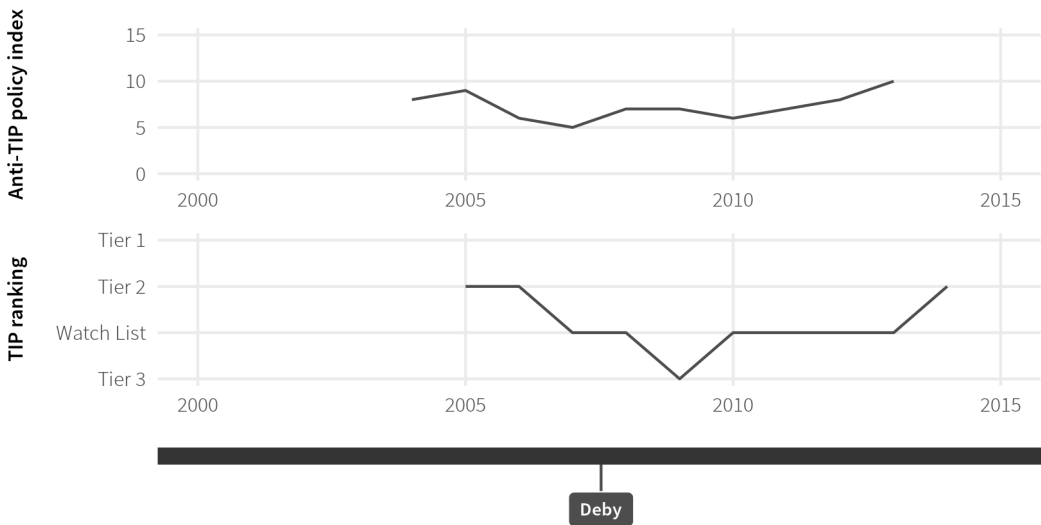


Figure 3: Chad’s TIP ranking and policy during governments, 2004–2014

Statistic	Value
Average GDP per capita	\$770.75
Total aid	\$6,564.27 million
Aid from US	\$1,273.57 million
Average total aid as percent of GDP	6.33%
Total TIP grants	\$1,302,555

Table 3: Key Chadian statistics, averaged 2001–2013

Direct diplomacy

Although scorecard diplomacy on trafficking was not as intensive as in some other countries, when they occurred, meetings were often at a high level such as the foreign minister, the national mediator, the minister of human rights, the minister of justice, and various Secretary Generals. The ambassador also discussed TIP with President Idriss Deby. The documentation through the cables available begins in 2005 when Chad was first included in the TIP report. The cables that discuss TIP constitute 5 percent of the overall available cables, but the documentation overall is not very rich, suggesting less intensive efforts. The US applied pressure through downgrades and reminded Chad of possible sanctions, and in the absence of a responsive government, it sought, as discussed below, to work through facilitation of collaboration between all stakeholders including government, civil society and IGOs. The embassy encouraged the creation of an inter-ministerial committee to undertake the initiatives recommended by the US Action Plan. Scorecard diplomacy also sought to educate about the nature of human trafficking to counter local norms.

Indirect pressure

The cables recount some involvement between the US and IGOs or local NGOs. “In 2006,” according to one cable, “the US funded a UNICEF project to create a child protection network to carry out the rescue and rehabilitation of 1,500 child herders, 500 child domestics and 500 victims of commercial sexual exploitation, while also covering the production costs of a locally-made film that depicts the plight of child herders in Chad.”⁸² The embassy also discussed the recruitment of refugees by a Sudanese rebel group with the UNHCR.⁸³ Finally, the embassy encouraged the government to collaborate more with NGOs.⁸⁴ The IOM and the US have had a strong partnership in Chad. In 2012 the IOM launched a major study as part of a two-year US State Department-funded project: “Strengthening Chad’s Capacity to Prevent and Combat Trafficking in Persons.”⁸⁵

Concerns

Despite its heavy aid flows, neither concerns about aid nor image have prompted serious efforts to improve Chad’s rating or to take up the fight against trafficking in earnest. Although the US discussed possible sanctions in 2009 with officials, in reality the US gained little from economic leverage in Chad. Impending sanctions were brought up to no avail.⁸⁶ Indeed, the US embassy assessed its own economic leverage as weak, because the US offered less assistance to Chad than other countries, which were more influential.⁸⁷ Concerns about image were dwarfed by on-going conflicts. Furthermore, different domestic understandings of trafficking have mitigated the reputational costs of some forms of trafficking.

⁸² 07NDJAMENA61

⁸³ 08NDJAMENA541

⁸⁴ 09NDJAMENA230

⁸⁵ “Chad Human Trafficking Challenge: IOM Report,” *International Organization for Migration*, 10 Jun. 2014, accessed 26 Dec. 2016, <http://www.iom.int/news/chad-human-trafficking-challenge-iom-report>.

⁸⁶ 09NDJAMENA111, 09NDJAMENA128

⁸⁷ 09NDJAMENA143

Outcomes

Legislation

Chad has not succeeded in passing specific anti-TIP legislation, partly because political interests worried about implications for practices such as child herding and child employment more generally.⁸⁸ Although interaction continued at a ministerial level, by late 2008, draft legislation had yet to emerge from the Ministry of Justice and the stalemate continued despite the ambassador raising possibility of TIP sanctions being raised at the highest levels of governments.⁸⁹ In 2009, Chad was finally downgraded from a Tier Two Watch List to a Tier Three. Not even this downgrade promoted any real action on TIP legislation, as many issues diverted attention from TIP issues.⁹⁰ The embassy began to meet regularly to press for legislative progress.⁹¹ Due to congressional limits of how long a country can stay on the watch list, in 2014 the State Department faced a choice between downgrading Chad to Tier 3 or upgrading it to Tier 2. Noting an increase in prosecution, convictions and an awareness raising campaign, it went with the upgrade to Tier 2, although the draft legislation to criminalize child trafficking still lingered for a fourth year. In March 2014 the government began drafting comprehensive anti-TIP legislation. The UNODC organized a technical workshop on the draft law in March 2015 that brought together “legal practitioners, academics, sociologists, members of civil society, government departments involved in the topic, as well as representatives from international organizations.”⁹² Notably, the event was funded by the US Department of State. Hopeful of progress, the US maintained Chad at Tier 2 in the 2015 report.

Institutions

The 2009 downgrade prompted Chad to form an inter-ministerial committee able to undertake the initiatives recommended by the US Action Plan.⁹³ The committee met in 2009 but was not permanent.⁹⁴ In 2013 Chad was placed on the Watch List for a fourth year and avoided the mandatory downgrade only because they had produced a written plan. As part of this plan, the government finally formally created an inter-ministerial committee on trafficking in persons to coordinate all government efforts to combat trafficking. The committee convened for the first time in March 2014, but funding was slow. By 2015 the TIP Report notes that the committee regularly convened.

The promotion and adoption of new norms and practices

There is no evidence in the cables or elsewhere that the US diplomacy has succeeded in changing the norms or understandings of TIP in Chad. Domestic practices surrounding child labor, including as soldiers for the government itself, and child herding have remained accepted and presented additional barriers to progress on trafficking.

Conditioning factors

Facilitating factors in Chad were few, which is why progress remained limited. Meanwhile, obstacles abounded, including regional instability, anti-government armed resistance, and a weak judicial system. During this time, “Chad was actively engaged in fighting anti-government armed opposition groups that crossed into Chadian territory.”⁹⁵ The country was therefore clearly dealing with other issues that could have diverted its attention from TIP issues.

⁸⁸ 07NDJAMENA89, 09NDJAMENA230

⁸⁹ 06NDJAMENA821, 07NDJAMENA879, 08NDJAMENA439, 09NDJAMENA128

⁹⁰ 10NDJAMENA105

⁹¹ 09NDJAMENA137

⁹² “Chad Strengthens Legislation Against Human Trafficking Thanks to UNODC Support,” *UNODC*, n.d., accessed 26 Dec. 2016, <https://www.unodc.org/westandcentralafrica/en/chad---anti-human-trafficking-law---25-26-march-2015.html>.

⁹³ 09NDJAMENA258

⁹⁴ 09NDJAMENA290

⁹⁵ 10NDJAMENA105

Another obstacle in Chad was the serious conflict between definitions of human trafficking and cultural norms and practices, such as cultural sensitivities surrounding child labor. Although specific anti-trafficking legislation had already been cleared by the Council of Ministers in 2006,⁹⁶ domestic opposition stopped it in an effort to accommodate provisions to the practice of using children as cattle herders,⁹⁷ because extreme poverty drives parents to essentially sell children for this purpose, sometimes for as little as \$20.⁹⁸ The Government itself was also using children for military service, making it very difficult to make progress.

⁹⁶ 06NDJAMENA821

⁹⁷ 07NDJAMENA89

⁹⁸ “Children Sold Into Slavery for the Price of a Calf,” *IRIN*, 21 Dec. 2004, accessed 26 Dec. 2016, <http://www.irinnews.org/report/52490/chad-children-sold-into-slavery-for-the-price-of-a-calf>.

Ecuador

Summary

Ecuador demonstrated strong political will to combat trafficking and respond to scorecard diplomacy and US input. Other political factors such as political instability, however, impeded progress at times. The US actively pushed for the passage of an anti-TIP law and provided input into its wording, to which the GOE was receptive. Scorecard diplomacy was successful in getting progress on legislation and implementation, though not as quickly as desired. It played a role in shaping understanding of the norms surrounding human trafficking, especially with difference with smuggling. *The case shows the importance of individuals within the country's government who take on TIP as a personal issue and serve as allies to US efforts, as well as the potential for political instability to disrupt these relationships. The case also illustrates the effectiveness of dropping the ratings of a country as a means to solicit a response, suggesting the value of public grading as a core function of scorecard diplomacy.*

Background

Ecuador is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Most victims are women and children who are trafficked in the domestic sex industry or forced domestic servitude, begging, or agricultural labor. Local gangs are involved in sex trafficking. Traffickers sometimes recruit children from impoverished indigenous families. Some officials are allegedly complicit by warning traffickers of law enforcement operations.⁹⁹ There was little information about TIP in Ecuador for the GOE to act on until an ILO report on the subject came out in late 2003.¹⁰⁰ The first inclusion of Ecuador in the TIP Report in 2004, which placed Ecuador on Tier 3, set off a flurry of activities in the GOE. Ecuador has since improved considerably over time, as shown in Figure 4.

⁹⁹ 2015 TIP Report

¹⁰⁰ US TIP Report 2004

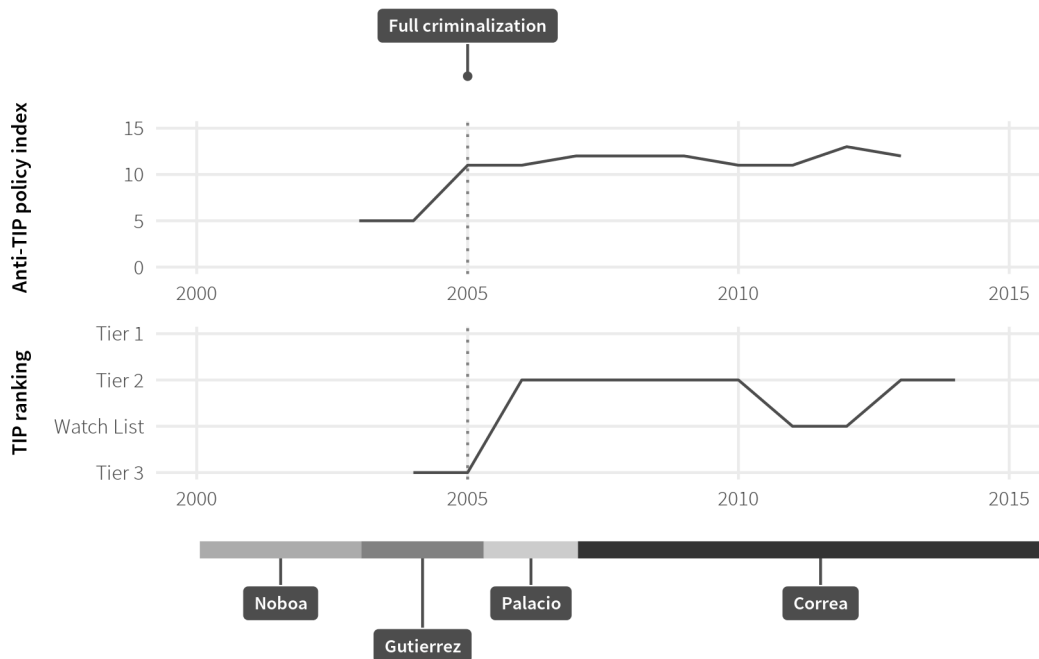


Figure 4: Ecuador's TIP ranking and policy during governments, 2003–2014

Statistic	Value
Average GDP per capita	\$4,461.13
Total aid	\$17,218.77 million
Aid from US	\$960.61 million
Average total aid as percent of GDP	2.21%
Total TIP grants	\$7,856,032

Table 4: Key Ecuadorian statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP were frequent and meetings were typically at a high level such as ministers and even once directly with the President Alfredo Palacio. A key figure was the minister of government. Other interlocutors included the foreign minister, the director of gender affairs, the Human Rights Director in the ministry of foreign affairs, the first lady, the acting attorney general, the president of congress, and the national chief of police, among others. The documentation through the cables available begins in 2004 and is most intensive between 2004-2007. The cables that discuss TIP constitute 8 percent of the overall available cables, suggesting that TIP was a top priority for the embassy. Indeed, A US TIP delegation visited Ecuador shortly after the first time Ecuador was included in a TIP Report in 2004 to drive home the message and work to formulate policy responses.¹⁰¹ The US embassy developed a strong relationship with Minister of Government (MG) Raul Baca, who reported on his progress within the GOE or requested US support in specific areas. Scorecard diplomacy focused on the passage of anti-TIP legislation and the embassy commented directly on versions of the text. The embassy

¹⁰¹ 04QUITO2198

also often stressed implementation issues and the US funded education programs and training programs, including shelters and a child protection police unit. Indeed, Ecuador has received a large share of TIP grants. The US also pushed for the assignment of a special prosecutor and specific persons for appointments and positions within the government. The embassy also pushed to start an inter-institutional commission on trafficking. Importantly, US officials repeatedly sought to educate government officials about the nature and scope of TIP and the difference between TIP and smuggling.

Indirect pressure

The release of the first TIP Report launched the issue of human trafficking into the spotlight of the media. According to Minister of Government Raul Baca, TIP was getting attention in the media, and civil society had organized marches to demand action from the GOE.¹⁰² This public attention augmented the pressure from the report. The media was also attentive to the progress of TIP legislation.¹⁰³

Several other actors contributed to anti-TIP policy in Ecuador and cooperated with the US. The ILO opened a new shelter that the US officials visited. The US funded the IOM and CARE International to implement anti-trafficking prevention activities. The US also met with and funded several NGOs, both domestic and international.¹⁰⁴ For example, US funds helped the American Bar Association advise on legislation.¹⁰⁵ Thus it appears that the US was able to fund organizations to help reinforce its message.

Concerns

While it is evident that Ecuador was extremely open to US advice, the source of this openness is not clear. The record provides little information about whether Ecuador's government cared about sanctions or was concerned with reputations. There is no record of Ecuadorian officials initiating discussions about possible sanctions, but in 2005 the Ecuadorian embassy staff sometimes mentioned the possibility of sanctions to domestic officials.¹⁰⁶ Officials also did not explicitly express concerns about Ecuador's reputation. The government didn't express anger about harsh ratings, but did say that they wanted the rating to improve.¹⁰⁷ When Ecuador received a Tier 3 rating in 2005 the president went on national television to tell people that he cared about trafficking.¹⁰⁸ In general, drops in Tier ratings were particularly successful in capturing the GOE's attention, suggesting the Tier ratings mattered.

The US efforts in Ecuador contributed to the salience of the issue, but an important factor in making a real dent in TIP was the government's own desire to fix the problem. Often it appeared individuals drove this willingness. While some officials may not have taken an interest in TIP prior to US engagement, once the embassy brought the severity of the issue to their attention, many became personally invested. In 2006, the embassy said it seemed that "motivation to improve comes more from within than from embassy prodding,"¹⁰⁹ which likely explained much of the progress the GOE made.

Outcomes

Legislation

The U.S. pushed passage of anti-TIP legislation, contributed to the wording of the legislation, and continued pressing for implementation after its passage. During the first few years of the TIP Report, the

¹⁰² 04QUITO2447

¹⁰³ 04QUITO2519

¹⁰⁴ "Anti-Trafficking Technical Assistance: Ecuador Anti-Trafficking Assessment," USAID, August 2006, http://pdf.usaid.gov/pdf_docs/pnadh204.pdf, Accessed December 27, 2016; 04QUITO2519; 04QUITO2773; 04QUITO3132; 05QUITO369.

¹⁰⁵ 05QUITO179, ABA received two grants in 2004 (\$370,798) and 2005 (\$395,942).

¹⁰⁶ 05QUITO553

¹⁰⁷ 05QUITO78, 05QUITO1273

¹⁰⁸ 05QUITO1803

¹⁰⁹ 06QUITO2428

US pressured the GOE to pass an anti-TIP law, and the embassy and the American Bar Association (ABA) contributed significantly to the wording of the legislation, also working directly with the Supreme Court and the National Council of the Judiciary on the issue.¹¹⁰ Shortly after the 2004 TIP Report placed Ecuador on Tier 3, the government began work on a comprehensive anti-TIP bill. On September 6, the President Gutiérrez sent a bill of penal code reforms related to TIP to Congress.¹¹¹ Three days later, the ambassador met with the President of Congress and pushed him to get Congress to address TIP legislative reforms; he was soon after told that Congress would prioritize the bill, including by President Gutiérrez.¹¹² Multiple bills on TIP were pending in Congress and being reviewed and pushed for by the embassy,¹¹³ and they were soon combined into one bill that defined TIP in compliance with G/TIP model legislation.¹¹⁴ Several government officials promised the embassy they would push Congress to pass the bill.¹¹⁵

The GOE gave the embassy opportunities to comment directly on the wording as the law was being drawn up.¹¹⁶ At one point, the Ecuadorian Supreme Court asked the American Bar Association for help in drafting the law, and the US TIP office funded the ABA to visit Ecuador multiple times.¹¹⁷ The government incorporated the ABA's suggestions into the bill.

Unfortunately, political instability slowed progress, but meetings with high-level officials to press the issue kept it at the top of the agenda even amidst the political turmoil. The eventual ousting of President Gutiérrez slowed even progress further, but the embassy "redoubled" its efforts on TIP, despite the new administration being less pro-American.¹¹⁸ Eventually, the law passed.

Afterwards, the USAID met with over 40 US and Ecuadorian government officials, civil society, and international donors to assess needs with regards to implementation.¹¹⁹ The US funded education programs and training programs that were part of government policy implementation. For example, the US sometimes funded training for law enforcement and other officials. The US also funded various projects, mainly through USAID, including shelters and the child protection police unit DINAPEN within the ministry of the interior.¹²⁰ The embassy suggestion to the attorney general to assign special TIP prosecutors was followed by increased prosecutions. As a whole, the interaction suggests that the US was fairly successful in getting progress on legislation and implementation, though not as quickly as desired.

The political turmoil caused by the 2010 crisis, in which the National Police rose up against President Rafael Correa, detracted from attention to TIP. In 2011 Ecuador was demoted to Tier 2 Watch List. By January 2013, a new criminal code more than doubled minimum sentences for human trafficking,¹²¹ and prosecutions and convictions increased.

¹¹⁰ 04QUITO2773 05QUITO224. American Bar Association, "Ecuador Programs,"

http://www.americanbar.org/advocacy/rule_of_law/where_we_work/latin_america_caribbean/ecuador/programs.html

¹¹¹ 04QUITO2519

¹¹² 04QUITO2459, 04QUITO2571, 04QUITO2980

¹¹³ 04QUITO2773

¹¹⁴ 04QUITO2861

¹¹⁵ 04QUITO3099, 04QUITO3257

¹¹⁶ 04QUITO2861_a. For the work of the ABA, see ABA Journal, 4/6/2006, "SINISTER INDUSTRY: ABA Joins Worldwide Effort to Fight Criminal Trade in Human Beings."

¹¹⁷ American Bar Association, "Ecuador Programs,"

http://www.americanbar.org/advocacy/rule_of_law/where_we_work/latin_america_caribbean/ecuador/programs.html;

04QUITO2595; 05QUITO179; 05QUITO224

¹¹⁸ 05QUITO78, 05QUITO224, 05QUITO490, 05QUITO534, 05QUITO995,

¹¹⁹ "Anti-Trafficking Technical Assistance: Ecuador Anti-Trafficking Assessment," USAID, August 2006, http://pdf.usaid.gov/pdf_docs/pnadh204.pdf. Accessed December 27, 2016

¹²⁰ 06QUITO2428

¹²¹ US TIP Report 2014

The promotion and adoption of new norms and practices

Through repeated meetings, US officials sought to educate government officials about the nature and scope of TIP.¹²² The US embassy strove repeatedly to help the government officials understand the difference between TIP and smuggling and funded the ABA to train officials on the difference.¹²³ In 2004 the UN and the ministry of foreign affairs co-sponsored a two-day conference. Participants, including officers from the police unit dedicated to protecting children, repeatedly confused smuggling and trafficking. The U.S. additionally taught Ecuadorian officials about TIP by providing them examples from their own policies. Ecuadorian officials also visited the US in October 2005 to learn about TIP policy.¹²⁴

Institution building

The embassy also pressed for specific appointments and positions within the government. They got Minister of Government Raul Baca to seek and receive appointment as Official TIP Coordinator. In 2005 they proposed to Foreign Minister Carrion that he chair the inter-ministerial TIP working group (though there is no indication whether he did so).¹²⁵ The Ecuadorian government also sought out the embassy's involvement. The Ministry of Government invited the embassy to help start the inter-institutional commission to create a national TIP plan. The embassy used the opportunity to push for the Ministry of Foreign Affairs to also be involved in the commission.¹²⁶ This US involvement with the action plan continued for years.¹²⁷

Conditioning factors

In Ecuador, the embassy's personal interactions were very important. Meetings went all the way to the president in 2005. The US met frequently with high-level officials whom the embassy sought and often succeeded to get personally invested in TIP. A prime example is their recruitment of First Lady Maria Paret as a spokesperson and activist for TIP through her position as director of the National Institute of Childhood and Family (INNFA). Certain figures within the Ecuadorian government, including MG Baca, First Lady Paret, and prosecutor Lucy Blacio were crucial in the fight against TIP. The embassy described Baca as "a rare Gutiérrez administration bright light."¹²⁸ Allies such as these who prioritized TIP helped enact change from within the government.

Indeed, the revolving door of the minister of government's office after Baca's resignation underscored the importance of a steady interlocutor.¹²⁹ The embassy remained in close contact with the new minister, whom they had some success cultivating.¹³⁰ But he resigned quickly, making him the fourth to resign in Gutiérrez's two years in power. The embassy was not even able to meet the next minister before he too resigned after only a month, and *his* replacement was ousted a few weeks later when Congress voted President Gutiérrez out of office. This political turmoil and the repeatedly changing contacts prevented the embassy from reestablishing the strong cooperation they had with the Ministry of Government on TIP, demonstrating how political shifts can significantly disrupt embassy relationships and progress on TIP.

Other obstacles to progress included the government's lack of understanding of the difference between trafficking and smuggling. Fortunately these were balanced by some favorable conditions such as strong political will on behalf of the Ecuadorian government, US economic aid, and intensive US-funded training programs.

¹²² 05QUITO995

¹²³ 05QUITO224, 04QUITO2861_a, 04QUITO3257

¹²⁴ 05QUITO2890

¹²⁵ 05QUITO2506

¹²⁶ 05QUITO2762

¹²⁷ 08QUITO696

¹²⁸ 04QUITO2598

¹²⁹ 04QUITO2598

¹³⁰ 05QUITO61, 05QUITO78

Honduras

Summary

Honduras illustrates the difficulty of gaining the attention of a government in a country where other problems dwarf the trafficking issue and where poverty, crime and corruption are rampant. Scorecard diplomacy has nonetheless contributed to bringing TIP on the agenda, partly by working with NGOs.

Honduras has only made slow progress on human trafficking, because the issue had to compete with other priorities in the US embassy and for the Honduran government. As a result, rather than create dedicated action plans on human trafficking, for example, Honduras had to adopt a broader national security strategy to address terrorism, money laundering, and gangs, as well as trafficking of drugs, arms, and people, problems that were all intertwined.¹³¹ The government for the most part welcomed US assistance, and efforts to combat TIP greatly improved in 2007 and 2008. However, a coup d'état in 2009 interfered with progress and US-Honduran collaboration. *The case thus demonstrates important scope conditions for creating and translating reputational concerns into action: it is difficult to create impetus for change on an issue that has relatively low salience due to other overwhelming priorities and may even run counter to the interests embedded in political corruption. Government instability easily derails cooperation. Under such conditions, however, the indirect pressure enabled by scorecard diplomacy is vital in enabling pressure from third parties.*

Background

Honduras has one of the highest crime rates in the world, as well as a huge drug problem. It is poor, politically unstable, and faces high corruption on TIP issues among the immigration service. Some Honduran women and children are exploited in sex trafficking within the country, but most trafficking does not take place in Honduras. Rather, Honduras is a source and transit country for men, women, and children subjected to sex trafficking and forced labor. As Figure 5 shows, the TIP tier rating has remained either 2 or Watch List throughout the period and the policy gains have been modest.

¹³¹ 08TEGUCIGALPA165

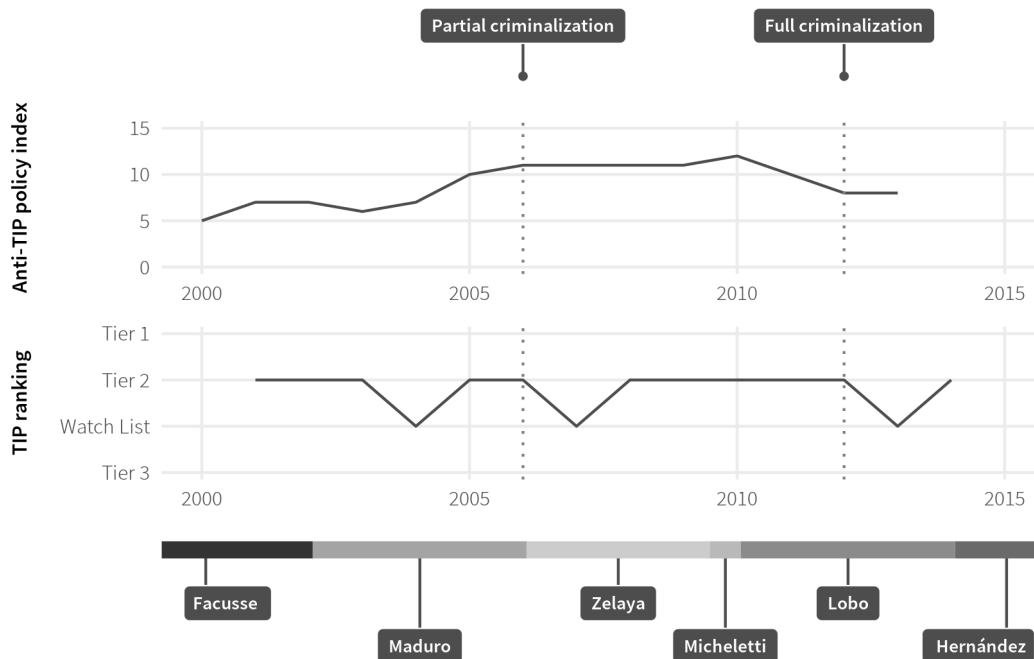


Figure 5: Honduras's TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$1,991.35
Total aid	\$9,847.93 million
Aid from US	\$1,454.53 million
Average total aid as percent of GDP	5.46%
Total TIP grants	\$2,335,000

Table 5: Key Honduran statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP were typically at a high level. These included the minister of public security, minister of the interior, the attorney general the Director of Prosecutors, and the Supreme Court president as well as heads of the Criminal Investigative Police and Frontier Police and the inter-institutional commission on the commercial sexual exploitation of children. The documentation through the cables available begins in 2002. The cables that discuss TIP constitute 7 percent of the overall available cables, suggesting that TIP was a priority for the embassy. Scorecard diplomacy focused on the passage of anti-TIP legislation for which the US provided sample legislation. When 2005 law did not include labor trafficking, the embassy continued to press for this. The US embassy pressed for more centralized TIP data gathering and for an inter-institutional commission to discuss TIP issues. The embassy also pressed the government to address corruption among immigration officials.

Indirect pressure

NGOs have used the US TIP attention to engage with the government and increase attention to the issue. In a personal interview, the president of the Commission Against Trafficking in Persons, Nora Urbina, stressed the positive influence of the US on funding NGOs in Honduras and noted that the

Commission holds a public forum on the US TIP Report every year and passes the recommendations on to the authorities.¹³² In addition to engaging with NGOs, the US has also funded the IOM to build capacity to assist victims of trafficking in Honduras.¹³³ For example, the IOM used US Population, Refugees, and Migration (PRM) funding to hold a two-day seminar to train mid- and high-level GOH officials on TIP. The Deputy Director of the Migration Police attended the IOM training and subsequently used the seminar materials to train all of her staff on recognizing and investigating TIP.¹³⁴ Thus, much of the US work went through the agents it funded, creating indirect pressure.

The media also reported on the US report and call on the government to improve. After the 2004 TIP Report that placed Honduras in a Tier 2 category, the newspaper *El Heraldo* called on the government to achieve the minimum standards “not only because we may lose some of the cooperation we get from the U.S. but because it’s their legal and moral obligation.”¹³⁵ The media thus increased the reputational cost to the government for inaction.

Concerns

In Honduras, the main obstacle to collaboration on TIP was “massive corruption” and the accompanying poor domestic institutional capacity, poverty and related crime and corruption.¹³⁶ That said, material motivations likely drove the government to collaborate with the US to the modest extent that it did. A July 2001 visit from an interagency delegation led by the U.S. Trade Representative, which decided “that the situation in Honduras [regarding labor conditions] did not warrant opening a review of CBTPA [Caribbean Basin Trade and Partnership Act] benefits,” in combination with threats of sanctions to business sectors with child labor and the possibility of a U.S.-Central America Free Trade Agreement, greatly motivated Honduras to take action on child labor.¹³⁷ In 2004, a visiting US speaker reminded the government that sanctions loomed due to the Watch List ranking.¹³⁸ In June 2006, the US temporarily suspended visa interviews due to passport fraud and the lack of effort by the new administration, but was encouraged by the efforts of a new “capable reform-minded Immigration Director.”¹³⁹

The embassy argued that both the US-funded anti-TIP programs and TIP Report raised awareness about TIP.¹⁴⁰ US pressure focused the government’s attention to child labor issues early on, particularly when they linked possible sanctions and a free trade agreement to Honduras’ child labor performance.¹⁴¹

Outcomes

Legislation

The US made some headway in pushing for criminalization, but progress has been slow. During 2004 and 2005 the US stressed the importance of legislation with several high level officials, including the Attorney General and the Supreme Court president, and Post continued to work with one of its main interlocutors, Ambassador Soledad de Ramirez (who was the Honduran Delegate to the OAS Inter-American Commission of Women) to keep the TIP issue on the agenda. The US also provided sample legislation.¹⁴² US G-TIP officials visited Honduras in February 2005 and together with embassy staff, met with key officials to get updates on current Honduran anti-TIP efforts and emphasize USG interest.

¹³² Interview, phone. April 1, 2013. Conducted in Spanish by Renata Dinamarco.

¹³³ 07TEGUCIGALPA471

¹³⁴ 06TEGUCIGALPA459

¹³⁵ 04TEGUCIGALPA1384

¹³⁶ 06TEGUCIGALPA2130

¹³⁷ 02TEGUCIGALPA2916, 05TEGUCIGALPA2172

¹³⁸ 04TEGUCIGALPA2049

¹³⁹ 06TEGUCIGALPA2130

¹⁴⁰ 04TEGUCIGALPA2049; 06TEGUCIGALPA2130; 08TEGUCIGALPA429

¹⁴¹ 02TEGUCIGALPA2916; 05TEGUCIGALPA2172

¹⁴² 04TEGUCIGALPA1339_a

Domestic officials reiterated the importance of strengthening anti-TIP legislation and stressed their commitment to doing so to US officials and details of the law and its progress were discussed at the meeting.¹⁴³ In September 2005, Honduras did reform the Penal Code to cover almost all forms of Commercial Sexual Exploitation (CSE) and Trafficking in Persons (TIP), with an increase in penalties and jail time. The law was slow to be implemented; by February 2007, no cases had yet been prosecuted under the law.¹⁴⁴ The law also did not include labor related trafficking, which continued to concern the US embassy. The TIP Report pointed out the law's exemption of labor trafficking annually until April 2012, when Honduras finally passed a comprehensive law under pressure from the US, NGOs and others.¹⁴⁵ Still, while the US helped urge the passage of the law, it continues to point to problems in its wording, noting for example that it "conflates human trafficking with other crimes, such as illegal adoption, and establishes the use of force, deceit, or intimidation as aggravating factors only as opposed to essential elements of the crime per international norms."¹⁴⁶

Domestic officials assess progress as significant. Urbina, the president of the Commission Against Trafficking in Persons, noted the importance of the US in motivating action and putting items on the policy agenda and said, "In the last 10 years, the progress in Honduras has been enormous. There is much more awareness of the issue, which has translated into prevention."¹⁴⁷

Institution building

After the 2007 report reiterated the US embassy's frustration with the "extreme difficulty of extracting [TIP data] due to the [government's] decentralized system of identifying, collecting and handling TIP cases,"¹⁴⁸ the Honduran government began to implement a nationwide system to track all forms of criminal complaints, including TIP.¹⁴⁹ However, data continued to be a challenge.

The US TIP office also spent about \$1.5 million in Honduras between 2004 and 2012, most going to an organization called the Cooperative Housing Foundation International (CHF), which the organization used "to coordinate and streamline victim services provided by public institutions and created employment opportunities for victims to help them reintegrate into society. Global Communities also supported institutional counter-trafficking efforts by building the capacity of Honduran actors to implement the new anti-trafficking laws."¹⁵⁰

Promotion and adoption of new norms and practices

The embassy pressed for the government to address corruption among immigration officials, which "facilitated the trafficking of tens of thousands of persons to the United States over the past two decades." The embassy claimed that thanks to "a few dedicated individuals" in the government, the pressure led to a move from "denial, to lip service, to meaningful efforts."¹⁵¹

The TIP Report has also come to play a role in domestic policy discussions. Urbina reported that when the US ambassador submits the TIP Report, the Commission Against Trafficking in Persons holds a public forum on the issue and invites all the relevant state officials to discuss the report and stress its recommendations.¹⁵²

¹⁴³ 05TEGUCIGALPA456

¹⁴⁴ 07TEGUCIGALPA432_a

¹⁴⁵ 2012 TIP Report

¹⁴⁶ 2014 TIP Report

¹⁴⁷ Interview with Ms. Nora Suyapa Urbina Pineda, president of the Comisión Contra la Trata de Personas (Commission Against Trafficking in Persons). April 1, 2013. Phone interview by Renata Dinamarco, in Spanish.

¹⁴⁸ 07TEGUCIGALPA432

¹⁴⁹ 07TEGUCIGALPA1794_a

¹⁵⁰ "Honduras." Web, <http://www.globalcommunities.org/honduras>, Accessed December 27, 2016.

¹⁵¹ 06TEGUCIGALPA1333

¹⁵² Interview with Ms. Nora Suyapa Urbina Pineda, president of the Comisión Contra la Trata de Personas (Commission Against Trafficking in Persons). April 1, 2013. Phone interview by Renata Dinamarco, in Spanish.

Conditioning factors

The effectiveness of scorecard diplomacy was diminished by the huge distractions of other pressing problems as well as by disruptions in the government itself and subsequently its relationship with the US.

Major obstacles in Honduras included a much higher focus on drug trafficking and crime, endemic corruption and poverty, political instability and poor data. The TIP issue was also tied up in immigration politics. One Ecuadorian newspaper article called “Hondurans are Slaves” identified the lack of conversation on immigration policy with the US as the cause for so much trafficking. Though not explicitly so, the article portrayed the US as hypocritical for demanding a lot of Honduras for the cause without itself addressing its immigration policy that also drives the problem.

After the coup d'état of June 2009, the US halted communication with the government, which paused all TIP interaction except with NGOs until the new president was elected in January 2010. In general, collaboration has ebbed and flowed, seemingly held hostage mostly to other overwhelming priorities and poor capacity to implement and follow through. Meanwhile, any influence the US did have was facilitated by the US economic leverage and provision of assistance.

Indonesia

Summary

The US embassy worked closely with a broad set of actors such as the police, key ministries, NGOs, and the legislature. The relationship with the police was particularly intense and successful. Considerable influence came from training Indonesian law enforcement and judiciary. The US also played a particularly notable role in pushing along comprehensive Indonesian anti-TIP legislation. The US often brought up progress on the legislation as an incentive for tier improvement and, after passage, continued to tie the tier rating to implementation issues.¹⁵³ Several of the mechanisms of scorecard diplomacy were in view in Indonesia. The embassy worked very closely with the NGO community, with local police, and with officials in the Ministry of Women's Empowerment and Child Protection as well as the Ministry of Manpower, especially the Ministry of Manpower Secretary General, I Gusti Made Arka, who was an effective interlocutor. *Indonesia illustrates the importance of how scorecard diplomacy can be used to engage third party actors, often letting them take the lead on the fight against TIP. Indonesia was keen to take actions that the US made pre-requisites for improving the US TIP Tier ranking.*

Background

Indonesia is a major source country with millions of Indonesians working abroad, especially in Malaysia, in domestic service, construction, factories, or on plantations or fishing vessels where many experience forced labor through debt bondage. To a much lesser extent, Indonesia is also a destination and transit country for women, children, and men subjected to sex trafficking and forced labor. The country was at high risk for human trafficking, especially as the countries surrounding it in Southeast Asia also had significant trafficking problems. As Figure 6 shows, The TIP rating started out at the worst level 3, but has stabilized at Tier 2 since 2005 in light of several policy improvements.

¹⁵³ News: 6/28/2007, 3/1/2007: 07JAKARTA590, 2/29/2008: 08JAKARTA415, 1/20/2009: 09JAKARTA105, 2/27/2010: 10JAKARTA258

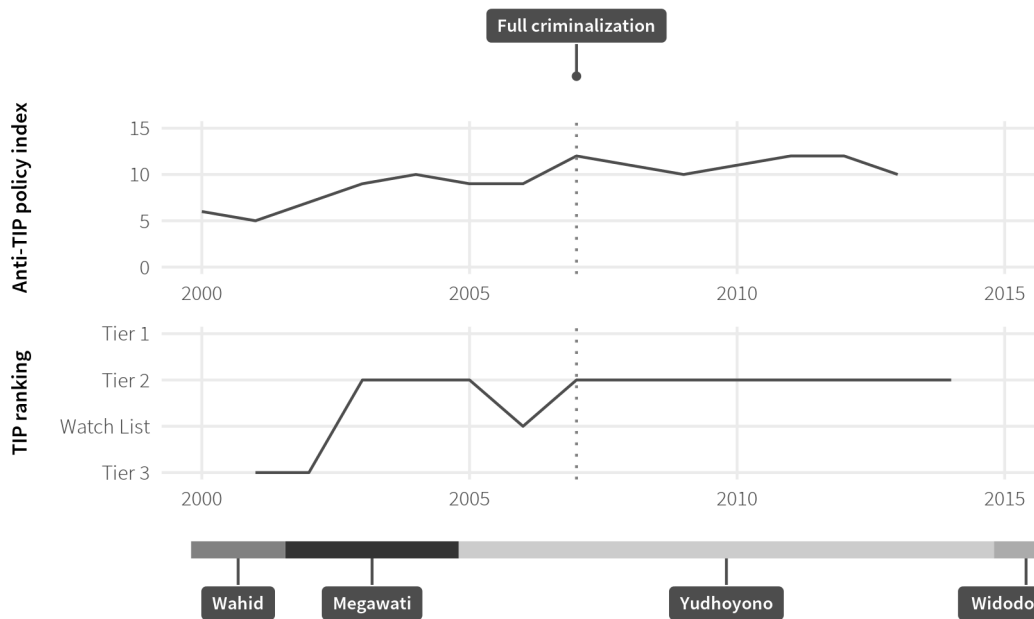


Figure 6: Indonesia's TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$2,798.78
Total aid	\$82,466.90 million
Aid from US	\$4,459.55 million
Average total aid as percent of GDP	0.999%
Total TIP grants	\$35,201,686

Table 6: Key Indonesian statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP were typically at an intermediate level such as directors. These included the Manpower Ministry's Secretary General and officials from the Ministry of Women's Empowerment and Child Protection. The documentation through the cables available begins in 2006, although Indonesia was included in the report already in 2001. Perhaps because of this, the cables that discuss TIP constitute just 5 percent of the overall available cables, although it appears that TIP was a priority for the embassy, which sought to cultivate strong relationships. The US pushed for comprehensive Indonesian anti-TIP legislation and often brought up progress on the legislation as an incentive for tier improvement. The government was keen to take actions before the US TIP reporting deadline. The US also funded a technical advisor to work with the parliamentary committee on the legislation and the embassy submitted comments on the language throughout the process, focusing on an expanded definition of human trafficking. Scorecard diplomacy also tied the tier rating to implementation issues and worked closely with police and funded public awareness campaigns. The embassy was quite hands-on and traveled to the field to assess implementation needs. As reflected in the large share of TIP grants to Indonesia, scorecard diplomacy was also heavily involved with capacity building, including establishment of medical centers, and shelters.

Indirect pressure

The embassy worked very closely with NGOs,¹⁵⁴ who served as a source of information for the report and as partners in many efforts.¹⁵⁵ On the push for passage of comprehensive anti-TIP legislation, the embassy noted, “The bill’s passage represents the culmination of over two years’ worth of intense anti-trafficking collaboration between Post, its NGO partners, and the [government of Indonesia].”¹⁵⁶ Several IGOs were also active, including the IOM, the ILO, and UNICEF. The US worked very closely with the IOM,¹⁵⁷ and together with the ILO held workshops to educate government officials about human trafficking, thus clearly boosting attention to the issue.¹⁵⁸ The US DOL also funded multi-year multi-million dollar ILO programs to combat child labor.¹⁵⁹

The interconnectedness of US funding and work of IGOs and NGOs is well illustrated by a comment made in the embassy about a local NGO: “This local NGO, which specialized in helping the victims of trafficking, is itself supported by IOM, which is funded in part by the United States.”¹⁶⁰

Indeed, the US preferred to work through NGOs and IGOs. This was evident, for example, when the US hosted a TIP-focused meeting with donors and NGOs to discuss US recommendations for international projects and how donors can exert more influence on TIP in Indonesia and jointly lobby the government with local NGOs and the US. The over 40 people attending the 3-hour meeting established joint priorities and methods for information exchange. Key actors included UNICEF, the IOM, and the US-based and heavily US-government funded NGO Save the Children. Interestingly, the US saw the benefit of collaboration as being one where the US was not always in the lead; one objective was to establish more powerful multilateral efforts and “take the USG out of the position of being the only strong voice calling for stronger political action.” The effort was meant as a way to amplify US pressure: “We hope to leverage this new grouping into our effort to further improve Indonesia’s Tier Two standing after it was removed from the Watch List earlier this year.”¹⁶¹ The wish to stay in the background while supporting NGOs was evident in embassy cables from 2008 as well.¹⁶²

Concerns

Indonesia showed significant political will to fight human trafficking and government officials emphasized their concern about low Tier ratings.¹⁶³ It’s clear that the Tier ratings focused attention and motivated action. That said, the cables do not reveal much about the motivations of the government’s response to the US efforts. Most reactions to the TIP Reports are cooperative and most interaction factual and practical.

Outcomes

Legislation

The US played a particularly notable role in pushing along comprehensive Indonesian anti-TIP legislation. When Indonesia first entered the report as a Tier three country in 2001, it had no TIP-specific legislation. Law enforcement was weak during this time as Indonesia was transitioning towards

¹⁵⁴ 09SURABAYA99, 07JAKARTA2167

¹⁵⁵ 06JAKARTA2849

¹⁵⁶ 07JAKARTA778. See also Eric Green, “Nongovernmental groups key in battle against human trafficking,” IIP Digital, U.S. Department of State, 14 June 2007, accessed 26 Dec. 2016, <http://iipdigital.usembassy.gov/st/english/article/2007/06/200706141538591xeneerg0.9905512.html>.

¹⁵⁷ 07JAKARTA1560

¹⁵⁸ 08JAKARTA191

¹⁵⁹ 08JAKARTA1345

¹⁶⁰ 07SURABAYA3489

¹⁶¹ 07JAKARTA3238

¹⁶² 08JAKARTA269

¹⁶³ 06JAKARTA7216, 07JAKARTA1655

democracy. The US often brought up progress on the legislation as an incentive for Tier improvement. The US embassy urged heavily that Indonesia pass anti-TIP legislation, in several meetings in 2006.¹⁶⁴ A US-funded technical advisor worked with the parliamentary committee on the legislation.¹⁶⁵ As the legislation moved along, the US submitted comments on the language, which led to a significantly expanded definition of human trafficking.¹⁶⁶ Even so, the US was concerned that debt bondage, a major form of human trafficking for Indonesia driven by cross-migration with Malaysia, remained unaddressed.¹⁶⁷ The US also sought to expedite the legislative process¹⁶⁸ and worked with Women's Empowerment Ministry to host public hearings and to push a series of official meetings and actions. Indicative of the US' investment in getting Indonesia to pass an anti-TIP law, in September 2006, the embassy noted to Washington, "We are pushing the GOI hard here and request Washington policymakers to push GOI visitors as well."¹⁶⁹ The bill finally passed on March 20, 2007, right as the embassy was due to file its TIP update to Washington.¹⁷⁰ Although the US embassy still wished that the final legislation had clauses on forced prostitution and child exploitation,¹⁷¹ the final version did forbid debt bondage and the US embassy claimed to have contributed significantly to the passage and content of the law.¹⁷²

The US was encouraged by the passage of the new legislation but also continued to focus on implementation and tie the Tier rating to it.¹⁷³ The US poured significant funding into Indonesia, and in 2006 they were cited as the largest donor to combat child labor in the country.¹⁷⁴ After the Ministry of Women's Empowerment TIP law implementation task force leader told the US that the GOI lacked sufficient funding to implement every aspect of the anti-TIP legislation,¹⁷⁵ the US worked with the Indonesian police to implement the law through DOJ-sponsored "Operation Flower" to save sexually exploited children.¹⁷⁶ The US' involvement was more than deskwork: embassy staff also travelled widely to see the situations for themselves.¹⁷⁷ The embassy's engagement with the police was particularly intense and successful.¹⁷⁸

Institution building

The US was heavily involved with capacity building and training. It helped establish medical centers to treat TIP victims specifically,¹⁷⁹ work that continued into 2007, leading to a fully functional hospital with psychological treatment options.¹⁸⁰ The US also trained police, senior officials, prosecutors, and judges.¹⁸¹ The police training led to the creation of local anti-TIP units in big cities such as Jakarta,¹⁸² and

¹⁶⁴ 06JAKARTA7216, 06JAKARTA10924, see also

<http://web.archive.org/web/20080212224531/http://mensnewsdaily.com/2006/11/04/us-official-urges-indonesia-to-crack-down-on-human-trafficking/>

¹⁶⁵ 06JAKARTA7216

¹⁶⁶ 06JAKARTA3680

¹⁶⁷ 06JAKARTA3680

¹⁶⁸ 06JAKARTA10924

¹⁶⁹ 06JAKARTA10924

¹⁷⁰ 07JAKARTA778

¹⁷¹ 07JAKARTA3359

¹⁷² 07JAKARTA778

¹⁷³ BBC Monitoring Asia-Pacific; 11/5/2006, LexisNexis Academic. Web. Date Accessed: 2012/07/27.

¹⁷⁴ "US Special Envoy warns Indonesia on human trafficking"; 06JAKARTA3680; 07JAKARTA590; 08JAKARTA415; 09JAKARTA105; 10JAKARTA258

¹⁷⁵ 06JAKARTA13503

¹⁷⁶ 07JAKARTA1655

¹⁷⁷ 07JAKARTA1909

¹⁷⁸ 07JAKARTA1560

¹⁷⁹ 07JAKARTA2641, 07SURABAYA34, 07JAKARTA1909, 07JAKARTA1560, 08JAKARTA304

¹⁸⁰ 06JAKARTA2849

¹⁸¹ 07JAKARTA701

¹⁸² 07JAKARTA1560, 08JAKARTA1005, 08JAKARTA304

¹⁸³ 08JAKARTA415

local officials agreed extensive training had improved police dealings with TIP.¹⁸³ These projects all focused on improving the skills of relevant Indonesian institutions. USAID funded a TIP shelter that worked with the police to offer victim services.¹⁸⁴ The US also funded improvements in communications between government agencies through better technology and technical assistance. This included setting up a website for the Ministry to raise public awareness of human trafficking in Indonesia.¹⁸⁵

The promotion and adoption of new norms and practices

As noted, scorecard diplomacy contributed to an expanded definition of trafficking and the criminalization of debt bondage. Furthermore, The training worked to convey a different attitude towards TIP and TIP victims. The head of the Indonesian National Police anti-TIP unit, Anton Charlyan, noted that as a result Indonesian police improved their dealings with TIP.¹⁸⁶ In 2008, the US held a workshop on migrant protection with the ILO, which led to the Manpower Ministry's Secretary General I Gusti Made Arka announcing that he would like to work closely with the US on the issue of migrant trafficking and exploitation, and adhere more closely to US standards.¹⁸⁷ Later in 2008, senior officials from the Ministry of Manpower participated in USDOG training, and following the training, requested further USG training on TIP. These groups were even considered by the US to be the least receptive to Indonesia's relatively new anti-TIP law, and their reaction to the training was considered a success for US efforts to change attitudes towards TIP.¹⁸⁸ The US augmented its training presence in 2009,¹⁸⁹ and NGOs explained how they benefited from US training, and urged the Indonesian government to learn more from the United States.¹⁹⁰

Conditioning factors

Progress in Indonesia was hindered by the corruption of law enforcement officials.¹⁹¹ Furthermore, the embassy and the Department of Labor (DOL) disagreed about how hard to push. In one cable, the embassy questioned the DOL about how their draft list regarding products made from Indonesian child labor was constructed, and in another it questioned the reliability of DOL reports of Indonesian child labor.¹⁹²

Meanwhile, several factors facilitated US influence, foremost the government's own considerable political will on the ministerial levels, but also the high US funding of Indonesian NGOs and official training programs, and a strong relationship with police. Scorecard diplomacy in Indonesia thus was helped by the presence of effective interlocutors in the local police, the Ministry of Women's Empowerment and Child Protection, and the Ministry of Manpower, especially the Ministry of Manpower Secretary General, I Gusti Made Arka.

¹⁸³ 07JAKARTA2641

¹⁸⁴ 07JAKARTA1909

¹⁸⁵ 06JAKARTA12498

¹⁸⁶ 07JAKARTA2641

¹⁸⁷ 08JAKARTA191

¹⁸⁸ 5/22/2008:08JAKARTA1005

¹⁸⁹ 09JAKARTA1854

¹⁹⁰ 10/23/2009:09SURABAYA99

¹⁹¹ 07JAKARTA1560, 09JAKARTA378, 09JAKARTA378

¹⁹² 09JAKARTA159, 10JAKARTA163

Israel (see also case discussion in book)

Summary

This case illustrates many of the key mechanisms of scorecard diplomacy. The US TIP Report ratcheted government attention to human trafficking in Israel. Once the report shone the spotlight on Israel, the government convened committees and seminars to examine the issue. The attention led to policy changes, including the passage of comprehensive anti-trafficking legislation, adopting a national action plan, and stepping up practical ways to fight trafficking. As part of the pressure for new legislation, the US shaped how trafficking was defined, effectively broadening the law to include labor trafficking. The US also influenced domestic institutions by promoting and funding domestic shelters, prompting the government to create new committees that directly examined the annual TIP Report, and even influencing the choice of the official anti-TIP coordinator, a person to whom the US named as TIP Hero, thereby increasing her profile. *Foremost, Israel illustrates how countries can become very concerned with their reputation, not simply driven by economic concerns, but by concerns about image and status. Israeli officials were ashamed that Israel was grouped with less socially desirable states and referred directly to Israel's international reputation. They expressed desire to obtain a better rating, even when sanctions were not looming. The case also illustrates how scorecard diplomacy empowers other actors. Israeli NGOs and others used the report as an opportunity to criticize the government.*

Background

Israel is primarily a destination country for men and women subjected to forced labor and sex trafficking. Low-skilled workers arrive for temporary low-skilled manual labor jobs from Asia, Eastern Europe, and West Africa. Women from Eastern Europe, Uzbekistan, China, Ghana, and other places enter on tourist visas to work in prostitution, but become victims of trafficking. Pressures to combat TIP were present already in the late 1990s as the international attention to human trafficking was increasing, but despite high profile criticism from organizations like Amnesty International inaction persisted. A Knesset's commission of inquiry held only two sessions before its six-month mandate expired. NGOs criticized the lack of government's response.¹⁹³ Israel was initially very surprised by the harsh US Tier 3 rating. Since then, Israel has made policy progress, as shown in Figure 7.

¹⁹³<http://solargeneral.com/jeffs-archive/slavery/victorias-and-israels-ugly-secret/> The Jerusalem Report, "VICTORIA'S, AND ISRAEL'S, UGLY SECRET", March 12, 2001, <http://www.lexisnexis.com/hottopic/lacademic/>.

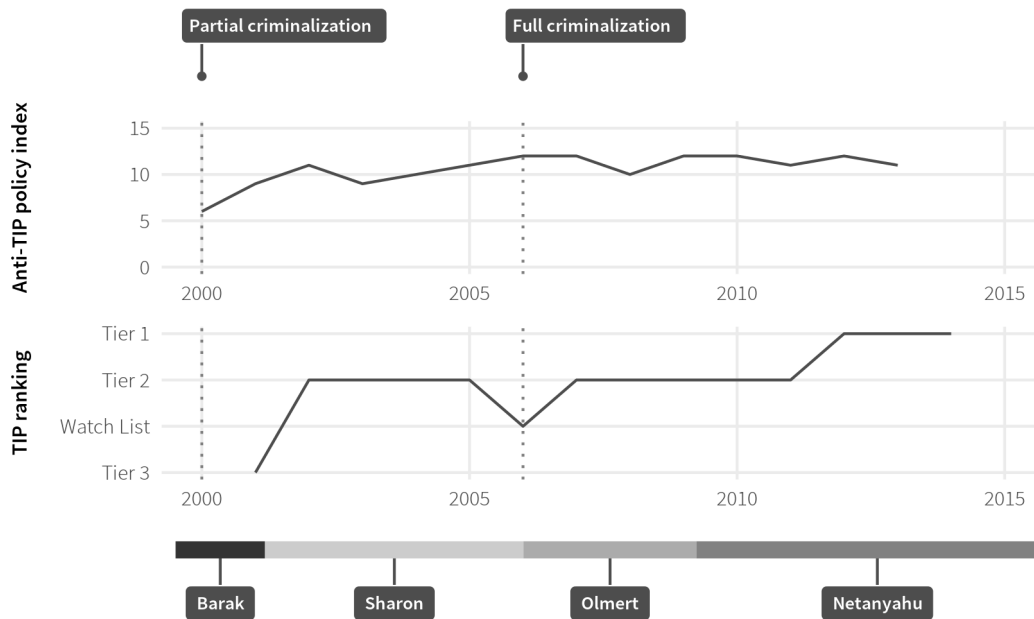


Figure 7: Israel's TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$28,928.66
Total aid	\$3,520.40 million
Aid from US	\$3,294.01 million
Average total aid as percent of GDP	0.34%
Total TIP grants	\$1,624,909

Table 7: Key Israeli statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP were frequent and often at the highest levels such as ministers and heads of state. Over the years, these included the defense minister, foreign minister, a National Police (INP) Colonel, the justice minister, the minister of industry, trade, and labor, as well as party leaders. The documentation through the cables available begins in 2004, although Israel was included in the report already in 2001. The cables that discuss TIP constitute just 2 percent of the overall available cables, but this likely reflects the overall strong relationship with Israel and the many other top priorities, not that TIP was not a salient issue. In the beginning scorecard diplomacy both directly from the Department of State and from the embassy was focused on bringing attention to the issue and getting the government to admit to the problem. Later on the focus was on shaping how trafficking was defined so that it included labor trafficking. Scorecard diplomacy was very hands on. Downgrades were used to push for action, and the ambassador set conditions for an upgrade in a series of intensive meetings on TIP. The US also promoted and funded domestic shelters and advocated for the choice of the official anti-TIP coordinator, and encouraged the government to create a national action plan.

Indirect pressure

NGOs and the media magnified the pressure of scorecard diplomacy in Israel. Throughout the years, the report received extensive media coverage,¹⁹⁴ with the embassy holding digital videoconferences and using funding to keep the issue in the media.¹⁹⁵ NGOs referenced the report to address the government. For example, in 2001, Kav LaOved of the NGO Workers' Hot Line issued a statement saying, "We hope that this report will cause the Israeli authorities to understand the seriousness of the problem and begin to treat the phenomenon with the seriousness it deserves"¹⁹⁶ Furthermore, in 2006, the impending release of the TIP Report mobilized Jews worldwide. Over 3,000 signed a petition calling for the GOI to stamp out the practice of human trafficking, to be brought before the prime minister to coincide with the release of the TIP Report.¹⁹⁷ NGOs also served as sources of information for the report.¹⁹⁸

Concerns

When the first US TIP Report came out in 2001, Israel was one of 23 countries given the harshest rating, a Tier 3, in the report. This shocked many in Israel, as the rating garnered considerable coverage in *The Jerusalem Post*. Israeli officials were foremost driven by concern about Israel's international image. Although the immediate response to the initial 2001 Tier 3 was for the government to call an "Urgent meeting due to concern about economic sanctions following the publication of the U.S. State department report, that includes Israel in a 'blacklist' of countries that traffic in persons,"¹⁹⁹ it was the shame of blacklisting rather than fear of the economic effects of aid sanctions that motivated Israeli officials, a fact supported by one-on-one interviews.²⁰⁰ Sanctions, if anything, were more stigmatizing than financially consequential. Indeed, in 2001, any threat of sanctions was still two years away due to the rules of the US legislation at the time, and the US president would have to make a special determination on the matter, providing yet another safeguard against sanctions coming into play. Similarly, once Israel moved to Tier 2, concerns did not abate just because the threat of sanctions was removed.²⁰¹ Efforts were explicitly designed to move Israel to Tier 1. Officials wanted Israel to be seen as a top performer, a sentiment also often expressed in private meetings. All in all, the threat of sanctions or even Israel's special relationship with the US likely mattered, but was at best part of the story.²⁰² Rather, in numerous interviews, Israeli officials said they feared the report undermined Israel's quest for international legitimacy and "clashed with its self-identity."²⁰³ Officials saw TIP as important to Israel's "society and values," as Foreign Minister Tzipi Livni told the US attorney general.²⁰⁴ In 2001, the Head of the Foreign Ministry's Human Rights department said that the international repercussions of the report for Israel are "severe and steps must be taken to remove Israel from the *unflattering* category [emphasis added]."²⁰⁵ Officials noted the importance of Israel being part of global norms in connection with the passage of the 2006 law, which Law and Justice Committee Chairman Menachem Ben-Sasson (Kadima) said placed "*Israel in line with the world's most enlightened nations* [emphasis added]."²⁰⁶ Comparisons were important. As Deputy

¹⁹⁴ TELAVIV669; 06TELAVIV2072; 06TELAVIV2157; 06TELAVIV2239; 07TELAVIV1727; 07TELAVIV3314; 08TELAVIV1185;09TELAVIV1564

¹⁹⁵ 07TELAVIV930

¹⁹⁶ The Jerusalem Post, "US: Israel Among States Lax on Human Trafficking", July 13, 2001, LexisNexis Academic. Web. Date Accessed July 27, 2012.

¹⁹⁷ 06TELAVIV2072

¹⁹⁸ 05TELAVIV1679

¹⁹⁹ Protocol no. 14 of the Parliamentary Inquiry committee, cited in Efrat 2012 204..

²⁰⁰ Interviews with Galon, Gershuni and Schonmann by Asif Efrat and cited in Efrat 2012.

²⁰¹ Alon 2002.

²⁰² As reported in local media. See 05TELAVIV669

²⁰³ See Asif Efrat's chapter in his book, *Governing Guns, Preventing Plunder*, which is based on numerous interviews done by Efrat and shared with the author. Efrat 2012 206.

²⁰⁴ 06TELAVIV2618.

²⁰⁵ Gilbert 2001.

²⁰⁶ Alon 2006.

Foreign Minister Danny Ayalon said in 2009 to the Knesset subcommittee analyzing the TIP Report, Israel did not want to be “lumped” with pariah states, worrying about the “troubling political implications” of receiving the same Tier Ranking as “states like Afghanistan, Jordan, and Botswana.”²⁰⁷

Outcomes

US efforts were key in boosting attention to TIP. Pressures to combat TIP were present already in the late 1990s, but despite criticism from organizations like Amnesty International, inaction persisted. A Knesset’s commission of inquiry held only two sessions before its six-month mandate expired. NGOs criticized the government’s lack of response.²⁰⁸ After the TIP Report rated Israel a Tier 3 in 2001, the internal security minister held an emergency conference “on setting the matter as a top police priority.”²⁰⁹ The government quickly got to work on how to improve the rating.²¹⁰ The Knesset summoned the committee of inquiry into the trafficking of women. Also immediately following the report, the minister of public security initiated a seminar on trafficking that included participants from numerous ministries, law enforcement, NGOs and the Knesset. Many sources attribute the changes in attention to the US report.²¹¹

Policy changes also followed. The Attorney-General Elyakim Rubinstein called for a crackdown on trafficking in women, charging that law enforcement officials were not doing their job.²¹² In 2003, the GOI established the Border Police Ramon Unit to patrol along the Egypt-Israel border, and Israel passed the Criminal Organizations Bill, which facilitated the prosecution and punishment of key members of several organized TIP operations.²¹³ In January 2004 in Belarus, the Israel Police conducted the first-ever joint investigation with a foreign police force on trafficking of women.²¹⁴ Following US pressure, in February 2004 the government opened the first shelter for trafficking victims using U.S. funds.²¹⁵

Legislation

The US also played a strong role in changing legislation. Frequent elections interfered with progress on TIP, so in 2006 the TIP Report downgraded Israel to the watch list. This upset GOI officials, some of whom claimed Israel had made significant effort, but the US ambassador cited legislation against labor trafficking as a *sine qua non* for an upgrade.²¹⁶ Direct engagement followed with high-level officials like Foreign Minister Livni, Justice Minister Ramon, and Defense Minister Peretz, who also headed the Labor Party.²¹⁷ Progress was not easy; Livni explained that political “turmoil” impeded attention to TIP.²¹⁸

²⁰⁷ 09TELAIVIV1564

²⁰⁸ The Jerusalem Report, “VICTORIA’S, AND ISRAEL’S, UGLY SECRET”, March 12, 2001, LexisNexis Academic. Web. Date Accessed: 2012/07/27.

²⁰⁹ The Jerusalem Post, “Coalition MKs Losing Restraint”, July 19, 2001, LexisNexis Academic. Web. Date Accessed: 2012/07/27.

²¹⁰ The Jerusalem Post, “US: Israel Among States Lax on Human Trafficking”, July 13, 2001, LexisNexis Academic. Web. Date Accessed: 2012/07/27.

²¹¹ “Israel’s Thriving Sex Industry Records One Billion Dollars a Year”, December 9th, 2002., <http://www.albawaba.com/business/israel%E2%80%99s-thriving-sex-industry-records-one-billion-dollars-year-0>. See also “US report shows Israel clamping down on trafficking in women,” Lexis Nexis. Jerusalem Post, 6 June 2002, and Vered Lee, “Human Trafficking to Israel Has Been Beaten. Let’s Now Tackle Prostitution,” *Haaretz*, 17 Mar. 2014, accessed 26 Dec. 2016, <http://www.haaretz.com/opinion/premium-1.580160>

²¹² [A-G calls for crackdown on trafficking in women, Jerusalem Post](#), August 1, 2001. Marion Marrache

²¹³ 05TELAIVIV1679_a, 05TELAIVIV1336_a.

²¹⁴ 05TELAIVIV1337_a

²¹⁵ 07TELAIVIV1672; Gideon Alon and Ha’aretz Correspondent, “3,000 Women A Year Trapped In Israel’s Sex Slave Industry”, *Haaretz*, 8 Dec. 2002, accessed 26 Dec. 2016, <http://www.haaretz.com/report-3-000-women-a-year-trapped-in-sex-slave-industry-1.26034>; 07TELAIVIV599

²¹⁶ 06TELAIVIV2226

²¹⁷ 06TELAIVIV1932, also 06TELAIVIV1984.

²¹⁸ 06TELAIVIV2618

Nonetheless, the US pushed repeatedly for attention to TIP, particularly the legislation against labor trafficking,²¹⁹ linking Israel's demotion to the watch list to lack of effort on labor trafficking.²²⁰

June 2006 was packed with meetings on the legislation with the minister of industry, trade, and labor and Shas Party Chairman Eliyahu Yishai and others.²²¹ The ambassador also spoke with Knesset Speaker Dalia Itzik who promised to take up TIP funding in the new budget.²²² US Attorney General Alberto Gonzales met the Israeli Minister of Justice Haim Ramon and expressed concern that Israel was "trending in the wrong direction" in its handling of trafficking issues, specifically citing the lack of legislation to outlaw labor trafficking. He also made the same point directly with Prime Minister Olmert and was assured that the bill would progress soon.²²³ July and August were equally intensive with meetings. The ambassador continued discussions with Itzik, who kept the ambassador abreast of Knesset anti-trafficking actions, including two new laws to strengthen enforcement and provide legal aid to trafficking victims.²²⁴ In the fall, the ambassador met with Acting Minister of Justice Meir Sheetrit and "stressed the importance of including assistance for legal support for victims of labor trafficking in new legislation now before the Knesset."²²⁵ To gain support across the political spectrum, the US ambassador also met with Likud leader Netanyahu, who pledged to support the legislation.²²⁶ In October 2006 the new trafficking law passed, adding labor trafficking to the definition of trafficking.²²⁷ In December 2007 Israel also followed up on recommendation to create a national plan as recommended in the TIP Report.

All in all, Israel has made significant progress since 2001, and since 2012 has maintained Tier 1 status, which Israeli politicians have pointed out in the media.²²⁸

Institution building

US efforts influenced some Israeli institutions. Following US pressure,²²⁹ in February 2004 the government opened the first shelter for trafficking victims using U.S. funds.²³⁰ The Knesset subcommittee on women has also repeatedly held meetings to review the US TIP Report, suggesting the report became part of the regular policy discussions.²³¹ In these meetings, the report has led to discussion of substantial issues. In one meeting the chairperson noted that "*the TIP Report raises the need for some new thinking by the GOI* [emphasis added]. We will have to give thought to the question of incriminating clients of the sex industry and the issue of sex service advertising and we will be doing that in the next parliamentary session."²³² The US also attended committee meetings in Knesset to discuss TIP.²³³ Finally, US efforts

²¹⁹ 06TELAIVIV1923; 06TELAIVIV1945; 06TELAIVIV1980; 06TELAIVIV2413; 06TELAIVIV2784; 06TELAIVIV3785; 06TELAIVIV3843

²²⁰ 06TELAIVIV2620; 06TELAIVIV2621

²²¹ 06TELAIVIV2413.

²²² 07TELAIVIV2413

²²³ 06TELAIVIV2620

²²⁴ 06TELAIVIV2784, 06TELAIVIV3482

²²⁵ 06TELAIVIV3785

²²⁶ 06TELAIVIV3843

²²⁷ 05TELAIVIV1336; 05TELAIVIV133706TELAIVIV914; 06TELAIVIV915; 06TELAIVIV1923; 06TELAIVIV2621; 06TELAIVIV3482

²²⁸ Vered Lee, "Human Trafficking to Israel Has Been Beaten. Let's Now Tackle Prostitution," *Haaretz*, 17 Mar. 2014, accessed 26 Dec. 2016, <http://www.haaretz.com/opinion/premium-1.580160>, and Greer Fay Cashman, "Israel Leading World in Prevention and Reduction of Human Trafficking," *The Jerusalem Post*, 2 Dec. 2014, accessed 26 Dec. 2016, <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Israel-leading-world-in-prevention-and-reduction-of-human-trafficking-383473>.

²²⁹ "Justice Minister Friedmann on Refugees, Ipr And", n.d., <http://dazzlepod.com/cable/07TELAIVIV1672/?q=israel%20trafficking>.

²³⁰ "3,000 Women A Year Trapped In Israel's Sex Slave Industry", n.d., 0, <http://rense.com/general32/trapped.htm>, and "GOVERNMENT OF ISRAEL ANNOUNCES NATIONAL PLAN TO", n.d., <http://dazzlepod.com/cable/07TELAIVIV599/?q=tip%2C%20embassy%20Tel%20Aviv>.

²³¹ 08TELAIVIV1578

²³² 08TELAIVIV1578

²³³ 07TELAIVIV3314

also played a role in the appointment of TIP officials. Awarding Rachel Gershuni, a prominent NGO leader, as a TIP Hero helped her to be heard by the government²³⁴ and eventually appointed as anti-TIP coordinator in the Ministry of Justice.

The promotion and adoption of new norms and practices

As per the discussion of legislation, scorecard diplomacy played a role in defining labor trafficking as part of human trafficking in a country that had until then, heavily focused on sex trafficking. Scorecard diplomacy also increased the focus on victims and the provision of services. In 2008, an official from the State Attorney's Office also took issue with the TIP Report's mention of internal trafficking and Israel as a source country for trafficked women, noting that... "We do not recognize the phenomenon of internal trafficking as referred to in the report."²³⁵ Over the years, the TIP report did a lot to change attitudes towards human trafficking in Israel and normalize the discussion in Israeli politics of trafficking problems.

Conditioning factors

Several factors hampered scorecard diplomacy in Israel. Initially officials were unwilling to acknowledge the problem at all. Later, frequent elections hampered the legislative progress. In 2006 Foreign Minister Livni explained that "turmoil within the GOI over the last several years—when elections on average took place every two years—made it difficult for the GOI and the Knesset to maintain a sustained focus on the labor trafficking issue and legislation addressing it."²³⁶

On the other hand, other factors facilitated influence. One of these was the special relationship and the very close diplomatic contact that the countries have enjoyed since the end of WWII. This gives the embassy particularly high-level access to officials. The large aid relationship may also be helpful, although it's difficult to believe that Israel truly thought that aid could be suspended over the TIP issue. The embassy also benefitted from an active civil society and media and a strong official concern for the country's international image.

²³⁴ 06TELAVIV1652

²³⁵ 08TELAVIV1578_a, 08TELAVIV1185

²³⁶ 06TELAVIV2618

Japan (see also case discussion in book)

Summary

Japan illustrates the power of scorecard diplomacy, but also its weakness if the ratings become too timid. Japan was first placed on the TIP Report in 2001 as a Tier 2 country. It stayed there until 2004 when for the first time the new watch list designation was used in the report. That year Japan was the only developed nation to be placed on the US Watch List, a point not lost on the media.²³⁷ This was followed in 2005 by a similarly critical ILO report, *Human Trafficking for Sexual Exploitation in Japan*, highlighting Japan as a destination country with most of the victims ending up in Japan's sex and entertainment industry.²³⁸ Japan initially associated great shame with its placement on the Tier 2 watch list in 2004, comparing itself with other countries and asking how to improve. The ranking motivated the government to demonstrate increased efforts to fight TIP, but when they failed to reach Tier 1 as hoped, the government became frustrated. The State Department's refusal to upgrade Japan caused tensions and eventually Japan resigned itself to a Tier 2 rating, satisfied that the US would not dare go further and that Japan could live with the Tier 2 rating. Little progress has occurred since the early years.

The case of Japan shows that the US can influence even in a rich peer-country, but that such relationships are also vulnerable to political pressures to consider other factors in the relations that make it hard to criticize peers. The case demonstrates the clear concern of reputation leading to policy changes, and, conversely, lack of pressure leading to lack of concern and lack of policy changes.

Background

The US has long criticized the Japanese government for its Industrial Trainee and Technical Internship Program (TITP), which recruits migrant workers, mainly from Asia. Participants pay up to \$10,000 to gain entry to the program, but then face poor working conditions and contracts that bar them from leaving. The US assesses that many are subjected to forced labor. Japan is also a destination, source, and transit country for men, women and children subjected to sex trafficking. Traffickers used fake marriages to bring in women to the sex industry using debt bondage. As Figure 8 illustrates, action in Japan has generally been flat, with only the brief exception around the Watch List rating.

²³⁷ Paul Capobianco, "Human Trafficking in Japan: Legislative Policy, Implications for Migration, and Cultural Relativism," (MA diss., Seton Hall University, 2013), <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=2891&context=dissertations>.

²³⁸ http://www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_143044/lang--en/index.htm

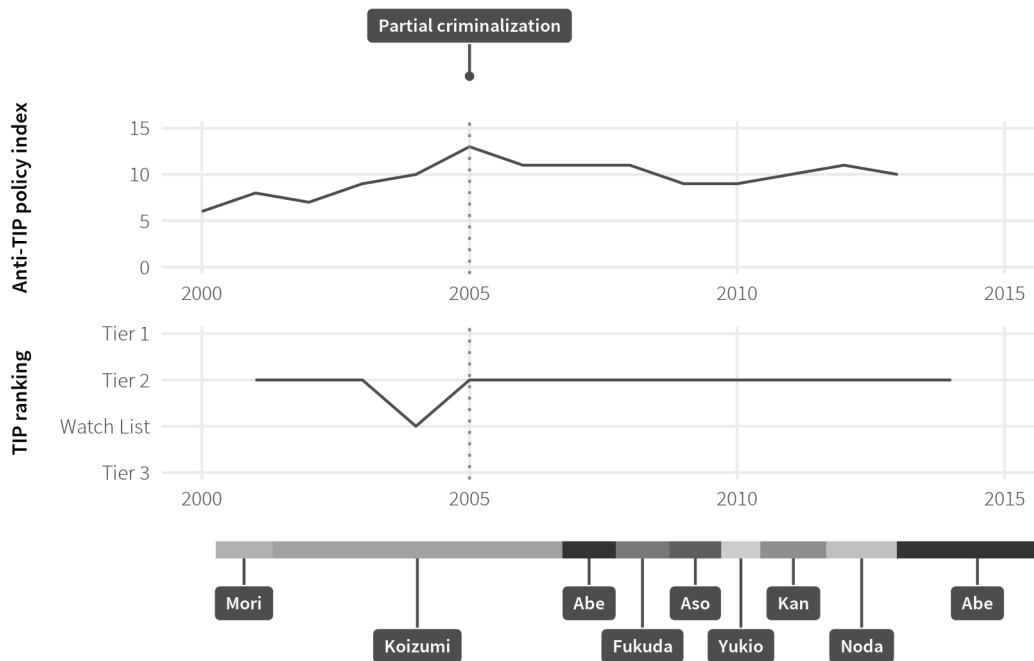


Figure 8: Japan’s TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$42,333.27
Total aid	\$0.12 million
Aid from US	\$0 million
Average total aid as percent of GDP	0%
Total TIP grants	\$821,300

Table 8: Key Japanese statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP appeared to be infrequent with the exception of a very intense period in 2004-2005. Contacts also were often at the level of deputy or vice-positions such as officials of the National Police Agency and the Justice Ministry. The documentation through the cables available begins in 2006, although Japan was included in the report already in 2001. The cables that discuss TIP constitute just 1 percent of the overall available cables, suggesting that TIP has been a lower priority issue. Furthermore, in later years the US has been reluctant to really use the tier rankings to pressure the government. Scorecard diplomacy in the early years focused on Japan’s entertainer visa and passage of anti-TIP legislation. The relationship has been very defensive on the part of Japanese officials and it appears that the local embassy and regional offices were less keen than TIP office to pressure Japan on TIP issues, especially after the mid-2000s, when the embassy began to advocate for a more positive approach. As a result, the embassy has not been very involved with implementation issues either.

Indirect pressure

After the downgrade in 2004, the government began to involve domestic NGO representatives in the drafting of an action plan.²³⁹ Furthermore, the US sought to broaden the reach of the report by engaging with NGOs and IGOs. Shortly after the release of the report, the embassy held a symposium jointly with an NGO called Vital Voices and the ILO, which officials of the National Police Agency and the Justice Ministry attended.²⁴⁰ After the pressure on Japan let up, the government's relationship with NGOs has been mixed.²⁴¹ One US funded NGO shared its inability to engage the government.²⁴²

Concerns

The evidence suggests that in 2004 and 2005 Japan worried about the drop in the Tier rating. Although the rating was not particularly low, it stigmatized Japan, because while during 2001-2003 Japan was still in the company of other developed democracies such as Canada, Israel, France and Sweden, the downgrade in 2004 left Japan as the only developed nation other than Greece to be placed on the US Watch List, which some accounts called a "global humiliation."²⁴³ By all accounts, the government was taken aback. *Japan Times* noted that the government was "Still smarting from a sharp rebuke by the U.S."²⁴⁴ and that "The U.S. report shocked Japan."²⁴⁵ Nobuki Fujimoto of the Asia-Pacific Human Rights Center in Osaka also thought that "The Japanese government was very shocked to know that they were placed on that list."²⁴⁶ In 2005 a newspaper headline noted, "Trafficking blots nation's repute," and linked the ILO report with the earlier US rating.²⁴⁷

Even as Japan's Tier 2 rating was restored, the vice foreign minister said he considered it 'embarrassing,'²⁴⁸ and the Organized Crime Division director said that Japan was very disappointed given how hard they'd worked.²⁴⁹ After the 2008 Report's Tier 2 rating the deputy vice minister called the embassy to say that Japan was "very unhappy with this result,"²⁵⁰ stressing that it was "a very disappointing result, very regrettable."²⁵¹

Japanese officials often compared Japan's status to that of other countries. Once the vice foreign minister complained that there were countries "like Colombia and Malawi receiving Tier 1 ratings."²⁵² On another occasion, an official pointed out that the report criticized a G-8 country for suspending sentences in all but 31% of its trafficking convictions, but that it was still ranked at Tier 1.²⁵³ In advance of the 2008

²³⁹ Nao Shimoyachi, "Government's Human Trafficking Plan 'Inadequate,'" *Japan Times*, 15 October 2004, accessed 26 Dec. 2016, <http://www.japantimes.co.jp/news/2004/10/15/national/governments-human-trafficking-plan-inadequate/#.VjyopoSE7ww>.

²⁴⁰ Govt must act on human trafficking, *The Daily Yomiuri* (Tokyo), 25 June 2004, p. 4.

²⁴¹ 07TOKYO1028

²⁴² Email exchange with Aiki, Lighthouse: Center for Human Trafficking Victims, July 15, 2014

²⁴³ Paul Capobianco, "Human Trafficking in Japan: Legislative Policy, Implications for Migration, and Cultural Relativism," (MA diss., Seton Hall University, 2013), <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=2891&context=dissertations>, p. 13

²⁴⁴ "Legal Changes Eyed to Combat Trafficking of Human Beings," *The Japan Times*, 4 Jul. 2004, accessed 26 Dec. 2016, <http://www.japantimes.co.jp/news/2004/07/04/national/legal-changes-eyed-to-combat-trafficking-of-human-beings/#.VjzdG4T93ms>.

²⁴⁵ Eric Johnston, "Human Trafficking Woes Fail to Gain Recognition," *The Japan Times*, 23 Sep. 2004, accessed 26 Dec. 2016, <http://www.japantimes.co.jp/2004/09/23/announcements/human-trafficking-woes-fail-to-gain-recognition/#.VjzdxoT93ms>.

²⁴⁶ Steve Silver, "The Trafficking Scourge: Japan Has Tackled Sex Trafficking, But Challenges Remain," *The Japan Times*, 15 Aug. 2016, accessed 26 Dec. 2016, <http://www.japantimes.co.jp/community/2006/08/15/issues/the-trafficking-scourge/#.VjzeYIT93ms>.

²⁴⁷ Trafficking blots nation's repute, *The Daily Yomiuri* (Tokyo), November 23, 2004, page 4.

²⁴⁸ 07TOKYO2481

²⁴⁹ 07TOKYO2788

²⁵⁰ 08TOKYO1350

²⁵¹ 08TOKYO1528

²⁵² 07TOKYO2481

²⁵³ 07TOKYO3186

report launch, the vice foreign minister said he hoped is that Japan would no longer be a Tier II country “like Rwanda” but would be elevated to the same status as other countries such as Canada and South Korea.²⁵⁴ Later, the deputy vice minister complained that many other countries -- such as Canada and South Korea -- were ranked Tier 1, despite not cooperating as closely as Japan, which had “made progress in all areas that the United States has identified.”²⁵⁵ After the 2008 report, high-level officials complained to the embassy that Japan had been held to a higher standard than a number of countries that had been ranked in Tier 1.²⁵⁶

One alternative possibility is that it was not Japan’s relatively low status on the Tier ratings per se that prompted action, but instead the relationship with the US in the global context. At this time Japan was keen to elevate its international status, for “political acceptance commensurate with its growing economic power ha[d] become important to Japanese foreign policy.”²⁵⁷ Japan was seeking to normalize its military status and had agreed to participate in the US led war in Iraq by deploying Self Defense Forces. At the same time, Japan was pushing for a seat on the UN Security Council.²⁵⁸ The US had agreed to support this effort in return for Japan’s contribution to the Iraq War.²⁵⁹ So perhaps Japan was worried that the downgrade would jeopardize US support for its efforts to raise its international standing. Even this explanation, however, comes back to Japan’s concern for its international status and fear that the Tier rating would harm this status.

Furthermore, it’s not like Japan did not take its relationship with the US seriously before 2004. It was clear, at least to US TIP Ambassador Miller, that the drop to the watch list was essential to motivate action on TIP, which is why he pushed so hard for it, against the other pressures in the Department of State to leave Japan on Tier 2. Indeed, the goodwill towards Japan was so high in the DOS that Miller had to go to extraordinary lengths to obtain the ambassador to Japan’s support for the drop in the rating.²⁶⁰ After the government began to implement policy changes, it was keen to communicate these not only to the US, but to others as well, hence the issuance of the English language brochure, discussed below.²⁶¹

Outcomes

Legislation

Japan responded swiftly to its downgrade to the Watch List. By December 2004, the Inter-Ministerial Liaison Committee and the Anti-Trafficking Task Force produced the National Action Plan of Measures to Combat Trafficking in Persons. Out of this came revisions to Japan’s Penal Code, the Law on the Control and Improvement of Amusement and Business, and the Immigration Control and Refugee Recognition Act, all in 2005.²⁶² Another big change that year was the tightening of the criteria for the eligibility for Japan’s entertainer visa, which the US had said was being misused for TIP. Demonstrating Japan’s desire to improve its reputation on this front, the MOFA produced a glossy brochure detailing all these actions in English.²⁶³ The Director of MOFA’s International Organized Crime Division said that he

²⁵⁴ 08TOKYO1263

²⁵⁵ 08TOKYO1350

²⁵⁶ 08TOKYO2577

²⁵⁷ Katzenstein 1996 42.

²⁵⁸ “Japan Pushes for U.N. Security Council Seat,” *CNN.com*, 22 September 2004.

<http://edition.cnn.com/2004/US/09/22/un.reforms/index.html>

²⁵⁹ Ian Williams, “Security Council Reform Debate Highlights Challenges Facing UN,” *Foreign Policy in Focus*, 10 August 2005. <http://www.fpif.org/fpiftxt/230>

²⁶⁰ Personal interview, John Miller. June 16, 2014. Phone.

²⁶¹ “Japan’s Actions to Combat Trafficking in Persons, A Prompt and Appropriate Response from a Humanitarian Perspective,” Ministry of Foreign Affairs, Japan, 2004, http://www.mofa.go.jp/policy/i_crime/people/pamphlet.pdf.

²⁶² 09TOKYO1185. For a fuller discussion of the legislative changes, see also: Capobianco, “Human Trafficking in Japan,” <http://scholarship.shu.edu/cgi/viewcontent.cgi?article=2891&context=dissertations>, p. 28.

²⁶³ “Japan’s Actions to Combat Trafficking in Persons, A Prompt and Appropriate Response from a Humanitarian Perspective,” Ministry of Foreign Affairs, Japan, 2004, http://www.mofa.go.jp/policy/i_crime/people/pamphlet.pdf

had “never seen the Japanese government undertake such a concerted effort across so many different bureaucracies and agencies.”²⁶⁴ Commentators attributed Japan’s new impetus to acknowledge the TIP problem to American pressure.²⁶⁵ “The NGOs are becoming more vocal,” said Andrea Bertone, director of HumanTrafficking.org, a clearinghouse for trafficking-related issues. “But the primary motivation for the Japanese government is the U.S. pressure.”²⁶⁶

Although the US pressure had prompted results in 2005, after that the US and Japan entered a long period of contention about the adequacy of Japanese laws. Japan continued to make some efforts,²⁶⁷ but grew frustrated with continued US criticism, lambasted it as subjective and inaccurate, and accused the US of moving the goalposts. Japan’s government was very frustrated and expressed that Japan deserved a Tier 1 rating and even threatened to stop cooperating on the issue if the US would not be more forthcoming about the criteria. Demonstrating that it cared about the rating still, the government asked very specifically what it should do to obtain Tier 1.²⁶⁸ During 2007, the government therefore sought and the US provided a “Roadmap to Tier 1”. However, progress stagnated and over the years, the lingering Tier 2 rating became an irritant in the relationship and Japanese officials eventually started threatening to withdraw all cooperation on TIP.²⁶⁹ Relations continued to deteriorate as the US DOS, over the objections of the US embassy in Japan,²⁷⁰ continued to rate Japan a Tier 2 and eventually resumed its criticism of lack of a comprehensive TIP law. When Japan was once again Tier 2 in 2008, the Deputy Vice called the embassy to say that he was “very unhappy with this result,” asserting that Japan had made progress in all areas that the United States had identified, and has merited a Tier 1 ranking.²⁷¹ The relationship got so bad that later in 2009 after the US made a proposal for a policy change, Deputy Director Hiroki Matsui of MOFA’s International Organized Crime Division warned that it would be better for this not to be seen as coming from the US, because there was now so much resistance to US input.²⁷²

Institutions

In April 2004 the Government established an Inter-Ministerial Liaison Committee (Task Force) on TIP,²⁷³ but it’s not clear this was due to US pressure. Other evidence of US-inspired institutions was not found.

The promotion and adoption of new norms and practices

Before the US pressure, Japan had been skeptical of trafficking as a problem.²⁷⁴ The US scorecard diplomacy helped to change these attitudes. Advocates for trafficking victims attribute Japan’s new impetus to acknowledge the TIP problem to American pressure.²⁷⁵ However, the US has *not* been able to persuade the government that its internship program exposes participants to human trafficking-like conditions.

²⁶⁴ 09TOKYO1185_a

²⁶⁵ Onishi, Norimitsu. 2005. Japan, easygoing till now, plans sex traffic crackdown. New York Times, Section A, Column 1, Foreign Desk, p.1, February 16.

²⁶⁶ Steve Silver, “The Trafficking Scourge: Japan Has Tackled Sex Trafficking, But Challenges Remain,” *The Japan Times*, 15 Aug. 2016, accessed 26 Dec.2016, <http://www.japantimes.co.jp/community/2006/08/15/issues/the-trafficking-scourge/#.VjzeYIT93ms>.

²⁶⁷ “The Recent Actions Japan Has Taken to Combat TIP (Trafficking in Persons),” *Ministry of Foreign Affairs of Japan*, March 2008, accessed 26 Dec. 2016, http://www.mofa.go.jp/policy/i_crime/people/action0508.html.

²⁶⁸ 07TOKYO3186

²⁶⁹ 09TOKYO1185

²⁷⁰ 09TOKYO1162

²⁷¹ 08TOKYO1350

²⁷² 09TOKYO2328

²⁷³ “Japan’s Action Plan of Measures to Combat Trafficking in Persons,” *Ministry of Foreign Affairs of Japan*, December 2004, accessed 26 Dec. 2016, http://www.mofa.go.jp/policy/i_crime/people/action.html.

²⁷⁴ Onishi, Norimitsu. 2005. Japan, easygoing till now, plans sex traffic crackdown. New York Times, Section A, Column 1, Foreign Desk, p.1, February 16.

²⁷⁵ Onishi 2005.

Conditioning factors

Whatever progress the US accomplished in Japan was due to the initial willingness of the TIP Report to criticize Japan and the huge reputational concerns on Japan's part with its international image. However, the fact that the government officially sponsored an internship program that the US considered exploitative and borderline trafficking — so much so that the TIP Report one year featured photos of recruits in its annual report— was a point of continuous tension between the governments. Relatedly, disagreements about what constituted TIP led to official renunciation of the US definition of problem and therefore of US criticism. In addition, internal US disagreements about the priority of the problem between the embassy and the State Department TIP office complicated efforts to pressure Japan. Although Japan's hospitality industry and its government-sponsored international internship program contribute to human trafficking, after 2005 political constraints have prevented the TIP office from criticizing and rating Japan sufficiently low to garner effective action. This has been the biggest obstacle to change.

Kazakhstan

Summary

The case of Kazakhstan highlights the importance of reputational concerns in providing an opportunity for scorecard diplomacy to be influential. Although Kazakhstan has struggled to establish its democratic credentials and been unwilling to conform to many democratic expectations, it has vied for international approval. Officials have been keen to portray the country as modern and deserving of membership in the international community and the associated clubs, such as the OSCE. This desire for recognition gave the US and others an opening to influence TIP policy. Kazakhstan is also an important partner for the US in Central Asia. The embassy worked closely with NGOs, IGOs as well as national authorities and was able to influence outcomes significantly. *The case demonstrates influence on legislation, norms and institutions through several of the features of scorecard diplomacy, most notably how the ratings and concern for reputation incentivized the government, as well as the importance of engagement with NGOs and individual stakeholders within government. The case also illustrates the importance of international reputational concerns as well as engagement and practical assistance as constructive companions of scorecard diplomacy ratings.*

Background

Kazakhstan was first seen as a country of origin and transit for young women trafficked, primarily for prostitution to the United Arab Emirates, Greece, Turkey, Israel, and South Korea. Over the years it's also come to be seen as a destination country, and most identified victims are trafficked domestically. Central Asian nationals are used for forced labor in domestic service, construction, and agriculture in Kazakhstan. Most of the identified victims are domestic although victims also come from neighboring Central Asian and Eastern European countries. Traffickers lure young girls and women from poor rural areas to large cities with promises of work as waitresses, models, or nannies. Children are also forced into begging, crime or pornography. Kazakhstan was initially rated Tier 3, but have made steady progress, as shown in Figure 9, below.

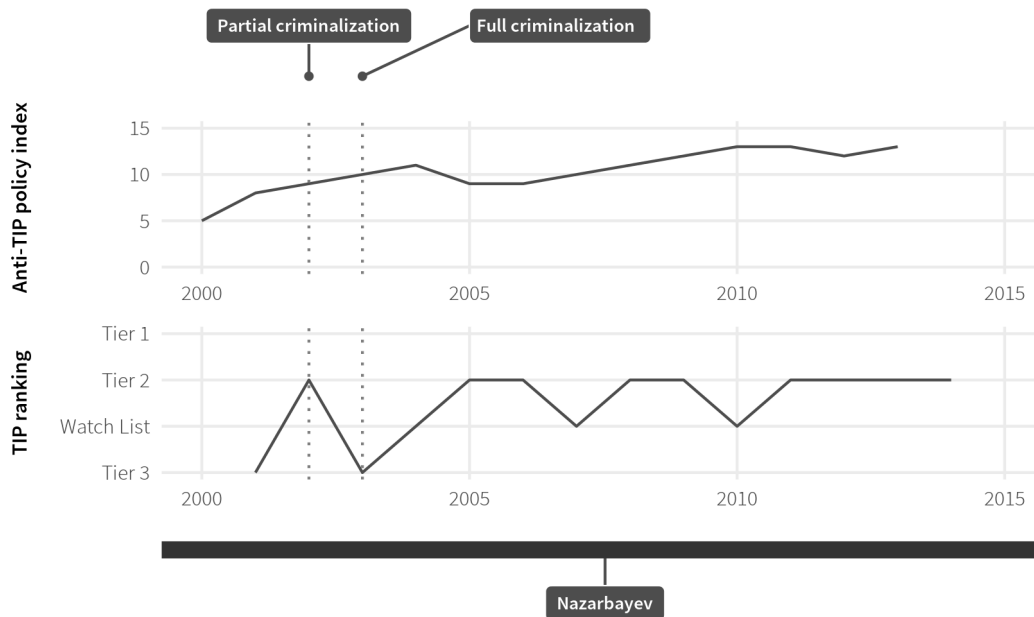


Figure 9: Kazakhstan's TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$7,952.06
Total aid	\$15,063.58 million
Aid from US	\$954.94 million
Average total aid as percent of GDP	0.92%
Total TIP grants	\$7,554,219

Table 9: Key Kazakhstani statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings to discuss TIP were a high priority with interactions occurring at a high level, often with ministers such as the prime minister, the minister of justice, the minister of internal affairs and the foreign minister. The documentation through the cables available begins in 2005, although Kazakhstan was included in the report already in 2001. Despite this, the cables that discuss TIP constitute 5 percent of the overall available cables, suggesting that TIP has been a priority issue for the embassy, which sought to cultivate strong interlocutors and facilitate cooperation among different stakeholders. Scorecard diplomacy included basic education efforts such as trips abroad for officials and training of religious leaders in trafficking. The embassy was also encouraging the creation of a domestic TIP-policy infrastructure. The embassy was very involved in anti-TIP legislation. It met with officials to discuss minute details and monitored progress very closely by attending the inter-agency TIP working group. The embassy also has had ongoing dialogues about implementation issues and the US has provided several TIP grants.

Indirect pressure

Indirect pressure has been an integral part of US scorecard diplomacy in Kazakhstan. US cooperation with the OSCE and the IOM has reinforced US efforts. The high level of engagement in the legislative

drafting by the US, but also by the IOM and OSCE – both with US funding –, helped spread the ideas and norms of TIP legislation by building a “cadre of experts.”²⁷⁶ The US has funded the IOM to collect and analyze non-official TIP statistics, in part through the information obtained through the NGO network funded by USAID.²⁷⁷ Throughout 2006-2007, the US Bureau of International Narcotics and Law Enforcement Affairs (INL) funded several IOM projects including training of law enforcement officials, awareness-raising, and an educational campaign.²⁷⁸

US efforts also facilitated cooperation among different stakeholders when, in March 2006, the US and IOM conducted a round table with NGO representatives and mid-level government officials from multiple state agencies,²⁷⁹ cooperation that continued the following year.²⁸⁰ In April 2007, the embassy’s INL office hosted a Donor Coordination Meeting with government officials and participants from the IOM, UNDP, UNODC, UNICEF, and the OSCE, among others, which became a springboard for future cooperation.²⁸¹ Former Ambassador Napper also notes that he formed a link to NGOs: “Whenever I would travel I would always meet with NGOs and I’d meet with them about the legislation.”²⁸²

Concerns

Image concerns were important for Kazakhstan. The US TIP report gained prominence during a time when Kazakhstan was keen to improve its reputation in hopes of gaining the OSCE Chairmanship in 2009, for which it had bid (a goal finally attained in 2010).²⁸³ Between the chairmanship, which was awarded in 2007 for 2010, and the energy sector, the embassy reported that Kazakhstan had “confidence on the international stage.”²⁸⁴

In general the relationship was very hands-on. The US has provided lots of assistance and the government has been keen to cooperate. The reaction to the downgrade to the Tier 2 watch list in 2007 was typical; the Ministry of Justice Office Director thanked the US for the law enforcement training grants, encouraged future cooperation on victim assistance, expressed desire to learn from other cases, and asked the embassy to be specific about how Kazakhstan could improve its TIP rating.²⁸⁵

Outcomes

Legislation

TIP was not a big priority for the government in the late 1990s. In 1999 the Government’s National Commission on Women’s and Family Issues even declined to include trafficking in its list of priorities. The first TIP Report came out in the summer of 2001 and placed Kazakhstan in Tier 3. Larry Napper, the US Ambassador from 2001 to 2004, recalls intense reactions and interactions with high-level officials. Initially the government thought they could get by with cosmetic changes. In February 2002, just before the reporting deadline for the US TIP Report, the government amended a temporary measure to the criminal code to cover trafficking of adults. It also initiated training programs for law enforcement and began to conduct random investigations of travel agencies promising work abroad. Finally, the head of

²⁷⁶ 05ALMATY406
²⁷⁷ 07ASTANA1147
²⁷⁸ 06ASTANA88, 07ASTANA367, 06ASTANA368, 07ASTANA613
²⁷⁹ 06ASTANA368
²⁸⁰ 07ASTANA1061
²⁸¹ 07ASTANA1147
²⁸² Napper Interview
²⁸³ 05ALMATY1938, see also Christopher Smith, U.S. Congress, House of Representatives, “Kazakhstan’s Candidacy for OSCE Chairmanship,” 109th Cong., 2nd sess., 2006, http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=302&ContentType=S&ContentRecordType=S&Region_id=0&Issue_id=0&IsTextOnly=True
²⁸⁴ 08ASTANA1355
²⁸⁵ 07ASTANA1666

the President's Commission on Women and Family was appointed as government anti-trafficking coordinator. Implementation was severely lacking, however.

Ambassador Napper reports that during this time he was very involved with the legislation and that the inter-agency working group became serious about the law mainly because of the pressure of the US TIP Report:

They initiated that after we had engaged on the political level. It was not something that I could have got [the Minister of Justice's] attention on. We would go up to Astana and meet with the Minister of Justice and meet with his team. First order of business was to get the legislation right. ... We went up and discussed it in conceptual terms, walked through the kind of legislation we wanted to see; we went into it in very fine detail. They undertook to take it to the parliament. We monitored it very closely. I'd go and talk with parliamentary deputies about it and I'd mention the TIP legislation. ... At the time that they were actually doing the legislation I would go up two or three times within the month or so. We worked on it together."

After the 2004 report came out the government began to draft amendments to improve the anti-trafficking legislation. The US, along with the IOM and OSCE, attended the interagency TIP working group and was involved in the discussion of the draft amendments.²⁸⁶ In April 2005, the Law on Social Assistance, which the US had urged the government to pass in the 2004 TIP Report, was passed, providing a mechanism that allowed the government to provide grants to NGOs.

The spring of 2006 brought considerable progress. In February Parliament passed legislation to provide identified victims with temporary residence status to ensure their safe repatriation or participation in trafficking prosecutions. On March 2nd, 2006, in time for the annual TIP Report update from the embassy to Washington, the TIP amendments were finally enacted, and on April 10, the "2006 - 2008 National Plan of Action to Combat TIP." Nonetheless, in 2007 the US placed Kazakhstan on the watch list because its efforts to prosecute and convict traffickers had ground to a near halt, with only one conviction in 2006 as opposed to 13 the year before. The US also criticized Kazakhstan for not doing more to provide victim assistance and protection.²⁸⁷ After this, the embassy met several times with the Director of the Ministry of Justice Office, and in response to a request of what specifically needed to be done, delivered a set of written recommendations from the US. Data sharing increased in advance of the interim assessment."²⁸⁸ A case that led to a set of successful arrests and convictions later that year was lead by a person trained through Bureau of International Narcotics and Law Enforcement Affairs (INL) courses.²⁸⁹

After 2008 Kazakhstan has consistently been rated Tier 2 (with the exception of 2010 when it was on the watch list) and showed some progress on several issues including assistance to victims.²⁹⁰ In 2010 the TIP Report raised the issue of the forced use of children in cotton and tobacco harvest and cited this as the main reason for the downgrade. Kazakhstan has made some efforts to address this issue, but it persists,²⁹¹ as do many of the other trafficking problems in the country.

Institution building

The US helped build domestic TIP infrastructure. The biggest effort was the creation of the anti-TIP center in Karaganda to train police and MVD officers, and hold roundtables to discuss TIP issues. The US

²⁸⁶ 05ALMATY406

²⁸⁷ 07ASTANA1666

²⁸⁸ 07ASTANA2113

²⁸⁹ 07ASTANA1925

²⁹⁰ 09ASTANA222

²⁹¹ Curiously, the US DOL Child Labor report continues to cite the problem with child exploitation in the cotton fields, while the human trafficking reports does not.

Bureau of International Narcotics and Law Enforcement Affairs (INL) heavily supported its operation even influencing course content.²⁹² Through a strong relationship with several key individuals within the Ministry of Justice, the US was able to incorporate several recommendations into the National Action Plan.²⁹³

The promotion and adoption of new norms and practices

The US fostered socialization and learning through training in the anti-TIP center in Karaganda and high-level exchanges between countries. For example, when officials asked for information on how to protect and assist victims, the US actually sent a Kazakhstani interagency delegation to Rome to study how the Italian government and Italian NGOs protect TIP victims. Once home, the officials implemented the lessons learned into domestic structures.²⁹⁴ Similarly, when the Chief of the Organized Crime Division suggested establishing an anti-trafficking interagency in a South Kazakhstan oblast, he said he had been inspired after attending a US professional exchange program in Houston where he saw a similar group and interacted with the local sheriff's office.²⁹⁵ Thus, US efforts were linked to the diffusion of an institutional format. The US even conducted a three-year program to train religious leaders in trafficking issues to promote local tolerance for returning victims of sex trafficking.²⁹⁶

Conditioning factors

A persistent obstacle for the effectiveness of scorecard diplomacy in Kazakhstan was government complicity in trafficking problems. However, this was countered by a desire to impress the US and the West and the fact that the embassy developed a strong relationship with key interlocutors. In addition, the US also had a strong relationship with Kazakhstan of practical assistance and training, which provided opportunities for interaction and influence.

The Kazakhstan case thus displays many of the elements of scorecard diplomacy: engagement with NGOs and individual stakeholders within government, the use of Tier ratings to incentivize the government, the influence on the legislation and other outcomes, the contribution to the definition of norms embedded in legislation and the efforts to socialize officials into these norms via training and exchanges, the contribution to domestic institution building and data collection, and the facilitation and coordination of other actors such as IGOs.

²⁹² 09ASTANA210, 09ASTANA434

²⁹³ 05ALMATY3419

²⁹⁴ 08ASTANA2165. The trip was handled via the IOM, but funded by the US.

²⁹⁵ The International Visitor Leadership Program (IVLP) is the U.S. Department of State's premier professional exchange program. 09ASTANA1042

²⁹⁶ 05ALMATY3431

Malaysia

Summary

The US has had a strong influence on anti-TIP policy in Malaysia. The government of Malaysia (GOM) cared greatly about its Tier ranking, repeatedly expressing concern about their international reputation and asking how to obtain a higher ranking. Malaysia's Tier 3 ranking on the 2007 TIP Report was a primary motivation in the passage of an anti-TIP law. The US also played a crucial role in getting the GOM to investigate allegations of trafficking of Burmese refugees to the Thai border by Immigration officials. The US funded and pushed for the building of shelters, served as an important advisor and liaison between anti-TIP actors, and provided well-received trainings. Each of Malaysia's drops to Tier 3 received much media attention, which helped increase the pressure on the government to address US concerns. The US also collaborated with NGOs, particularly Tenaganita, and pushed the government to work more closely with NGOs. NGOs credited the US with motivating the government to change.²⁹⁷ While a rocky bilateral relationship impeded progress on TIP in the beginning, the relationship improved a great deal over the period reported in the cables, which boosted cooperation on TIP. However, the government continued to lag in the areas of labor trafficking and victim protection, so low ratings continued. The controversy surrounding Malaysia's upgrade in the 2015 TIP Report despite little actual improvement reveals the weakness of the TIP Reports as a sometimes-biased grading system. *Overall, Malaysia illustrates the power or eliciting reputational concerns though scorecard ratings, the indirect pressure ratings generate, and the important collaboration with civil society, but also exposes the dangers of politicizing the ratings and the necessity of a strong bilateral relationship for scorecard diplomacy to function.*

Background

Malaysia is host to an estimated two million undocumented foreign workers in addition to as many documented foreign workers from various Southeast Asian countries. Many of these workers are vulnerable to exploitation and experience forced labor or debt bondage in factory or plantation work. Governmental regulations place the burden of paying immigration and employment authorization fees on foreign workers, which can put them into dependencies. Some employers withhold travel documents and deduct recruitment debt payments up to six months of wages or restrict workers' movement. Some Cambodian women are subjected to domestic servitude. Young women, mainly Southeast Asian, are forced into prostitution after recruitment for other work or after entering into brokered marriages. In more recent years the situation of refugees and asylum-seekers has worsened and exposed them to trafficking. Large crime syndicates engage in trafficking, but there are also allegations of facilitation by some government officials. As Figure 10 shows, the tier rating has alternated between 3 and 2, reflecting the government's on-going implementation problems. Since the mid-2000s, improvements have occurred slowly.

²⁹⁷ 09KUALALUMPUR775

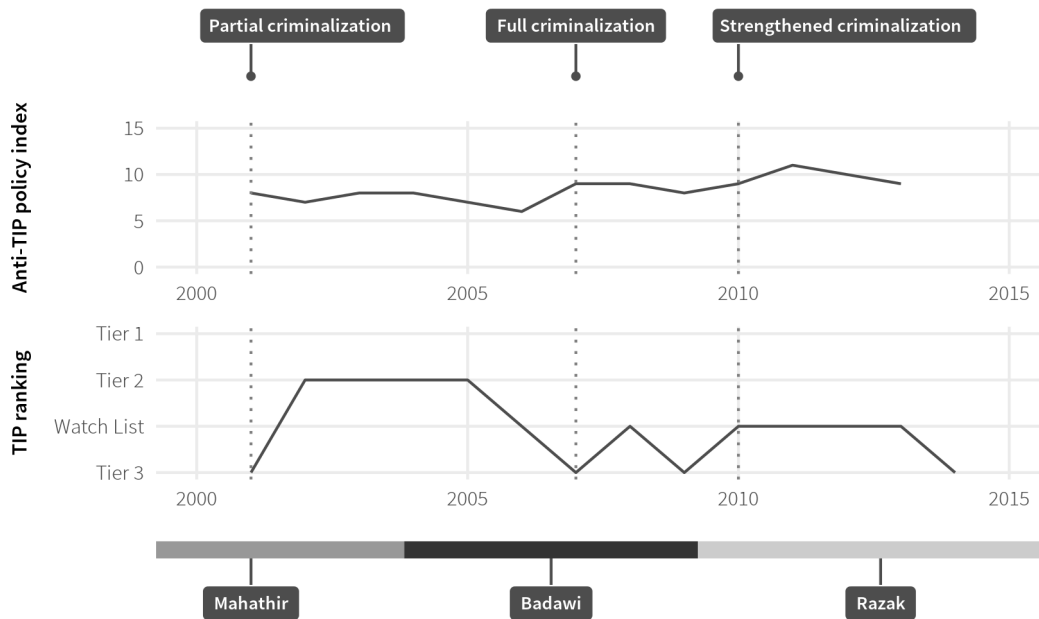


Figure 10: Malaysia's TIP ranking and policy during governments, 2001–2014

Statistic	Value
Average GDP per capita	\$8,447.42
Total aid	\$4,939.21 million
Aid from US	\$1,164.50 million
Average total aid as percent of GDP	0.194%
Total TIP grants	\$968,140

Table 10: Key Malaysian statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings were frequent and with interactions occurring at a high level. These included the attorney general, several prime ministers, and several ministers and government officials from various ministries including the ministries of foreign affairs, home affairs, immigration, human resources, internal security, and Women, Family, and Community Development, as well as members of the police. The documentation through the cables available begins in 2006, although Malaysia was included in the report already in 2001. The cables that discuss TIP constitute 13 percent of the overall available cables – the highest of any of the case studies – suggesting that TIP has been a top priority issue for the embassy. Initially the diplomatic efforts had to focus on getting Malaysia to acknowledge the problem and help officials understand that trafficking could not be voluntary. Scorecard diplomacy also influenced the government's understanding of labor trafficking and provided training about the treatment of victims. Scorecard diplomacy also focused on anti-TIP legislation and the embassy advised drafters in the attorney general's office by providing them with US anti-trafficking legislation as well as references to other countries' laws. The US also used tier ratings to push for action. At times the embassy was very hands-on. It encouraged the government to investigate allegations of trafficking of Burmese refugees to the Thai border by immigration officials and also provided training and brought in experts to talk to

officials on implementing the new law. The US provided funding for training and pushed for the building of shelters, and generally sought to act as a liaison between anti-TIP actors.

Indirect pressure

Third party actors have augmented scorecard diplomacy in Malaysia. Media reports on TIP increased pressure on the GOM to address trafficking.²⁹⁸ The media coverage of the downgrading to Tier 3 in 2009 increased attention to the Report and prompted multiple officials to respond publicly to the ranking.²⁹⁹ The opposition party also used the negative press to criticize the government for the ranking.³⁰⁰

The media gave extensive coverage to the arrest of immigration officials in 2009, which boosted the US's claims about the trafficking of refugees. One prominent newspaper published an entire interview with the US ambassador on TIP.³⁰¹ When Malaysia was downgraded to Tier 3 again in 2014 for failing to improve services for victims, negative coverage exploded both inside and outside Malaysia, forcing the deputy home minister on the defensive in *The Guardian*.³⁰² Thus the media strengthened the US's efforts in Malaysia.

Civil society has also been essential to US efforts. The US collaborated with civil society organizations, particularly NGO Tenaganita, which ran US-funded TIP shelters. Tenaganita's relationship with the government was somewhat strained; its director was a member of the opposition party.³⁰³ The US nonetheless succeeded in pushing the government to collaborate more with NGOs in their anti-TIP work.³⁰⁴ In "a major breakthrough,"³⁰⁵ Tenaganita and another NGO were included in the new Legal Committee of Anti-Trafficking in Persons. Some Catholic civil society groups attributed the increased willingness to work with NGOs to the 2009 Senate Foreign Relations Report...and the Department's June TIP Report.³⁰⁶ Thus, the embassy helped bridge the gap between the government and civil society, allowing NGOs to reinforce the US message.

Concerns

Malaysia has expressed concern about its poor rankings and repeatedly asked how to improve to get upgraded.³⁰⁷ Some of this concern has been about the ramifications for the bilateral relationship, partly because the US itself invoked TIP as important to the relationship.³⁰⁸ Shortly after the release of the 2007 TIP Report Tier 3 rating, the ambassador warned the prime minister that "a negative interim report could negatively affect military exchanges and other non-trade related programs." This warning did not go down well with the prime minister, who responded that "... the U.S. was the only country that 'passed judgment on and punished' other countries on issues like this. 'This is a great source of discomfort in our bilateral relations,' he added, 'as no country likes to be judged.'" Turning the tables, he said the ranking made Malaysian officials "'very uncomfortable'" and, while noting that Malaysia had a TIP problem, warned in turn that the issue could "complicate" other aspects of the bilateral relationship that were improving, such as a military arms deal that the two countries were close to closing.³⁰⁹ The poor rating

²⁹⁸ 09KUALALUMPUR152, 09KUALALUMPUR521

²⁹⁹ 09KUALALUMPUR491, 09KUALALUMPUR632

³⁰⁰ 09KUALALUMPUR491

³⁰¹ 09KUALALUMPUR632

³⁰² Kate Hodal, "US Penalises Malaysia for Shameful Human Trafficking Record," *The Guardian*, 20 June 2014, accessed 26 Dec. 2016, <https://www.theguardian.com/global-development/2014/jun/20/malaysia-us-human-trafficking-persons-report>.

³⁰³ 09KUALALUMPUR906. Coorlim, Loof. "Human Trafficking: U.S. Downgrades Four Countries in TIP Report." *CNN*. N.p., 20 Jun. 2014. Web. 20 Mar. 2015. <http://thecnnfreedomproject.blogs.cnn.com/2014/06/20/human-trafficking-u-s-downgrades-four-countries-in-tip-report/>

³⁰⁴ 7/15/2009: 09KUALALUMPUR583

³⁰⁵ 7/17/2009: 09KUALALUMPUR596

³⁰⁶ 1/27/2010: 10KUALALUMPUR58

³⁰⁷ 08KUALALUMPUR481, 08KUALALUMPUR955, 09KUALALUMPUR521, 09KUALALUMPUR775

³⁰⁸ 08KUALALUMPUR880

³⁰⁹ 07KUALALUMPUR1145

thus put the bilateral relationship on the edge. Officials did not want to appear publicly as if they were feeling pressured by the US. In follow up visits, one official stated flatly that Malaysia did not care about possible loss of aid, yet he was keen to explain what steps Malaysia was taking to follow up on US recommendations. At the same time, he advised against a visit by TIP Ambassador Mark Lagon to avoid the appearance of caving to the Americans.³¹⁰ Underscoring that the anger at being ranked Tier 3 in 2007 was not just due to concern about aid or bilateral relations but also about image, in another meeting, the foreign minister fretted to the US ambassador that the report “affects our country’s reputation and dignity.”³¹¹

The reaction after the 2009 Tier 3 ranking was much more constructive.³¹² A UNHCR representative said Malaysia had begun to allow the UNHCR to screen migrants and described this progress as a “crusade to please their critics.” It was rumored that the new prime minister had hired a public relations firm, which suggests that once again the GOM was concerned about its public image.³¹³ Not only did officials seem to care about Malaysia’s image, they also seemed concerned about not having an image that they were caving to US pressure. Although NGOs told Ambassador CdeBaca that the Tier 3 ranking was motivating the government,³¹⁴ the foreign minister told him that the Tier ranking was “the least of (his) concerns’ and that the GOM’s actions were not to prove themselves to another country but done simply because “it is the right thing to do.”³¹⁵ Nonetheless, the foreign minister’s newfound enthusiasm and keenness to tell the ambassador about all the actions the government was taking (including inviting the embassy to sit in on high-level TIP meetings) suggests keen attention to the tier rating. Indeed, even the concern that the government’s actions not be perceived as submitting to US pressure signaled great concern with the government’s image. Certainly, showing that a rating can matter for domestic legitimacy, the opposition party used the ranking as political ammunition against the government, so there was every reason to protect the government’s image.³¹⁶

Malaysia especially cared about its appearance compared to neighboring countries, asserting that Malaysia did not deserve a lower ranking than other countries with worse trafficking problems.³¹⁷ The US took advantage of the governments concern with its placement vis-à-vis others, several times telling officials that South Korea had been able to quickly rise from Tier 3 to Tier 1 by taking strong action on TIP.³¹⁸

In sum, it seems likely that the government’s motivation was a mix of concerns about image as well as about practical fallout from a poor rating in terms of bilateral relations. Interestingly, the image concerns were both about the “dignity” of the country, but also about the government’s image domestically.

Outcomes

Legislation

One of the most significant outcomes the US produced was the passage of a comprehensive anti-TIP law. From the beginning, TIP Reports criticized the lack of an anti-TIP law, which left victims to be treated as illegal migrants.³¹⁹ When, in 2006—after Malaysia was downgraded to the watch list—the government considered whether to pass a new anti-TIP law or amend existing laws, the US pushed for a

³¹⁰ 07KUALALUMPUR1145

³¹¹ 07KUALALUMPUR1375

³¹² 09KUALALUMPUR596

³¹³ 09KUALALUMPUR652

³¹⁴ 09KUALALUMPUR775

³¹⁵ 09KUALALUMPUR775

³¹⁶ 09KUALALUMPUR491

³¹⁷ 09KUALALUMPUR888

³¹⁸ 09KUALALUMPUR583

³¹⁹ TIP Report 2004

new law.³²⁰ While some ministries expressed support, the Attorney General (AG) resisted, saying, “we are tired of this issue.” He disliked the US pressure to pass a law, telling the embassy, “if we pass a law, it is just a process to raise our status from Tier 3 to 2 to 1,” for he believed existing laws were sufficient.³²¹ Existing legislation was not, in fact, adequate; traffickers were not being caught and victims were not being identified and protected.³²² While the police, Immigration, foreign embassies, and NGOs were on board to combat trafficking, cabinet ministries were not nearly as involved and stonewalled the embassy.³²³

Nonetheless, the US sustained its lobbying effort, and eventually the AG told the ambassador that he was drafting a new comprehensive law. The bill progressed quickly, and the embassy remarked, “Persistent, action-oriented and behind-the-scenes diplomacy have produced results... and allowed the Malaysians to claim the anti-trafficking issue as their own priority.”³²⁴ The bill passed in May, and though imperfect, the embassy praised it for exceeding minimum standards.³²⁵ Scorecard diplomacy seemed to have played a heavy hand. Not only did the embassy point to its own “action-oriented and behind-the-scenes diplomacy,”³²⁶ the Prime Minister, notably, the prime minister directly linked the passage of the law to the TIP Report, telling the press, “I’ve read the [TIP] report. We did whatever we could, but it was not enough. That’s why we decided the (anti-TIP) bill was necessary.”³²⁷ The AG later confirmed this sentiment.³²⁸ In addition, officials said that Malaysia would ratify the Palermo Protocol, which it had previously resisted.

The 2007 TIP Report nonetheless downgraded Malaysia to Tier 3. The May passage of the anti-TIP law was too late to adjust the Tier rating, and furthermore, the US wanted to keep up pressure on implementation. It criticized the government for, among other things, poor treatment of victims and not fulfilling their promise to open a shelter. The ranking upset the government, but it enabled the US to keep up pressure to enact the new law and create the TIP commission it outlined.³²⁹

The embassy kept up diplomacy both towards the government and as intermediary to the State Department.³³⁰ It encouraged the DOS to reward Malaysia for progress to increase US credibility and stimulate re-engagement with senior officials,³³¹ while reminding officials that the 2008 ranking would depend on implementation of the TIP law.³³² To facilitate this, the US provided significant training and, in response to repeated government requests, brought in experts to advise officials on implementing the new law.³³³ Although the US upgraded Malaysia to the watch list, the 2008 report still pressed for more investigations and prosecutions of forced labor incidents, something the embassy discussed with officials.³³⁴ In December, the government convicted the first trafficker under the new law.³³⁵

Another important case that drew in the US was the involvement of low-level Immigration officials trafficking refugees from Myanmar to the Thai border using official government vehicles.³³⁶ The problem attracted the attention of the US Senate, which the embassy said focused the attention of senior

³²⁰ 06KUALALUMPUR1661

³²¹ 06KUALALUMPUR2160

³²² 06KUALALUMPUR2160

³²³ 06KUALALUMPUR2160_a

³²⁴ 07KUALALUMPUR753

³²⁵ 07KUALALUMPUR834

³²⁶ 07KUALALUMPUR753_a

³²⁷ 07KUALALUMPUR1290

³²⁸ 09KUALALUMPUR583_a

³²⁹ 07KUALALUMPUR1145

³³⁰ 07KUALALUMPUR1236

³³¹ 07KUALALUMPUR1290

³³² 07KUALALUMPUR1568

³³³ 07KUALALUMPUR1557, 08KUALALUMPUR97

³³⁴ 08KUALALUMPUR940

³³⁵ TIP Report 2009

³³⁶ 08KUALALUMPUR495

officials.³³⁷ The ambassador wrote both the minister of foreign affairs and the minister of home affairs to press for action, and the embassy spoke with others in the anti-TIP Secretariat.³³⁸ By mid-November, the government began to investigate the allegations³³⁹ and expressed willingness to participate in a contact group proposed by the Thai Government. Although communication between the US and the government on the issue intensified,³⁴⁰ the government kept delaying and tried to save face and control the situation by warning a journalist to “be patriotic” by not reporting on the issue.³⁴¹

Stressing implementation once again, the US dropped Malaysia back to Tier 3 in 2009, and pushed for increased prosecutions and convictions, particularly related to allegations of Immigration officials trafficking Burmese refugees across the Thai border.³⁴² The ambassador stressed that engagement was key to raising the Tier status.³⁴³ Soon thereafter, nine people, five of whom were Immigration officials, were arrested for supposed involvement in a TIP syndicate, marking the government’s first acknowledgment of immigration official involvement.³⁴⁴ Shortly after, the government asked for US law enforcement assistance with traffickers in the case who were residents of southern Thailand.³⁴⁵ The efforts helped, and by early August, NGOs told the embassy “that trafficking of Burmese refugees to the Malaysia-Thai border had declined recently. The government also announced that immigration officials in contact with refugees would be rotated regularly.³⁴⁶ The Director of UNHCR Malaysia told TIP ambassador CdeBaca that “trafficking of people to the...border had effectively come to a halt.”³⁴⁷ The opposition party credited the Senate report and TIP Report for revealing the exploitation of Burmese refugees, as well as NGO Tenaganita for its efforts.³⁴⁸

Still, implementation was mixed. While the Thai border case evolved, another high-profile case surfaced. A recruiting agency was holding 140 Bangladeshi workers against their will, but the government treated the case as a labor dispute, because it “did not want to admit publicly that the case involved trafficking because of the large number of victims, and the government was not yet prepared to address the broader labor trafficking issues.”³⁴⁹

US pressure and mixed Malaysian efforts to respond continued.³⁵⁰ The GOM informed the embassy that Parliament planned to amend the Anti-TIP law so the Labor Department would be able to make TIP prosecutions. After the amendment passed in November 2010,³⁵¹ Malaysia made its first arrests for labor trafficking³⁵²

Pleased with implementation efforts,³⁵³ the State Department upgraded Malaysia to the Watch List in 2010.³⁵⁴ The road since then has been rocky, however. Malaysia only avoided an auto downgrade in 2013 and 2014 because it received waivers, and by 2014 the US had to downgrade Malaysia to Tier 3. Thus, although the US was influential in Malaysia in getting the law passed, and implementation picked up on

³³⁷ 08KUALALUMPUR799

³³⁸ 08KUALALUMPUR934, 08KUALALUMPUR955

³³⁹ 08KUALALUMPUR1017

³⁴⁰ 09KUALALUMPUR79, 09KUALALUMPUR140, 09KUALALUMPUR245, 09KUALALUMPUR414, 09KUALALUMPUR459, 09KUALALUMPUR484

³⁴¹ 09KUALALUMPUR934

³⁴² TIP Report 2009

³⁴³ 09KUALALUMPUR583_a

³⁴⁴ 09KUALALUMPUR600

³⁴⁵ 09KUALALUMPUR609

³⁴⁶ 09KUALALUMPUR704

³⁴⁷ 09KUALALUMPUR775

³⁴⁸ 09KUALALUMPUR846

³⁴⁹ 09KUALALUMPUR152

³⁵⁰ 09KUALALUMPUR863, 09KUALALUMPUR1025

³⁵¹ 10KUALALUMPUR58

³⁵² TIP Report 2010

³⁵³ 10KUALALUMPUR94

³⁵⁴ TIP Report 2010

sex trafficking cases. On labor, however, despite a few victories and some progress, efforts continued to lag.

Institutions

The US also contributed to institution building. The US-aided anti-TIP law created a Council for Anti-Trafficking in Persons.³⁵⁵ After the release of the 2009 TIP Report, the GOM created the “Legal Committee of Anti-Trafficking in Persons,” including officials from various GOM departments and two NGOs. This was the first time the government had included NGOs on this level of TIP engagement.³⁵⁶

The US was also involved with the creation of victims’ shelters, funding the first shelter with the IOM and Tenaganita in 2006.³⁵⁷ The embassy repeatedly pressed the government to open its own victims’ shelter,³⁵⁸ and after the 2007 TIP Report called out the government for failing to keep past promises to build shelters, it finally opened three women’s shelters.³⁵⁹ The US also pushed for shelters for men, and the government discussed shelter operations with the US embassy.³⁶⁰ Still, problems remained, partly because the government would not fund the better NGO shelters and instead insisted that victims stay in government-run shelters that resembled detention centers.³⁶¹ A training in 2009 that compared government and NGO shelters stimulated “a spirited discussion on how Malaysia cares for the victims of trafficking.” Many participants told the facilitator “that they had never considered how placing victims into a detention-style facility might affect them” and requested training on running TIP shelters.³⁶²

The Malaysian government was generally very receptive to US trainings³⁶³ and invited US officials to explain how the US handled cases.³⁶⁴ NGOs supported the US training efforts.³⁶⁵ In an August 2009 meeting, one state official said that the US workshops “gave him talking points on TIP to pass to...legislators.”³⁶⁶

The promotion and adoption of new norms and practices

In the earlier years, some officials did not believe Malaysia had a serious trafficking problem.³⁶⁷ Some did not understand the definition of trafficking³⁶⁸, and even in later years, the US had to stress the difference between trafficking and smuggling.³⁶⁹ The US helped change the government’s understanding and approach to TIP through meetings and trainings, getting officials to recognize the TIP problem and trying to change their views about the definition of TIP, particularly labor trafficking.

The US provided templates for the content of the legislation and helped reduce misconceptions of trafficking. Notably, when the AG decided to take up the legislation, he misunderstood the concept of trafficking as something that could be voluntary. This was evident as he “boasted that he would ensure the legislation ‘would extend the meaning of victims to include those who have voluntarily trafficked themselves.’”³⁷⁰ In response, the embassy provided the AG office with language of anti-TIP laws of the

³⁵⁵ 07KUALALUMPUR1568

³⁵⁶ 09KUALALUMPUR596

³⁵⁷ 06KUALALUMPUR372

³⁵⁸ 06KUALALUMPUR2035

³⁵⁹ TIP Report 2008, 08KUALALUMPUR1017

³⁶⁰ 08KUALALUMPUR1110, 09KUALALUMPUR609, 10KUALALUMPUR58

³⁶¹ TIP Report 2010, 2011, 2012

³⁶² 09KUALALUMPUR1025

³⁶³ 06KUALALUMPUR372, 09KUALALUMPUR704, 09KUALALUMPUR832

³⁶⁴ 09KUALALUMPUR775, 09KUALALUMPUR652, 08KUALALUMPUR1073

³⁶⁵ 09KUALALUMPUR835, 09KUALALUMPUR934

³⁶⁶ 09KUALALUMPUR906

³⁶⁷ 06KUALALUMPUR1948

³⁶⁸ 06KUALALUMPUR2160

³⁶⁹ 09KUALALUMPUR521, 09KUALALUMPUR618

³⁷⁰ 06KUALALUMPUR2297

US and other countries.³⁷¹ By 2009 officials were acknowledging and taking more responsibility for TIP.³⁷²

For a long time, the Malaysian government preferred to approach forced labor issues merely as labor disputes.³⁷³ The US provided information on the US definition of labor trafficking in 2008.³⁷⁴ By the second half of 2009, some officials openly recognized labor trafficking.³⁷⁵ Other officials, however, were less receptive. In one meeting, the Director General of Labor commented that reports of maids running away from employers a few days after they had footed the bill to bring them to the country was a bigger issue than the domestic servant abuse: “I know you do not want to hear it, but keeping their passports prevents them from running away.”³⁷⁶ Eventually, however, the government accepted the US emphasis on labor trafficking. It started making some arrests³⁷⁷ and amended the Anti-TIP Act to include labor or services obtained through coercion to the definition of trafficking. Still, as noted above, enforcement has severely lacked.

In sum, while trafficking remains a huge challenge in Malaysia, the US efforts have made major inroads on educating and socializing officials and law enforcement personnel into accepting the TIP problem, refining the definition to align with US and international preferences, and transmitting norms about shelters and victim protection.

Conditioning factors

US influence in Malaysia was facilitated by Malaysian concern about image and practical fallout in the bilateral relationship, as well as by active NGOs and strong media coverage. In addition, the influence was conditioned by the nature of the bilateral relationship, the varying presence of key interlocutors, divergences in understanding in TIP norms, and the official complicity in human trafficking.

In the early years of the TIP Report, the bilateral relationship was strained and characterized by mistrust.³⁷⁸ After the release of the 2007 TIP Report, anti-American sentiments among the Malaysian public hindered TIP progress by making it hard for the government to be seen as caving into US pressure. However, things improved towards the end of Prime Minister Abdullah Badawi’s administration, when, during the second half of 2008, ministries were encouraged to exchange more information on TIP with the US,³⁷⁹ and the prime minister told the Ambassador that “he anticipated a ‘very constructive relationship’ with the incoming U.S. administration.”³⁸⁰ A more careful US diplomatic approach helped overcome the government’s anger from earlier confrontations.³⁸¹ The improved relationship was also accompanied by more convergence on the understanding of trafficking with the election of Prime Minister Najib Razak, who “took pains to distinguish between people smuggling and trafficking.”³⁸² Still, understandings proved difficult to move; the 2010 amendments to the Anti-TIP Act added labor or services obtained through coercion to the definition of trafficking but still conflated trafficking and smuggling.

In addition to the gaps between the US and the Malaysian government both politically and on definition, the US also lacked what normally would be a key ally on TIP in the Ministry for Women, Family, and Children’s Development (WFCD). Indeed, the embassy reported that Minister Shahrizat Jalil

³⁷¹ 07KUALALUMPUR653

³⁷² 09KUALALUMPUR934

³⁷³ 09KUALALUMPUR906

³⁷⁴ 08KUALALUMPUR200

³⁷⁵ 09KUALALUMPUR521, 09KUALALUMPUR753, 09KUALALUMPUR830

³⁷⁶ 10KUALALUMPUR6

³⁷⁷ TIP Report 2010

³⁷⁸ 07KUALALUMPUR1145

³⁷⁹ 08KUALALUMPUR1073

³⁸⁰ 08KUALALUMPUR1026_a

³⁸¹ 08KUALALUMPUR340, 09KUALALUMPUR597

³⁸² 09KUALALUMPUR597

often refused to engage and was hostile towards the US.³⁸³ After the 2007 Tier 3 rating, she “declined to meet with the embassy.”³⁸⁴ When Ng Yen Yen replaced Shahrizat as minister from 2008 to 2009, the relationship improved. She sought guidance on how to improve the rating, invited the ambassador to tour shelters, and welcomed a visit by TIP Ambassador Lagon. The embassy recognized a new “opening for engagement,”³⁸⁵ which led to discussions on several issues, including labor trafficking and collaboration with NGOs on creating a TIP awareness program, as recommended by the US the prior year.³⁸⁶ The embassy noted, “We have come a long way since the Women’s Ministry (and other GOM offices) severed substantive contact on TIP issues with the embassy in the wake of the 2007 Tier 3 ranking, which left us without access during the critical launching period of Malaysia’s anti-TIP law.”³⁸⁷ Unfortunately for this new relationship, in 2009 Shahrizat returned as minister, although she was more prepared than before to work with the US to improve Malaysia’s Tier rating.³⁸⁸

³⁸³ 06KUALALUMPUR2160

³⁸⁴ 08KUALALUMPUR448

³⁸⁵ 08KUALALUMPUR448, 08KUALALUMPUR1073

³⁸⁶ 08KUALALUMPUR1110

³⁸⁷ 09KUALALUMPUR230

³⁸⁸ 09KUALALUMPUR981

Mozambique

Summary

The collaboration between the United States and the government has been constructive. Tracking developments on domestic anti-TIP legislation shows the full arc of a country that at first has no anti-trafficking law to a country that passes this law and deals with the challenge of implementing it. Mozambique has been a prime recipient of U.S. anti-TIP assistance. The US technical assistance and consistent diplomatic engagement on the law was crucial to moving the law along in the legislative process. US engagement helped raise public awareness to the trafficking issue through public awareness campaigns, brought together key NGO and government players, and lobbied the government to take action.

The case of Mozambique illustrates the importance of the engagement components of scorecard diplomacy: education and assistance. From the beginning the Mozambican authorities (in addition to local NGOs and increasingly civil society) were conscious of the trafficking problem and eager to fix it, which facilitated cooperation with the US. The collaboration was practical, with the embassy engaging with the Director of Migration and the Mozambican military's commander of border troops. The occasional meetings on TIP were typically high profile, involving the justice minister or targeting key players, and accomplished a great deal. Funding for all kinds of anti-TIP projects proposed by local actors as well as outside donors was consistent and recognized as influential.³⁸⁹ The case of Mozambique also highlights the importance of the local media in stoking the reputational concerns, the importance of cooperation with IGOs and NGOs in facilitating change, and the sensitivity to drops in tiers. On the downside, however, it also highlights the all too common implementation challenges for countries, especially those with scarce resources, and therefore the importance of scorecard diplomacy including not only monitoring and grading, but also practical assistance.

Background

Mozambique has a serious trafficking problem, especially along its border with South Africa, where men and boys are forced to labor in agriculture and extractive industries or as street vendors. Women and girls from rural areas are lured to cities on fake promises of employment or education, only to be exploited in domestic servitude and the sex trade. Children are often forced to work. Human and drug trafficking commonly co-occur.

³⁸⁹ 05MAPUTO378

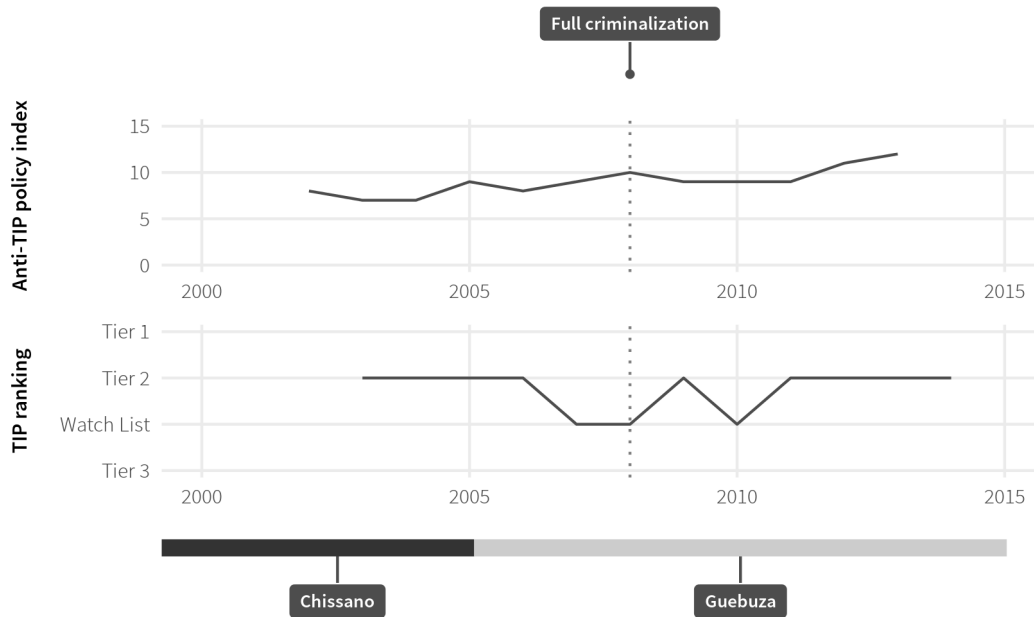


Figure 11: Mozambique’s TIP ranking and policy during governments, 2003–2014

Statistic	Value
Average GDP per capita	\$371.66
Total aid	\$28,911.12 million
Aid from US	\$3,663.10 million
Average total aid as percent of GDP	28.2%
Total TIP grants	\$3,712,000

Table 11: Key Mozambican statistics, averaged 2001–2013

Direct diplomacy

Scorecard diplomacy meetings occurred regularly and with interactions at a high level, often ministers and also the president of the National Assembly, the Minister of Justice, committee leaders, chiefs of police and border patrol, other relevant ministers. The documentation through the cables available begins in 2003, when Mozambique was first included in the report. The cables that discuss TIP constitute 10 percent of the overall available cables, suggesting that TIP has been a top priority for the embassy. Scorecard diplomacy focused on providing technical assistance and diplomatic encouragement to pass an anti-TIP law and the embassy was active in the drafting process. The US also used meetings to push repeatedly for the implementation of the law to start. The US also supported construction of the Moamba Reception Center for TIP victims and encouraged communication between different stakeholders on TIP issues.

Indirect pressure

The media took a lead role in exposing TIP in Mozambique, and the embassy worked strategically with them.³⁹⁰ For example, during a visit from G/TIP Africa Reports Officer, the embassy arranged a lunch with a dozen local journalists who then filed stories on the interview for their newspapers outlining the problem in Mozambique and emphasizing the US efforts to help fight trafficking.³⁹¹ Several trafficking cases received widespread coverage and increased attention to the problem.

NGOs have also amplified US efforts. After the US funded the upstart of the Moamba Reception Center, it introduced the NGO Save the Children Norway (SCN) and the Peace Corps to the project, in which they subsequently became involved.³⁹² The US also funded an NGO, Rede CAME, to help disseminate the new law, training police, border guards, and judicial officials, and building synergy between civil society and the government³⁹³ Finally, the US worked closely with the IOM, providing them support in the drafting of the anti-TIP legislation,³⁹⁴ and funding an IOM research and capacity building program to strengthen civil society efforts to combat TIP and identify trafficking patterns.³⁹⁵ Thus, NGOs, IGOs, the media and the US were well synchronized. Scorecard diplomacy enabled media coverage and NGOs facilitated attention to trafficking.

Concerns

Although the government was cooperative, the interactions between Mozambique government officials reveal few explicit statements about their motivations for cooperating with the US. Progress appeared to be largely driven by media coverage, which suggests concern with domestic criticism. Meanwhile, suggesting the benefit of a good reputation on TIP, the embassy encouraged Mozambique to set an example for its fellow members of the SADC.³⁹⁶

Immediately following the unanimous passing of the anti-TIP law, the embassy reported that “USG technical assistance and consistent diplomatic engagement complemented the collaboration between the GRM and a determined civil society” and that “the USG’s growing financial assistance programs in the country also provided Post with significant leverage,” presumably resulting in “the GRM acting with uncharacteristic swiftness” in the closing months.³⁹⁷

Outcomes

Legislation

The US first included Mozambique in the TIP Report in 2003, when it gave it a Tier 2 rating and criticized the absence of an anti-trafficking law. Attention to TIP heightened drastically in March 2004 after allegations surfaced about trafficking in human body parts and child disappearances in northern Mozambique.³⁹⁸ The Head of the parliamentary bench for the Mozambique Liberation Front (FRELIMO) called for an investigation and said the Assembly would take up anti-trafficking legislation.³⁹⁹ The minister of justice asked the ambassador for “country model” examples of existing TIP legislation that her committee could use as a guide. The embassy immediately sought to provide such technical assistance.⁴⁰⁰

³⁹⁰ 08MAPUTO651

³⁹¹ 05MAPUTO1030, 08MAPUTO651, 06MAPUTO564, 07MAPUTO886

³⁹² 07MAPUTO1475

³⁹³ 07MAPUTO464, 08MAPUTO651

³⁹⁴ 04MAPUTO513_a. IOM was funded in 2005.

³⁹⁵ 05MAPUTO114

³⁹⁶ 08MAPUTO322

³⁹⁷ 08MAPUTO322

³⁹⁸ 04MAPUTO464_a

³⁹⁹ 04MAPUTO464

⁴⁰⁰ 04MAPUTO513

After ministerial-level meetings, US-paid legal consultants were included on the team drafting the legislation.⁴⁰¹

When by 2007 the law had not progressed, the US dropped Mozambique to the Watch List and stressed the need for the law to pass before the tier could improve. The embassy chargé d'affaires met with the president of the National Assembly to encourage him to schedule the draft law for debate during the first legislative agenda of the year, because the agenda had been finalized without it. The chargé d'affaires urged Mozambique to become the first country in the South African Development Community (SADC) with a comprehensive law. In a clear example of US agenda-setting power, within a week, an addendum placed the law on the current agenda for discussion and the President of the National Assembly called the chargé d'affaires to assure him. The law was passed on April 10th that year, just in time to be included in the 2008 TIP Report.⁴⁰² The embassy reported that the adoption of the law was the “result of a ‘perfect storm’ in recent months, including a constant lobbying effort by USG officials and civil society groups coupled with a highly publicized TIP case in March.”⁴⁰³

By February 2010 still no arrests had been made because implementing regulations for the 2008 Trafficking Law were still missing. The embassy offered technical assistance to complete these regulations.⁴⁰⁴ The 2010 TIP Report once again dropped Mozambique to the watch list, stressing the need for implementing legislation. By 2011, the regulations were in place and the government prosecuted and convicted trafficking offenders for the first time under the anti-trafficking law, increased prevention efforts, and trained local officials about legal remedies provided under the new law.⁴⁰⁵ Such efforts have remained steady since.

Institutions

After passage of the law, US efforts in Mozambique focused on strengthening key institutions, especially the judiciary and police force.⁴⁰⁶ Due to capacity issues, however, victim protection has remained weak and run mostly by NGOs. For this reason, the US has supported construction of the Moamba Reception Center, a shelter for TIP victims that was influenced by visits to ‘safehouses’ in the US.⁴⁰⁷ The US also contributed to informal institutions. For example, the embassy led a bimonthly forum for civil society, government, and the diplomatic corps to discuss trafficking issues.⁴⁰⁸ The USG also funded meetings between the Mozambican civil society and the Ministry of Justice to discuss the TIP legislation, and with the South African Legal Reform committee to discuss South Africa’s approach to drafting an anti-TIP law. These meetings boosted efforts to “knit together a tighter regional network of Southern African civil society organizations fighting the growing TIP problem.”⁴⁰⁹

The promotion and adoption of new norms and practices

The Moamba Reception Center for TIP victims was influenced by US practices. On cable describes how the co-director of the project, Lea Boaventura, visited the US in 2004 as part of an International Visitor Program. During the time in the US she visited several “safe houses” for trafficking victims and used part of what she learned there to design the Moamba Reception Center.⁴¹⁰

⁴⁰¹ 06MAPUTO564

⁴⁰² 08MAPUTO322. The passage was noted in the 2008 report.

⁴⁰³ 08MAPUTO322

⁴⁰⁴ 10MAPUTO163

⁴⁰⁵ 2011 TIP Report

⁴⁰⁶ 04MAPUTO168

⁴⁰⁷ 05MAPUTO566

⁴⁰⁸ 08MAPUTO261

⁴⁰⁹ 06MAPUTO564

⁴¹⁰ 05MAPUTO566

Conditioning factors

US influence in Mozambique was facilitated by the government's acknowledgement of the problem and its strong will to improve. The US also enjoyed great cooperation with NGOs and a supportive media environment. The media covered a couple of timely trafficking cases that helped bring attention to the issue and in general had strong coverage of trafficking. Furthermore, US assistance provided some leverage and interaction. The biggest challenges were the scale of the problem and the lack of resources and capacity for victim protection.

Nigeria

Summary

In Nigeria, pressure from the scorecard diplomacy has motivated the government to improve its reputation on TIP. Nigeria was included in the very first 2001 TIP Report as a Tier 2 country. At that time there appeared to be hesitation by some government officials to discuss trafficking, and an August 2, 2001 diplomatic cable describes a Foreign Ministry official as “visibly uncomfortable when asked about ongoing trafficking in persons.”⁴¹¹ The US attention towards the issue contributed towards the establishment of institutions like the National Task Force on Trafficking, which led to the passage of comprehensive legislation that created a highly successful federal agency dedicated to fighting trafficking, the National Agency for the Prohibition of Traffic in Persons (NAPTIP). Rather than leading to a lull in activity, Nigeria’s excitement about achieving Tier 1 ranking in 2009 spurred more anti-trafficking work. Although the ranking has since been adjusted to the more realistic Tier 2, Nigeria continues to focus attention on trafficking. It’s performance on human trafficking far outshines that on other human rights conditions in the country, meanwhile raising concerns that countries may excel in one area that is a strong focus on scorecard diplomacy, while neglecting other areas. Overall, however, *Nigeria provides an example of how US scorecard diplomacy can motivate government officials to focus attention on the problem, and, when political will exists, lead to successful changes in legislation, implementation, and institutions.*

Background

The trafficking problem in Nigeria is large and diverse in nature. Early TIP reports noted that most trafficking from Nigeria was of women going to Europe and cited an Italian authorities’ estimate of 10,000 Nigerian prostitutes working in Italy. Women and children are also trafficked to on plantations in other African countries and are subjected to sex trade and forced begging in Nigeria and abroad. The rising prominence of the terrorist organization Boko Haram has exacerbated abuses.

⁴¹¹ 01ABUJA1921_a

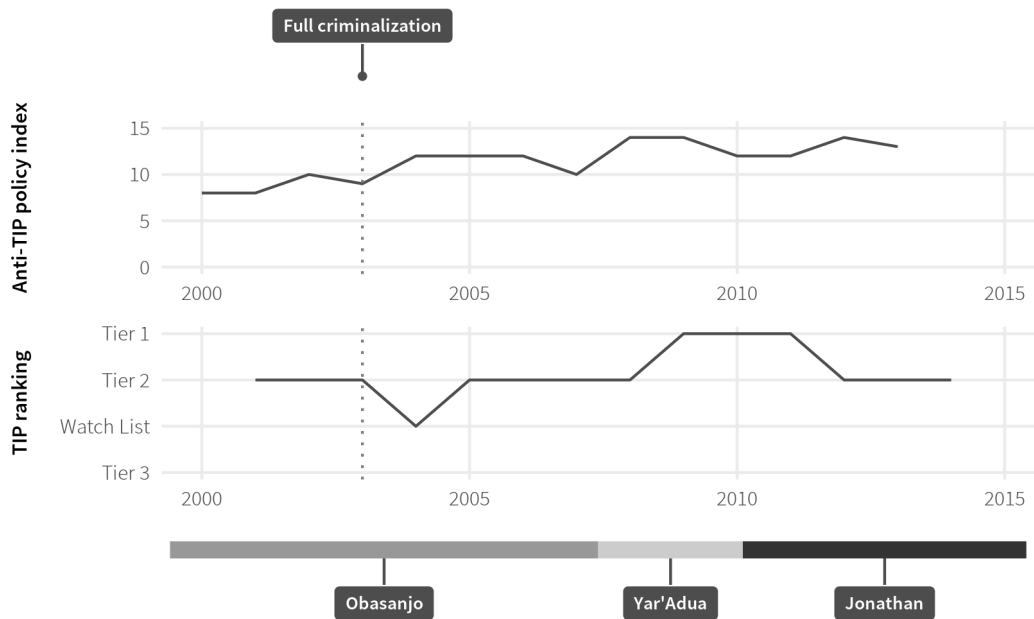


Figure 12: Nigeria’s TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$1,972.22
Total aid	\$50,490.19 million
Aid from US	\$4,989.99 million
Average total aid as percent of GDP	1.36%
Total TIP grants	\$3,295,000

Table 12: Key Chadian statistics, averaged 2001–2013

Indirect pressure

The US worked with both NGOs and IGOs to enhance the pressure and capacity for Nigeria to fight human trafficking. The embassy engaged with NGOs, for example visiting the Women’s Consortium of Nigeria (WOCON), which had long been doing anti-TIP work and which the US funded.⁴¹² Several times, the embassy met with TIP stakeholders in Abuja, “including foreign Embassies and NGOs,⁴¹³ showing how the US was working with and through these other actors. The U.S. embassy and NAPTIP also developed a national stakeholders forum with relevant state working groups, in addition to domestic NGOs and international agencies such as UNICEF, USAID, ILO, and the IOM. The US also funded IGOs to carry out anti-TIP work, including the IOM anti-TIP training module for police recruits mentioned above.⁴¹⁴ The US Department of Labor funded a regional study of child trafficking patterns in eight West African countries, including Nigeria.”⁴¹⁵

⁴¹² 04LAGOS300_a, 05LAGOS1401_a

⁴¹³ 09ABUJA326_a, 09ABUJA951

⁴¹⁴ 03ABUJA515

⁴¹⁵ 02ABUJA857_a

Concerns

Nigeria was strongly motivated to earn a Tier 1 rating, because it saw trafficking in persons as an issue on which the country could earn a strong international reputation. To this end it held an international summit on trafficking in persons in 2002. Nigeria successfully worked to be seen as a regional role model on anti-TIP policy.⁴¹⁶ The US DOS used Nigeria as a showcase example and the international media promulgated this idea. For example, on June 19th, 2009, a *Christian Science Monitor's* editorial used Nigeria as example of how developing countries can take anti-TIP steps.⁴¹⁷

To improve Nigeria's Tier rating, the US worked closely with high-level officials to provide specific recommendations on TIP policy. In one one-on-one meeting, the embassy recounts that the Minister of Justice was thankful for the advice and "was fascinated by the list of Tier 1, Tier 2, and Tier 3 countries from the State Department website. He said Nigeria could certainly reach Tier 2 for the 2005 Trafficking in Persons Report. He added that his goal was for Nigeria to be a Tier 1 country."⁴¹⁸ In 2009, when Nigeria received a Tier 1 rating, officials were quick to take credit. The Nigerian newspaper *This Day* featured a story about NAPTIP titled "Human Trafficking, Worst Crime Against Mankind." In it, NAPTIP Executive Secretary Simon Egede said that he was not surprised that the most recent TIP Report raised Nigeria to Tier 1 based on all the work of NAPTIP and previous Executive Secretary Carol Ndaguba.⁴¹⁹

Nigeria was concerned with how criticisms on TIP might interfere with its reputation in the UN Human Rights council. In one October 2008 meeting, U.S. officials discussed trafficking issues with the Director of the Ministry of Foreign Affairs International Organizations Department Second United Nations Division. During the meeting, the director noted that Nigeria's was preparing for its UN Human Rights Council Universal Periodic Review (UPR) in February 2009 and worried how the criticisms in the TIP Report would affect their review. The embassy reported, "Ibrahim stated that the GON is 'doing a lot to improve human rights', but still receives negative reports such as the U.S Human Rights Report and the Trafficking In Persons (TIP) Report which will undoubtedly be cited during the UPR."⁴²⁰

Outcomes

Legislation

Beginning in 1999, the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), an NGO founded by Amina Titi Atiku Abubakar, wife of Vice President Atiku, led civil society groups to sponsor an anti-trafficking bill. The TIP Report criticized Nigeria for lacking a comprehensive anti-TIP law right from the beginning. By the 2002 report, a federal legislation draft existed that was modeled on a law recently passed by Edo State, although the proposed legislation only addressed trafficking of women and children. In June 2002 the House of Representatives passed the anti-TIP bill, which the Senate then passed in February 2003, just in time for US reporting deadlines. The bill was signed into law in July that year, establishing the Nigerian Government's anti-trafficking agency, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).

Despite passing the bill, Nigeria devoted few resources to actual anti-TIP policy. However, in September 2003 the President appointed Mrs. Carol Ndaguba as the first head of NAPTIP. "[This] sudden surge in Nigerian law enforcement efforts against child trafficking," the US embassy wrote, "has drawn greater attention to the magnitude of this problem in the region while also reflecting improved political

⁴¹⁶ 06ABUJA1518_a, 09ABUJA1437_a

⁴¹⁷ The Christian Science Monitor's Editorial Board, "A Stop Sign for Human Trafficking," *The Christian Science Monitor*, 19 June 2009, accessed 26 Dec. 2016, <http://www.csmonitor.com/Commentary/the-monitors-view/2009/0619/p08s01-comv.html>.

⁴¹⁸ 04ABUJA1839_a

⁴¹⁹ 7/06/2009, This Day, "Roland Ogbonnaya, "Nigeria: Naptip – Human Trafficking, Worst Crime Against Mankind."," *allAfrica*, originally published on *This Day*, 5 July 2009, accessed 26 Dec. 2016, <http://allafrica.com/stories/200907060237.html>.

⁴²⁰ 08ABUJA2048

will to crack down on trafficking crimes in general.”⁴²¹ The embassy noted its own efforts to encourage Nigeria to step up these efforts, and a cable describes the close relationship the U.S. and Nigeria were developing to combat trafficking.⁴²²

Despite US praise for the new law and the new agency, the US continued to criticize Nigeria on enforcement issues. It downgraded Nigeria to the watch list in 2004 “because of the continued significant complicity of Nigerian security personnel in trafficking and the lack of evidence of increasing efforts to address this complicity.”⁴²³ The report also criticized Nigeria’s efforts to prevent trafficking, shelter and train victims of trafficking, and to prosecute traffickers and other involved parties. Indeed, the US itself was spending more than \$3 million trying to bolster enforcement, including training prosecutors, law enforcements, and judicial officials, running rehabilitation shelters for victims, developing reports, raising public awareness, and more.⁴²⁴

The TIP law was amended in 2005 to increase penalties for traffickers. The 2005 TIP Report praised the many successes of NAPTIP including improved response and stronger efforts across the law enforcement spectrum, the increased federal and state efforts aimed at prevention, and the opening of a stakeholders forum where interested parties come together to discuss best practices and progress in anti-TIP efforts. However, the report also called out corruption among law enforcement and immigration officials.⁴²⁵

In the years to come, NAPTIP worked to enforce the law and succeeded in keeping the issue an ongoing priority. For example, Nigeria and Benin signed an important agreement to fight trafficking.⁴²⁶ In 2008 NAPTIP announced its TIP statistics at its annual stakeholder meeting showing that it had handled 587 cases of human trafficking for “sexual exploitation and child abuse” between October 2007 and May 2008. Furthermore, the agency convicted ten traffickers during the same period.⁴²⁷ Nigeria received a Tier 1 rating from 2009-2011, but in 2012 the US dropped Nigeria to Tier 2, citing stagnation in several areas including federal funding for NAPTIP, provision of protective services, victim reintegration, and maintenance of NAPTIP facilities. Nigeria has remained there since, its efforts ongoing, but with remaining room for improvement.

Institution building

The US supported institution building in multiple ways. In the early years, the Department of Labor funded an ILO-IPEC program that in turn funded efforts by the inter-ministerial TIP Committee to create a national plan against trafficking.⁴²⁸ The US worked closely with NAPTIP Executive Secretary Carol Ndaguba and many other high level anti-TIP officers⁴²⁹ and lobbied for more funding for strengthening NAPTIP.

With encouragement from the US,⁴³⁰ Nigeria’s TIP database became operative in September 2008. This NAPTIP project was sponsored by the American Bar Association’s Rule of Law Initiative and connected to all NAPTIP zonal offices. The solar powered main server provides 24-hour access and greater operational capacity to allow law enforcement and civil society across the country to collect and collate data in an effective and efficient manner.⁴³¹

⁴²¹ 03ABUJA1916_a

⁴²² 04ABUJA167_a

⁴²³ TIP Report, 2004

⁴²⁴ 04ABUJA167_a

⁴²⁵ 2005 TIP Report

⁴²⁶ Max Amuchie, “Nigeria, Benin Sign MOU On Child Trafficking,” *allAfrica*, originally published on *This Day*, 10 June 2005, accessed 26 Dec. 2016, <http://allafrica.com/stories/200506130490.html>.

⁴²⁷ 08ABUJA1023_a

⁴²⁸ 03ABUJA515

⁴²⁹ 05LAGOS1891_a

⁴³⁰ 07LAGOS193_a

⁴³¹ 08ABUJA1950_a

The US additionally supported institutional and capacity development. For example, the Department of Justice provided investigative training to Nigerian law enforcement agencies.⁴³² The American Bar Association Rule of Law Initiative (ABA-ROLI) also created a training manual for the immigration service and trained judges, prosecutors, and staff of many other government agencies.

The promotion and adoption of new norms and practices

The US engaged in efforts to educate police officers on the trafficking problem. USG officials met with police commissioners who lacked a basic understanding of TIP, and the embassy explained the distinctions between trafficker and victim, trafficking and smuggling, and so on. The US funded an IOM effort to add an anti-TIP training module to the basic training curriculum for new police recruits.⁴³³ They also sent representatives from Nigeria's civil society, government and media to attend U.S. programs on trafficking issues.⁴³⁴ The ultimate impact of these efforts is difficult to assess, however.

Conditioning factors

Several factors worked initially against scorecard diplomacy in Nigeria. In the early years the influence of scorecard diplomacy was hampered by official complicity in trafficking and corruption. NAPTIP officials also claimed "a lack of resources limited their ability to act more aggressively."⁴³⁵ In addition, in one 2002 cable, the US embassy also complains to Washington of a large Italian donation of resources, noting that such unconditional aid was hampering US efforts to exert leverage.⁴³⁶

However, as the years went by, the US and Nigeria developed a strong working relationship on TIP, a relationship that included a strong financial commitment from the US, which funded a wide variety of activities, training prosecutors, law enforcements, and judicial officials, running rehabilitation shelters for victims, developing reports, raising public awareness, and more.⁴³⁷ Progress occurred, facilitated by the embassy's strong working relationship with NAPTIP leadership, especially Carol Ndaguba, who continued to be involved with NAPTIP after she stepped down. Another helpful factor was a desire for Nigeria to serve as a regional leader and to use its reputation on TIP to improve its reputation on human rights more generally, a role the US was quick to promulgate.

⁴³² 08ABUJA770_a

⁴³³ 03ABUJA515

⁴³⁴ 04ABUJA167_a

⁴³⁵ 06ABUJA1518_a

⁴³⁶ A cable describing the situation ends with a scathing comment on Italy's actions: "This has been a case study in how not to deliver law enforcement assistance in a country with a serious corruption problem. Aside from losing valuable leverage to prod the GON into adopting a more sincere and aggressive anti-TIP effort, the Italian Government has not helped our efforts to craft a smaller yet more focused and effective anti-TIP law enforcement project as the GON may now be reluctant to accept USG conditions on aid worth a fraction of the strings-free Italian largesse." 02ABUJA358_a

⁴³⁷ 04ABUJA167_a

Oman

Summary

Because Oman was so concerned with its image, the US was successful in bringing attention to trafficking and bringing about legal changes. Meetings occurred at high levels and were at times frequent. The country's first inclusion in the TIP Report was in 2005, when Oman was rated Tier 2. The 2006 report dropped Oman to the Watch List, and when the US saw no improvement, in 2007 and 2008 Oman was rated the lowest Tier 3. The low ranking prompted a severe crisis in the relationship and resulted in cancelled meetings and combative ultimatums. Eventually, this confrontation did lead to new legislation being passed and to practices in some areas of trafficking improving. The US embassy engaged strongly with Omani officials on the topic, discussing TIP in meetings at least 6-8 times a year and often bringing the issue up directly in meetings one on one with the ambassador and high-level officials such as the labor minister.

While the US exerted considerable influence and progress was made in the late 2000s, it has since stalled. Figure 13 shows how the severe drop in the tier rating correlated with improvements in policies, but also how the lack of tier pressure since then has been matched by increasing complacency in the government efforts. *The Oman case thus illustrates just how serious some countries take the tier ratings and the high level of politics they can reach, but also that the concern may be more with appearances than substance. Such concern can be elicited to prompt change, but this may remain superficial.*

Background

Although its labor practices and laws presented conditions that were very conducive to labor exploitation, especially of foreigners, Oman was ignoring human trafficking in the early 2000s. With over 640,000 undocumented foreign workers, making up 80-85 percent of the private workforce, abuses were prevalent, especially given the practice of withholding passports from domestic workers.⁴³⁸ As in some other Arab countries, there were reports of issues with children trafficked for use as camel jockeys,⁴³⁹ and with about a quarter to half of Oman's labor force being foreign, Oman's "sponsorship system" of migrant workers left many in the complete control of employers.

⁴³⁸ 08MUSCAT184

⁴³⁹ 05ABUDHABI4979

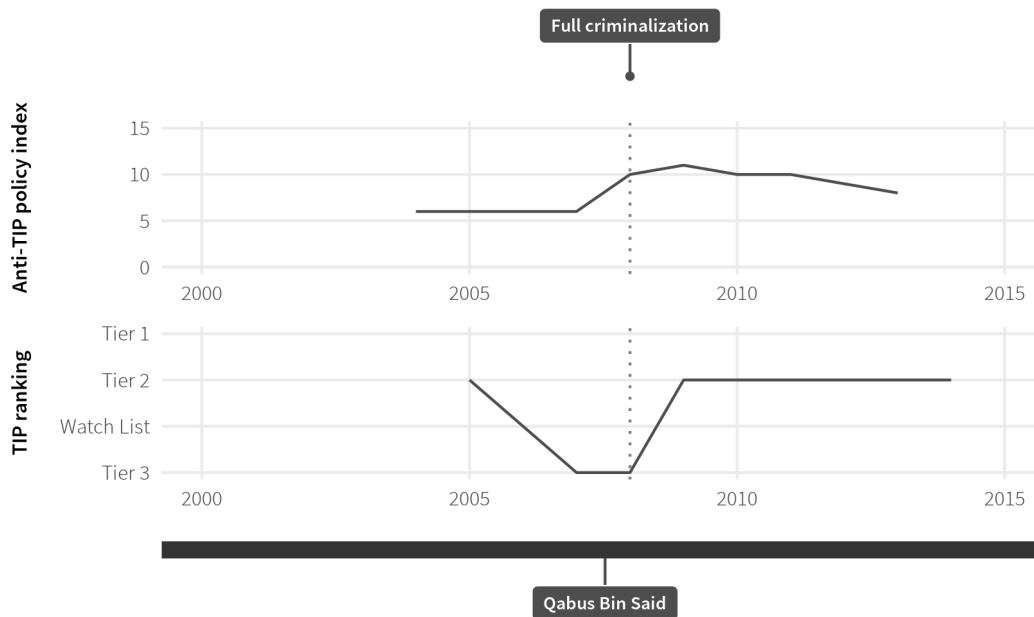


Figure 13: Oman’s TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$18,421.38
Total aid	\$2,721.23 million
Aid from US	\$44.86 million
Average total aid as percent of GDP	0.574%
Total TIP grants	\$70,000

Table 13: Key Omani statistics, averaged 2001–2013

Indirect pressure

Indirect pressure was not a significant factor in enhancing scorecard diplomacy in Oman. The media, being mostly under state influence, was generally not helpful to the US efforts. Rather, the government used the media to defend its image and criticize the reports in public.⁴⁴⁰ The US also was unable to work much through NGOs, which were quite scarce in Oman.

IGOs were a bit more active. The UN sent a Special Rapporteur on trafficking in persons on a five-day fact-finding mission, and the subsequent report made it clear that the UN shared the US concerns, which made it harder for Oman to simply frame US criticism as political blackmail. Nevertheless, the UN did not have much direct involvement thereafter.⁴⁴¹ The ILO has also been active in Oman, but extensive cooperation with the US is not evident.⁴⁴²

⁴⁴⁰ 07MUSCAT822

⁴⁴¹ 06MUSCAT1575

⁴⁴² http://www.ilo.org/global/topics/forced-labour/news/WCMS_146443/lang--en/index.htm

Concerns

Oman was highly concerned with losing face and was worried about its domestic and international image. As one embassy cable pointed out after the 2007 drop to Tier 3, “It is exceptionally rare for Omanis to hear information critical of their country. So, the Tier 3 ranking came as a major embarrassment for Oman, and top officials are feigning surprise.”⁴⁴³ While keen to take actions to improve its rating, officials were also concerned with not wanting to be seen to cower to US demands.⁴⁴⁴ The state-owned daily *Observer* and private daily *Times of Oman* ran articles interviewing South Asian and Western expats, who added their voices of support to Oman’s rejection of the TIP Report. In the fall of 2007, a US cable noted, “The discrepancy between shock and anger expressed in public and the government’s steady, yet quiet action suggests that the government may be trying to save face while attempting to fulfill the recommendations in the TIP action plan.”⁴⁴⁵ After the 2008 Tier 3 rating, it was so upset that it even enlisted the Gulf Cooperation Council to endorse the Sultan’s official rejection of the US report.⁴⁴⁶ After the extensive domestic reaction, the embassy described Oman as “[f]eeling that its Sultan has been dishonored and its national honor has been impugned...”⁴⁴⁷ To protect its image, the government promoted massive criticism of the US report in the media and the Omani Journalists Association condemned the report as false allegations.⁴⁴⁸ An official told the embassy that, “although the Sultan was very upset about the report, Qaboos was more concerned about the international image of his country.”⁴⁴⁹ The CEO of the Oman Petroleum Services Association (OPAL), who also advised the Minister of Manpower on labor affairs, told the embassy “that it was unfortunate that the USG published its report while the Sultan is outside of Oman on his European trip and therefore more exposed to international scrutiny and criticism. ‘You likely caught him by surprise,’ Balushi surmised, forcing the Sultan to defend his country before Western leaders and explain why Oman is not like the other countries on Tier 3.”⁴⁵⁰ Thus, both in 2007 and 2008, the reactions were all very much about image.

The concern with loss of face was also partly because Oman feared the practical repercussion of a reputational loss. The chairman of the Chamber of Commerce and Industry (OCCI) told the embassy he was concerned that the Tier 3 ranking would hurt Oman’s trade and investment.⁴⁵¹ Sanctions fears, however, were not a big issue. In all the cables, an actual Omani reaction to the sanction threat was only mentioned once, and in that context, the MFA reaction was one of “disbelief and confusion” over possible sanctions, and the US embassy immediately recommended a waiver.⁴⁵² It was probably clear to all that sanctions were not going to happen. Indeed, Oman seemed to be the one with the leverage. As the embassy noted, in addition to aid, “Post’s Office of Military Cooperation (OMC) currently is managing 52 active Foreign Military Sales (FMS) cases valued at \$1.04 billion ... [.]... The sequencing of the TIP Report’s release and the start of [Gulf Security Dialogue] consultations in Washington may cause some problems with the latter. We therefore recommend that the Department arrange a meeting between under secretaries Badr and Dobriansky to clarify the USG position on TIP in the larger context of regional and national security.”⁴⁵³ Concerns about image thus were partly about how it might harm trade and investment.

⁴⁴³ 07MUSCAT822

⁴⁴⁴ 07MUSCAT822

⁴⁴⁵ 07MUSCAT822

Accessed December 27, 2016.

⁴⁴⁶ 08MUSCAT469

⁴⁴⁷ 08MUSCAT431

⁴⁴⁸ Oman Tribune, Sultanate hails US on trafficking list move. Available at

<http://www.omantribune.com/index.php?page=news&id=37393&heading=Other%20Top%20Stories> Last accessed 19 Oct. 2015.

⁴⁴⁹ 08MUSCAT634

⁴⁵⁰ 08MUSCAT464

⁴⁵¹ 07MUSCAT788

⁴⁵² 07MUSCAT597

⁴⁵³ 08MUSCAT425, 07MUSCAT597

Given its strong concern, Oman acted sought to raise its rating to improve its image.⁴⁵⁴ That its concern with trafficking was not intrinsically motivated to improve trafficking but rather to improve the rating was clear by its attempts to threaten the US to change its rating,⁴⁵⁵ which by and large succeeded and led to celebration in the state-directed news media, showing the concern with maintaining a good domestic reputation.⁴⁵⁶

Outcomes

Legislation

Many of Oman's actions on TIP can be traced to specific US recommendations, and its been documented that in 2007 after the drop to the tier 3 rating, Omani officials took notes in meetings with US officials about what they needed to do.⁴⁵⁷ The US was heavily involved with the drafting of TIP legislation.⁴⁵⁸ The Ministry of Foreign Affairs requested and received examples of anti-TIP legislation from the US embassy,⁴⁵⁹ and the embassy reported that "comments provided by an expert contracted by G/TIP have been well-received by Oman's anti-trafficking committee."⁴⁶⁰ Omani officials themselves recognized the external assistance on the legislation.⁴⁶¹

Because passage of the law was still pending, however, in the summer of 2008 the US kept Oman at Tier 3. Omani officials were furious. In a June 11, 2008 cable to Washington ominously titled "Addressing our Tier 3 TIP dispute with Oman," the embassy reported that it had told Oman that the rating couldn't be changed without some action from Oman, and lamented, "We therefore are caught in a dispute in which there is little common ground, and with a partner that has indicated its willingness to wager the relationship on the outcome of the matter." The cable goes on to consider the various issues at stake, including the FTA and Omani support of the middle East Peace Process.⁴⁶² After the 2008 rating was released, the media fed public outrage in Oman and regional states, leading the embassy to note: "It appears that Oman is willing to stoke this popular resentment in its drive to get the Tier 3 ranking retracted."⁴⁶³ The US eventually caved in and "revised"⁴⁶⁴ the rating, based on a promise from the Ministry of Foreign Affairs Secretary General on the anti-trafficking legislation still in process: "Our friends did not let us down, and we will not let them down."⁴⁶⁵ He stated that he had seen the final version of Oman's new anti-TIP law, currently with the Council of Ministers for review, and that news of the President's determination would allow the legislation to move to the "fast track" for approval." The promise was kept. After the November 2008 passage of the new law criminalizing human trafficking, the embassy noted, "The new law as adopted is almost the same as an earlier draft that won approval from the USG-funded international expert that worked with Oman on the legislation."⁴⁶⁶ The link between US recommendations and the new law is thus very strong both in timing and content.

⁴⁵⁴ 08MUSCAT634

⁴⁵⁵ 08MUSCAT431

⁴⁵⁶ Oman Tribune, Sultanate hails US on trafficking list move. Available at <http://www.omantribune.com/index.php?page=news&id=37393&heading=Other%20Top%20Stories> Last accessed 19 Oct. 2015.

⁴⁵⁷ 08MUSCAT409

⁴⁵⁸ 07MUSCAT193, 07MUSCAT778

⁴⁵⁹ 07MUSCAT193

⁴⁶⁰ 07MUSCAT734

⁴⁶¹ 07MUSCAT778

⁴⁶² 08MUSCAT431

⁴⁶³ 08MUSCAT443

⁴⁶⁴ The US president issued a waiver. The move was essentially to upgrade Oman to the watch list. However, the Tier was not retroactively revised. Officially, the presidential determination was to "Make the determination provided in section 110(d)(3) of the Act, concerning the determination of the Secretary of State with respect to Moldova and Oman." The White House, "Presidential Determination No. 2009-5 of October 17, 2008. Presidential Determination With Respect To Foreign Governments' Efforts Regarding Trafficking In Persons." Section 110(d)(3) is regarding "Subsequent compliance."

⁴⁶⁵ 08MUSCAT732

⁴⁶⁶ 08MUSCAT830

Other efforts to follow US recommendations include the distribution of pamphlets, public awareness campaigns, a directive on passports, and construction of a shelter.

After the 2008 confrontation,⁴⁶⁷ Oman settled, perhaps too comfortably, at Tier 2. The TIP Report continues to acknowledge that the government is trying, but lament the “modest effort,” “minimal progress”, or even “no discernible” efforts across some areas of performance.

Institution building

Aside from building a shelter, there is no evidence in the cables that the US influenced domestic institutions in Oman.

Promotion and adoption of new norms and practices

The US has helped change the norms around camel racing and the issue of human trafficking have become acknowledged as a problem. Otherwise, however, it has not changed attitudes: concern with trafficking was clearly not intrinsically motivated. Efforts were geared purely at improving the rating itself, not the underlying conditions. This was clear by its attempts to threaten the US to change its rating.

Conditioning factors

Major obstacles to US scorecard diplomacy include the government’s complete denial of the problem and its full control of the domestic media. The fact that the government clearly was willing to let the issue spill over into other areas of cooperation and threaten the US contributed to a highly confrontational relationship. Nonetheless, some progress was achieved because of the government’s strong professed concern about its domestic and international image, as well as its concern about spillovers into trade.

⁴⁶⁷ 08MUSCAT425, 08MUSCAT431, 08MUSCAT527, 07MUSCAT597_a

United Arab Emirates

Summary

The UAE is a good example of the motivating power of public monitoring and grading. Scorecard diplomacy has proved effective in the United Arab Emirates, partly because the country became very concerned with its reputation and tier ratings after a documentary exposed official involvement. Some of the concern about the tier rating was tied to FTA negotiations, but mostly the issue was about the UAEs image; officials repeatedly expressed concern about “public stigma,”⁴⁶⁸ and called the rating “embarrassing.” Still, the case also shows that it may take a long time to change cultural practices and understandings. Although officials were eager to take measures to get the US to improve the rating, initially they did little to improve actual practices. The case demonstrates the importance of close monitoring of implementation. At first the US took promises at face value and awarded the UAE with an improvement tier rating, only to learn that implementation was missing. After this, the US embassy was quite involved on the ground, traveling to sites of interest. The UAE sought to be seen as a regional leader, but as in some other Middle Eastern countries, it has been keener to address issues of sex trafficking than the entrenched labor violations that are enabled by national policies.

Background

UAE is a destination and transit country, but not really a source country for trafficking. About 80 percent of UAE’s population is foreigners, which makes the situation ripe for exploitation. Up to 95 percent of the UAE’s private sector workforce are migrant workers from Ethiopia, Eritrea, Iran, and East, South, and Southeast Asia. Restrictive sponsorship laws enable unlawful practices such as withholding passports and wages and restricting movement, for foreign domestic workers that give employers considerable control over domestic workers. Some women are forced into prostitution. Like in Oman, another serious problem was the practice of using small children as jockeys in camel racing, who were purchased, enslaved and starved to be as light as possible. With pressure from the US and advances in technology, the problem has been greatly reduced. Other problems included sex and labor trafficking, such as the culturally and financially ingrained nature of the sponsorship system for foreign labor. The UAE government was motivated to address TIP, with varying levels of success, leading to a fluctuation of Tier ratings, but lately the country has carried out steady programs, although the focus continues to favor sex-trafficking rather than labor issues, which are deeply engrained in the societal structure.

⁴⁶⁸ 06ABUDHABI3125

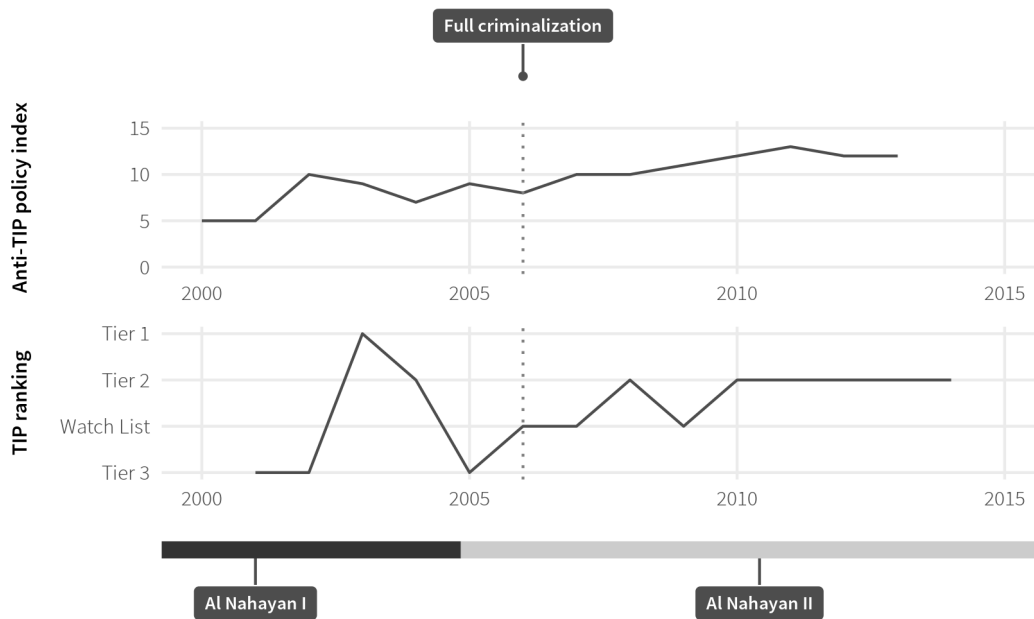


Figure 14: United Arab Emirates's TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$47,952.78
Total aid	\$35.36 million
Aid from US	\$1.54 million
Average total aid as percent of GDP	0.00211%
Total TIP grants	\$0

Table 14: Key Emirati statistics, averaged 2001–2013

Indirect pressure

Scorecard diplomacy had few civil society partners in the UAE, with very few NGOs present, and domestic media largely under government control. However, the embassy worked with the IOM to arrange a May 2004 Anti-TIP Training Seminar attended by UAE law enforcement specialists, Interpol, the UN, and ministry officials.⁴⁶⁹ The embassy also facilitated an official visit from the head of IOM in Kuwait,⁴⁷⁰ pressured the government to allow the IOM to open an office,⁴⁷¹ and urged the government to sign a formal agreement with the IOM to aid in the camel jockey issue,⁴⁷² an issue UNICEF also engaged in. The ILO has also been critical of the UAE.⁴⁷³

⁴⁶⁹ 04ABUDHABI814, 04ABUDHABI1832

⁴⁷⁰ 04ABUDHABI814

⁴⁷¹ 04ABUDHABI2034

⁴⁷² 05ABUDHABI1167

⁴⁷³ 04ABUDHABI1809

Concerns

While officials were highly concerned with the country's image, in the beginning they clearly thought they could get away with posturing and cosmetic changes. However, an HBO sports documentary about camel-racing (see below) made it clear that these horrific abuses could not occur without knowledge and implicit consent by the elite, including the royal family. The next TIP Report referenced this documentary,⁴⁷⁴ in which the commentator had portrayed the United Arab Emirates as: "a rare Arab beacon of Western values ... with ... an increasingly international outlook," but noting that "for all its 21st century progress, the UAE is also home to a sinister remnant of another time. A time when people were bought, sold, and kept as slaves."⁴⁷⁵ The abuses thus exposed beyond denial, the government's motivation from then on was to bring about TIP reforms to improve the tier rating. The issue had become one of UAEs image; the embassy described their concern about "public stigma,"⁴⁷⁶ and officials repeatedly called the rating "embarrassing."⁴⁷⁷ The deputy prime minister and minister of state for foreign affairs "said that combatting trafficking in women was the UAEG's priority as well because it is detrimental to our society and reputation."⁴⁷⁸ The government's desire to be seen as an international leader was also manifested by its hosting in 2007 of a UNDOC anti-TIP conference, and the minister of Justice said that if the UAE anti-TIP law passed in time, the government would present it as a "as a model law for the [Gulf Cooperation Council]."⁴⁷⁹

The link to Free Trade Agreement negotiations also mattered. Like in Oman, material motivations were more about possible trade implications of a negative rating than sanctions. The ambassador quickly linked TIP progress to ongoing FTA negotiations,⁴⁸⁰ which some UAE officials saw as a useful way to pressure other emirates.⁴⁸¹ Although the US was mostly the one reminding the UAE about the FTA and using it as leverage,⁴⁸² the minister of labor said that he realized that a fall to Tier 3 would mean the UAE could "kiss an FTA goodbye." That said, local media dismissed the threat of any sanctions as "toothless."⁴⁸³

Outcomes

Legislation

When the UAE entered the TIP Report as Tier 3 in 2001, the country seemed motivated to improve its rating.⁴⁸⁴ Despite strong resistance from people involved with traditional camel racing, which had been found to traffic children for use as jockeys, the government quickly announced that it would criminalize the practice of employing child camel jockeys effective September 1st, 2002. Meetings were held at very high levels, and the government created a TIP task force.⁴⁸⁵ Meanwhile, the US was eager to use the UAE as a "success story,"⁴⁸⁶ and a "model for other countries,"⁴⁸⁷ so it rapidly elevated the UAE to Tier 1 by 2003. This turned out to be a mistake, for the problems were nowhere near adequately addressed, as

⁴⁷⁴ 04ABUDHABI3937

⁴⁷⁵ *Real Sports with Bryant Gumbel*. "Camel Jockeys – Sport of Sheikhs." Produced by Joseph Perskie. Correspondent Bernard Goldberg. HBO, 2004. <https://www.youtube.com/watch?v=G511J-0L2eA>. Accessed December 27, 2016

⁴⁷⁶ 06ABUDHABI3125

⁴⁷⁷ 05ABUDHABI1155, 05ABUDHABI1274

⁴⁷⁸ 04ABUDHABI496

⁴⁷⁹ 06ABUDHABI3616

⁴⁸⁰ 05ABUDHABI353, 05ABUDHABI663

⁴⁸¹ 05ABUDHABI663

⁴⁸² 05ABUDHABI2947

⁴⁸³ 05ABUDHABI2495

⁴⁸⁴ 03ABUDHABI415

⁴⁸⁵ 03ABUDHABI1414

⁴⁸⁶ 03ABUDHABI4294

⁴⁸⁷ 03ABUDHABI4546

revealed in a shocking 2004 HBO documentary.⁴⁸⁸ Rather, the problem continued unabated, hampered by the resistance of powerful sheiks. The US immediately sent an emissary from the TIP office to the UAE to discuss the documentary.⁴⁸⁹ Prompted both by the HBO documentary and the US drop of the UAE once again to the Tier 2 in 2004 with a threat of a Tier 3 for the following year, the problem gained intense attention.

That the poor Tier rating motivated efforts to please the US was evident in several ways. For example, after the ambassador had discussed with key UAE leaders how the US TIP Reporting system worked, on March 14, 2005, the government revised the effective date of the new camel jockey law to March 31, *explicitly stating* that they did so to coincide with the last day of the TIP Reporting year.⁴⁹⁰ This behavior accords well with the earlier analysis of how the timing of TIP laws sometimes coincide with TIP Reporting deadlines.

Efforts to follow the steps in plans laid out by the US were also apparent.⁴⁹¹ Although the UAE passed the camel jockey law, because it was not enforced at all, the US dropped the UAE to Tier 3 in the summer of 2005. The subsequent cooperation on the action plan the US laid out was intensive, with daily communication.⁴⁹² Following the action plan, the UAE made progress in the given 60-day reassessment period. It reported on 19 investigations, identified 630 underage camel jockeys and repatriated 169 of them.⁴⁹³ By the end of January 2006, over a thousand children had been repatriated.⁴⁹⁴ UNICEF provided extensive assistance, and the problem was further alleviated by the introduction of robotic jockeys that could take the place of small trafficked children.⁴⁹⁵ The camel jockey issue has been one of the biggest TIP success stories.⁴⁹⁶

The US also pushed the UAE on broader anti-TIP legislation⁴⁹⁷ and for more statistics on TIP. The embassy provided officials with a model law and discussed its definitions.⁴⁹⁸ The Interior Ministry established a special committee charged with reviewing anti-TIP laws and deliberately included a member who had taken part in an USG-sponsored anti-trafficking training program.⁴⁹⁹ The ambassador continued to push for the law as well as for shelters and efforts more generally.⁵⁰⁰ In November 2006, the UAEG enacted a comprehensive anti-trafficking law that addressed all forms of trafficking in persons,⁵⁰¹ and four months later, the Dubai Attorney General referred a case to court for the first time under the new anti-trafficking legislation.

Since good collaboration ensued, the UAE was shocked when it was demoted to the Watch List again in 2009 because the US was increasing its efforts to push the UAE on labor issues. The TIP Reports turned increasingly toward the sponsorship system and revision of labor laws, which the UAE has remained reluctant to address, leaving it stuck on Tier 2. Although it is still recognized as being further along on TIP issues than others in the region,⁵⁰² problems with labor trafficking persist.⁵⁰³ In March 2015 the UAE further tightened its anti-TIP law, continuing to show progress.⁵⁰⁴

⁴⁸⁸ 04ABUDHABI3937

⁴⁸⁹ 04ABUDHABI4660

⁴⁹⁰ 05ABUDHABI1167

⁴⁹¹ 05ABUDHABI3297

⁴⁹² 05ABUDHABI3194

⁴⁹³ 05ABUDHABI3297

⁴⁹⁴ 06ABUDHABI277

⁴⁹⁵ 06ABUDHABI3125

⁴⁹⁶ 09ABUDHABI513

⁴⁹⁷ 06ABUDHABI1076, 06ABUDHABI2809

⁴⁹⁸ 04ABUDHABI721

⁴⁹⁹ 04ABUDHABI2034

⁵⁰⁰ 06ABUDHABI1076

⁵⁰¹ 07DUBAI411

⁵⁰² 09ABUDHABI322

⁵⁰³ 09ABUDHABI622

⁵⁰⁴ Dana Moukhalati, "UAE Human Trafficking Law Tightened," *The National*, 25 March 2015, accessed 24 December 2016, <http://www.thenational.ae/uae/uae-human-trafficking-law-tightened>.

Institutions

After passage of TIP legislation, cooperation intensified, and the UAE created a new Human Trafficking Committee chaired at the ministerial level.⁵⁰⁵ The US report has also promoted statistics gathering.⁵⁰⁶

The promotion and adoption of new norms and practices

US work to educate UAE government officials about what actually constitutes trafficking has led to a change in attitudes over time. Officials were initially in denial about the problems of exploitation of children in camel racing, especially the older generation of Emiratis, and met working-level officials demonstrated unwillingness to enforce the rules or acknowledge the practice.⁵⁰⁷ By 2005, however, the president’s long time advisor called it a violation of human rights.⁵⁰⁸ In addition to the camel jockey issue, attitude changes have occurred in sex trafficking.⁵⁰⁹ The views of the police were initially particularly ignorant and the embassy was frustrated that the government did not quite “grasp the issues.”⁵¹⁰ The US embassy also sought to socialize officials into their view of labor trafficking, about which officials were in denial, noting that victims whose documents have been confiscated “can go to their consulate and get a new passport any time they want,”⁵¹¹ that “[t]here are very few genuine victims of human trafficking. Many of them came to work as prostitutes and have saved enough money to go home,”⁵¹² that “victims need to assume some responsibility,” and that “[w]e don’t see any big problem with trafficking laborers or employees.”⁵¹³ The US government sponsored a visit to the US for officials to learn more about how the US defines the issue. After the UAE was once again dropped to Tier 2, the US embassy was increasingly working on broadening the definition of TIP and the understanding of the problems on the ground to change the views of higher-ranking officials.⁵¹⁴ The differences in cultures and practices are by no means solved, but by 2010 the embassy reported that government officials “commonly and candidly discuss human trafficking issues in public, in the media, and with US government interlocutors.”⁵¹⁵

Conditioning factors

The UAE exhibited very strong concern about the rating and about pleasing the US. The strong relationship facilitated influence. Furthermore, the publicity connected with the HBO documentary and the possible link with FTA negotiations enhanced the US embassy’s constant, sometimes daily, pressure on the camel jockey issue.

Obstacles to US influence included the UAE’s initial denial of the problem, a federal structure that made it hard to bring uniform reforms, and cultural obstacles to a common understanding of TIP, such as the culturally and financially ingrained nature of the sponsorship system for foreign labor.

⁵⁰⁵ 07DUBAI411
⁵⁰⁶ 05ABUDHABI3272
⁵⁰⁷ 03ABUDHABI2335
⁵⁰⁸ 05ABUDHABI1712
⁵⁰⁹ 04ABUDHABI814
⁵¹⁰ 06ABUDHABI3616
⁵¹¹ 04ABUDHABI2034
⁵¹² 05ABUDHABI2495
⁵¹³ 06ABUDHABI3616, 07ABUDHABI230
⁵¹⁴ 04ABUDHABI1809
⁵¹⁵ 10ABUDHABI284

Zimbabwe (see also case discussion in book)

The US had very limited success in producing anti-TIP progress in Zimbabwe. The US’s poor relationship with the Zimbabwean government, combined with the GOZ’s lack of concern for human rights abuses and the many sanctions it already faced, meant the GOZ gave almost no concern to its Tier rating. The US embassy, faced with what it considered more important political priorities in Zimbabwe, resisted placing too much pressure on the TIP issue and feeding anti-US propaganda.

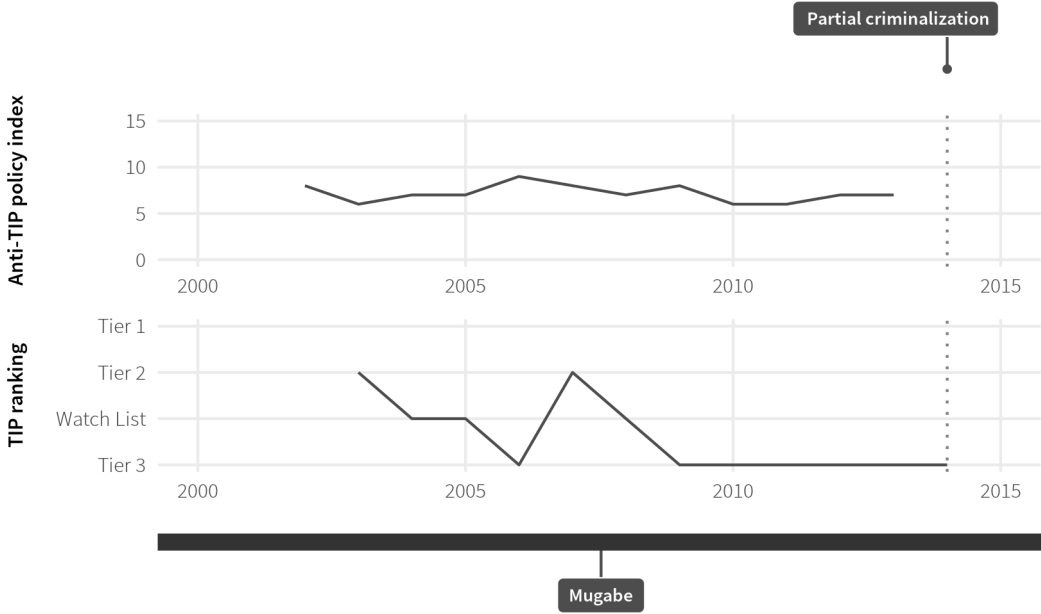


Figure 15: Zimbabwe’s TIP ranking and policy during governments, 2000–2014

Statistic	Value
Average GDP per capita	\$820.12
Total aid	\$6,737.73 million
Aid from US	\$1,681.96 million
Average total aid as percent of GDP	5.13%
Total TIP grants	\$670,000

Table 15: Key Zimbabwean statistics, averaged 2001–2013

Outcomes

The US embassy has had a “severely strained”⁵¹⁶ relationship with Zimbabwe’s government, which has maintained power through violence and intimidation. Before the Unity Government of 2009, there was little direct communication on TIP; even Zimbabwe’s first downgrade to the watch list in 2004 solicited little reaction. The government did not provide any information for the interim assessment, and embassy staff could not secure meetings with officials, whom the embassy said were “suspicious of foreign

⁵¹⁶ 08HARARE903

inquiries and afraid of disclosing information that might be prejudicial to the GOZ if publicized.”⁵¹⁷ The embassy feared that too much pressure on TIP would interfere with other US priorities in Zimbabwe and that information on TIP was too anecdotal to make credible judgments.⁵¹⁸ After the 2006 downgrade to Tier 3, attention refocused somewhat in the wake of general international hostility from the international community over Zimbabwe’s Operation Restore Hope, which bulldozed slums and displaced hundreds of thousands of people.

Legislation

After the Unity government in 2009, the government became more responsive to a variety of actors, including the US, pressuring it on TIP legislation.⁵¹⁹ The US embassy began to supply draft laws and helped a top official prepare briefings for the prime minister. However, other actors remained important. The IOM likewise had a consultant working with the government on the TIP law,⁵²⁰ and South Africa also pushed for criminalization of TIP. The draft legislation was supposedly finalized and introduced to the Council of Ministers for debate in September 2010. While there were efforts in 2011-2012 to move the bill along, the Ministry of Justice publicly denied the existence of a trafficking problem and the issue lingered despite the repeated Tier 3 designations. The government didn’t issue temporary regulations until January 2014,⁵²¹ and Parliament passed these only in March 2014.⁵²² The act also established a committee to draw up an action plan.⁵²³ Thus, in Zimbabwe, progress has been slow. For a long time the low ratings appeared to have little effect, and the US has mostly supported other actors to lead the efforts.

Institution building and the promotion and adoption of new norms and practices

There is no evidence that the US efforts contributed to institution building or socialization around TIP issues. Any institutional steps, such as the inter-ministerial task force, fell short due to lack of resources. NGOs and IGOs provide almost all the services.⁵²⁴ The government has persisted in denying the existence of any significant problem.

Indirect pressure

Rather than the US embassy, the primary actor has been the IOM,⁵²⁵ supplemented by UNICEF and also many local and international NGOs. Illustrating the model of scorecard diplomacy, however, IOM efforts have often been supported by US funding.⁵²⁶ Together these actors have provided the bulk of victim services, training, and awareness campaigns. Recognizing this, the US embassy has sought to operate in the background by cooperating with and funding the NGOs and IGOs and helping to organize meetings between stakeholders.⁵²⁷

⁵¹⁷ 04HARARE1878

⁵¹⁸ 04HARARE691

⁵¹⁹ 09HARARE650

⁵²⁰ 09HARARE678

⁵²¹ ZimSitRep_J, “Bill Watch 1/2014 of 8th January [Anti-Trafficking in Persons Regulations Gazetted],” *Zimbabwe Situation*, 9 Jan. 2014, accessed 26 Dec. 2016, http://www.zimbabwesituation.com/news/zimsit_bill-watch-12014-8th-january-anti-trafficking-persons-regulations-gazetted/.

⁵²² Mbiba, Lloyd, “Zim Passes New Human Trafficking Bill,” *dailynews*, 10 March 2014, accessed 26 Dec. 2016, <http://www.dailynews.co.zw/articles/2014/03/10/zim-passes-new-human-trafficking-bill>.

⁵²³ ZimSitRep_M, “President Establishes Anti-Trafficking Committee,” *Zimbabwe Situation*, 14 Jan. 2015, accessed 26 Dec. 2016, http://www.zimbabwesituation.com/news/zimsit_w_president-establishes-anti-trafficking-committee-the-herald/.

⁵²⁴ 09HARARE177

⁵²⁵ 09HARARE177

⁵²⁶ 06HARARE374

⁵²⁷ 06HARARE1490

Concerns

The government showed little reaction to the bad Tier ratings. When the 2006 TIP Report demoted Zimbabwe to Tier 3, it technically became subject to sanctions, but given that so many other sanctions already were in effect against Zimbabwe, the impact was minimal. Zimbabwe quickly rejected the report,⁵²⁸ dismissing it as a ploy by the Americans to vilify Zimbabwe.”⁵²⁹

Regional pressure might have been more important. When South Africa hosted the 2010 World Cup, it tried to encourage Zimbabwe to pass anti-trafficking legislation in advance of the Cup. The Attorney General was surprised that “even Mozambique” had introduced anti-trafficking legislation, and from that point began to promote its passage in Zimbabwe.⁵³⁰

Conditioning factors

Scorecard diplomacy in Zimbabwe was hindered by the poor relationship with the government and the embassy’s need to balance many competing priorities in Zimbabwe. The US fear that the TIP criticisms would interfere with other agenda items was demonstrated by the ambassador’s reaction to the news in 2004 that the State Department intended to drop Zimbabwe to Tier 3. In a cable entitled “TIP and our Agenda in Zimbabwe,” the ambassador registered his “serious concern over Zimbabwe’s proposed inclusion on Tier 3.” While acknowledging that “the GOZ’s comprehensive maladministration has precipitated ongoing political and economic crises,” he objected on two grounds: First, the embassy wasn’t really sure there was a big TIP problem, and second, he worried about that a Tier 3 designation would undermine US efforts to address Zimbabwe’s other substantial problems. More important, he argued, was the ongoing rule the US was playing in shaping “in shaping the intellectual debate inside Zimbabwe [on democracy] and, increasingly significantly, throughout the region over pivotal issues in Zimbabwe’s crisis.” He worried that poorly documented accusations about TIP would undermine the embassy’s credibility:

The department has countered shrill GOZ propoganda and disinformation with strident criticism on specific, documented problems. The judiciousness of our attacks and our disassociation from sensationalized, unsubstantiated allegations against the [government] are critical to our credibility with local audiences and with key regional players whose greater involvement we are encouraging. A Tier 3 sanction resting on anecdotal evidence and innuendo would play into the hands of GOZ propagandists and deal a setback to our credibility with domestic and regional audiences.⁵³¹

He was apparently persuasive enough, as Zimbabwe instead ended up on the watch list rather than Tier 3. Still, this pattern of optimism about Zimbabwe’s efforts on the part of the US embassy and criticism from the State Department continued, illustrating their different priorities on the matter.⁵³²

In addition to these diplomatic troubles and relatively low priority of the TIP issue for the embassy in the midst of political and economic crises, poor capacity and resources, poor TIP data, rampant corruption and official complicity in trafficking hampered scorecard diplomacy.⁵³³ Importantly, amidst the many direct human rights violations in the country, Zimbabwe’s government displayed low concern for its reputation on TIP.

⁵²⁸ “VOA NEWS: HARARE REJECTS U.S. HUMAN TRAFFICKING ALLEGATIONS.” US Fed News. June 7, 2006 Wednesday 2:25 AM EST . LexisNexis Academic. Web. Date Accessed: 2012/07/27.

⁵²⁹ “Zimbabwe; Govt Denies Human Trafficking Reports.” Africa News. (November 23, 2006 Thursday): 595 words. LexisNexis Academic. Web. Date Accessed: 2012/07/27.

⁵³⁰ 09HARARE678

⁵³¹ 04HARARE691

⁵³² 05HARARE339

⁵³³ 08HARARE1030

The only hope for the US efforts was the good working relationships with NGOs and the IOM, through whom the US had to channel its resources and efforts to assert any influence on trafficking.

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