ANALYZING THE EFFECTIVENESS OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

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Introduction

• The Trafficking Victims Protection Act (TVPA) 2000 is the U.S. federal policy concerned with combatting human trafficking in the U.S. and internationally.

• Takes a three-pronged approach through:
  • Prosecution
  • Prevention
  • Protection

• Since 2000, the policy has been reauthorized four times, however it still fails to adequately address and combat human trafficking.

• These shortcomings result in large part from the policy’s failure to account for the legacy of exploitation that the United States’ cultural and economic systems have relied upon since the first settlers arrived in North America (Deer, 2010).
Social Work Relevance

• Federal policy dictates the resources available to serve victims of trafficking, impacting our ability to provide competent services to clients.
• The TVPA has implications for social justice, as trafficking is experienced more frequently by individuals from disadvantaged groups, particularly women and people in poverty (Inter-Parliamentary Union, 2009).
• This policy analysis exposed gaps in the policy’s efforts to provide victim services, as well shortcomings in the criminal justice-based approach the policy employs.
• Further, this analysis documents the millions of dollars that have been spent on anti-trafficking efforts, which is of critical importance to the social work profession in an era of increased accountability, budget cuts, and deficits.
Multicultural Relevance

• This analysis is relevant to individuals all over the globe, as trafficking is an issue that impacts people from all nations and cultural backgrounds (Chuang, 2006a).
  • In particular, trafficking is impacted by factors such as poverty, lack of economic opportunities, racial and gender discrimination, and other forms of marginalization (Inter-Parliamentary Union, 2009).
• This analysis illustrated ways in which the policy could be improved to better protect individuals from marginalized groups in particular.
Methods

• The TVPA (2000) was analyzed using the structure outlined by Gil (1992) in his Policy Analysis Framework. The first objective of the analysis was to demonstrate the issues surrounding the policy. The second was to identify the effects or consequences occurring as a result of the policy’s implementation.

• In order to achieve these objectives, this policy analysis employed three sections of the framework, explaining:
  • The problem the policy seeks to solve.
  • The problem’s causal theories; overt & covert objectives, values, and intended and unintended effects of the policy.
  • The policy’s impact on resources, services, & rights.

• Primary and secondary sources that were used for this analysis included:
  • The TVPA (2000) and subsequent reauthorizations.
  • Books, journal articles, law review articles.
  • Government reports & publications.
Results

Objectives of the policy

• To curb trafficking, U.S. and international *(TVPA, 2000)*.
  • Criminal justice framework.
• To position the U.S. as a world leader in the fight against trafficking *(Chuang, 2006b)*.
  • Placing considerable power in the hands of the U.S. Government to monitor and enforce anti-trafficking activities worldwide.
• To perpetuate an anti-prostitution agenda *(Potocky, 2010; Stolz, 2007; Wyler & Siskin, 2010)*.

Theoretical positions

• Deterrence approach through:
  • Harsh punishments for offenders *(TVPA, 2000)*.
  • Social pressure associated with international tier rankings *(Van Dijk & Klerx-Van Mierlo, 2014)*.
• Economic deterrence through:
  • Monetary sanctions for countries that perform poorly *(TVPA, 2000)*.
Results continued

Short and Long Range Effects

• Prosecution
  • 9,460 prosecutions occurred in 2013, with 1,199 of those involving labor trafficking (Office to Monitor and Combat Trafficking in Persons, 2014).
  • As of 2009, the number of trafficking prosecutions worldwide had declined steadily since 2003, at an average rate of 8.1% fewer prosecutions per year (Wyler & Siskin, 2010).
  • Norms within courts cause traffickers to be prosecuted under pre-TVPA legislation (DeStefano, 2007; Spohn, 2014).

• Protection
  • The TIP report also estimated that while over 44,000 victims were identified in 2013, 20 million victims remain undetected (Office to Monitor and Combat Trafficking in Persons, 2014).
  • Lack of service provision for victims that are U.S. citizens
  • Significant issues with service availability and access for all victims (Clawson et al., 2009; Potocky, 2010)
  • Underutilization of new visa categories created by TVPA (Shoaps, 2013).

• Prevention
  • No baselines from which to measure whether the policy has prevented trafficking from occurring (DeStefano, 2007).
  • No way to track whether public awareness campaigns are actually preventing trafficking (S. Rep. No. 112-96, 2011).
  • Sanctions intended to prevent trafficking often waived for the sake of the U.S. Government’s political interests (Chuang, 2006b).

• The table (right) illustrates a portion of the funds that were used to carry out this policy’s aims.

<table>
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<th>Year</th>
<th>Authorizations (m millions)</th>
<th>Appropriations (m millions)</th>
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<tr>
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Note: Years with missing data in the appropriations column are years for which no data were made available. Data retrieved from Siskin and Wyler (2013).
Discussion

• The policy prioritizes gender specific sex trafficking, at the expense of the human rights of other victims (Shoaps, 2013).

• Programs represent shortsighted efforts to deal with a problem that a criminal justice focused approach cannot fully address (Chuang, 2013).

• New prosecution and sentencing requirements not consistently applied; minimizes perceived threat of punishment for traffickers (Schaffner, 2013).

• Deterrence on the international scale suffers from inconsistent application of sanctions; results from politicized decision making on the part of the U.S. Government (Chuang, 2006b).

• Policy demonstrates U.S. Government’s indifference towards macro level prevention efforts that are much needed to support the fight against this injustice (Pope, 2010).
Implications

- Social workers must advocate for legislation that institutes evidence-based, prevention-focused programs that contribute to increasing the rights of marginalized groups.
  - Proposed aims of new legislation:
    - Address structural issues that create & perpetuate exploitation
      - With programs to produce sustainable economic opportunities in developing nations
    - Provide funding for accessible, evidence-based trafficking-specific services for all victims
  - Social workers must be on the forefront of the development of evidence-based direct practice approaches to serve victims of trafficking.
- Social workers must engage in quality quantitative research to capture accurate statistics on the number of trafficking victims that exist in the U.S. and abroad.
- Social workers must advocate for a paradigm shift; away from the criminal justice approach to anti-trafficking efforts.
  - Advocate for a labor paradigm – works to stop exploitation before it starts (Shamir, 2012).
    - Shifts attention to global labor markets and the structures that govern them, which create the dynamics of power and coercion that lead to trafficking (Chuang, 2013; Shamir, 2012).
    - Would eliminate emphasis on gender specific sex trafficking and prostitution.
    - Has the potential to shift conditions such that women will have access to alternatives to sex work, affording them more agency (Pope, 2010).


