TRAFFICKING VICTIMS PROTECTION ACT OF 2000: A POLICY ANALYSIS

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INTRODUCTION

- The U.S. Department of State (2004) estimates that 600,000 to 800,000 people each year are trafficked across international borders.
- Estes and Weiner (2001) stated that in the United States alone there were approximately 244,000-325,000 youths at risk for commercial sexual exploitation.
- The population of youth that are at risk for commercial sexual exploitation include those who are homeless, have a history of abuse, in foster care or child protective services, runaways, or those who have been “thrown away” (Shared Hope International, n.d.).
SOCIAL WORK RESONANCE

- Hodge and Leitz (2007) demand that “women and children are not property to be bought and sold, used and discarded. Rather, they are human beings with certain fundamental human rights that preclude being sold into slavery” (p.172).
- The social work profession and its commitment to social justice for vulnerable and oppressed populations is unique.
- Many service providers are unaware of human trafficking legislation and resources available for survivors.
- A focused analysis of the policy that addresses human trafficking can provide more awareness and understanding that is necessary to effectively address this problem.
LITERATURE

- The U.S. Department of State (2004) states that 70% to 80% are female and half are children.
- According to Curtol, Decarli, Di Nicola, and Savona (2004), push-and-pull factors, such as war, poverty, and lack of opportunities for a promising future result in individuals being pushed away from their countries of origin.
- Familial dysfunctions, socioeconomic status, and the sexualization of females, together constructs the complex dynamics of trafficking (Hardy, Compton, & McPhatter, 2013).
- Shared Hope International reports that the average age of a minor’s entry into sexual exploitation is 12-14-years-old and this group is a primary target population, although some victims are trafficked as early as 10-years-old.
- The majority of female victims of trafficking (70%-90%) reported previous sexual abuse prior to being recruited (Lloyd, 2011).
- Many domestic minor victims of sex trafficking, which refers to persons trafficked within their own country of origin, are recruited through being approached in public settings, such as malls, stores, or even their own residences (Williamson & Prior, 2009).
METHODS

• This study used David Gil’s (1992) policy analysis framework.
• Gil’s framework provides a set of standards to analyze aspects of a given social policy to understand its impact on society.

• SECTION A: ISSUES DEALT WITH BY THE POLICY
  2. Casual theory(ies) or hypothesis(es) concerning the issues.

• SECTION B: OBJECTIVES, VALUE PREMISES, THEORETICAL POSITIONS, TARGET SEGMENTS, AND SUBSTANTIATIVE EFFECTS OF THE POLICY
  2. Value premises and ideological orientations underlying the policy objectives: explicit and implicit value premises.
  3. Theory(ies) or hypothesis(es) underlying the strategy and the substantive provisions of the policy.
  4. Target segments(s) of society- those at whom the policy is aimed:
     Ecological, demographic, biological, psychological, social, economic, political, and cultural characteristics.
     Size of relevant subgroups and of entire target segments projected over time.
  5. Short and long-range effects of the policy on target and nontarget segment(s) in ecological, demographic, biological, psychological social, economic, political, and cultural spheres
     Intended effects and extent of attainment of policy objectives.
     Unintended effects.
     Overall costs and benefits.

• SECTION C: IMPLICATIONS OF THE POLICY FOR THE OPERATING AND OUTCOME VARIABLES OF SOCIAL POLICIES
Methods Continued

• This framework was employed through a secondary review of the existing literature in order to explore the impact this policy has on older adults and whether this policy can continue to provide needed as the older adult population grows.

• Data sources included California State University, Long Beach library resources, including books, scholarly journals, law reviews, as well as public and government agency documents.
POLICY ANALYSIS

- Nature and Scope of the Issue
  - Human trafficking is a global concern due to its prevalence in almost country, no nation exempt (Hodge & Leitz, 2007).
  - Human trafficking usually involves both the transportation and suppression of people for economic gain (Gajic-Veljanoski & Stewart, 2007); however, physical transportation of a person is not required to meet the definition of human trafficking (Shared Hope International, 2009).
  - Sex trafficking is the commercial sexual exploitation of women and children, which can include prostitution, stripping, nude dancing, live sex shows, or pornography (Reid, 2011).
  - Many factors impact the prevalence and existence of sex trafficking, which Curtol et al. (2004) described as push-and-pull factors. Examples of push factors are war, lack of opportunities for a future, and poverty, which result in pushing a person away from their originating country (Hodge & Leitz, 2007).

- Policy Objectives
  - The main purpose of the TVPA of 2000 and subsequently its objectives are based on a three-pronged strategy of prosecution, protection, and prevention (Wooditch et al., 2009).
  - The policy focused on establishing and implementing international initiatives that would increase economic opportunity for potential victims of trafficking. Initiatives could include programs to keep children in school, developing curriculum concerning the risks of trafficking, microcredit lending programs for business and skills training, and programs to promote women’s involvement in economic decision making (TVPA, 2000).
  - One major means of protection that was created through the TVPA was the T-visa. For an individual to be eligible for this visa, they must a) be a victim of a “severe form” of trafficking, b) must comply with requests of law enforcement, c) be physically present in the US as a result of trafficking, and d) would suffer extreme hardship involving unusual and severe harm if deported” (TVPA, 2000).
Intended Effects
- The overall intention of the policy was to eliminate human trafficking by decreasing the number of victims and increasing the number of traffickers being prosecuted.
- The policy intended to increase the number of traffickers being prosecuted by encouraging the victims to identify and testify against their traffickers, which would function to both prosecute the traffickers and protect the victims (Angel, 2007).

Unintended Effects
- Angel (2007) stated that the requirement of the policy for victims to cooperate with law enforcement in order to access federal benefits and apply for a T-visa is a barrier to the protection the policy was designed to provide them.
- Mattar (2003) criticized the policy’s “shaming” of other countries by ranking countries on a three tier model according to their efforts to addressing human trafficking. What may have been intended to be a tool that would motivate other countries to adhere to the standards the US desired each country to follow, it may have had the unintended effect of humiliating or angering countries identified and placed on the lowest tier.
- The TVPA constructed its own definition of human trafficking, which is more exclusive than the definition adopted by the United Nations. An unintended effect of this limited definition is that it excludes other forms of human trafficking, including trafficking of human organs or illicit international adoption (Mattar, 2003).
STRENGTHS AND CHALLENGES OF POLICY

Strengths

- A critical component to the TVPA’s definition of human trafficking was the use of force, fraud, or coercion; however, under the TVPA, if a minor was a victim of sex trafficking, then no force, fraud, or coercion was required to be shown (TVPA, 2000).
- The creation of the T-visa under the TVPA gave international victims nonimmigrant status, which then made them eligible for federal benefits and allowed them to eventually apply for permanent residency and request their family members to relocate to the US (Free the Slaves, 2004).

Challenges

- The federal government designed the TVPA to be a collaborative approach with other governments and agencies to achieve the policy’s goals; however, the collaboration between state and local governments has been inadequate since its passage in 2000.
- International victims have benefited from the policy’s emphasis on creating a way for them to obtain legal status within the US; however, the pathway to legal status and federal benefits are contingent upon their cooperation. Angel (2007) stated that requiring international victims to cooperate and assist law enforcement in order to obtain a T-visa along with federal benefits should be removed, so that a victim can obtain the protection the TVPA afforded to them, regardless of their involvement with the prosecution.
REFERENCES


