

THE PROMISE AND PITFALLS OF UNILATERAL PRESSURE TO COMBAT
HUMAN TRAFFICKING: U.S. PRESSURE ON ISRAEL, THE PHILIPPINES, AND
THAILAND

A dissertation presented

By

Noam Perry

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ABSTRACT OF DISSERTATION

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Abstract

In the late 1990s, the United States started pressuring other countries to combat human trafficking. Since 2001, the State Department has been evaluating the anti-trafficking efforts of governments around the world. The analysis is published annually in the Trafficking in Persons (TIP) Report, which has become the cornerstone of U.S. foreign policy on this issue. Governments whose efforts are deemed “insignificant” may be subject to economic and diplomatic sanctions by the U.S. government. Through analysis of media coverage, government proceedings, and interviews with select stakeholders, this study explores the ways in which the U.S. system of unilateral pressure influenced the anti-trafficking policies of Israel, the Philippines, and Thailand.

Findings show that, for U.S. anti-trafficking pressure to be successful, it had to be combined with pressure “from below” by civil society organizations. These organizations leveraged U.S. pressure to further their own agenda vis-à-vis their governments. This study further reveals that the domestic policymaking process is highly susceptible to pressure by other countries, particularly during the agenda setting phase. Specifically, the U.S. TIP Report has a demonstrated capability to forcibly open policy windows, to act as a policy transfer agent, and to generally accelerate the socialization of states into compliance with international norms. However, U.S. pressure also has unintended consequences, particularly in the form of anti-trafficking policies that violate human rights and harm the people they purport to protect.

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Table of Contents

Abstract	2
Acknowledgments	4
Table of Contents	6
Chapter 1: Introduction	9
Research Problem and Questions	11
Broader Significance of this Study	12
Overview of Dissertation	14
Chapter 2: Background and Literature Review	16
Human Trafficking and the Global Response	17
Human Trafficking in U.S. Foreign Policy	25
International Pressure, Compliance, and Human Rights	38
Policy Transfer/Diffusion	46
Chapter 3: Research Design and Methodology	54
Case and Site Selection	55
Data Collection	62
Analytic Approach	68
Chapter 4: Israel	70
Case Background: Israel	72
1995-1999: Trafficking in Women Rises to the Public Sphere	75
2000: Initial Government Response - Laying the Foundations	84
2001-2004: Swift Government Action	90
2005-2007: Shift to Labor Trafficking	102

2008-2015: Perceived Success	111
Conclusion: Israel	114
Chapter 5: The Philippines	117
Case Background: The Philippines	119
1992-2001: Pioneering Cooperation Efforts	123
2002-2008: Legislation Thwarted by Corruption	133
2009-2015: Move toward Implementation	153
Conclusion: The Philippines	165
Chapter 6: Thailand	168
Case Background: Thailand	170
1985-2000: Early Anti-Trafficking Response	174
2001-2003: Stagnation despite Growing U.S. Pressure	178
2004-2009: The “War on Trafficking”	186
2010-2015: Shift to Labor Trafficking	199
Conclusion: Thailand	212
Chapter 7: Understanding the Outcomes of U.S. Anti- Trafficking Pressure	215
Overview of the Three Cases	217
Agenda Setting	222
State Compliance and Human Rights Socialization	229
Policy Diffusion/Transfer	237
Conclusion: U.S. Pressure Outcomes	242
Conclusions and Further Research	243
U.S. Pressure Outcomes	244
Agenda Setting	246
Norm Socialization	247
Policy Transfer	250

	8
Practical Implications	251
Plan for Further Research	252
Appendix A: Interview Protocol	254
Appendix B: The Sampled Newspapers	255
References	256

Chapter 1: Introduction

Human trafficking is a grave abuse of human rights that affects millions of people worldwide. Under its internationally accepted definition, “human trafficking” is an umbrella term that includes multiple types of exploitation, which achieved through force, coercion, fraud, or the abuse of power. In its most extreme cases, trafficking in persons amounts to contemporary manifestations of slavery or slavery-like conditions (United Nations, 2000). While statistics on trafficking are notoriously problematic (Savona & Stefanizzi, 2007), state authorities reported to have identified nearly 300,000 trafficked persons worldwide between 2008-2014 (United States Department of State, 2015). Research-based estimates, which try to account for unreported and misidentified cases, put the number of trafficked persons globally around 20 million (Bales, 2004; International Labour Office, 2012; Kara, 2009).

At the turn of the 21st century, human trafficking emerged as one of the most urgent problems on the global agenda (Gallagher, 2010; Shelley, 2010). Since the mid-1990s, trafficking has received much attention from the news media and was also featured in popular culture. It sparked a global social movement and triggered the establishment of numerous new specialized civil society organizations and initiatives, while shifting the focus of other existing organizations. It prompted the formation of a new international legal regime, including global and regional treaties, and it inspired the creation of a plethora of national domestic laws, policies, programs, and action plans. Despite a great deal of ideological and political controversy, within a relatively short time, the term “human trafficking” transformed from an obscure, poorly understood concept into common parlance.

I became interested in the topic during my service in the Israeli Military, when I was exposed to pictures of women who were trafficked from Eastern Europe, as they were arrested in Egypt while attempting to cross the border illegally into Israel. This was in the late 1990s, before the concept of human trafficking entered public discourse in Israel. A few years later, when I read Ilana Hammerman's (2004) book, on the experiences of women trafficked into Israel for prostitution, I was horrified at the gruesome stories of violence and victimization and was driven to do something about it. I became an anti-trafficking activist and initiated several projects to raise awareness on the topic. Only later I became aware of the problematic history and politics of this collective Western "zeal to save others" (Mutua, 2013), a zeal that is ever so present among anti-trafficking activists in the Global North (Brysk, 2009; Kempadoo & Davydova, 2012).

During my time raising awareness to human trafficking in Israel, I learned that the Israeli response to human trafficking was heavily influenced by the United States. Many of my colleagues credited U.S. pressure for getting the Israeli government to enact anti-trafficking measures. We were all very appreciative of the involvement of the United States and praised it for its strong commitment to push our country to address this human rights issue. After I began my doctoral studies in the United States, I was exposed to the voices of sex workers, human rights activists, and scholars who were highly critical of the U.S. foreign policy on human trafficking. I soon realized that in Israel I was only exposed to one side of a multifaceted story. This clash of viewpoints sparked my academic curiosity and planted the seed for this research project.

Research Problem and Questions

Since 2000, the United States government has been leveraging its power as the world's hegemon to unilaterally pressure other states to combat trafficking within their jurisdiction. (Chuang, 2006; DeStefano, 2007). The most visible component of U.S. foreign policy on this issue is the annual Trafficking in Persons Report, which ranks countries on the degree to which they comply with U.S. anti-trafficking standards. Countries that do not comply may face economic and diplomatic sanctions. This monitoring system was set up to motivate states into instituting anti-trafficking measures, and it has been successful in spurring some states into action (Chuang, 2006; Gallagher, 2011; Gallagher & Chuang, 2012; L. Smith & Mattar, 2004). This research study focuses on three countries: Israel, the Philippines, and Thailand, and explores their susceptibility to U.S. pressure with regard to human trafficking.

The broad question that drives this study is: How does external pressure on a state to adhere to international norms manifest in its domestic sphere? In the context of this study, this broad question yields the following specific research questions:

1. How did pressure by the United States alter the local policymaking process in Israel, the Philippines, and Thailand?
2. How has this pressure been perceived and utilized by various actors?
3. How did this pressure change these countries' behavior with regard to their policies on human trafficking?
4. What were the outcomes of this U.S. pressure, including its unintended consequences?

Broader Significance of this Study

This study addresses gaps found in two academic bodies of literature, namely the socialization of states into compliance with human rights norms and the transfer (or diffusion) of policies. Research on the motivations for states to adhere to international norms typically focuses on the role of international governmental organizations (IGOs), such as the United Nations or European Union, or on pressure of non-governmental organizations (NGOs) from below. Relatively little attention has been given to the direct imposition of unilateral pressure by one country on another. This research will increase our understanding of the mechanism by which such pressure enters the local discourse and interacts with it.

This study also addresses gaps in the policy transfer/diffusion literature. First, this research project explores the transfer of human rights and law enforcement-related policies, two policy areas that the policy transfer literature addressed only at its margins. Furthermore, the literature is dominated by cases of policy transfer/diffusion from one developed country to another. This study includes one such case, i.e. Israel, but also two cases of developing countries, i.e. Thailand and the Philippines. To foreshadow my findings, this element proved to be crucial to the likelihood of a policy transfer success.

This research is also of value for practitioners in the human rights or anti-trafficking fields. It may inform the work of civil society organizations that are engaging in campaigns to get their government to change its attitude or behavior, especially in the field of human rights. This study is also especially relevant for the design of effective monitoring schemes. Finally, it is broadly accepted that there is a need for additional research on human trafficking, and that

there is dire need for research on the topic (Laczko & Goździak, 2005). While research on the topic significantly increased in the last decade, there is still a need for more “solid and systematic empirical studies” (Gozdziak, 2015).

Overview of Dissertation

The next chapter is dedicated to a review of the relevant literature that informed this study. I first provide an overview of the concept of human trafficking and the development of a global anti-trafficking regime. Next, I present the key features of U.S. anti-trafficking foreign policy, which is the focus of this study, as well as its critiques. Then, I review the literature on international pressure and state compliance with international human rights norms. The chapter concludes with a review of the literature on the way in which policy prescriptions diffuse and are transferred from one jurisdiction to another.

Chapter 2 is dedicated to the research methodology I employed in this study. I begin with justifying why the anti-trafficking policy area is useful for the study of international pressure and policy transfer. I then justify the selection of cases, describing the process of preliminary research that I conducted to make sure they fit the purpose of this study. Next, I describe the types of data collected for this study and specify how I collected it. Finally, I discuss the limitations of my research design.

The following three chapters focus separately on Israel, the Philippines, and Thailand. Each chapter begins with a brief overview of the context and characteristics of the human trafficking situation in that country. The chapters then trace the development of each state's anti-trafficking policy, paying special attention to the core issues of this study: 1) the manifestation of U.S. pressure on the government during the policymaking process; 2) the ways in which different local actors, primarily news media and civil society, related to U.S. pressure; and 3) the government's response to both U.S. and local pressure. The chapters are divided into time

periods that reflect major shifts in the state's attitude toward trafficking. Often, this periodization also reflects changes in the state's posture vis-à-vis U.S. pressure.

Chapter 7 provides an integrative analysis of the three cases. First, I demonstrate the pivotal role that U.S. pressure, particularly the TIP Report, has had in putting human trafficking on the agenda of Israeli policymakers, as opposed to the Philippines and Thailand, where trafficking was on the agenda well before the U.S. involvement. The chapter continues with a discussion on the implications of this study for the literature on state compliance with human rights norms. I argue that, while the current dominant theoretical framework on state human rights socialization, i.e. the spiral model, helps to make sense of some of the developments that occurred in the three cases, it falls short of providing a comprehensive explanation. Most importantly, it does not address situations in which there is disconnect between a state's declared policy and its ability to effectively implement that policy. I then turn to discuss the crucial role of local civil society for the successful socialization of the anti-trafficking norm. I argue that at least some of the failure in Thailand can be explained by the lack of a significant civil society contingency that leveraged U.S. pressure. Finally, I discuss the implications of this study to the policy transfer/diffusion literature. I argue that U.S. pressure acted as a transfer agent of anti-trafficking policies and programs, but interestingly the policies that were transferred were not necessarily borrowed from the United States.

Chapter 2: Background and Literature Review

This chapter consists of four parts. The first lays out the development of the concept of human trafficking, situates it within a historical and legal context, and outlines the current global legal framework to address it. The second discusses the place of human trafficking within U.S. foreign policy, focusing on its most visible component, i.e. the Trafficking in Persons Report. Special attention is given to existing research that looks into the efficacy of U.S. anti-trafficking foreign policy, which is at the heart of this research project. The third and fourth sections present two theoretical frameworks that inform this research. The first is the literature on international pressure and compliance in the context of the international human rights system. This literature is relevant to the question of what motivates states to adopt and follow international norms, particularly the relatively new norm against human trafficking. The literature on policy transfer and diffusion, which is presented in the fourth and last section of this chapter, illuminates how specific policy prescriptions developed in one place are adopted in another. This is useful for examining whether or not U.S. pressure to adopt anti-trafficking policies resulted in policies that resemble U.S. anti-trafficking policy.

Human Trafficking and the Global Response

Human trafficking emerged as a major problem on the world stage in the mid-1980s, and escalated with the end of the Cold War. During the 1980s the world economy went through a rapid process of economic globalization, marked by an increase in international trade coupled with a decline in government intervention in the market. The integration of developing countries into the global economy often resulted in increased unemployment, which was exacerbated as a result of curtailed social safety net policies and the privatization of many state functions, at times through imposition by international financial institutions such as the International Monetary Fund and World Bank (Harvey, 2005; Stiglitz, 2002). The collapse of the Soviet Union in 1991 brought about an economic catastrophe in the newly independent states that superseded it, throwing large swaths of people in Eastern Europe and beyond into protracted financial vulnerability. The political instability that ensued also enabled organized criminal networks to flourish and government corruption to escalate (Aronowitz, 2009; Shelley, 2010). These circumstances combined to constitute a perfect storm of push factors for labor migration. It also left many of the migrants vulnerable to severe exploitation. Several women's organizations, primarily in the U.S. and Western Europe, began documenting a surge in the number of women who were being smuggled from other countries and forced to work in the sex industry (Doezema, 1999; Gallagher, 2010).

By the 1990s, governments began to take notice of what they perceived as a new phenomenon, which soon became labeled "human trafficking" or "modern day slavery." The concept of human trafficking was not new, nor was its link to slavery. In many ways this was a

replication of the global wave of concern over “white slavery” a hundred years earlier. In the last decade of the 19th century, the first international coalition of feminist organizations from both Europe and the U.S. formed around a concern over the transnational movement of women from one country to another for the purpose of prostitution (Berkovitch, 1999). This concern ultimately resulted in a series of international agreements designed to suppress the “white slave traffic,” the first introduced in 1904 under the auspices of the League of Nations (Gallagher, 2010). It was also the motivation behind the criminalization of prostitution in many countries around that time (MacKinnon, 2007; Scarpa, 2008). Additional anti-trafficking treaties were adopted in 1921, 1933, and 1949; however the global concern subsided over time. Current-day scholars, and some contemporaries (most notably Goldman, 1909), point to the Puritan ideology that motivated the concern over “white slavery,” and argue that it amounted to a “moral crusade” over a grossly inflated “moral panic” (Doezema, 1999; Donovan, 2005; Weitzer, 2007).

Other earlier relevant international legal norms were developed with the advent of international human rights law. The slave trade was abolished in almost every jurisdiction during the 19th century, and slavery itself was prohibited internationally in a 1926 convention and subsequently in the 1948 Universal Declaration of Human Rights. A supplementary 1956 convention prohibited additional “practices similar to slavery,” such as debt bondage and serfdom. Forced labor, which was previously considered a normal part of colonialism, was gradually restricted, until it was completely banned by the 1966 International Covenant on Civil and Political Rights. All the above legal instruments were strictly concerned with the exploitation of the labor power of individuals. They were not seen to be applicable to sexual exploitation, even if it was commercial, as in prostitution (Allain, 2012; Bales & Robbins, 2001;

Ollus, 2015). The first human rights treaty to explicitly address prostitution was the 1979 Convention against the Elimination of all Forms of Discrimination against Women (CEDAW), which obligated states to “suppress all forms of traffic in women and exploitation of prostitution of women.” While prostitution itself was never completely prohibited under international law, the 1989 Convention on the Rights of the Child banned the “exploitative use of children in prostitution” (UN General Assembly, 1989). Despite this plethora of existing international agreements that could be applied to the matter, the perceived new “outbreak” of trafficking during the 1990s triggered several countries to create a new international treaty that would be specific to this issue.

In 2000, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Since governments were mostly concerned over the involvement of transnational organized networks, this treaty was developed as an optional protocol supplementing the International Convention against Transnational Organized Crime, which was already being negotiated when the issue of trafficking rose to prominence. The Protocol sets up international standards for handling cases of trafficking and for global cooperation on the issue. The Protocol entered into force in 2003, and has 169 State Parties as of the end of 2015 (United Nations). It introduced, for the first time in international law, a definitive definition of “human trafficking.” This proved to be one of the most hotly debated issues during the drafting process (Ditmore & Wijers, 2003; Gallagher, 2010). The final Protocol defined “trafficking in persons” as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations, 2000)

The Protocol further clarified that the “consent of a victim of trafficking in persons to the intended exploitation ... shall be irrelevant” in cases that include any of the means detailed in the definition, i.e. force, coercion, abduction, fraud, etc. The Protocol also stipulated that cases that involve the exploitation of a child, defined as “any person under eighteen years of age,” would be considered “trafficking in persons” even if none of those coercive means were used (United Nations, 2000).

Unlike in all previous anti-trafficking treaties, this definition included not only trafficking for sexual exploitation, but also trafficking for other purposes, most notably forced labor, slavery, and practices similar to slavery. Previously, international law included three distinct bodies of law, which dealt separately with slavery, forced labor, and trafficking (Bruch, 2004; Gallagher, 2010; Ollus, 2015). Trafficking for the purpose of organ removal was also included, while up until this point this was considered an unrelated issue. The 2000 UN Protocol combined for the first time these different strands of international law under the umbrella term

“trafficking in persons,” and it quickly became the “preeminent international legal agreement on this issue” (Gallagher, 2012).

Notably, The UN Trafficking Protocol is not a human rights treaty. It does not introduce new rights for victims of trafficking, nor does it advance the realization of their previously recognized rights under international law. While it mandates member states to criminalize human trafficking, it does not mandate any protections for trafficked persons, leaving the matter on the most part to state discretion. Furthermore, some of the Protocols’ provisions can be interpreted as conflicting with existing human rights standards (Ditmore & Wijers, 2003; Urquiza Haas, 2008; Warren, 2007). For example, the Protocol includes provisions on enhancing border control mechanisms, which inevitably restrict freedom of movement and threaten the right to seek asylum (Gallagher, 2002). In addition, sex workers advocates have been marginalized during the negotiations, to the extent that the civil and labor rights of sex workers are not acknowledged in the Protocol (Doezema, 2005). In fact, many have argued that the global anti-trafficking campaign does more harm than good (Agustín, 2007; Doezema, 2001; Kempadoo, Sanghera, & Pattanaik, 2005). The UN Protocol has been therefore accused of espousing a law enforcement, or criminal justice approach, as opposed to a human rights-based approach.

This tension, between a human rights-based approach and a law enforcement approach to trafficking, is lodged in a perpetual ideological debate within the feminist movement over the nature of and appropriate response to prostitution. One approach, typically labeled “liberal feminism,” approves of sexual transactions between consenting adults, provided that there is no

violence or abuse. On the other hand, the “radical/structural” approach sees all forms of prostitution as inherently abusive and rejects the notion of consensual “sex work.” Liberals typically advocate for the legalization of prostitution; radicals call for its complete abolition (Halley, Kotiswaran, Shamir, & Thomas, 2006; Jeffreys, 2008; Outshoorn, 2004). Human rights-based approaches to human trafficking tend to follow the liberal stance toward prostitution, but typically call for the decriminalization of sex work instead of “legalization,” which typically entails heavy government regulation that infringes on the rights of sex workers to privacy and personal autonomy (Kuo, 2002; Obokata, 2006; Rijken, 2009). This conflict was heightened recently with a 2015 statement by Amnesty International, the preeminent international human rights organization, calling to recognize the human rights of sex workers and decriminalize prostitution, while continuing the fight against human trafficking, as defined by international law (Amnesty International, 2015). This new stance, which is unprecedented for such a high-profile and well respected human rights organization, was heavily criticized by abolitionists, who also claim human rights as their motivation (for example CATW, 2015; Neuwirth, 2015).

International law takes no position on this question and allows states the flexibility to choose their own approach. Thus, the Convention against the Elimination of all Forms of Discrimination against Women (CEDAW) only addresses the “exploitation of prostitution,” not prostitution per se. Similarly, the UN Protocol only obligates the criminalization of exploitative prostitution when it is induced by force, coercion, deception, abuse of power, etc. (Gallagher, 2010). However, given the link that was made by abolitionist advocates between trafficking and prostitution, the rise of the anti-trafficking discourse caused many governments to reexamine

their prostitution regimes (Outshoorn, 2004; Weitzer, 2006). The early 2000s, following the adoption of the UN Protocol, saw a rise in domestic anti-trafficking laws. By 2003, 33 states enacted legislation that criminalized most or all forms of human trafficking. An additional 40 countries enacted legislation that addressed only some forms of trafficking, typically focusing on the trafficking of women and girls into prostitution while neglecting other forms of trafficking (UNODC, 2006a). The number of states with laws criminalizing all forms of trafficking rose to 97 by 2008, and to 146 by 2014 (UNODC, 2014). There is great variability among the provisions of these laws and the extent to which it is implemented (Mattar, 2005). In general, most domestic responses tend to follow the lead of the UN Protocol in approaching the issue from a law enforcement perspective and not from a genuine commitment to the welfare of trafficked persons, despite paying lip service to human rights (Bruch, 2004; Vance, 2011).

In addition to the global anti-trafficking regime and domestic legislation, there are also a few regional anti-trafficking regimes. The strongest of those is the one set up by the Council of Europe, whose Convention on Action against Trafficking in Human Beings explicitly calls on its member states to take a human rights-based approach to human trafficking, and is enforceable by the European Court of Human Rights (Council of Europe, 2005; Gallagher, 2006b; Sembacher, 2005). This Court exercises judicial review over its member states' legislatures and has the authority to overturn decisions of their judiciaries. Since 2010, it has produced an impressive body of case law that imposes on Council of Europe members strong positive obligations with regard to the protection of trafficked persons (European Court of Human Rights, 2016; Pati, 2011; Piotrowicz, 2012). None of the cases examined in this study are members of the Council of Europe, so these provisions do not apply to them.

The most relevant regional anti-trafficking framework for this study is the one set up by The Association of Southeast Asian Nations (ASEAN), which includes Thailand and the Philippines.¹ ASEAN formally addressed trafficking for the first time in its 2004 Declaration Against Trafficking in Persons Particularly Women and Children (ASEAN, 2004). In the following years, ASEAN established several guidelines for regional cooperation with regard to trafficking, around issues such as international legal cooperation in the prosecution of cases (ASEAN, 2010) and standardization of data collection (David, 2007). However, until recently, ASEAN's approached trafficking purely as a law enforcement problem, as none of these plans included measures for protecting the rights of trafficked persons (Kranrattanasuit, 2014). This changed, at least in rhetoric, in 2015, when ASEAN adopted an anti-trafficking Convention (ASEAN, 2015b) and Plan of Action, which recognize that trafficking constituted a violation of human rights. Borrowing heavily from the UN anti-trafficking protocol, the ASEAN Convention includes measures for the protection of trafficked persons and for alleviating the conditions that make people vulnerable to trafficking. Despite this rhetoric, The Convention lacks meaningful mechanisms for monitoring or implementation. Because it was only adopted in November, 2015, it also could not have effected any changes during the period covered in this study.

¹ ASEAN was formed in 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand, and as of 2015 it includes in addition Brunei Darussalam, Cambodia, Lao PDR, Myanmar (Burma), and Vietnam.

Human Trafficking in U.S. Foreign Policy

The United States U.S. developed sex trafficking as a foreign policy concern during the Clinton administration. In the mid-1990s, American conservative non-governmental organizations and lobby groups formed a coalition to pressure the U.S. government to address human trafficking (DeStefano, 2007). This pressure led the Clinton administration to actively participate in the development of the UN Trafficking Protocol. The U.S. delegation to the negotiations dominated the drafting process, to the degree that the Protocol bears a great resemblance to the provisional U.S. draft submission (Gallagher, 2010; UNODC, 2006b). In addition, the U.S. started collaborating bilaterally with other governments and, by September 1999, had been working on this issue with five governments: Italy, Finland, Ukraine, Israel, and the Philippines (Loar, 1999). The U.S. also began promoting regional anti-trafficking initiatives, such as the Asian Regional Initiative to Combat the Trafficking of Women and Children (ARIAT) (Loar, 2000).

These efforts were cemented in the 2000 Victims of Trafficking and Violence Protection Act (TVPA). The statute established the Office to Monitor and Combat Trafficking in Persons in the State Department (TIP Office), to coordinate the U.S. anti-trafficking efforts domestically and abroad. The statute adopted the so-called “3P paradigm,” i.e. prosecuting the traffickers, protecting the victims, and preventing future trafficking. It therefore criminalized trafficking within U.S. borders and included various domestic protection and prevention programs. While initially the concern in the U.S. was over sex trafficking alone, by the time the TVPA was concluded, labor trafficking was added. The statute defined “severe forms of trafficking in

persons” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age”; or “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (United States Congress, 2000). This definition is similar, although not identical to the UN Protocol’s definition. Most notably, the U.S. definition requires the presence of “force, fraud, or coercion” for a case of labor exploitation of a minor to be considered “trafficking.” Additionally, U.S. law does not consider trafficking in persons for the purpose of organ removal (Pugliese, 2007).

In addition, the TVPA established that the U.S. will use its power to pressure other governments into combating trafficking in persons within their borders. The statute promulgated a set of minimum standards for countries to follow in order to effectively combat human trafficking. Specifically, to comply with these standards, governments are required to criminalize human trafficking and punish perpetrators. The punishment needs to be “sufficiently stringent to deter and that adequately reflects the heinous nature of the offense” and, in cases of aggravated trafficking, the punishment needs to “commensurate with that for grave crimes.” Finally, governments are required to make “serious and sustained efforts” to abolish trafficking within their realms. These efforts need to include ten specific measures that cover the “three P’s,” i.e. Prosecution, Protection, and Prevention. Specifically, governments need to vigorously investigate and prosecute traffickers and public officials that facilitate or engage in trafficking, protect trafficked persons, adopt measures to prevent trafficking, and cooperate with other governments in the investigation and prosecution of trafficking cases, including extraditing

suspects. The TVPA declared that, beginning in 2003, the U.S. would impose economic and diplomatic sanctions on governments that fail to comply with these minimum standards and that are not making significant efforts to comply. Sanctions include withholding “non-humanitarian, nontrade-related foreign assistance,” blocking loan and grant requests by that country, limiting cultural exchange programs, etc. On the other hand, the TVPA introduced monetary grants to other governments to fund initiatives that would increase their compliance with the U.S. minimum standards (United States Congress, 2000).

To implement this policy, the TVPA mandated the Department of State to produce an annual Trafficking in Persons (TIP) Report to assess the anti-trafficking efforts of other countries. The Report ranks countries on the degree to which they comply with U.S. standards on combating human trafficking, and puts countries in one of four tiers. Countries that are found to be in full compliance with the TVPA minimum standards are placed in Tier 1. Countries that are not in compliance, but that are making significant efforts to comply are assigned Tier 2. Countries that are not making significant efforts to comply are placed in tier 3 (United States Department of State, 2001). This third category is the one that leads to potential sanctions. Two procedural changes in the ranking system occurred after 2000. The first was the classification of countries as “special cases” since the 2003 Report. This label is reserved for countries whose government temporarily lacks the capacity to implement anti-trafficking policies, for instance due to war, a natural disaster, or the like. These select countries are not ranked, although the Report does include a narrative about their trafficking situation (United States Department of State, 2003). The second change occurred as a result of the TVPA Reauthorization Act of 2003, which introduced the “Tier 2 Watch List.” Countries receive this placement if they are making

efforts to comply, so before they would be placed on Tier 2, but either the extent of trafficking is high or increasing; the government has not provided evidence of its actions in the previous year; or the Tier 2 ranking was based on a government commitment to take additional steps in the following year (United States Department of State, 2004). The TVPA Reauthorization Act of 2008 further stipulated that countries can be placed on the Tier 2 Watch List up to two consecutive years, with two possible extensions to a total of four years, before being automatically downgraded to Tier 3 (United States Congress, 2008).

The tier placement is based on analysis, conducted by the State Department TIP Office, of the anti-trafficking efforts of each country in the preceding year. The TVPA requires the State Department to consider three factors when making the determination on a country's tier placement: 1) the magnitude of human trafficking in that country; 2) the extent to which the government fails to comply with the minimum standards, especially the level of government involvement or complicity in trafficking; and 3) what steps are reasonable for the government to take to bring itself into compliance, given the government's capacity and resources (United States Congress, 2000). As critics of this system pointed out, much of this assessment is subjective and depends on the quality of available information (Friedrich, Meyer, & Perlman, 2006; Gallagher, 2012). Each year, U.S. embassies around the world collect the relevant information from government agencies and non-governmental organizations (NGOs), compile the data into a country narrative, and send it to the TIP Office back in Washington, sometimes with a recommendation for a specific tier placement. In addition, TIP Office staff conduct site visits in Tier 3 and Tier 2 Watch List countries to get a firsthand impression of the progress, or

lack thereof (Friedrich et al., 2006). After this process, the TIP Office edits the country narrative and decides on a suitable tier placement to put forward.

Despite this process, which has become more and more meticulous through the years (Gallagher, 2012), the placement of countries into tiers is not devoid from politics. The final tier placement of a country is determined not only by the TIP Office analysts, but in meetings with officers from other State Department bureaus, including the relevant country desk officer. The latter often advocate for a better placement in order to not damage U.S. relations with that country (Donahue & Datla, 2013; Szep & Spetalnick, 2015; Vandenberg, 2011). If there is no agreement, the final decision is made by the Secretary of State. These inner discussions are not made public, but in rare occasions they have been publicized. For example, Skinner (2008) reported that Haiti's 2003 upgrade from Tier 3 to Tier 2 was motivated primarily by lobbying efforts on Secretary of State Powell by U.S. diplomats stationed in Haiti, who were concerned that economic sanctions would throw the country into chaos. Similarly, he recounts a dispute over the appropriate placement of India between 2006 and 2007. He recounts how John Miller, then head of the TIP Office, decided to "teach India a lesson" after unsuccessfully trying to engage its government over debt bondage. Ultimately, Secretary of State Condoleezza Rice decided to leave India on Tier 2, despite Miller's pleas (Skinner, 2008). In most cases, when there is a dispute over TIP placements between the TIP Office and other State Department constituencies, the opinion of the TIP Office prevails. However, 2015 saw an unprecedented level of disagreement, and more countries than ever were ranked more favorably than what the TIP Office assessment suggested. This included China, Cuba, India, Malaysia, Mexico, and Uzbekistan (Szep & Spetalnick, 2015). While the initial analysis by the TIP Office, which is

reflected in each country's narrative, managed to over the years gain credibility (Gallagher, 2012), instances such as these further the belief held by some that the tier placements are politically biased.

The TIP Report has been published annually since 2001, and has become over time the most visible component of U.S. anti-trafficking foreign policy. Despite some changes, on average there has been a steady trend over the years. The majority of countries have been consistently put on Tier 2 or the Tier 2 watch list, meaning that they do not comply with TVPA minimum standards, but they are making efforts to comply. The number of countries that are placed on Tier 1 has steadily increased in the first decade, indicating that more countries are following the TVPA minimum standards (Wooditch, 2011). This is consistent with other reports, which indicate that in the first decade of the 2000s many countries have taken some steps to combat human trafficking. Significantly, most countries have amended their criminal codes to specifically outlaw human trafficking (UNODC, 2006a). The last decade has seen relatively low upward mobility into Tier 1, and this category generally overlaps the list of developed countries with advanced economies.

The TIP Report was designed first and foremost as a tool to help U.S. Congress make decisions on the allocation foreign financial assistance. The TVPA set up a "carrot and stick" policy: to financially assist countries that are making efforts to combat trafficking but lack the capacity to do so; while denying financial assistance from countries whose anti-trafficking efforts are deemed insignificant. Following each TIP Report release, the President is required to officially make a determination regarding the countries that were placed on Tier 3, meaning that

their governments are not making significant efforts to comply with the statute's minimal standards. The TVPA authorizes the President to withhold financial assistance to such countries. In addition, the President is directed to instruct the U.S. representatives in various international financial institutions, such as the International Monetary Fund and World Bank, to block loan and grant requests by Tier 3 countries. The White House can further halt cultural exchange programs with Tier 3 countries, and impose other diplomatic sanctions on their representatives (United States Congress, 2000). Despite initial pressure by lobby groups and civil society organizations, sanctions are not mandatory (DeStefano, 2007). The President can decide to sanction a country, or to waive such sanctions. The waiver could come in the form of a "promotion" to tier 2, if the State Department receives new information following the release of the TIP Report. Alternatively, the President may decide that financial assistance to a country will continue for several other reasons, including if such assistance is not given directly to the government, or if the assistance is used to fund anti-trafficking initiatives, or if the assistance is required for the funding of other programs would promote "the national interest of the United States" (United States Congress, 2000). Thus, notwithstanding any country's tier in the TIP Report, the executive branch has absolute flexibility on what level of pressure it wants to apply in each case.

A review of Presidential determinations given until 2015 reveals why many believe the U.S. sanctions regime is highly political. Since 2003, the first year in which such determination was required, the President has routinely decided to deny all financial aid from countries that the U.S. considers adversaries, such as Myanmar (Burma) and North Korea. In 2015, the last year covered by this research, the President imposed full sanctions on North Korea, Equatorial

Guinea, Iran, South Sudan, Venezuela, Yemen, and Zimbabwe (The White House, 2015).

Countries that the President typically partially waives from sanctions include those that have some conflict with the U.S., but that the U.S. also has a more compelling interest in. For example, in 2015 this included Eritrea, Russia, South Sudan, Syria, Venezuela, and Yemen. The list of countries that have actually been sanctioned over the years includes exclusively countries that have a problematic relationship with the U.S., and that do not receive any financial aid from the U.S. to begin with (Bales & Soodalter, 2009; DeStefano, 2007). Conversely, governments that the U.S. considers as allies are routinely spared from sanctions. In 2015, these countries included Algeria, Belarus, Belize, Burundi, the Central African Republic, Comoros, the Gambia, Guinea-Bissau, Kuwait, Libya, Marshall Islands, Mauritania, and Thailand (The White House, 2015).

These recent trends are in agreement with previous studies that have examined the link between human rights and U.S. foreign financial assistance. Indeed, the link between financial assistance to the human rights policies of foreign governments is not unique to the TVPA. Starting in the mid-1970s, Congress has passed multiple statutes that require the executive branch not to provide certain kinds of financial assistance to foreign governments that do not protect the human rights of their citizens (Apodaca, 2006; Apodaca & Stohl, 1999; Forsythe, 1988). However, political considerations, especially when it comes to U.S. national security, always prove to be much more important when making the decision on foreign financial assistance (Rhonda L. Callaway & Matthews, 2008; Hancock, 2007; Mertus, 2008). This was most evident recently during the administration of G.W. Bush, when allies in the “War on Terror” were rewarded financially regardless of their human rights record (Rhonda L. Callaway

& Matthews, 2008). The above discussion leads to the conclusion that countries that, despite U.S. rhetoric, in actuality the anti-trafficking efforts of a government do not determine whether or not it would receive financial support from the U.S.

And yet, the TIP Report has had considerable influence on state behavior. Quantifying the global impact of the TIP Report proves to be difficult, as it is hard to isolate its effect.² However, there is ample anecdotal evidence that links specific government actions to the TIP Report or to U.S. pressure more broadly. For example, according to John Miller, former head of the State Department TIP Office, in 2003 Haiti introduced new anti-trafficking legislation, and Serbia increased its arrests of traffickers, both in order to avoid a tier 3 ranking in the TIP Report of that year (Efrat, 2012). A Romanian prosecutor of sex trafficking cases credited the 2001 TIP Report with getting her government to criminalize trafficking (Skinner, 2008). Similarly, Japan was apparently motivated by U.S. pressure in 2004 to implement several anti-trafficking measures, including severely restricting the number of entertainer visas issued to women from the Philippines (J. J. Lee, 2005). Bernat and Zhilina (2011) attribute legislative changes in Cambodia to the public shaming of the government in the TIP Report. State Department pressure may have also been behind Moldova's move to prosecute police officers who facilitated trafficking (Skinner, 2008). Another indication of the efficacy of the TIP Report is that governments take it seriously. Many governments publically respond to it and sometimes pledge to improve their rankings (Friedrich et al., 2006). There is consensus among scholars that the

² Wooditch (2001) attempted to conduct such analysis, but failed to demonstrate that changes in policy could be attributed to the TIP Report.

TIP Report has enabled the U.S. to exercise “a disproportionate influence over normative development in international anti-trafficking law and policy, as well as over the direction of national responses” (Gallagher & Chuang, 2012).

Given this perceived power of the TIP Report, it has been controversial from its inception. It has been strongly criticized by foreign governments, NGOs, academics, and even U.S. government accountability agencies. On a professional level, the Report’s validity and reliability have been called into question, has been accused for using bad data and having no transparent and fixed criteria to determine tier placements, and (Chuang, 2006; Friedrich et al., 2006; Gallagher, 2011; Office of Inspector General, 2012; U.S. Government Accountability Office, 2006; Wooditch, 2011). Neil Howard, a researcher at the European University Institute in Florence, said that the TIP Report’s influence “is out of all proportion to the quality of the data it is based on.” (“Ranking the rankings,” 2014) Gallagher and Chuang has been repeatedly arguing that the Report is problematic because it promotes U.S. anti-trafficking standards rather than the standards set up and agreed upon by the international community (Chuang, 2006; Gallagher, 2006a, 2011; Gallagher & Chuang, 2012). To its credit, the TIP Office acknowledges that in the first years the Report has been lacking, and has been working to improve the quality of its analysis.

More damning are the critiques that call into question the Report’s legitimacy by calling out its double standards and political bias. One recurring criticism is that the U.S. did not use to rank itself on the TIP Report (Friedrich et al., 2006). To mitigate this critique, the State Department started ranking the U.S. government beginning in 2009 (United States Department of

State, 2009). However, while TIP Office top executives unofficially used to concede to officials of other governments that the U.S. probably deserves a Tier 2 ranking (Skinner, 2008), the TIP Report consistently places the U.S. on Tier 1. Others have criticized the TIP Report for being a blunt instrument, promoting a “one-size-fits-all” policy. For example, Mahdavi and Sargent (2011) point to the failure of the TIP Report to capture the variety of voices that exist over sex trafficking and prostitution, and argue that it systematically silences the voices of sex workers. There is also evidence of harm to trafficked persons that was caused indirectly by the TIP Report, as some governments do whatever it takes to improve their tier placement, even if that entails a violation of human rights (Dottridge, 2007). In one documented case which illustrates this point, the Armenian authorities prosecuted a person who was trafficked for exploitative prostitution as a trafficker, only so that the government could present a “successful” trafficking-related prosecution to the U.S. (Dewey, 2008).

These critiques are part of a broader disapproval of the abolitionist ideology that motivates the U.S. global anti-trafficking campaign. In the late 1990s, the TVPA was promoted by a coalition of religious conservative and radical feminist organizations, who did not hide their abolitionist agendas (Bromfield & Capous-Desyllas, 2012; Chapkis, 2003; DeStefano, 2007), and, while it did not go so far as to making prostitution a federal crime, it has been actually used to suppress prostitution in all its forms (Peters, 2013; Stolz, 2007; Weitzer, 2006). Critics of this approach have accused the U.S. government for using the global anti-trafficking campaign as a veneer for its “moral crusade” to promote its abolitionist agenda worldwide (Doezema, 2010; Kempadoo, 2005; Weitzer, 2006, 2007). The 2008 TIP Report exemplified this agenda, as it asserted that prostitution and trafficking are inextricably linked and that prostitution “should not

be regulated as a legitimate form of work for any human being” (United States Department of State, 2008). Moreover, the Trafficking Victims Protection Reauthorization Act of 2003 required that recipients of U.S. anti-trafficking funds publically oppose prostitution (United States Congress, 2003). Sex workers rights advocates argued that this policy harms sex workers as well as trafficked persons by excluding from anti-trafficking work the people who are most able to report abuses within the sex industry, i.e. sex workers themselves (Kinney, 2006; Weitzer, 2006). While U.S. rhetoric shifted to reflect a more human rights-based approach during the Obama administration (O'Brien & Wilson, 2015; Zimmerman, 2010), many of the policies remained the same and animosity toward U.S. anti-trafficking efforts among sex workers rights advocates is still high (Risley, 2015).

Finally, other international monitoring systems on human trafficking merit a short discussion. Compliance with the UN Trafficking protocol is monitored by the UN Office on Drugs and Crime (UNODC), which periodically publishes reports on trafficking and state compliance. However, these reports rely solely on government self-assessment, and are therefore notoriously unreliable. These reports also do not have any mechanisms to hold states accountable for noncompliance (Gallagher, 2011). Some UN human rights treaties that address trafficking, such as the Convention against the Elimination of all Forms of Discrimination against Women (CEDAW) Convention on the Rights of the Child (CRC), include monitoring schemes, but they are similarly weak (Alston & Crawford, 2000; Mertus, 2005). Non-governmental organizations have also produced some global comparative reports, such as the relatively new Global Slavery Index (GSI), which published two global reports to date (Walk Free Foundation, 2013, 2014). These reports include estimates on the number of people

enslaved in each country and the government response. Having no buy-in from any government, and perhaps this is also a relatively new endeavor, the GSI has no “teeth” beyond “naming and shaming” government, and its effectiveness has not yet been researched.

The strongest multilateral anti-trafficking monitoring system is the one set up by the Council of Europe. In 2005, the Council set up the Group of Experts on Action against Human Trafficking (GRETA) to monitor compliance with the Council of Europe Convention on Action against Trafficking in Human Beings. The GRETA monitoring process is more meticulous than that of the TIP Report, and it produces much more detailed reports, however one study found a positive correlation between their findings, increasing both report’s validity (J. Van Dijk & Klerx-Van Mierlo, 2014). The GRETA monitoring system also has the potential to be more effective, as it is situated within a stronger system of accountability, under which European countries may soon be fined for noncompliance with the Convention (European Commission, 2013). However, its reach is limited to the members of the Convention, which included 43 states as of the end of 2015 (Council of Europe, 2014). While this system is likely more influential than the TIP Report in Europe, it poses no competition to the TIP Report in most countries, including the three cases examined in this study.

International Pressure, Compliance, and Human Rights

The principle of state sovereignty, meaning that independent states have the exclusive legitimacy to exert their power and authority in order to govern their territory and domestic affairs, has been a cornerstone of the international state system since it emerged in the seventeenth century (Croxton, 1999; Thomson, 1995; R. B. Walker, 1993). And yet, governments never lost their desire to influence each other's behavior for their own interest (Nardin, 1983). The pressure mechanisms at the disposal of a state range from coercion, either through physical force or legal means, to persuasion through the use of "soft power" (Nye, 1990, 2004). Much of the literature on international pressure focuses on adherence to international law, particularly human rights norms. The degree to which states incorporate international human rights norms into their domestic laws has been studied under the broader framework of state compliance with international law (Cardenas, 2007; Chayes & Chayes, 1993; Emilie M. Hafner-Burton & Tsutsui, 2005; Steffek, 2007).

Unlike domestic law, international law has very limited enforcement mechanisms. The United Nations and its various agencies serve a central role in developing international law, but its ability to meaningfully enforce it is limited (Emilie M. Hafner-Burton, 2008). By design, the UN lacks the authority to enforce international law in ways comparable to the authority of states over their jurisdiction (Sieghart, 1983). While the term "international human rights" is ubiquitous, enforcement of human rights, even though they are enshrined in international law, lies strictly with the state (Henkin, 2006). Exceptions to this rule of weak enforcement include the European Court of Human Rights, which is the world's only supranational court that has the

authority to review and if need be overturn decisions by the highest courts of its member states if these decisions violate the European Convention of Human Rights (Greer, 2006; Tallberg, 2002; P. Van Dijk & Van Hoof, 1998). Another exception exists for mass atrocities, e.g. war crimes and crimes against humanity, in the form of the International Criminal Court, which can try individuals, including heads of state (Broomhall, 2003; Schabas, 2011), and in the ability of the UN Security Council to authorize “humanitarian interventions” to avert genocide and other humanitarian crises (Forsythe, 2012; Henkin, 1999; Western & Goldstein, 2011). While these enforcement mechanisms are universal, at least in theory, they are narrowly tailored to address only the gravest violations of international human rights law. Given these weak enforcement mechanisms, the question of state compliance with costly international norms is considered a “timeless question” (Koh, 1999) in the fields of international relations and international legal scholarship.

Under the realist tradition in international relations theory, which theorizes states as rational utility-maximizers, governments comply with international norms only when it serves their own self-interest (Donnelly, 2000; Kegley, 1995; Waltz, 1979). Since human rights norms aim to restrain the power of the state, complying with them is almost never in its self-interest (Armaline & Glasberg, 2009; Donnelly, 2013). Therefore, the major explanation for such behavior in the realist tradition is that powerful states can pressure weaker states into compliance (Goldsmith & Posner, 2005; Goodman & Jinks, 2004; Hathaway; Krasner, 1993). This pressure can be overtly coercive, as in the above example of military humanitarian intervention. In other cases, the pressure can make use of the state’s economic leverage. For example, it has become commonplace for donor countries to condition their foreign assistance to poorer countries on

adherence to certain human rights provisions (Forsythe, 2012; Peksen & Drury, 2009). This has been the official policy of the United States since the late 1970s (Apodaca & Stohl, 1999; Rhonda Lynn Callaway, 2001; Rhonda L. Callaway & Matthews, 2008; Stohl, Carleton, & Johnson, 1984). Powerful states also routinely impose various types of economic, diplomatic, and cultural sanctions to coerce other governments into compliance (Cleveland, 2001; Neier, 2000; Peksen & Drury, 2009). In another set of cases, adherence to certain norms can be a condition for acceptance to a certain “club.” For example, to become members of the European Union, states are required to commit themselves to the European Convention of Human Rights, and thereby to the judicial review of the European Court of Human Rights. Thus, many political and legal reforms in Turkey during the second half of the 1990s have been attributed to its bid to join the EU (Hale, 2003; Müftüler Baç, 2005).

In contrast with realism, the liberalist strand in international relations theory posits that state compliance is the result of the normative power of international law. Under this view, non-compliance does not stem from “willful flouting of legal obligation” (Chayes & Chayes, 1993), but from other, more mundane reasons. The seminal work of Chayes and Chayes (1993) on compliance with international treaties outlines the contours of this discussion. They identified three explanations for non-compliance: ambiguity in the language of a treaty as to the obligations that states incur upon ratification; the state’s limited capability to comply with the treaty; and time lags between treaty ratification and compliance. For the purpose of this study, the second, i.e. state capacity, is the most relevant. Chayes and Chayes (1993) observed that the determination whether or not a state is “in compliance” with its treaty obligation becomes problematic when the treaty regulates not only state behavior, but also requires the state to

regulate the conduct of private actors, such as corporations or private citizens, which is what states are required to do to combat human trafficking. They point out that constructing “an effective domestic regulatory apparatus is not a simple or mechanical task.” Rather, “it entails choices and requires scientific and technical judgment, bureaucratic capability, and fiscal resources,” which many states simply do not possess (Chayes & Chayes, 1993). The degree to which a state would comply with the emerging international anti-trafficking norms relies therefore not only on the political will of its leaders, but also on the state’s capacity to govern and to enforce its own policies.

Unlike realists, who posit that states conduct a rational cost-benefit analysis to decide their behavior, liberalists emphasize the role of international and domestic political institutions, structures, and processes (Keohane, 2005; Moravcsik, 1992). Under this approach, states comply with international human rights norms mainly as a result of the normative power of law abiding on the one hand, combined with domestic considerations on the other. While states may make public commitments, for example by signing and ratifying international human rights treaties and conventions, these are mostly “empty promises” (Emilie M. Hafner-Burton & Tsutsui, 2005; Emilie M Hafner-Burton & Tsutsui, 2007). Actual compliance with these norms is achieved only when domestic actors, such as policymakers and non-governmental organizations (NGOs), pressure their government from within (Checkel, 2001; Moravcsik, 1995, 1997). This could happen, for example, as a way to institutionalize recent political gains and protect them from future overturn, as had happened during the development of the post-Apartheid constitution in South Africa (Goodsell, 2007; Klug, 2000). Alternatively, this could be the result of genuine lasting national commitment to the norm in question, as, for example, in

the case of freedom of speech in the United States (Lewis, 2007). This model presupposes the existence of basic rule of law and an independent civil society, and is less useful for discussing authoritarian regimes.

Two more recent approaches, namely neo-institutionalism and constructivism, challenge both realism and liberalism by suggesting that compliance is the result of a combination of external and internal forces, “from above and below” (Brysk, 1993). They introduced sociological concepts into international relations theory, suggesting that states are socialized and acculturated into upholding human rights norms. Neo-institutionalists explain state commitment to international law, particularly with respect to human rights, as a means toward gaining legitimacy (Cole, 2005; Steffek, 2007) and increasing their reputation (Downs & Jones, 2002) in world society. Avdeyeva (2012) used this theoretical framework to study compliance with the UN Trafficking Protocol, and found that states that are most prone to comply with the Protocol when they make a bid to join a regional exclusive organizations, such as the EU or NATO, as this is when their international reputation is most important.

Constructivists, on the other hand, argue that rather than looking at the state as one monolithic creature, the focus should be on change agents within the state, most importantly elites and non-state actors (Brunnee & Toope, 2000; Walt, 1998). Under this approach, compliance with human rights norms can be explained by their compelling moral appeal (Finnemore, 1996; Finnemore & Sikkink, 1998; Koslowski & Kratochwil, 1994). Much of the constructivist literature emphasizes the importance of non-governmental organizations (NGOs), which can use international pressure as leverage for their local campaigns. One influential

model, known as the “boomerang effect” (Keck & Sikkink, 1998), posits that, when faced with a repressive regime, local activists may link with activists in other countries to form transnational advocacy networks (TANs). These loose and informal coalitions of civil society actors function as a bridge between the local and the global. They use various means to pressure governments to act, including by leveraging the pressure of other governments (Carpenter, 2007; Keck & Sikkink, 1998; True & Mintrom, 2001). Drawing on this concept, Moghadam (2005) highlighted the emergence of transnational feminist networks (TFNs), which form to address a specific “woman’s issue,” such as women’s rights or violence against women. As discussed in the previous section, two distinct transnational feminist networks formed in the 1990s around the issue of sex trafficking and prostitution: one based on radical/structural feminism and the other on liberal feminism (Halley et al., 2006; Outshoorn, 2005). Since the former emerged in Europe and North America whereas the latter formed in South East Asia, they also map nicely onto Moghadam’s (1996) distinction between TNFs of the Global North to those of the Global South.

Taking the theory of transnational networks a step further, Risse and Sikkink (1999) developed the highly influential “spiral model” of human rights change. According to the model, states are socialized into compliance with human rights norms in five phases, each time responding to pressure by either domestic or international actors, and sometimes to both. The first stage is characterized by a repressive regime that can effectively stifle any domestic opposition forces. These forces, typically human rights activists of NGOs, then resort to linking with a transnational advocacy network, which in turn begins to pressure the government. In the second phase the government denies the allegations. If international pressure continues, the next phase is for the state to make some tactical concessions in the form of “cosmetic changes”

designed to pacify the criticism. In the fourth phase, the “prescriptive status,” states acknowledge the validity of the norm by joining the relevant international treaties, changing their laws, and generally engage in international and domestic discourse around the norm. The fifth and final phase is achieved when the state genuinely changes its behavior in accordance with the international norm. Progress from one phase to the next is not inevitable, but the order of phases has been validated in a many case studies, encompassing a variety of international norms, particularly in the areas of human rights (Fleay, 2006; Muñoz, 2009; Risse, Ropp, & Sikkink, 1999) and environmental policy (Hochstetler, 2002; Schroeder, 2008).

The most visible pressure mechanism the U.S. employs with regard to human trafficking is the Trafficking in Persons Report, which ranks countries’ anti-trafficking performance. This type of government action has been labeled “governance by indicators” and has become increasingly popular in recent decades (Davis & Fisher, 2012). The use of global performance indicators, which began with the need of international financial institutions to compare the economic strength of countries, has grown significantly since the 1990s (Löwenheim, 2008). There is increasing reliance on such indicators to monitor state behavior in a variety of socio-political issues, such as crime (Andreas & Greenhill, 2011), corruption (Hansen, 2012; Tanzi, 1998), and domestic violence against women (García-Moreno, Jansen, Ellsberg, Heise, & Watts, 2005), among others. These indices have become useful tools for both state and non-state actors to levy pressure on governments to improve their “grades” (Merry, 2011). Rankings of state behavior act as “potent levers” because they tend to grab the attention of public discourse (Andreas & Greenhill, 2011). Kelley and Simmons (2015) used the TIP Report as a case study

for this phenomenon, and through a macro analysis, concluded that the TIP Report has played a significant role in the proliferation of the norm to criminalize trafficking.

While the spiral model can be applied to the case of human trafficking, it has significant limitations. Most of the literature discussed above was developed in the context of the promotion of human rights, and researchers have understood the proliferation of anti-trafficking measures as indicative of the adoption of human rights norms (Avdeyeva, 2012; Cho & Vadlamannati, 2012; Kelley & Simmons, 2015). However, as discussed above, the primary international anti-trafficking instrument, i.e. the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, prioritizes law and border enforcement measures over human rights principles (Ditmore & Wijers, 2003; Gallagher, 2001). Therefore, compliance with the Protocol does not necessarily contribute to the realization of human rights for trafficked persons. Rather, states may strategically comply only with those provisions in the Protocol that are convenient for them, while avoiding the measures that are costlier financially and/or politically (Cho & Vadlamannati, 2012). In more extreme circumstances, states may employ a “selective compliance strategy” and use the anti-trafficking campaign to consolidate their authoritarian regime, as was demonstrated in the case of Belarus (Zaloznaya & Hagan, 2012).

Policy Transfer/Diffusion

The phenomenon of policy prescriptions that spread across space and time has been studied in a variety of disciplines, most notably political science, international relations, policy studies, sociology, and geography, and was given various different monikers. It was first studied by U.S. political scientists as “policy diffusion,” and focused on the spread of innovative policies within the United States (Eyestone, 1977; Gray, 1973; J. L. Walker, 1969). It was later re-conceptualized as “lesson drawing” (Rose, 1991, 1993), “policy convergence” (Bennett, 1991), “policy borrowing” (D. B. Robertson & Waltman, 1992), and more (see Evans, 2004). In the UK, political scientists Dolowitz and Marsh (1996, 2000) established the concept of “policy transfer,” which inspired a surge in literature (Benson & Jordan, 2011). More recently, British geographers reframed the concept as “policy mobility” (E. J. McCann, 2008), “policy assemblage” (Prince, 2010), and “policy mutation” (E. McCann & Ward, 2013). This move reoriented the field to focus not so much on why and how policies move from one place to another, but instead on how they mutate during this process (Peck, 2011; Peck & Theodore, 2010).

Many scholars pointed to the potential redundancies of these overlapping and competing conceptualizations. While some have called for unified definitions and standardization of the field (e.g. Braun & Gilardi, 2006; Holzinger & Knill, 2005; James & Lodge, 2003), there are important differences between these terms. For example, while Rose’s (1991, 1993) model of “lesson drawing” sees states as rational utility maximizers that “shops around” for policy solutions to a given problem, much of the diffusion and transfer literature focuses on cases in

which the process was not voluntary, but instead the policy was coercively imposed on the state (e.g. Gleditsch & Ward, 2006; Majone, 1991; Owen, 2002). Dolowitz and Marsh's (1996, 2000) "policy transfer" model incorporates coercion by arguing that the conditions that facilitate policy transfer lie range on a continuum between voluntary lesson-drawing and coercive direct imposition by one government on another. However, many cases fall between these two extremes, as the policy was transferred voluntarily, that is without explicit coercion, but its adoption was "driven by perceived necessity" (Dolowitz & Marsh, 2000).

Significant differences also exist between the concepts of transfer and of diffusion. In terms of definitions, policy transfer is typically defined, following Dolowitz and Marsh (2000), "the process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting". This definition is significantly narrower than that of policy diffusion, which is typically understood as a process "process through which policy choices in one country affect those made in a second country" (Marsh & Sharman, 2009). Other differences lie not in the definition, but in research priorities and methods. Studies on "policy diffusion" typically use statistical analyses to examine many cases at once. They therefore tend to focus on structural factors like trade partnership or geographic proximity. In contrast, "policy transfer" researchers typically examine a few cases in depth, and therefore tend to focus on the process, and primarily its agents (Marsh & Sharman, 2009). While the design of this research study follows the tradition of the policy transfer camp, I draw on all the above bodies of literature.

The consolidation of this field of study in the 1990s (Bennett, 1991; Dolowitz & Marsh, 1996; Majone, 1991) inspired a surge in policy transfer cases studies. This literature is divided between research of the mechanisms that initiate and/or facilitate policy transfer (e.g. Bennett, 1991; Stone, 2004, 2008), and studies that use policy transfer as an independent variable that accounts for the development of policy in certain directions (e.g. S. Bulmer, Dolowitz, Humphreys, & Padgett, 2007). The concept has been used to study a range of policy domains, including labor and welfare policies (Dolowitz, 1997; Pierson, 2003), public higher education (Bache & Taylor, 2003), the regulation of public utilities (S. Bulmer et al., 2007; Majone, 1991; Padgett, 2003), macroeconomic liberalization (Simmons & Elkins, 2004), criminal justice (Jones & Newburn, 2007; Newburn & Sparks, 2004), public health (Keil & Ali, 2011; E. J. McCann, 2008), environmental regulations (Betsill & Bulkeley, 2004; Holzinger & Knill, 2005; A. Smith, 2004), and urban/regional planning (De Jong & Edelenbos, 2007; Dolowitz & Medearis, 2009; Hoyt, 2006; Ward, 2006), among others.

In the field of criminal justice policies, most of the work has been on the globalization of American crime control policies, and particularly on their transfer to the UK. At the turn of the century, Garland (2001) observed growing similarities between the crime control policies of the U.S. and UK since the 1970s. He attributed most of this policy convergence to the shared social and cultural changes these two countries underwent during the same time, especially in the neoliberal restructuring of their economies. Notwithstanding this structuralist explanation, Jones and Newburn (2007) argue that at least some of this convergence can also be explained by a deliberate attempt by British policymakers to emulate specific American policies. Specifically, they examine three high profile criminal justice innovations in the UK during the 1990s, namely

the commercialization of prisons and other “correctional” methods, the rise in “zero tolerance” policing, the institutionalization of mandatory sentencing laws such as “three strikes and you’re out” policies. Finding evidence of conscious policy borrowing in the two former policy areas, but not so much in the third, they conclude that policy transfer is more likely to occur at the level of rhetoric and symbolism rather than at the level of the actual content of policy (Jones & Newburn, 2007).

Much of the policy transfer literature is devoted to the facilitating role of transfer agents. Dolowitz and Marsh (1996, 2000) consider the existence of nine types of transfer agents: elected officials, political parties, civil servants/bureaucrats, pressure groups, policy experts/entrepreneurs, multinational corporations, think tanks, nongovernmental organizations, and supranational governmental institutions. Several different actors can work collectively to promote a specific policy outcome that benefits their mutual interests. Stone’s (2002, 2004, 2008) studies of transfer agents are particularly valuable. Stone argues that transnational advocacy networks (Keck & Sikkink, 1998) can form transnational policy communities, which produce “transnationalized” policy prescriptions that become a part of the “global knowledge” (Stone, 2002, 2004). This is also evident in the case of human trafficking, as concepts like the “3P paradigm” or the “victim centered approach” have become ubiquitous globally, much through the work of transnational advocacy networks (see for example Charnysh, Lloyd, & Simmons, 2015).

Another transfer/diffusion agent that is particularly important in the context of human trafficking is supranational governmental institutions. The study of policy transfer within the

European Union produced the concepts of policy “uploading” and “downloading” (Börzel, 2002; Simon Bulmer & Padgett, 2005). Since EU norms and standards become legally binding on its member states, there is inherent competition between EU members to shape these norms according to their current practice or ideological preferences. European states thus routinely “upload” their own policy prescriptions to the EU level. Similarly, in order to comply with new norms or regulations, states “download” programs from a menu of options. This process have been documented several times with regard to the European Union (for example Paterson & Sloam, 2005; Radaelli, 2003; Ruano, 2013), but not in the context of anti-trafficking policies and programs. Nevertheless, it is evident that a similar process happened to law that criminalizes the act of buying sex, but not its sale. This law was first enacted in Sweden in 1999 (Ekberg, 2004), is therefore widely known as “the Swedish model” (Ekberg, 2004). This approach was later dubbed “the Nordic model” after similar laws were adopted in Iceland, Norway, and, to a lesser degree, Finland (Skilbrei & Holmström, 2013). This policy was successfully “uploaded” to the international policy arena, as it was also considered by other non-Nordic countries, including Canada (Chu & Glass, 2013), France (St. Denny, 2012), and the UK (Scoular & Carline, 2014).

At the global level beyond Europe, the United Nations has played an instrumental role in the global diffusion of policies aimed to increase gender equality (Krook, 2006; Krook & True, 2012; True & Mintrom, 2001). It is also evident that the United States successfully “uploaded” its own agenda onto the negotiations over the UN Trafficking Protocol, and that the Protocol subsequently contributed to the diffusion of the anti-trafficking norm (Charnysh et al., 2015; Gallagher, 2010). Anti-trafficking laws and policies have spread across the globe at a fast pace

since the Protocol was adopted (UNODC 2006). But not only is the number of states that adopt anti-trafficking laws on the rise, there are stark similarities between these laws (Cho, 2015).

As Wolman (1992) pointed out, we should consider policy transfer as part of the policymaking process rather than as an independent process. The earlier stages of the policymaking process, most prominently the agenda setting phase, are most susceptible to the transfer of ideas from other places. Kingdon's (1995) seminal work on agenda setting theorized that this process is comprised of three metaphorical "streams," which flow independently of one another: problems, policies, and politics. The problems stream represents the way that issues emerge on the agenda of policymakers as problems worthy of tackling. Disasters or crises often serve as focusing events, which get policymakers' attention at the expense of other problems. The policy stream refers to the process by which policy prescriptions are created, debated, and refined to become concrete solutions to be considered. The politics stream represents the political will of policymakers to act. A policy window, that is the ability of a policy to be enacted, opens up when at least two of these streams join. In examining how this process is affected by policy transfer/diffusion, Dolowitz and Marsh (2000) hypothesized that the agenda setting process almost necessarily involves the transfer of policy ideas from other places. In her influential study of non-state actors as policy transfer agents, Stone (2000, 2004) found that NGOs, think-tanks, and corporations have considerable influence during agenda setting and policy formulation, as they construct legitimacy for certain policy solutions. Supranational organizations and multinational corporations also have the capacity to stimulate international agenda setting, which in turn almost inevitably leads to policy diffusion (Ogden, Walt, & Lush, 2003; Ougaard, 2010; Schneider, 2001).

Several factors have been shown to constrain the prospects of policy transfer/diffusion. First and foremost, inertia is the natural tendency of systems and structures, unless change is externally imposed by an unexpected shock, such as a crisis or a major policy failure (D. Stone, 1999). But even when change is pursued, and different policy solutions from abroad are examined, transfer is rarely a smooth process. Often, the destination jurisdiction is incompatible with the transferred policy due to specific historical, ideological, or cultural differences with the policy's origin (de Jong, 2009). In some cases constituents in the destination mount resistance to the transferred policy, particularly in the context of asymmetric interdependence, when “subordinate actors can deploy sophisticated resistance strategies that limit the processes of learning and transfer” (Bache & Taylor, 2003). This is particularly relevant to this study, where there is stark power asymmetry between the United States and each of the three examined cases.

Another issue relevant for this study is the link between policy transfer/diffusion and policy outcomes. While the policy transfer literature borrows extensively from the broader literature on public policy, few are the studies that use the concept of transfer to inform our knowledge of other elements of policymaking, such as policy implementation (Marsh & Sharman, 2009). While a link between policy transfer and policy failure has been proposed (Dolowitz and Marsh 2000; Stone 1999), either the evidence for it has been anecdotal rather than empirical, or the logic explaining failure had been demonstrated to be weak (James and Lodge 2003). Furthermore, reducing the possibilities of policy outcomes to a dichotomy, i.e. “success” vs. “failure,” fails to recognize the wide and nuanced spectrum of possibilities, as well as the subjectivity inherent in ascertaining these outcomes. Indeed, the rich body of literature on the nuances of policy implementation (O'Toole, 2000; Pressman & Wildavsky, 1984; Scott, 2003 to

name just a few) is yet to have bearing on the research on policy transfer. The link between policy transfer/diffusion and policy failure is particularly relevant to the context of anti-trafficking policies, as there is no evidence that the three-decade long global fight against trafficking has managed to put a dent in the phenomenon.

Chapter 3: Research Design and Methodology

Employing a mixed-method approach, this study employs several qualitative research methods. The analytical strategy is inspired by Burawoy's (1991, 1998) extended case method, which is particularly useful for my research questions. The methodological procedures are based on the case study method (Yin, 2009). The examination of the Israeli case includes a legal analysis, content analysis of news media and parliamentary hearings, and semi-structured in-depth interviews. The comparison cases in The Philippines and Thailand comprise of legal analysis and content analysis. This approach has several limitations, which are also detailed below.

Case and Site Selection

The nature of the international discourse on human trafficking makes this policy area an ideal case for the study of the effects of international pressure. One of the main challenges in studying this issue is isolating international pressure from other potential causes of policy change. More often than not policy change can be traced to multiple intertwined processes, and it is often impossible to determine with any degree of certainty which factor was more influential than others. In the context of the two bodies of literature compliance with international law, the mere observation that state behavior conforms with a specific international norm does not necessarily mean that external pressure was what motivated compliance, even if such pressure indeed existed (Cardenas, 2007; Goodman & Jinks, 2004; Hathaway). Similarly, the mere fact that the policies of two jurisdictions on a particular issue are similar does not necessarily mean that the similarity is a result of policy transfer or diffusion (Bennett, 1991; Evans & Davies, 1999; A. Smith, 2004). In order to make such assertions, one must provide evidence that addresses and excludes competing explanations. The circumstances that surround the development of anti-trafficking policies make this policy area a prime candidate for the study of bilateral international pressure.

First, despite the fact that slavery, forced labor, forced prostitution, and other forms of extreme exploitation are as old as humanity, the terms “human trafficking” and “trafficking in persons” are relatively new, gaining traction in international policymaking primarily in the last three decades. This facilitates tracing policy diffusion through changes in language and discourse, which reflect changes in the way this issue is perceived and framed (Farrell & Fahy,

2009). For example, many who currently work on “sex trafficking” of minors did essentially the same work before this term gained popularity, but they referred to it as “child/teen prostitution” or later as “commercial sexual exploitation of children” (Saunders, 2005). Moreover, the extent to which the term “human trafficking” has penetrated the work of non-governmental organizations and government agencies reflects in itself a diffusion of anti-trafficking discourse.

Second, the United States government has been open and explicit with regard to its efforts to pressure other governments to adopt anti-trafficking policies. This is significantly different than other policy areas, in which unilateral pressure is often applied in diplomatic meetings behind closed doors. It is this explicit nature of U.S. pressure in this instance that enables us to trace how it permeated into the local policymaking discourse. Therefore, this study does not analyze the effects of U.S. “capacity building” programs, such as training of judges and law enforcement officials, funding of NGO work and government anti-trafficking projects, and other instruments of “soft power” (Nye, 1990). Instead, the focus of this study is overt pressure – government-on-government.

The selection of countries to include in this study was informed by a process of searching for initial evidence that U.S. pressure entered the public discourse in these countries. This was accomplished through a review of electronically available non-U.S. newspapers. The search was conducted in the beginning of 2014 using the databases of LexisNexis Academic and Dow Jones Factiva, the two most comprehensive databases of non-U.S. press. The search term used was “Trafficking in Persons Report,” under the assumption that the number of news stories that mention the TIP Report in a specific country could be used as a proxy measure for the degree to

which U.S. pressure penetrated the local discourse. The search was limited to printed newspapers, excluding other media outlets such as radio and television broadcasts, news agencies and wires, and web-based publications. It also excluded any U.S. newspaper, but was otherwise not restricted to a specific geography.³ The following Table 1 presents result of the search from both databases, combined. These are newspapers that had ten results or more.

³ While highly effective, this sampling strategy may have also introduced some bias. Any database is incomplete in its coverage, and this is particularly true for U.S. databases' coverage non-U.S. sources. The level of subscription of my university (Northeastern University) may also have impacted the sources that appeared in my search results. It is therefore unclear what portion of the entire universe of non-U.S. English language newspapers was captured in my search results. This is the reason that I used two databases that have different coverage, i.e. LexisNexis and Factiva. However, there is no absolute solution to this limitation.

Table 1: Newspaper Articles Mentioning the TIP Report

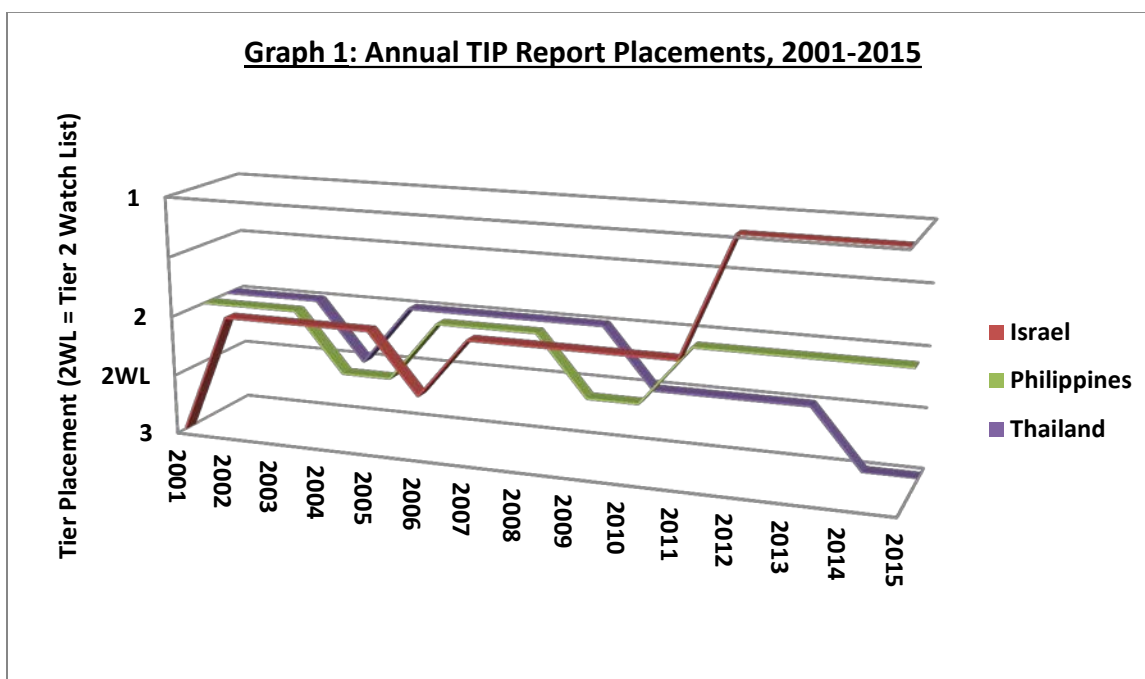
Country	Newspaper name	Number of articles⁴	Database
Philippines	Manila Bulletin	33	Factiva
Taiwan	Taipei Times	33	Factiva
Israel	The Jerusalem Post	26	LexisNexis
Thailand	Bangkok Post	24	Both
Philippines	Business World	24	Factiva
Malaysia	New Strait Times	22	LexisNexis
Philippines	Philippine Daily Inquirer	19	Factiva
Philippines	The Philippine Star	19	Factiva
Cambodia	Phnom Penh Post	19	Factiva
Singapore	The Strait Times	18	LexisNexis
Thailand	The Nation	16	Both
South Korea	Korea Times	16	Factiva
Philippines	Manila Standard	16	Factiva
Bahrain	Gulf Daily News	14	LexisNexis
Lebanon	Daily Star	14	Factiva
Taiwan	The China Post	13	Factiva
Philippines	The Manila Times	13	Factiva
New Zealand	The New Zealand Herald	12	Both
United Kingdom	Financial Times	12	Factiva
Ireland	Irish Examiner	11	Both
Canada	The Vancouver Sun	11	Both
Hong Kong	South China Morning Post	11	Factiva
Nepal	The Katmandu Post	10	Both
Singapore	Today	10	Factiva

⁴ Number of articles in non-U.S. newspapers that mention the TIP Report between 2000-2013.

These search results revealed that the TIP Report has entered the public discourse in Southeast Asia more than in any other world region. The Philippines leads the list with a total number of 124 news items in six different newspapers, making it a prime choice for this research. Other countries on the list with more than one source available are Singapore, Taiwan, and Thailand. Further preliminary research using secondary sources such as scholarly articles and reports revealed that, of the three countries, Thailand has been most sensitive to its portrayal in the TIP Report (Donahue & Datla, 2013; EMPOWER Foundation, 2012; Gallagher, 2006a). The country with the most media attention to the TIP Report that is not located in East Asia is Israel. Additional research, including some of the interviews that ended up being included in this study, confirmed that the TIP Report has been a major factor in the development of the Israeli government's anti-trafficking policy. Secondary sources have also independently confirmed this observation (Bensinger, 2004; Levenkron & Dahan, 2003). As a result of this process, the case studies chosen for this study were Israel, the Philippines, and Thailand.

Beyond the evidence that U.S. pressure played a significant role in the development of their anti-trafficking policies, several other factors make these three cases interesting to compare and contrast. First, the three countries are very different politically, culturally, and economically. For example, Israel is considered a high-income economy, while Thailand and The Philippines are both considered developing (World Bank, 2015a). This economic situation has an impact on the nature and characteristics of human trafficking in these countries. Israel is considered mainly a destination for internationally trafficked persons, the Philippines is predominantly a source country, whose citizens are trafficked into other countries, while Thailand is both a source and destination (United States Department of State, 2001, 2015).

The three cases also differ in their anti-trafficking efforts, as they are reflected in the U.S. TIP Reports. As can be seen in Graph 1 below, Israel was ranked on Tier 3 in the first TIP Report, and has been consecutively placed on Tier 1 since 2012, meaning that the State Department considers it to fully comply with the U.S. anti-trafficking minimum standards. In sharp contrast, Thailand’s placement has deteriorated over the years to reach Tier 3 since 2014, meaning that it does not comply and is not making efforts to bring itself into compliance. The Philippines has always been ranked in between, meaning that its government is making “significant efforts.” This difference between the three countries makes them interesting comparisons with respect to the research questions.



In the context of this study, the most striking similarity between the three countries is their long lasting strong relationship with the United States. The U.S. and Israel have a so-called “special relationship” (Little, 2008), which in many aspects is unique in U.S. foreign relations

(Mearsheimer & Walt, 2006). Israeli policymakers frequently look to the U.S. for policy ideas to borrow and Israeli jurists have a long history of incorporating American jurisprudence into their decisions (Gorney, 1955; Lahav, 1981). Since 1976, Israel has been the largest annual recipient of U.S. financial assistance, despite having a developed economy, and the U.S. is Israel's chief trade partner (Zanotti, 2015). The Philippines also maintain a so-called "special relationship" with the U.S., having its roots in the period of U.S. colonial rule over the Philippines during 1898-1946 (Lum & Dolven, 2014). Thailand emerged as major U.S. allies during the Cold War, especially during the wars in Korea and Vietnam (Chanlett-Avery, Dolven, & Mackey, 2015). Both countries receive considerable financial assistance from the U.S. federal government through various programs (Tarnoff, 2016; Tarnoff & Lawson, 2016; USAID, 2015). These factors make those three countries particularly susceptible to the type of pressure the U.S. has been employing with regard to human trafficking. This shared key variable makes it possible to study how U.S. pressure manifests itself in diverse political contexts. In addition, it is useful for this study that none of the three countries is subject to a regional evaluation scheme other than the TIP Report. This also enables us to examine U.S. pressure in isolation from other factors.

Data Collection

Three types of data were collected as primary sources for the examination of the Israeli case: newspaper articles, records of the legislative process, and in-depth interviews. All three types of sources provide rich, thick descriptions, which lend themselves to qualitative analysis, as well as limited quantitative analysis. The interviews were semi-structured, consisting mainly of open-ended questions. They were conducted in person in about 1-hour sessions, and were recorded, transcribed, and translated into English. Interview questions focused on the ways in which the involvement of the United States was perceived and utilized by the various actors in their different capacities.⁵ Due to financial and language limitations, no interviews were conducted in The Philippines and Thailand. I have interviewed six key stakeholders, in the following four categories:

- An Israeli elected official (Knesset/Parliament Member) who was instrumental in the development of policies against human trafficking.
- The head of the task force against human trafficking within the Israeli Ministry of Justice.
- Three NGO leaders, who have spearheaded the struggle against human trafficking in Israel.
- One of the former heads of the TIP Office in the State Department.

Relying on interviews as primary sources introduces some limitations to the generalizability and validity of my findings. Of most concern is the need to rely on the memory of the interviewees, as well as their documented tendency to rationalize their actions ex post

⁵ See the interview protocol in Appendix A.

facto (Weiss, 1994). It is especially problematic in this case, since the every person I interviewed has an agenda that she or he is trying to promote, and an institutional role in addition to their personal views. While there is no way to completely overcome this problem, I managed to mitigate it by triangulating multiple types of sources. In the case of Israel, I was able to verify interviewee narratives with accounts given in real time in the news media and parliamentary hearings as well as with the research of other scholars.

The records of legislative procedures in Israel are based mainly on protocols of the Israeli Parliament (Knesset) committees. Similar to U.S. Congressional hearings, these committee meetings serve as a venue where elected officials, public servants, and NGO representatives meet on a regular basis to discuss the issues within the committee's purview. Aside from the regular legislative sessions on the Knesset floor, two specialized parliamentary committees are relevant and have been analyzed in this study: The Sub-Committee on the Trafficking in Women, which has been in operation intermittently since 2001, and the Special Committee on the Problem of Foreign Workers, which was in operation between 1999 and 2015. Of secondary importance are the Constitution & Law Committee and the Committee on the Status of Women, which also held several hearings on human trafficking throughout the years. The protocols of these meetings reveal the deliberations and motivations behind some of the major developments in Israel's policies against human trafficking, occasionally explicitly mentioning pressure by the U.S. as a motivating factor. Overall 172 Knesset protocols have been analyzed for this study. In the Philippines and Thailand committee hearings are not publically available, so data collection was more limited. The available government documents, which were used in this study, include

protocols of parliamentary floor discussions, government reports, and elected officials' press releases.

News items were collected from a total of ten daily newspapers in the three countries.⁶ In Israel, collection included the three leading Hebrew language dailies of *Haaretz*, *Maariv*, and *Yedioth Ahronoth* and the leading English language daily *The Jerusalem Post* (BBC, 2006). In the Philippines, I collected data also from the four leading English language dailies (LOC, 2006): *The Manila Bulletin*, *Manila Standard Today*, *Philippine Daily Inquirer*, and *The Philippine Star*. In Thailand there are only two major English-language newspapers (Chaban, Bain, Stats, & Sutthisripok, 2006), and both were included in this study: *The Bangkok Post* and *The Nation*.⁷ The news search in the English language newspapers included all news articles that mentioned human trafficking between 2000 and 2015.⁸ The search in the three Israeli Hebrew-language newspapers was conducted through the Israeli Index of Daily Printed News, which is maintained by the central public library in Tel Aviv: The Beit Ariela Shaar Zion Library.⁹ Overall, this search yielded 7,688 news items. Since the number of newspapers used is not the same in the three countries and since the different electronic databases have varying degrees of coverage of

⁶ See more details on the selected newspapers in Appendix B.

⁷ My reliance on English-language newspapers in Thailand and the Philippines may have introduced implicit bias into the data, and this point is discussed further in the next section.

⁸ The search was conducted in LexisNexis Academic and Factiva databases for the specific newspapers. In order to include all variants of the term, I have conducted extensive experimentation with different wordings, and settled on using the following search term: "human trafficking" or "trafficking in human" or "trafficking of human" or "trafficking in persons" or "trafficking of persons" or "sex trafficking" or "labor trafficking" or "trafficking in women" or "trafficking of women".

⁹ Due to language differences, this was a more limited search, consisting of all items that were indexed as relating to "trafficking in persons" or "trafficking in women". The Hebrew terms are "Sakhar Bi-Vnei Adam" and "Sakhar Be-Nashim," which literally mean the trade in human beings and the trade in women, respectively.

these newspapers,¹⁰ adjustments needed to be made to draw comparisons across time and countries. Therefore, for each newspaper and year, I divided the number of human trafficking articles by the total number of articles that were published in the same newspaper and year that were included in the database. This process produced a comparable measure of the share of the news media that reported on issues relating to human trafficking each year. The graphs that appear in this dissertation use this modified measure. The articles that were selected for content analysis were the ones that also mentioned the United States or the Trafficking in Persons Report.¹¹ These included a total of 617 newspaper articles.

My usage of newspaper coverage as a major primary source introduces an additional limitation on the validity and generalizability of this study. First, the information that is published by the news media is constrained by editorial policies, the interests of the publisher and owner, and government restrictions. This is particularly significant since none of the three countries in this study is considered to have free press (Freedom House, 2016). It is thus unclear to what degree the things reported in the news reflect an accurate picture of in reality.

Second, my own language limitations inhibited the types of sources I could avail myself to. My knowledge of Hebrew enabled me to read material in Israel's local language, whereas this was not possible in the cases of Thailand or the Philippines. While in Israel I collected much information from Hebrew-language newspapers, in Thailand and the Philippines I had to resort

¹⁰ See Appendix B for details on the databases' coverage.

¹¹ To account for all possible variations, the search term used was: "united states" OR "state department" OR "department of state" OR Washington OR "trafficking in persons report" OR "tip report" OR tier OR watchlist OR watch list.

to newspapers published in English. This is less significant in the case of the Philippines, since English is an official language there, and Filipino/Tagalog is not a native language for the majority of the population. English is considered the most important language for publication, and is used officially by the government and the legal system (Dayag, 2004). In Thailand, in contrast, English is not an official language, although it is the most common second language (Foley, 2005). This has the potential of inserting bias into this study, as there are fewer Thai newspapers in English, and the ones that exist tend to target either the more educated Thai citizenry or the community of expats. While there is no perfect fix for this problem, I mitigated it by relying in Israel more heavily on the two newspapers that are analogous to the Thai and Philippine English-language newspapers, i.e. *The Jerusalem Post*, Israel's primary English-language newspaper, and *Haaretz*, which has a reputation for quality reporting and is considered Israel's newspaper of note (Madmoni-Gerber, 2009).

To provide important relevant contextual information, these three primary sources, i.e. interviews, legislative procedure documents, and newspaper articles, were supplemented by a variety of secondary sources, in three main categories:

- Government publications such as government agency reports, legal cases, consultative documents, etc.
- Publications of non-governmental organizations, such as reports, advisory opinions, press releases, etc.
- Previous academic studies that examined human trafficking and related issues in the three research sites.

While the search of newspaper articles was limited to news reported after 2000, which is when the TVPA was enacted, and thus launched the U.S. global anti-trafficking campaign, the collection of other documents extended to earlier years, to capture the first stages of the anti-trafficking discourse in each country. The first section in each country's chapter begins when human trafficking emerged as a public concern in that country. In Israel, this happened in 1995, which marked the first time a government-published document discusses trafficking. In the Philippines, attention to trafficking began around 1993, when the Coalition Against Trafficking in Women - Asia Pacific (CATW-AP) was formed. In Thailand, trafficking entered public discourse as early as 1984, in the aftermath of a brothel fire that took the lives of five young women who were held captive inside.

Taken together, the types of sources collected enabled me to trace the way in which the United States shaped local discourse on human trafficking. The amount of attention of local newspapers to TIP Report, or to other U.S. activities with regard to trafficking, provides a proxy measure of the degree to which U.S. anti-trafficking pressure penetrated the local public discourse. Newspaper coverage of these issues also serves to indicate the attitude of government officials, civil society actors, and the editorial board of the newspapers itself. Legislative documents shed light on the way U.S. pressure manifested in the policymaking process. Finally, interviews with key stakeholders provide the "thick description" (Geertz, 1994) of their own attitudes toward the United States anti-trafficking campaign, and how they used it in their work.

Analytic Approach

Coding for this project was done manually. Preliminary research, primarily using secondary sources such as previous scholarship on this issue, guided the development of a coding scheme, which primarily focused on the various government entities and the policy-making process. The codes used are presented in Table 2 below:

Table 2: Coding Scheme

Case	Policy-Making Cycle	Government Branch	International Actor
Israel	Agenda setting	Legislative	United States
Philippines	Policy adoption	Executive	United Nations
Thailand	Policy implementation	Judicial	European Union
			ASEAN
	N=617		N=6,868

The codes on the policy-making cycle follow the analysis by Kingdon (1995) of the process of policy-making, as described in the literature review. These codes were used first and foremost to generate the periodization in each of the three case study chapters, and then to compare and contrast the three cases along these lines in Chapter 7. The codes of the government branches were chosen because their different institutional roles dictate how they can be subjected and respond to external pressure. These codes informed the presentation of each period of time within each case study. In addition, to account for alternative explanations, additional coding was done to include several external pressure mechanisms, i.e. the U.S., UN, EU, and ASEAN (The Association of Southeast Asian Nations). Each one of these entities has a declared policy of promoting anti-trafficking efforts, and has instituted various programs

designed to achieve that goal. All the articles covering human trafficking in the newspapers that were included in this study were automatically coded for mention of any of these foreign actors, a total of 6,868 articles: 662 in Israel, 3,474 in the Philippines, and 3,394 in Thailand. The results of this analysis are presented in Chapter 7.

Throughout this study, I was careful to avoid the inherent bias in the sources affect my analysis. The field of human trafficking is a highly contested field, characterized by rivaling factions divided across ideological lines (Desyllas, 2007; Kempadoo, 2005; Weitzer, 2007). When conducting interviews with the people involved in the policy-making process, it is challenging to not let this rivalry dominate the narrative, and to go beyond it to the studied concepts. Furthermore, one of the recurring themes in the research that analyzes anti-trafficking policies is that many states, the U.S. included, pay lip service to treating human trafficking as a human rights issue, while in reality creating punitive policies that rely heavily on the criminal justice and immigration enforcement systems (Chapkis, 2003; Vance, 2011). Consequently, it is crucial to take a critical view toward any claims that a certain policy is derived of human rights considerations. This proved to be particularly important in the case of Thailand, whose anti-trafficking policies have gained notoriety for violating the human rights of the very people it purports to help (Gallagher, 2006a).

Chapter 4: Israel

This chapter details the transformation of Israel's response toward the problem trafficking in persons from 1995 to 2015. Alongside a description of significant policy changes, the chapter includes detailed information on the processes that brought about these changes. In particular, it will trace the effects of U.S. pressure throughout the policymaking process. I argue that the U.S. TIP Report was the most significant source of external pressure on the Israeli government on this issue. The Report was strategically employed as a tool to pressure the government by an informal coalition of civil society organizations, Knesset Members, and a few government employees. Further, I will demonstrate that government response to the TIP Report fluctuated around Israel's tier placement. The government demonstrated the greatest willingness to change its policies in response to a change for the worse in its TIP Report placement.

This chapter is divided into sections that reflect different phases in Israel's response to human trafficking. A brief section includes the necessary historical background needed to contextualize the issue. The first period begins in 1995, when the government first recognized the existence of a new phenomenon, and ends in 1999, after civil society organizations and the U.S. government started pressuring the government to do something about it. An entire section is devoted to the year 2000, which was a turning point in the government's official attitude toward sex trafficking. The period of 2001-2002 is marked by swift government action against sex trafficking, driven mainly as a reaction to the 2001 damning TIP Report. The two subsequent years, 2003 and 2004, were marked by slower progress. 2005 brought about the second major shift in Israel's attitude, as it started to address labor trafficking, and in 2006

passed comprehensive anti-trafficking legislation. 2008 saw a change in government rhetoric, which from then on considered its own actions as a success, and trafficking as a solved problem.

Case Background: Israel

Practices that are today commonly referred to as “human trafficking” existed in Israel throughout its history. As in other parts of the world, forced prostitution and severe labor exploitation were documented before 2000, but they were not referred to as “trafficking,” and did not generate a comprehensive government response.

Prostitution in Israel was never illegal per se, as the sale and purchase of sexual acts for money has never been a crime. However, related activities, such as pimping, owning or operating a brothel, publishing sex ads, and the like, are all illegal under the penal code (Knesset, 1977). Nevertheless, up until the late 1990s, prostitution was not a politicized issue in Israel, and enforcement of these offences has not been a high priority for law enforcement (Amir & Amir, 2004). Israeli police did not use to raid brothels unless there it had a specific reason, like a suspicion of forced/teen prostitution, or other crimes involved, such as drug dealing. Prior to the rise in trafficking discourse, most of the brothel raids were instigated by neighbor complaints. During the late 1990s, when trafficking into Israel reached its peak, there were a couple of hundred convictions annually for operating a brothel, a few dozen convictions for solicitation (Halperin-Kaddari, 2004). When trafficking in women rose to public consciousness, in 2000, the Israeli police estimated the number of non-Israeli women present in the country due to sex trafficking at 3,000 and the overall number of brothels at 700 (Levenkron, 2001). These estimates were never substantiated by evidence, and non-governmental organizations have argued that the actual numbers are much higher (Levenkron & Dahan, 2003)

Similarly, labor exploitation has existed in Israel's economy since the establishment of the state. During Israel's first two decades, between 1948 and 1967, Israel's secondary labor market was dominated by its Palestinian citizens. During the war of 1967 Israel conquered the West Bank and Gaza Strip, which were previously controlled by Jordan and Egypt, respectively. Palestinians from these newly occupied territories largely replaced Palestinian citizens of Israel in the unskilled, low paying labor sectors. In the late 1980s, as a result of the first Palestinian uprising (Intifada) against the Israeli occupation, Israel began to gradually limit the number of non-citizen Palestinians who are allowed to work inside Israel. As this created a shortage in the labor market, the country opened its borders to temporary migrant workers from various countries around the world (Rosenhek, 2003). Israel established a system by which local employers could receive permits to bring in temporary workers. As the number of available Palestinian workers declined, employers lobbied for increasingly more permits. The number of government issued permits increased from 2,500 in 1987 to a whopping 103,000 in 1993, representing an increase of more than 4,000 percent in six years (Bartram, 1998). These official government numbers do not reflect the number of people working without a legal permit, either through overstaying their work visa, working with a tourist visa, etc. A 1996 estimate put the total number of migrant workers in Israel at 300,000, which represents roughly 10 percent of the total labor force (Kemp, Rajjman, Resnik, & Gesser, 2000). Migrant workers are employed in various nonskilled economic sectors, which are both racialized and gendered. Thus, men from Romania dominate the construction sector, men from Thailand work predominantly in agriculture, and nursing and elder care is the domain of Filipina women (Drori, 2009). To control this large and growing population, the Israeli government issued work permits that bound

the workers to a specific Israeli employer, and their residence permit was contingent on the continued work for that specific employer. The work permit of workers that stopped working for their designated employer, for whatever reason, were automatically revoked, turning them into deportable “illegal aliens” (Berman, 2007). This arrangement set the stage for the development of what was later recognized as labor trafficking (Rozen, Keren, Levenkron, Korzen, & Steinberg, 2003).

1995-1999: Trafficking in Women Rises to the Public Sphere

As had happened in Western Europe, the collapse of the Soviet Union was the main catalyst for the development of a new phenomenon, which had become known as sex trafficking. The USSR had a strict emigration policy, which required its citizens to receive a permit, or exit visa, in order to leave the country. Some of the Soviet Republics had a large Jewish community, and most of the Jews who applied to leave over the years have been rejected. In the late 1980s the Soviet government headed by Mikhail Gorbachev relaxed this policy, and it became obsolete with the dissolution of the Soviet Union. This resulted in a massive wave of emigration, predominantly to Israel, the U.S., and Germany. Overall, roughly one million Jews immigrated to Israel between 1990 and 2000 from the countries of the Former Soviet Union (Al Haj, 2004). Israel's immigration policy allows any Jewish person to claim Israeli citizenship with very little bureaucracy, without giving up citizenship in other countries. Some organized criminal elements exploited this policy to expand their networks into Israel (Ratiner, 1997).

The first recorded indication that government agencies had identified a new phenomenon is traced back to a 1995 Supreme Court case dealing with a trafficked woman who sued the government for canceling her citizenship status, which she received through forged documentation.¹² The government's official response to the court read, in part:

Another grave phenomenon, which the Ministry of the Interior finds difficult to deal with recently, is the "import" of young women from Russia for the purpose

¹² Under the Israeli legal system, the Israeli Supreme Court has original jurisdiction in every legal challenge against the government.

of prostitution in Israel. In recent months this phenomenon has reached very disturbing proportions, and the Ministry of the Interior, along with the police, is trying to do its best to deal with it. Every few weeks raids are being conducted to find these women, who are in Israel illegally, and each such operation results in deportation orders, some of which end up being discussed in this court. These young women and their employers use a variety of ways and excuses in order to get the women into Israel, and there are no means they would not resort to (Supreme Court, 1995).

The government here acknowledged that there is a new phenomenon, but it sees the trafficked women as perpetrators of smuggling, who simply need to be deported.

Throughout this initial period, during which government agencies noticed this new reality, Israel saw itself as a victim of illegal smuggling. This is evident, for example, in the government's submission to the Stockholm 1996 World Congress against the Commercial Sexual Exploitation of Children (State of Israel, 1996). In it, the government reported that "...in recent years the subject of illicit commerce in women, not necessarily minors, has taken its place on the police blotter." The statement explicitly connects the rise in smuggling to the "waves of immigration" from Eastern Europe, and indicates that the women are being smuggled under the guise of legitimate new immigrants, using forged identification papers, and are then being employed in "massage parlors" and brothels. The government further stated that the police are raiding many brothels "in order to put an end to their activities by putting those involved on trial or deporting them" (State of Israel, 1996). The government's response reflects the general public

stance in those days, that the trafficked women deliberately violated the state's immigration law and therefore need to be deported. Despite growing international attention to trafficking, no attempt was made by any government agency to examine whether these women were themselves victims of crimes or of human rights abuses.

The first in Israel to identify and raise this issue as a human rights abuse were members of We Are Worthy, a local sex workers rights organization. One of its founders was a sex worker, who was in direct contact with sex workers throughout the country. She noticed that many of the brothels in Tel Aviv and Jerusalem had foreign women, were getting underpaid. This information was put in one of the newsletters they published in 1997, in Hebrew and Russian, which was distributed throughout among sex workers, including in brothels which housed trafficked women. This awareness-raising activity, the first of its kind in Israel, resulted in death threats to one of the organization leaders (Vandenberg, 2002).

Martina Vandenberg was the first person to conduct a thorough investigation on sex trafficking in Israel from a human rights perspective.¹³ Her groundbreaking research project was done under the auspices of the Israel Women's Network, a civil society organization based in Jerusalem, which typically engages in projects related to the status of women in the work force or in the public sphere, and not with issues relating to violence against women. Interestingly, since the term "trafficking" did not yet enter mainstream discourse in Israel, the report's Hebrew version used the term "smuggling," while the English version already used the term

¹³ Year later Vandenberg founded the Human Trafficking Pro Bono Legal Center in Washington, DC.

“trafficking.” In her report, Vandenberg argued, for the first time in Hebrew and to an Israeli readership, that this new phenomenon amounts to “a modern slave trade” (Vandenberg, 1997).

Based on more than fifty interviews, including with many trafficked women awaiting deportation, Vandenberg documented the system that facilitated the trafficking of women into the Israeli sex industry. Estimates ranged from a few hundred up to one thousand women being trafficked into the country each year. Women were typically recruited in Russia, Ukraine, and the Baltic States, using newspaper advertisements promising opportunities for lucrative work overseas. At that point in time, the main point of entry for smuggling was the Ben Gurion Airport, Israel’s international airport. Women were given falsified documents to enter either as tourists, fictitious wives, or new Jewish immigrants. In a few documented cases, traffickers kidnapped women who entered the country as tourists. Upon arrival to Israel, the women’s travel documents were confiscated by the traffickers, who then would sell them to local brothels for \$5,000-\$10,000 each. Once in brothels, the trafficked women were controlled through a mix of psychological and physical violence, physical restrictions and isolation, often with the acquiescence of corrupt police officers (Vandenberg, 1997).

While Vandenberg’s findings were clearly known to many in Israel’s law enforcement and immigration agencies, at the time the state continued to apply its lax prostitution laws. Unlike Israeli-citizen sex workers, who when arrested would be typically released on bail and later fined, non-citizens that were arrested were jailed and deported. At some point in time in 1995, so many women were awaiting deportation that Israel’s only women’s prison was filled beyond capacity. Since they were afraid to testify against their traffickers, their traffickers

typically enjoyed impunity. In the rare cases in which traffickers were prosecuted, since there was no law against trafficking they were charged with operating a brothel, an offence that carries a sentence of less than a year of imprisonment (Vandenberg, 1997).

Both Israeli police officers and state prosecutors told Vandenberg they were powerless to deal with the problem, due to the fact that prostitution in Israel is not illegal. However, Vandenberg pointed out that their frustration was mainly by the “flooding” of Israel with “prostitutes,” and not by the conditions these women were suffering (Vandenberg, 2011). The report concluded with a list of seventeen recommendations for the government of Israel, including: amend the criminal code to explicitly prohibit the buying and selling of people, increasing criminal and civil penalties on pimping and trafficking, cooperation with the governments of source countries, offering protection and social services to trafficked women, cooperating with non-governmental organizations and funding their work, and initiating data collection and research on the topic (Vandenberg, 1997).

While the report did not generate any official government response, it was instrumental in putting sex trafficking on the agenda of Israeli women’s organizations. The organizations that helped Vandenberg with the report established Israel’s Coalition against Trafficking in Women and used the report to lobby the government. Their demands focused on getting the legislature to enact a statute that would criminalize the sale of persons, and on the police to “help the women help themselves” (A. Stone, 1999). However, Israeli media did not cover these attempts, and the issue did not achieve a prominent place in public discourse. As a later report by the Hotline for Migrant Workers put it, “the flourishing of trafficking in women in Israel was received with

indifference by both enforcement agencies and Israeli society at large, as if it was a minor infraction happening in a land far away” (Levenkron, 2001).

The Report also generated the first instance of explicit and overt pressure by the United States on Israeli officials regarding sex trafficking, however this could only happen after the issue was picked up by the American media. Before Vandenberg completed her report, she leaked a copy to Michael Specter, then co-chief of the Moscow bureau of the New York Times (Vandenberg, 2011). He traveled to Israel, re-interviewed many of Vandenberg’s sources, and published an exposé on the topic, which appeared on the front page of the New York Times January 11th Sunday edition (Specter, 1998). Secretary of State Madeline Albright happened to read Specter’s piece while she was on her way to Israel to discuss negotiations between Israel and the Palestinians. Upon reading the story she asked her staff for more information, so that she could raise the issue during her visit. This generated a dispute between Theresa Loar, Senior Coordinator for International Women’s Issue at the State Department, who responded to the Albright’s request, and the State Department’s Bureau of Near Eastern Affairs, which urged Albright to refrain from raising this issue in her visit. According to Loar, many State Department regional desks took a similar stance at the time, as they saw human trafficking as a distraction from more important U.S. interests in foreign countries (Loar, 2008).

During a one-day visit in Israel on 31 January 1998, Albright met with Israeli Prime Minister Benjamin Netanyahu, and for the first time in U.S. Israeli relationship, discussed the issue of sex trafficking. At the time, the State Department got a sense that “there wasn’t a strong interest from the Israeli government on trying to address that” (Loar, 2008). Despite this lack of

interest, Albright's pressure resulted in the formation of a U.S.-Israeli working group on the issue. This was among the first bilateral relationships established by the U.S. with other governments on this issue. As a part of this cooperation, the State Department made suggestions for appropriate anti-trafficking legislation (Loar, 1999). Several of the follow-up meetings were held at the top-executive level as well, including the Minister of Justice and Minister of Commerce (Knesset, 2003a, 2014). On one occasion, when a group of Israeli lawmakers who represented Jewish immigrants from the Former Soviet Republics met with the U.S. ambassador in Israel and a group of FBI agents, the latter expressed their astonishment at the weakness of the Israeli legal system to deal with this issue (Knesset, 2001c).

Thus, even before the U.S. global anti-trafficking campaign was formalized through the TVPA, the interest of key high level executives in the topic managed to open a crack in the Israeli wall of denial. Indeed, Yael Dayan, then head of the Knesset's Committee on the Status of Women, reported that she was in touch "on a daily basis" with the U.S. embassy, which was "very concerned" about trafficking (Knesset, 2000g). In March 1998 the Knesset held its first ever hearing on the topic, and later that year the Committee on the Status of Women held a special meeting with the head of the police Central Investigation Division, who admitted that, while the police are well aware of the phenomenon, he does not have official data or statistics on it. He further reported to the Committee that the police is in the process of gathering more information, and that a report would be made available to the public within one month of the meeting (Knesset, 1999). However, this never happened, and there was no follow-up until a couple of years later (Knesset, 2000g).

Despite the government's lack of interest in the welfare of the women who were trafficked, it did begin to take initial baby steps. In order to give the police more tools to combat trafficking, the Ministry of Justice drafted an amendment to the penal code, to explicitly ban the sale of persons (Amnesty International, 2000). However, this amendment did not enjoy the support of the governing coalition,¹⁴ and therefore did not become law until a year later, in circumstances that will be discussed shortly (Knesset, 2000h). In addition, some limited progress was made around protection of trafficked women. Most importantly, the prison facility that was holding trafficked women awaiting deportation decided to put them in separate cells from other prisoners, in order to ameliorate their conditions.¹⁵ In addition, the police units in Tel Aviv and Haifa considered offering some protection and assistance to trafficked women (Human Rights Watch, 1999), however it is not clear what steps, if any, were implemented at this point in time.

American pressure aside, another potential form of external pressure on Israel emerged at the United Nations. In 1998, the UN Human Rights Committee considered for the first time Israel's compliance with the International Covenant on Civil and Political Rights. In its submission to the Committee (UNHRC, 1998b), Israel did not mention the issue of trafficking in women, unlike its candid submission to the World Congress against the Commercial Sexual Exploitation of Children two years before, which was discussed previously. A possible

¹⁴ Israel's legislative process makes it virtually impossible to pass any legislation without the support of the governing coalition, which holds the majority of seats in the Knesset.

¹⁵ Holding a person who violated immigration law and who is not facing prosecution together with convicted criminals violates Article 10(2a) of the International Covenant on Civil and Political Rights, which Israel signed and ratified.

explanation is that, while trafficking in women seemed to the government to be related to the prostitution of minors, the link to civil and political rights was not made yet. Nevertheless, the HRC reproached Israel for its treatment of trafficked women as criminals rather than as victims who deserve the state's protection. The Committee called on the government to engage in "serious efforts" to punish the traffickers and help the victims to recover and to "pursue legal remedies against the perpetrators" (UNHRC, 1998a). While the HRC recommendations did not have any traction in the Israeli government, they were used later by Israeli NGOs to highlight Israel's violation of international law (Levenkron, 2001). However, unlike other forms of pressure, this one was not sustainable, as later HRC reports did not criticize Israel on this issue (UNHRC, 2003, 2010, 2014). From the interviews and supplementary materials collected for this study, it seems that the UN Human Rights Committee had no observable impact on Israel's action with regard to human trafficking.

Public perception of the problem also started to change during this time. Incidentally, the first coverage of Vandenberg's initial report by an Israeli media outlet occurred in March 1998 (Gideon, 1998), about six months after the publication of the report, but almost immediately after U.S. pressure on this issue began. Thus began the shift in Israeli media, to report on this issue as a serious human rights concern. More substantial change, however, did not happen until a couple of years later.

2000: Initial Government Response - Laying the Foundations

The first time an Israeli cabinet member publically addressed the issue of trafficking in women was in a Knesset discussion in February 2000. Following a sensational exposé in Channel 2 news, the most popular news broadcast in Israel, eleven Knesset Members officially queried Shlomo Ben Ami, the Minister of Internal Security.¹⁶ The various speakers raised four types of concerns, which dominated the Israeli sex trafficking discourse throughout this initial phase of awareness raising: for the human rights of the trafficked women; for the morality of the state; for the public image of the (legal) Jewish immigrants from the Former Soviet Union; and for Israel's international reputation (Knesset, 2000g). In response, Ben Ami admitted that the police actions are insufficient and inadequate to deal with the issue. He reported on a number of steps that he would take to put trafficking higher on the police priorities. He agreed with other speakers that existing laws could be used to prosecute traffickers, but also argued that a new statute is needed to address trafficking (Knesset, 2000h).

U.S. pressure was highly visible during these proceedings, particularly through the work of the U.S. embassy in Tel Aviv. In his comments to the Knesset, Internal Security Minister Ben Ami noted that this issue was of a special interest to U.S. Secretary of State Madelaine Albright. U.S. ambassador to Israel Martin Indyk was asked directly by Albright to urge Ben Ami to promote the enactment of a new law against trafficking (Knesset, 2000g). In a follow-up joint session of the Committee on the Status of Women and the Committee on the Problem of Migrant

¹⁶ The Ministry of Internal Security is the government ministry in charge of law enforcement. It oversees the Police, Prison Service, Fire and Rescue Authority, and smaller agencies.

Workers, Ben Ami listed trafficking in women as one of three crimes that are of great concern for the U.S. government in Israel.¹⁷ Significantly, two representatives of the U.S. embassy in Israel attended this hearing (Knesset, 2000c). Around the same time, the U.S. embassy in Tel Aviv began to directly assist women who were trafficked from the Former Soviet Republics, for example by financially assisting them to return to their home countries (Knesset, 2000b). The embassy also sponsored a conference on trafficking, in an effort to create additional public awareness to the issue (Motro, 2000). These measures demonstrated to Israeli policy makers that the U.S. government was so concerned over trafficking that it was acting independently to fill in gaps in Israel's response.

A renewed wave of attention to sex trafficking was sparked in May 2000 by the publication of an Amnesty International report on the human rights issues involved in the trafficking of women into Israel (Amnesty International, 2000). This was the first report by Amnesty International specifically focusing on human trafficking anywhere in the world, and the first report by an international organization on trafficking in Israel. The report highlighted the failure of the Israeli government to adhere to the commitments it undertook upon ratifying the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women. It also pointed out that the practice of deporting trafficked persons to their country of origin without first assessing the risk that awaits them there, violates the principle of non- refoulement, enshrined in the 1951 Convention relating to the Status of Refugees as well as the Convention against Torture (Amnesty International, 2000).

¹⁷ The other two issues were money laundering and intellectual property violations.

The months following the publication of Amnesty International's report saw the laying of the foundation of a rudimentary anti-trafficking policy in Israel. The Knesset Committee on the Status of Women convened a special meeting to discuss the report and expressed its frustration at the government's slow progress. The lack of a specific law against trafficking was again raised by the police representative as an obstacle to enforcement of trafficking-related offences. Committee Chairperson Yael Dayan expressed concern for Israel's international reputation, saying that "other countries see us as one of the main destinations" for trafficking. She also noted that the U.S. embassy in Israel has two employees who work exclusively to help trafficked women in Israel. In terms of proposed solutions, both the U.S. and the Netherlands were discussed as models for protection services offered to trafficked women. Specifically, the Committee suggested that the government consider adopting measures similar to the U.S. program of temporary continued presence for the purpose testifying and the option of trafficked women to sue their traffickers for damages in civil court (Knesset, 2000d).

The most important development immediately following the release of Amnesty International's report was the July enactment of a bill to explicitly criminalize sex trafficking. On July 2000 the following lines were inserted into the penal code under section 203, which deals with prostitution-related offences:

- a) Whoever sells or buys a person for the purposes of prostitution, or an agent of such a transaction – shall be sentenced to sixteen years imprisonment; for this purpose, 'sells or buys' – for money, payment in kind, services, or any other benefit.

- b) Whoever causes a person to leave the country in which that person resides for the purpose of prostitution – shall be sentenced to ten years imprisonment. (Knesset, 2000a).

The crux of the offence in this law was the “selling or buying” of a person. However, these terms were not defined anywhere, and it was left for the court system to decide what conditions would prove beyond reasonable doubt that a “sale” has occurred. Implementation of this law proved to be difficult, as will be discussed in the next section. Dayan later attested that the bill was enacted in great haste, without meaningful debate (Knesset, 2000f). This is particularly troubling since the bill has been circulating in Knesset committees for more than two years. It is even more telling that, in their haste to get “anything” passed, Israeli lawmakers failed to notice that exactly at the same time the definition of trafficking in persons was discussed extensively at the UN, as part of the negotiations over the Trafficking Protocol. The Israeli legal definition of trafficking is until today radically different from what became the internationally accepted definition.

Around the same time, the Knesset also established a parliamentary committee of inquiry specifically on the problem of “Trade in Women”. Such inquiry committees are appointed by the Knesset on matters of national importance and have the legal authority to subpoena witnesses and documents (Hazan, 2001). The committee was headed by Knesset Member Zehavah Gal'on, who has been leading the Knesset efforts on this issue. The Inquiry Committee proved to play an instrumental role in promoting a comprehensive government response to human trafficking, and its work will be discussed at length in the next section. The Knesset already had a separate

special committee dealing with “the problem of foreign workers,” operating since 1998. While this committee occasionally discussed the exploitation of migrant workers, it did not consider it to be “trafficking” until several years later.

In addition to these developments in the Knesset, which is Israel’s legislative branch, the executive branch took some action as well. In July 2000, the Israeli police announced it would tighten its inspections at the country’s ports of entry, mandate a minimum number of new trafficking investigations initiated by the police, as opposed to the ones that are the result of tips, and generally increase its intelligence gathering efforts on sex trafficking (Knesset, 2000e).¹⁸ In September 2000, the Attorney-General established an inter-ministerial task force headed by the Police Department and comprised of high ranking police officers, and representatives from the Ministry of Justice, Ministry of the Interior, Ministry of Labor and Social Services, and the Office of the State Prosecutor. This forum was tasked to generate operative recommendations for a unified government policy (Knesset, 2001a).

Thus, the year 2000 can be seen as a turning point in the response of the Israeli government, at least when it comes to sex trafficking. After three years of inaction, despite repeated calls by women’s organizations, sex worker’s rights advocates, and even members of Knesset, the executive branch recognized the significance of the problem, implemented rudimentary steps to combat it, and laid the foundation for more steps to be taken later. Up until this point U.S., pressure was manifested mostly behind the scenes, using existing diplomatic

¹⁸ Since Israel is a relatively small country, with no federal structure, the Israel Police Department is responsible for all law enforcement in the country, including authorities that in the U.S. are divided between agencies such as the FBI, ICE, and local police departments.

tools. While some of these efforts were made public, for example through announcing that a meeting took place, the details of what was said in these meetings were not shared with the public. The publication of the first TIP Report would bring U.S. pressure to the fore.

2001-2004: Swift Government Action

This period was dominated by the work of the Knesset Parliamentary Committee of Inquiry on the Trade in Women in the shadow of the first TIP Report. The Committee worked continuously for four years under the leadership of Knesset Member Zehava Gal'on. She strategically tried to use her Committee to hold government agencies accountable and to make them hear the voices of civil society organizations. Most of the Committee meetings included representatives of all the member organizations in the Coalition against Trafficking in Women.

U.S. pressure was explicitly evident during the work of the Inquiry Committee. In one of its first meetings, the Committee examined closely the U.S. Victims of Violence and Trafficking Protection Act of 2000 (TVPA). Rachel Gershuni, Ministry of Justice representative, gave to the committee a detailed account of the TVPA, giving examples of what measures the U.S. is taking that Israel should replicate. Even before the publication of the first TIP Report, Gershuni specified the minimum standards that the U.S. expects other countries to follow and warned of potential of economic sanctions along the road, if Israel failed to enact such policies (Knesset, 2001a). At the time, her words were not taken seriously.

The first TIP Report was published on July, 12, 2001, and it ranked Israel on its Tier 3 list, as a country that does not meet the Minimum Standards for combating trafficking in persons, and that has not yet made significant efforts to combat the problem. The report labeled Israel as a destination country for “significant numbers” of women, trafficked mostly from Moldova, Russia, and Ukraine, but also from Brazil, Turkey, and South Africa. It mentioned that the Israeli government recognized that trafficking was a problem and had begun to take some steps,

with limited resources, to combat it. The report mentioned in favor the 2000 anti-sex-trafficking legislation, as well as the training of immigration officials at the airport. However, it noted that these efforts are not vigorous enough, citing specifically the government inaction in the areas of protecting trafficked persons, cooperating with other governments, and engaging in prevention measures such as anti-trafficking informational campaigns (United States Department of State, 2001).

The publication of the TIP Report put the Israeli government into frenzy. Rachel Gershuni, who was at the time the Justice Department's representative in the government's inter-ministerial task force, attested that the TIP Report "shocked the country and brought trafficking into the national spotlight" (Rochelle Gershuni, 2004). The Knesset Inquiry Committee held an emergency session to discuss the Report less than a week after its publication. In the meeting, government officials expressed concern over the threat of sanctions and were trying to figure out if the threat is real, given Israel's relationship with the U.S. as a whole. Some participants noted that, regardless the threat of sanctions, the mere publication of the report posed a problem for Israel's reputation. For example, one Knesset Member commented that Israel "looks like a third world country," while another lamented the report's timing, saying that "this is a rough patch in terms of our international image" due to Israel's actions in the Palestinian Occupied Territories. Representatives of civil society organizations who attended the meeting used this opportunity to promote the same solutions they have been promoting for three years, adding this time that Israel should join the UN Trafficking Protocol (Knesset, 2001b).

While the attendees of this meeting expressed shared concern over the TIP Report, this concern was not widely shared in the government. Consequently emerged an interesting informal coalition, which included: civil society organizations, such as the Hotline for Migrant Workers, Woman to Woman, and other women's NGOs that formed the Israeli Coalition against Trafficking in Women; a few Knesset Members, most notably Zehava Gal'on, Marina Solodkin, Yael Dayan, and Ran Cohen; and a few key individuals who worked for the government in an official capacity, like Rachel Gershuni, who worked for the Justice Department. These actors started working together to pressure other government officials, primarily senior cabinet members, who did not share their concern over trafficking. The TIP Report became central to this pressure.

While some government employees embraced the Tip Report, as it reflected the reality they were already trying to change, others in government, primarily top executives, dismissed the Report's findings and downplayed its significance. These conflicting perspectives were evident, for example, in a conference on sex trafficking that the government convened only three weeks after the publication of the Report, convening for the first time law enforcement, prosecutors, other government officials, and civil society organizations. In this conference the Minister of Internal Security said that he protested the report to his American counterpart, and that he was trying to get information from the American embassy regarding the sources that were used for the report, presumably to discredit them. By a similar token, his deputy said that the solution should be "to raid these brothels, capture the prostitutes, and deport them as quickly as possible." In contrast, the head of the police Criminal Investigations Department said the phenomenon amounts to "modern-day slavery," a rhetoric that has been advanced by previous human rights

reports and news items. Similarly, Israel's Attorney General¹⁹ said that "while we may have reservations over the American Report, we should examine how we got to be seen in this way" (Kra, 2001). Given that the government did not express any interest in what civil society organizations had to say prior to the publication of the TIP Report, the mere fact that the government found it necessary to have this conference could be seen as a result of the Report.

The executive branch of the Israeli government immediately initiated efforts to improve Israel's tier ranking. However, it did not focus on changing government policies, but rather on convincing the United States that the TIP Report judged Israel too harshly. In July 2001, immediately after the publication of the Report, Israel's Minister of Internal Security protested the Report in a meeting with the American Deputy Attorney General (Kra, 2001). In December, the Israeli Chief of Police traveled to Washington, D.C., and met with the heads of the FBI in order to convince them that Israel is doing its best to combat trafficking. He later said publically that he believes that Israel's tier ranking could change by the next TIP Report and that being on Tier 3 is "not a pleasant thing" (Nahari, 2002). Similarly, in January 2002, the Israeli Minister of Justice met with his American counterpart, who reportedly "promised to take steps in order to remove Israel from the list" (Nahari, 2002). However, as the Hotline for Migrant Workers wrote in December 2001, "while international criticism has begun to change the authorities' stance, the basic treatment of trafficked women remained the same" (Levenkron, 2001). Evidently those senior government officials, who were concerned over Israel's status in the TIP Report, had no

¹⁹ The position of the Attorney General in Israel is a professional appointment, separate from the political office of the Minister of Justice.

intention of changing the policies that led to that status. Rather, they were trying to change the way Israel's policies were perceived by the State Department.

However, after the initial knee-jerk reactions to the TIP Report subsided, some substantial change did happen and the government started revising its anti-trafficking response. In 2002, the State Prosecutor's Office changed its policy on enforcing prostitution-related offences. The new guidelines emphasized the importance of investigating trafficking cases and instructed the police to look for signs of trafficking during its routine enforcement of prostitution laws. As the Knesset Committee of Inquiry observed, these changes were done "in haste," much as a result of the publication of the TIP Report (Lutzki, 2005). In addition, the Justice Department recognized the need for a shelter for trafficked women, and even utilized Israel's tier-3 status to apply for a grant from the U.S. State Department for the establishment of such a shelter (Knesset, 2002a). The U.S. gave Israel \$200,000 for the shelter, which only opened in 2004 (Lutzki, 2005).

Despite problems with the 2000 anti-trafficking law, more comprehensive legislation was not enacted at this point. By December 2001, the Knesset Inquiry Committee proposed ten different bills dealing with a broad spectrum of trafficking-related problems, including setting a minimum sentence on the trafficking offence and giving trafficked women access to medical care, legal representation, and state protection while they testify. The following year, these bills were consolidated into a comprehensive anti-trafficking bill, which would have also expanded the definition of the trafficking criminal offence to include trafficking for non-sexual purposes. The Committee noted that this specific change is designed to prevent Israel from sinking into

Tier 3 in the following year's TIP Report (Lutzki, 2002). However, as will be discussed in later sections of this chapter, only one minor amendment passed in 2003, and a comprehensive anti-trafficking bill was not adopted until 2006.

The second TIP Report was published in the beginning of June 2002 and promoted Israel to Tier 2, reserved for countries whose governments make efforts to combat trafficking, even though these efforts still do not comply with the TVPA Minimum Standards. The Report noted progress in government prosecutions and collaboration with NGOs, and focused its criticism on the lack of adequate protection for trafficked persons as well as the total absence of prevention measures by the government (United States Department of State, 2002). In the press conference announcing the TIP Report, Israel was touted by the State Department as a success story, which demonstrates that the "The Report is working." Israel was mentioned, along with the Republic of Korea and Romania, as a country that has "aggressively pursued anti-trafficking initiatives since the first report was issued last year, extensively coordinating with us on practical measures and policy strategies" (Raphel, 2002).

The publication of the second TIP Report generated another special session of the Knesset Inquiry Committee. Rachel Gershuni, who represented the Ministry of Justice, briefed the Committee on the TVPA, the TIP Report, the things that caused Israel to be promoted to Tier 2, and the reasons it failed to achieve Tier 1. Gershuni also reported to the committee that she discussed the Report with Ambassador Nancy Ely-Raphel, head of the State Department's Office to Monitor and Combat Trafficking in Persons at the time. Gershuni stressed again the importance of following up with U.S. recommendations, particularly given the threat of

sanctions the following year. A representative of the Ministry of Foreign Affairs complained that the U.S. did not rank itself on the Report. Several participants warned that future TIP Reports would introduce information on human trafficking for non-sexual purposes, and that all of Israel's progress with regard to sex trafficking was dwarfed by the problems in the realm of labor trafficking. Overall, members of the Committee were satisfied that their work was fruitful and expressed hope that swift government action would promote Israel to Tier 1, or better yet – would remove Israel from the report altogether (Knesset, 2002b). Immediately after this session of the Inquiry Committee, Committee Chair Gal'on urged the Minister of Justice to promote comprehensive anti-trafficking legislation, which her Committee had proposed. She stressed that these bills address specific problems that were raised in the TIP Report (Lutzki, 2005). However, a comprehensive anti-trafficking bill did not pass until 2006.

Throughout its work, the Knesset Inquiry Committee on the Trade in Women took the TIP Report seriously. Every publication of a TIP Report triggered a special session of the Committee to discuss its findings. After the first TIP Report, which ranked Israel as a Tier 3 country, subsequent reports until 2012 put Israel in the second tier. While noting Israel's progress in prosecuting sex trafficking cases, the Reports consistently pushed the government to increase its protection and prevention efforts, while pointing to the lack of progress in the case of labor trafficking (United States Department of State, 2003, 2004). These meetings were used to track the changes that have happened during the previous year and to figure out what changes need to happen for Israel to achieve the rank of a Tier 1 country. Meeting attendees were given a Hebrew translation of the section on Israel from the latest TIP Report. It is evident from the meeting protocols that all the speakers have read the Report's section on Israel prior to the

meetings and had prepared a statement to the Committee. No other source of information received this much attention from the Inquiry Committee throughout its work.

While Members of the Inquiry Committee and NGO representatives typically expressed agreement with the Reports' findings and used it to promote their anti-trafficking agenda, government agency officials typically took a defensive stance. They generally complained that the Report did not accurately capture their activities or that the information in it was dated, since their most recent activities were not captured in it. Some argued that the TIP Report is redundant, since the issue is being dealt with by the Inquiry Committee anyway. In 2002, when Israel was promoted from Tier 3 to Tier 2, the Committee as a whole expressed enthusiasm toward achieving Tier 1 status, or better yet, being removed from the TIP Report altogether. As time passed, with Israel's tier ranking remaining consistently at Tier 2, frustrations in the Committee grew. After the publication of the fourth Report, in 2004, several government officials said they were disappointed or even insulted by the Report, because they felt it does not reflect their efforts. The Committee Chairperson Gal'on, after grilling government agencies on their sluggishness, concluded the meeting by saying that the Report is "very annoying. Americans are annoying..." (Knesset, 2004).

Another common reaction to the TIP Report was for government officials to point out U.S. double standards. For example, in 2003 the State Attorney's Office representative responded to the TIP Report's criticism over Israel's extensive use of plea bargains in trafficking cases by arguing that the U.S. uses plea bargains at a much higher rate. A representative of the Ministry of Foreign Affairs mentioned that, while the U.S. is taking serious actions to combat

trafficking at the federal level, at the state level “it looks like one big mess.” Speakers also noted that the U.S. did not rank itself (Knesset, 2003b). In the session over the 2004 Report, a speaker from the Justice Department commented that she had read the U.S. Attorney General’s report on the U.S. Activities to Combat Trafficking in Persons, which was released just a few weeks prior (Office of the Attorney General, 2004) and observed that the U.S. itself, if it was ranked on the TIP Report, would probably be on Tier 2, highlighting its hypocrisy (Knesset, 2004). In the same meeting, the State Attorney’s office representative argued that the Israeli Supreme Court has interpreted the Israeli anti-trafficking law in a way that is more progressive than the U.S. law. He also decried the fact that the standards of assessment were changed between the 2003 TIP Report and the 2004 TIP Report. Another speaker pointed out that U.S. police departments only initiate an investigation when a victim comes forward, while in Israel the police initiated several investigations that led to arrests without a victim complaint (Knesset, 2004).

U.S. pressure was explicitly evident during legislative deliberations, and was strategically leveraged by lawmakers in an attempt to enact new anti-trafficking bills. For example, in 2001, the Inquiry Committee submitted ten different anti-trafficking bills, which were designed specifically to conform to the U.S. Minimum Standards. To speed their passage, these bills were later consolidated into one comprehensive bill. Since this was not a government bill, the legislative process required that it pass through a permanent Knesset committee before it could be presented to the Knesset Plenum for a vote.²⁰ Committee deliberations revealed that the

²⁰ Government bills, which enjoy automatic support of the governing coalition, need to pass the Knesset Plenum in three readings, while a “private bill,” presented by one or more legislatures and not by the governing coalition, requires an additional preliminary reading and vote.

governing coalition supported additional prosecution measures, but it opposed any provision that would require funding, which included all the protection and prevention measures (Knesset, 2002c). The committee then suggested to the bill sponsor, Knesset Member Gal'on, to split her comprehensive bill into six independent ones, so that at least some of them would pass. Gal'on rejected the proposal, saying she would rather have one bill, so that the governing coalition feels pressured to pass it as is. If it did not pass, Gal'on said, "let the Minister of Justice later explain it to the U.S. State Department" (Knesset, 2003c). Notably, the bill was first introduced less than a month after the second TIP Report was published in 2002, and this interaction took place less than a month after the publication of third TIP Report. Eventually the bill was split, since it failed to achieve a majority. In August 2003, the Knesset enacted one of the smaller bills, which included some tools that would ease the prosecution of sex trafficking cases and guidelines for mandatory minimum sentences in such cases (Knesset, 2006a).

While external pressure is naturally more visible in the legislative and executive branches of government than it is in the independent judiciary, one unique example demonstrates its ability to explicitly influence judges' deliberations in criminal cases. As noted before, one of the repeated TIP Report critiques of Israel was over the extensive use of plea bargains in trafficking cases (United States Department of State, 2002). By February 2002, a year and a half after Israel criminalized sex trafficking, the Justice Department pursued 42 trafficking prosecutions, 28 of which ended with a conviction (see Table 3). Twenty of these convictions were the result of plea bargains, with a sentence of two years of imprisonment or less, while the law prescribed a sixteen year sentence (Levenkron & Dahan, 2003). In one such case, which ultimately resulted in a plea bargain, Judge Ravid of the Jerusalem District Court invoked the TIP Report in his

dissenting opinion. Ravid mounted several legal arguments against the approval of the plea bargain, one of which was that “adopting the plea bargain would make a mockery of Israel’s commitments and would scale punishment levels down to the time Israel was on Tier 3” (Jerusalem District Court, 2002). This was despite the fact that neither the prosecution nor the defense raised this issue during court proceedings. Judge Ravid’s unique reasoning, which takes into consideration elements that are not part of Israeli domestic law, demonstrates how seriously U.S. anti-trafficking pressure was taken by all branches of the Israeli government, as well as how much the TIP Report permeated the legal discourse.

In 2005 the Committee finished its mandate and published its final report to the Knesset. The report included a series of recommendations, which Gal’on wrote would “bring Israel to the place it aspires to achieve in the American report” (Lutzki, 2005). Her choice of words demonstrates how pervasive the TIP Report became in Israeli discourse on sex trafficking, so much so that referring to it as “the American report” was enough for the government agencies she was addressing to understand. The Knesset Chairperson, who contributed introductory notes to the Committee’s report, also noted that the Committee’s work contributed to changing of Israel’s TIP Report ranking. They both did not mention any other external pressure mechanism in their comments. In her recommendations for the Israeli Ministry of Foreign Affairs, the Committee noted that the Ministry has a number of roles to play in the fight against trafficking, including collaborating with foreign governments and with international organizations in order to help trafficked persons. But its most important role is to deal with “international criticism,” and to “protect Israel’s reputation in the world,” as well as work on improving its TIP Report ranking (Lutzki, 2005).

Table 3: Israel - Selected Statistics

Year	TIP Report Tier	Total U.S. Foreign Aid (in \$US Millions) ²¹	U.S. Funding of Anti-Trafficking Programs (in \$US) ²²	Human Trafficking Investigations ²³		Human Trafficking Prosecutions		Human Trafficking Convictions	
				Sex	Labor	Sex	Labor	Sex	Labor
2001	3	\$3,764	\$0	N/A	0	N/A	0	1	0
2002	2	\$3,634	\$0	67	0	30	0	28	0
2003	2	\$4,703	\$0	460	0	N/A	0	13	0
2004	2	\$3,315	\$0	602	0	N/A	0	28	0
2005	2	\$3,152	\$309,670	327	0	N/A	0	31	0
2006	2WL	\$2,926	\$0	352	0	34	0	13	0
2007	2	\$2,778	\$359,000	N/A	24	N/A	7	38	0
2008	2	\$2,666	\$0	9	N/A	6	N/A	6	0
2009	2	\$2,623	\$0	N/A	61	8	32	14	0
2010	2	\$3,029	\$0	N/A	N/A	21	3	13	0
2011	2	\$3,201	\$0	18	2	10	2	15	3
2012	1	\$3,309	\$0	28	7	9	10	17	4
2013	1	\$3,018	\$0	32	88	8	1	22	3
2014	1	\$3,120	\$0	250	119	14	0	18	1
2015	1	\$5	\$0	234	158	9	0	3	0

²¹ Disbursements during the fiscal year, including both military and economic aid, except 2015, which includes only economic aid. Source: (USAID)

²² Includes all funding for trafficking related programs of the both government and NGOs by all U.S. agencies. Source: (USAID)

²³ Investigation, prosecution, and conviction data were derived from the TIP Report of the following year. These statistics should be taken with caution, as the method of reporting them in the TIP Reports was inconsistent through the years. For example, the numbers may refer to the calendar year, or to the “reporting period” that the TIP Report covered. Sometimes a later Report contained conflicting data, in which case the latter Report was chosen as more accurate. Investigations and prosecutions may refer either to new or ongoing investigations/prosecutions. N/A means that the information was not available.

2005-2007: Shift to Labor Trafficking

This time period saw the most important development in Israeli anti-trafficking policymaking to date – the passage of a comprehensive anti-trafficking bill, which entered into force on October 2006. The statute criminalized various forms of conduct that amount to trafficking, for sexual or labor purposes, as well as for the purposes of organ removal and illegal adoptions of babies. Other prosecutorial elements of the law include the imposition of minimal sentences on trafficking offences, obligating courts to compensate trafficked persons as a part of criminal proceedings, trafficker asset forfeiture, and extraterritorial jurisdiction on Israelis who commit these crimes abroad. Measures designed to protect trafficked persons include some special treatment during court proceedings, such as the option for an early testimony and testimony without the presence of the perpetrator, legal assistance, and the institution of a mandated reporting duty on various professions. Prevention measures were not included in this specific statute (Knesset, 2006a). As previously discusses, most provisions in this bill were proposed by the Knesset Inquiry Committee as early as 2001, but they never gained the support of the governing coalition, which is required to pass any statute in Israel. In this section, I argue that the 2006 bill passed as a direct result of U.S. pressure.

The four TIP Reports published between 2002 and 2005 ranked Israel consistently on Tier 2. One of the repeated criticisms was the failure by the government to recognize severe abuses of migrant workers as a form of trafficking. The mandate of the Knesset Inquiry Committee was limited to trafficking for the purpose of prostitution only. Whenever NGO

representatives brought up labor trafficking, the Committee Chair would note that, while she personally thinks the issue is important, it falls under the purview of a different Committee, i.e. the Knesset Committee on the Problem of Foreign Workers (Knesset, 2004). As its name suggests, this Committee was established in 1998 to examine the various problems that the existence of migrant workers in Israel are causing to Israeli society. Safeguarding the rights of migrant workers, while on the Committee's formal agenda, was never a priority during the Committee's first six years of work.

While the issue of labor trafficking was mentioned occasionally during meetings of the Knesset Committee on the Problem of Foreign Workers, its first hearing specifically on this issue was held on February 2005, as a special session preparing the state's submission to the fifth TIP Report. In this meeting, the Committee discussed at length the TVPA definition of trafficking in persons and tried to figure out whether or not labor conditions of migrant workers in Israel could be labeled as "trafficking." As in the case of sex trafficking five years before, opinions were split. While most NGOs agreed with the TIP Report, that there was labor trafficking in Israel, many of the government representatives disagreed. A representative of the Israeli Immigration Authority bluntly declared that "There is no trafficking for the purpose of labor in the State of Israel" (Knesset, 2005a). Similarly, it was revealed that Israel's submission to the 2004 TIP Report acknowledged that many migrant workers in Israel are being exploited, but argued that this does not amount to trafficking in persons as defined in the TVPA (Knesset, 2005a).

U.S. pressure was explicit during this special session of the Foreign Workers Committee. Not only was the entire meeting dedicated to prepare for the 2005 TIP Report, Committee members and other speakers expressed concern about damages that a poor rank in the TIP Report might cause to Israel's international reputation. A representative of the Ministry of Foreign Affairs candidly said that the international community was reviewing Israel's human rights record "through a magnifying glass" due to its actions toward Palestinians. Therefore, he argued, it was particularly important for Israel to be seen as a global leader on other human rights issues, a goal which could be achieved by having a good State Department review on trafficking. He also noted that beyond the U.S., this would help Israel's diplomatic relations with the United Nations and with the European Union (Knesset, 2005a). While discussing the fact that the official government position was that there is no labor trafficking in Israel, one of the Committee members sarcastically commented that the government would change its stance only when it would be threatened by sanctions (Knesset, 2005a).

The Committee also looked to the United States as a model for handling labor trafficking. Committee members were very interested in the legal definitions that enable American law enforcement to differentiate between labor exploitation and trafficking in persons. The Committee discussed two recent U.S. trafficking convictions, which were similar to cases that were uncovered in Israel (Knesset, 2005a). The first is *United States v. Ramos*, a case of two labor contractors trafficked undocumented migrant workers from Mexico to Florida for agricultural work, used physical violence to prevent them from escaping, and were convicted for

involuntary servitude (UNODC, 2002). The Committee reviewed it alongside the case of an Israeli contractor who supplied (documented) workers from Bulgaria to Israeli construction sites and used physical violence to keep the workers in line (Sinai, 2003b). While a few of the contractor's enforcers were prosecuted for physical assault, and acquitted for lack of evidence, no charges were pressed against the contractor himself, since there was no law at the time against labor trafficking (Sinai, 2003a). The second U.S. case the Committee discussed was *United States v. Blackwell*, a case of a Maryland couple, who brought a woman from Ghana under false pretense to serve as their domestic servant without pay and were ultimately convicted of forced labor (UNODC, 2004). This was similar to cases the Committee was reviewing of people who were brought to Israel for domestic work under exploitative and abusive terms. While a representative of the Israeli asserted that "there is no trafficking in persons for the purpose of labor in Israel," the Committee used these cases to understand how the crime of trafficking is understood in the U.S. (Knesset, 2005a).

The Knesset Inquiry Committee on the Problem of Trade in Women, whose mandate expired in 2004, continued its work under a new title. In January 2005, the Knesset re-established it under Knesset Member Gal'on as the Subcommittee to Combat the Trade in Women, operating under the permanent Knesset Committee for Constitution, Law and Justice. Deprived of the status of a committee of inquiry, the Subcommittee lacked many powers that it previously held, such as summoning witnesses and information. Still, it served as an important tool of the Knesset to monitor the government's action on the issue (Erlich, 2006). In what had

become a tradition, the Subcommittee held a special session to discuss the 2005 TIP Report, only three days after its publication. Unlike in previous years, government agency representatives who spoke at this meeting were overall pleased that the report accurately reflected reality and captured their efforts. Given the consensus that the Report was fair, the discussion was substantive, and focused on the problems that still exist that prevent Israel from being promoted to the 1st tier (Knesset, 2006b).

Immediately after this meeting, the Knesset Constitution, Law and Justice Committee began a series of deliberations over the comprehensive anti-trafficking bill. Deliberations focused on definitional issues, comparing and contrasting the Israeli 2000 anti-trafficking law with the UN Trafficking Protocol and the U.S. TVPA. The TIP Report was mentioned several times both as a source of information and as one of the motivations for passing the bill (for example Knesset, 2005b). In August 2005, the bill passed the Committee and headed to a vote in the Knesset Plenum. Three months later, and for the first time enjoying the support of the governing coalition, the bill successfully passed an initial Plenum vote (Erlich, 2006). However, this was just the first out of three “readings” required for any bill before it becomes law. Passing the first reading means that the bill is referred again to committee for amendments, after which it can be voted on again (Knesset, 2013). This process was not completed until after the publication of the next TIP Report.

The 2006 TIP Report put Israel for the first time on the Tier 2 Watch List. This new category was created by the U.S. Congress to designate countries that are making efforts to

comply with the TVPA Minimum Standards, but for some reason deserve additional scrutiny in future TIP Reports (United States Congress, 2003).²⁴ The Report explains that Israel's tier placement was motivated by "its failure to provide evidence of increasing efforts to address trafficking, namely the conditions of involuntary servitude allegedly facing thousands of foreign migrant workers." It further lists Israel's failure to pass the "much-needed" comprehensive anti-trafficking bill as the first aspect of this failure (United States Department of State, 2006). In addition, the 2006 TIP Report named Rachel Gershuni as one of the 2006 "Heroes Acting to End Modern-Day Slavery" (United States Department of State, 2006). An employee of the Ministry of Justice, Gershuni acted as the unofficial government anti-trafficking coordinator for several years. She appeared in virtually all the committee hearings discussed in this research and typically was the most knowledgeable speaker on U.S. anti-trafficking policies and on the TIP Report in particular. Following her recognition, Gershuni's position as the government's coordinator became official.

Similar to the first TIP Report, which ranked Israel on Tier 3, the 2006 Report sprang the government into action. In a special session about the Report in the Knesset's Committee on the Status of Women, the Ministry of Foreign Affairs representative said the Ministry was "surprised and disappointed" by Israel's rank. He suggested that Israel is being scrutinized more harshly than other countries and shared with the Committee that there was an internal debate within the State Department on Israel's 2006 rank. Other government officials noted that being on the

²⁴ See the full description of the Tier 2 Watch List category in the general discussion of the TIP Report above.

Watch List required them to submit a mid-year update to the State Department and that it would be good for that purpose if the stalled anti-trafficking bill passed before December (Knesset, 2006c).

Working under this pressured timeline, the government decided to fast-track the comprehensive anti-trafficking bill. Starting in June 19, exactly two weeks after the publication of the TIP Report, the Knesset Committee on Constitution, Law and Justice held weekly meetings to prepare the bill for its final submission for a vote in the Plenum. Of eight such meetings in total, there was not a single one during which the United States was not invoked. Frequently, Committee members compared the language of the bill to the language of the TVPA, as well as the similarities and differences between Israeli and American case law. In other cases, whenever there was debate over the language of the bill, the final language was crafted to satisfy the recommendations of the latest TIP Report. While the policies of other countries were occasionally mentioned during these proceedings, none reached a level of interest comparable to the United States.

These sessions of the Constitution, Law and Justice Committee concluded successfully, and on August 2006 the Committee referred the bill to the Knesset Plenum, where it passed and entered into force on October that year. Two factors further emphasize the sense of urgency that pushed this bill through the legislative process. The first is that these Committee sessions were all held during the Knesset summer break, when committees typically meet only for urgent matters. The other is that during the same time Israel was engaged in a war with Hizballah in

Lebanon, which consumed virtually of the government's attention. Nomi Levenkron, who was the legal counsel of the Hotline for Migrant Workers, and who participated in all the Committee proceedings, estimated that the haste in which this legislation happened was a direct result of American pressure that operated "behind the scenes" (Levenkron, 2009).

The 2007 TIP Report promoted Israel to Tier 2, taking it out of the Watch List. The Report commended the 2006 legislation and had no criticism over the government's response to sex trafficking. The main concerns expressed in the Report were over the government's response to labor trafficking, specifically the lack of labor trafficking prosecutions and of social and legal protections for labor trafficking victims (United States Department of State, 2007). The Knesset held a special hearing on the Report and, in an unprecedented move, invited U.S. Ambassador to Israel Richard Jones as a special guest. Jones spoke at length about U.S. efforts to combat trafficking in persons and spelled out the steps Israel would need to take before it could be promoted to Tier 1. Government representatives told the Ambassador of their efforts and challenges. NGO representatives that attended the meeting, as well as some Knesset Members, thanked the Ambassador for U.S. global leadership on this issue. Rita Chaikin, head of the Woman to Woman NGO, explicitly thanked the U.S. for putting pressure on Israel (Knesset, 2007a). Government backlash soon followed.

One month later, in December 2006, the Knesset held a hearing to discuss the issue of protective visas for trafficked people with the Minister of the Interior Meir Shitrit. One of the session's co-chairs explicitly emphasized the importance of the hearing given that "the U.S. State

Department is currently collecting materials for the next Report.” After Shitrit expressed resistance to give temporary visas to victims who do not testify, the other co-chair reproached him, pointing out that his position is different than what the government had officially communicated to the U.S. government. After several NGO representatives presented information from cases they have handled, Shitrit started lashing out against them, accusing them of “defaming” the State. He raised his voice at the head of the Awareness Center, an abolitionist NGO, yelling: “With all due respect, don’t grade us or I would start grading you. I don’t want to say what you’re doing abroad.” After the session co-chair intervened, Shitrit added: “They are constantly attacking the government. They need to stop it. Stop this slandering.” After matters cooled down, Shitrit gave himself credit for getting Israel out of Tier 3 back in 2002 (Knesset, 2007b). This refers to his actions vis-à-vis the U.S. during his tenure as Justice Minister, as previously discussed.

While this was the harshest public government critique over the actions of Israeli anti-trafficking NGOs, it was not an isolated incident. Rather, this was part of a pattern, in which government officials expressed anger over the fact that Israeli civil society organizations share damaging information with the U.S. government. Government officials in previous Knesset hearings also tried to use the meetings to figure out which NGO was responsible for a particular piece of information that appeared in the TIP Report (Knesset, 2006c). This exemplifies again the fact that for many high-ranking elected officials, such as government ministers, the concern all along was not for the rights of trafficked persons, but for Israel’s public reputation.

2008-2015: Perceived Success

Around the end of 2007, after Israel was removed from the TIP Report's Watch List and its position was restored to Tier 2, government officials started publically referring to sex trafficking as a problem that has been solved. Ra'anana Caspi, a high-ranking police officer, who has been involved in anti-trafficking enforcement since it began, said in November 2007: "In 2003 we used to find women who were being raped, incarcerated and suffering violence. In 2007, the situation is completely different – they get paid in most cases and the conditions that they are in are much more humane" (Berg, 2007). Similarly, former Tel Aviv District Court Judge Shelly Timen declared in a 2008 interview that, unlike in the past, "today there is no trafficking in women in Israel," adding that "This issue has stopped" (Zarchin, 2008). Rachel Gershuni, the government's anti-trafficking coordinator, said in a 2010 Knesset discussion that, for the first time since trafficking into Israel began, a full year had passed without a single new case of a woman who entered the country for the purpose of prostitution. She referred to this as a "remarkable achievement" that should be widely publicized (Knesset, 2010).

The 2012 TIP Report ranked Israel on Tier 1, declaring for the first time that its government "fully complies with the minimum standards for the elimination of trafficking" (United States Department of State, 2012). This unprecedented promotion to the highest rank was received by the government with a sigh of relief. The Subcommittee to Combat the Trade in Women convened a celebratory meeting, which was attended by high ranking government officials, two representatives from the U.S. embassy, the ambassadors from the Philippines,

Nepal, and Belgium, and a representative of the Dutch embassy. Many more ambassadors were invited. While some speakers pointed to problems that still existed and cautioned that the government must not “rest on its laurels,” overall the atmosphere in the room was elated, almost euphoric. The Subcommittee Chairperson opened the meeting declaring that Israel’s promotion “is a historic moment,” a “significant breakthrough,” which “reflects the superior efforts of the government.” Israel’s Deputy Minister of Foreign Affairs remarked that his office “would be happy to bring this achievement to the attention of the international community” in order to “incentivize others and particularly to share our experience with other countries.” Rachel Gershuni, the government’s anti-trafficking coordinator, described the occasion as “almost a miracle” (Knesset, 2012).

Israel has been continuously ranked on Tier 1 in subsequent years, at least until the 2015 Report, which is the latest one available at the time of writing. However, the Reports consistently note that the government’s response toward labor trafficking is lagging behind its response to sex trafficking (United States Department of State, 2015). As far as Israeli authorities are concerned, however, this is an unequivocal success story. In a 2013 interview, the Chairperson of the Knesset Subcommittee to Combat the Trade in Women said in a media interview: “We know that according to the U.S. State Department reports, the phenomenon of trafficking no longer exists in Israel. It disappeared” (Mualem, 2013). The TIP Reports never said that about Israel, nor would they say that about any government, as they focus on the government’s response to trafficking, not on the magnitude of the phenomenon itself. Moreover,

at the end of 2015 new information suggested that sex trafficking into Israel was again on the rise, apparently as a result Israel's cancelling the visa requirement for tourists from the Russia, Ukraine, Moldova, and Belarus, the primary countries of origin of women trafficked into Israel (Yaron, 2015).

Following its perception that human trafficking is a problem of the past, the Israeli government has begun to dismantle some of the infrastructure that was designed to combat trafficking. Following the March 2015 general elections in Israel, the Subcommittee to Combat the Trade in Women was not reestablished. Similarly, the Committee on the Problem of Foreign Workers, which was a permanent Knesset Committee, was canceled. Thus, as of the end of 2015 there was no longer a designated body in the Israeli Parliament to hold the executive branch accountable on the issue of trafficking. Some of this role was assumed by the Knesset Committee on the Status of Women, as it was before the year 2000. In addition, as of early 2016 the Ministry of Justice started dismantling the Office of the Anti-Trafficking Coordinator, leaving the executive branch without a central body to coordinate its anti-trafficking work (Kashti, 2016).

Conclusion: Israel

Reviewing fifteen years of anti-trafficking work in Israel, the development of the government's response to human trafficking can be divided to different time periods. Initially, the NGOs and civil society organizations that identified the problem were ignored by the government. A few sensational news stories, and the 2000 Amnesty International report, got a few Knesset Members and government bureaucrats to become personally involved in the issue, and they started working together with the NGOs to pressure the government to change its policies. A more significant change occurred as a result of the 2001 TIP Report, which designated Israel as a Tier 3 country. This designation, which entailed a threat of sanctions, created an artificial crisis that, for the first time, focused the attention of the upper echelons to the problem of sex trafficking, and effected their political will to act. This opened a policy window (Kingdon, 1995), which enabled the informal coalition of NGOs and lower level government officials to overhaul Israel's attitude toward trafficked women. As was the case elsewhere in the world, both public and government attention was initially limited to trafficking for the purpose of prostitution. Only later did it gradually shift to include labor trafficking as well. In Israel, the government began addressing labor trafficking only as a result of the 2006 TIP Report.

Of all the external potential pressure mechanisms on the Israeli government, such as the United Nations and Amnesty International, by far the most influential was the U.S. government, particularly through the annual TIP Reports. Civil society organizations admit that without the

2001 TIP Report, they would not have been able to engage the government on the issue of sex trafficking. For example, a 2003 report by the Coalition against Trafficking in Women declared that “It was [the TIP] report that brought about the most significant change in the attitude of Israeli authorities to trafficking” (Levenkron & Dahan, 2003, p. 39). From the perspective of the executive branch, Rachel Gershuni observed that the TIP Report was “the most effective tool that facilitated change” (Rachel Gershuni, 2010). Zehava Gal’on, who spearheaded the fight from within the legislature, said that “once the reports started being published, Israel realized that it cannot ignore [the issue]” (Gal’on, 2010). David Tsur, who was the last Chairperson of the Knesset Subcommittee on the Trade in Women said in a public interview: “without the whip of the State Department, we would not have taken serious steps. We understood that if we didn’t address the problem, aid funds would be stalled...” (Mualem, 2013).

But the TIP Report could not have been this effective without these actors, both within and outside the government, strategically using it. Gal’on candidly described how she generated “lots of P.R.” for the Report, trying to increase its public visibility and leveraging it for her purposes, for example by convincing media reporters to write stories about the Report. She also reported to use the Reports “as a form of intimidation” when rallying her colleagues in the Knesset, while purposefully overstressing the potential for international seclusion and economic sanctions (Gal’on, 2010). Similarly, Gershuni described how she used the report as “a weapon” in the face of government officials, who would not cooperate with her otherwise (Rachel Gershuni, 2010). The fact that the Report was published annually facilitated an ongoing,

sustained focus on the issue of trafficking. Once Israel was ranked on Tier 1, the Report's efficacy significantly decreased, as the Israeli government considers the problem of human trafficking to be solved. The professional staff at the Justice Department still maintains close attention to Israel's rank on the TIP Report, but this issue was removed from the government's agenda.

Chapter 5: The Philippines

This chapter demonstrates how major developments in anti-trafficking policies of the Philippines between 1992 and 2015 were motivated by U.S. pressure on the government. Since a large portion of the Philippine economy consists of remittances, civil society organizations were relatively early to identify the vulnerable situations that may accompany overseas employment. In the mid-1990s, pressure from below by several non-governmental women's organizations, which mobilized the public, managed to get the Philippine government to extend rights and protections to its overseas workers. Early anti-trafficking work in the Philippines was influenced mostly by internal actors as well as various UN and international organizations. Over time bilateral pressure from the U.S. became increasingly important. In this chapter, I argue that the explicit threat of cutting U.S. financial aid to the Philippines, which was strategically utilized by local NGOs and lawmakers to pressure the government, was vital in the development of the Philippine anti-trafficking policies after 2002.

This chapter begins with a general background on the emergence of human trafficking-discourse in the Philippines. The second section is dedicated to 1992-2001, a period during which the discourse of "human trafficking" emerged on the international agenda. The Philippine government was one of the first to initiate and join anti-trafficking collaborative projects with other government and with the UN. However, for a long time the government's commitment was limited to rhetoric and symbolic gestures. The third section describes 2002-2008, a period marked by growing U.S. pressure, which produced a slow shift in public discourse and

government actions. The U.S. TIP Report gained more visibility as the Philippines faced the danger of losing financial assistance, a fact which was utilized by the U.S. embassy, local media, NGOs, and even lawmakers to increase pressure on the government. While the government changed many of its policies, including enacting a comprehensive anti-trafficking statute in 2003, the main challenge was in implementing these laws, particularly in the face of pervasive corruption. A 2010 change of administration opened up a window for policy that takes serious action against trafficking, which is described in this chapter's fourth and final section.

Case Background: The Philippines

The Philippines is considered to be one of the world's major source countries for both sex and labor trafficking (Tingo, 2012; Verité, 2009). This phenomenon is rooted in policies initiated by President Ferdinand Marcos in the late 1970s. Marcos ruled the Philippines since 1965 until 1986, imposing martial law and ruling as a dictator between 1972 and 1981. His three decade long U.S.-backed reign was marked by high levels of state violence and political repression (Abinales & Amoroso, 2005; Karnow, 1989; Schirmer & Shalom, 1987). Often described as a crony capitalist kleptocracy (Hartman, 1997; Hutchcroft, 1991; Wedeman, 1997), the Marcos regime left a lasting legacy of pervasive government corruption, from which the country is yet to fully recover (D. C. Kang, 2002; Quah, 2013; World Bank, 2000). In order to boost the Philippine economy during his dictatorial era, Marcos instituted government policies that encouraged both the export of Filipino labor abroad and sex tourism into the Philippines as mechanisms of development (Hawes, 1987; Ofreneo & Ofreneo, 1998).

A three year-long nonviolent popular uprising, known as the People Power Revolution, managed to overthrow the Marcos regime and officially restore democracy in 1986. After the revolution, the various factions that joined forces against Marcos remained active and formed a vibrant civil society (Hedman, 2006; Schock, 1999). Numerous non-governmental organizations (NGOs) were established to keep fighting the residues of authoritarian rule, promote liberal democracy and the rule of law (Franco, 2004; Silliman & Noble, 1998). Women's organizations were among the most active during the revolution. In 1984, they mobilized to form GABRIELA

(General Assembly Binding Women for Reforms, Integrity, Equality, Leadership and Action), a coalition of dozens of local women's organizations (L. Lee, 1988). While during the revolution GABRIELA and the other women's organizations focused on contributing to the fight against Marcos, after his ouster their focus shifted to feminist advocacy on women-specific issues (Sobritchea, 2004). One of these issues was prostitution, which was at that point in time starting to be framed internationally and locally as a form of violence against women (Roces, 2012).

The political shifts that ensued in the post-Marcos era notwithstanding, the Philippine economic system still maintained its outward-oriented strategy for development, including an enduring dependency on labor migration. Remittances from abroad rose dramatically from \$5 billion in 1996 to \$30 billion in 2015. As of 2014, remittances account for ten percent of the total gross national product, which is one of the highest in the world for a country of that size (World Bank, 2015b). In 2015, the government estimates the number of Filipinos who work overseas at 2.3 million, representing more than 2% of the total Philippine population (Philippine Statistics Authority, 2015).

Given their major contribution to the economy, the Philippine government celebrates its overseas workers as "national heroes" and invests considerable resources into this "export-oriented development" (Robyn M. Rodriguez, 2002). Since 1982, the government, through the Overseas Employment Administration, licenses and regulates overseas job recruitment agencies, which as of 2015 number more than 3,500 (Philippine Overseas Employment Administration, 2015). The country's reliance on remittances from the large population of Filipino migrant

workers has created conditions that leave a significant proportion of them exploited by their employers (Aronowitz, 2009; Santos, 2002).

Beyond exploitation of Filipino overseas workers, the Philippines also has internal sex trafficking as well as a related “mail-order bride” trend. Internal sex trafficking takes the form of wide-spread child prostitution, as Manila and other large cities have become notorious sex tourism destinations. In fact, until the recent government attempts to curb child prostitution, the Philippines was known as a cheaper alternative to Thailand for Japanese men who are interested in having sex with minors (Luga, 2010). In addition, there is a large “market” for Filipina “mail-order” brides in Australia and South Korea (Santos, 2002). While many Filipina women leave the country for legitimate marriages, many others end up in situations that amount to trafficking, primarily in prostitution, but also for their labor (Santos, 2002).

Much of the trafficking in the Philippines is controlled by organized crime. The Yakuza, Japan’s network of organized crime syndicates, has long been dominating the commercial sex industry in Southeast Asia (Gragert, 2010; B. Lintner, 2003). Yakuza syndicates traffic Filipina women into the Japanese sex industry and also within the Philippines to Yakuza-owned brothels in Manila (Guth, 2010; Kaplan & Dubro, 2003). Some of this trafficking is done using legitimate entertainer visas and through seemingly legitimate recruitment agencies, which the Yakuza own and use to conceal their trafficking operations (Kaplan & Dubro, 2003). Chinese Triads and other crime syndicates dominate the trafficking of Filipina women to Hong Kong, Macau and Malaysia (Bertil Lintner, 2002). Much of the government’s efforts to combat

trafficking are curbed by the power maintained by organized criminal organizations, who bribe government officials to achieve their goals (Guth, 2010). As already mentioned, this corruption is a part of broader political instability in the Philippines, a lingering legacy from the Marcos regime.

On top of that, the 1997 Asian financial crisis took a major toll on the Philippine economy, reducing the growth rate to almost zero (Pempel, 1999). In the aftermath of the financial crisis, Philippine President Ramos attempted to change the Constitution in a way that would give him more powers, a failed attempt that ultimately cost him the presidency. His successor, Joseph Estrada, assumed office in 1998, but his administration only lasted three years,²⁵ until corruption charges led the Senate to initiate impeachment proceedings in 2001. His Vice President, Gloria Macapagal-Arroyo, succeeded him. She was re-elected in 2004, but was later ousted amid corruption charges herself (LOC, 2006; Quah, 2013). It is therefore no coincidence that this chapter's periodization mirrors the transitions of Presidential administrations. Philippine presidential administrations vary not only on their approach to human trafficking, but also on their governing style, their respect for the rule of law, and their stance toward civil society and the United States.

²⁵ Presidents in the Philippines are elected to terms of six years.

1992-2001: Pioneering Cooperation Efforts

The first usage of the term “trafficking” with reference to people, as opposed to objects, was introduced to the Philippines in the beginning of the 1990s. As part of the work around the 1993 UN World Conference on Human Rights, a group of East Asian women’s rights organizations coalesced to establish the Coalition Against Trafficking in Women - Asia Pacific (CATW-AP). This new coalition was formed as a regional branch of the international CATW, which was founded in the United States five years earlier by Kathleen Barry, and is one of the most vocal anti-trafficking organizations worldwide (CATW-AP, 2013; CATW, 2011). Both CATW and CATW-AP frame prostitution as “sexual slavery,” and deliberately blur the line between prostitution and sex trafficking (Barry, 1984; Doezema, 2001; Outshoorn, 2005). Working together with other feminist, women’s rights, and anti-prostitution organizations in the Philippines, CATW-AP led the way in lobbying the Philippine government to criminalize sex trafficking and to see women in prostitution as victims rather than criminals (Roces, 2009).

The first government usage of the term “trafficking” was in Republic Act (RA) 7610, a 1992 statute designed to protect children from various forms of abuse, neglect, and discrimination. This statute was partially enacted in order to comply with the provisions of the UN Convention on the Right of the Child, which the Philippines signed and ratified on 1990 (United Nations). The law criminalizes “child trafficking,” which is narrowly defined as “the act of buying and selling of a child for money, or for any other consideration, or barter” (Congress of the Philippines, 1992). While other sections of the statute deal with child prostitution and

child labor, they are clearly distinguished from, and not included under, the crime of “child trafficking” (Congress of the Philippines, 1992). Thus, even though the term “trafficking” was used, at the time it was limited to the selling and buying children as objects, for example in illegal for-profit adoptions, regardless of any subsequent exploitation of the child. This is significantly different from the current conceptualization of human trafficking, which centers on the concept of exploitation (Gallagher, 2010; Mattar, 2005). The term “trafficking” in Philippine law was not expanded to include adults until 2003 (Congress of the Philippines, 2003). Around the same time of the child protection legislation, the discourse around Filipino overseas workers started changing.

The year 1995 serves as a major turning point for the way the public in the Philippines collectively perceives its millions of overseas workers. Up until then, Filipinos who left the country to work abroad were seen by the public as people who took a personal risk to help their families and the national economy at large. This was particularly true for women. In 1994, more than 300,000 Filipina women left the country to seek work overseas, making The Philippines the largest exporter of female labor in the world (Rosca, 1995). As remittances by these women were keeping the economy afloat, the government used to call them “heroines of the Philippine economy” (Parreñas, 2001). In 1995, two incidents unfolded that highlighted the vulnerability and potential victimization of Filipina overseas workers (Robyn M. Rodriguez, 2002; Tingo, 2012). Together, these two incidents changed the rosy image of the heroine migrant worker.

The first was the 1995 execution of Flor Contemplacion, a Filipina domestic worker in Singapore. Contemplacion was sentenced to death by hanging for the double murder of another Filipina domestic worker and the child she was hired to care for. Despite the fact that Contemplacion initially confessed to committing the murder, Philippine public opinion saw this as a wrongful conviction and perceived her as a victim of the harsh Singaporean criminal justice system (Parreñas, 2001; Robyn M. Rodriguez, 2002). The Philippine government offered her minimal consular support during the trial, fearing that a strong intervention would jeopardize its diplomatic relations with Singapore (Rafael, 1997). Her story highlighted the vulnerability that Filipina migrant workers face abroad.

Contemplacion was executed on March 1995, and became a national symbol of the plight of Filipina overseas workers. Her hanging inspired extensive outrage, and the public took to the streets in massive protests demanding government action (Rafael, 1997; Robyn M. Rodriguez, 2002). In response, the government enacted the Migrant Workers Act of 1995 (RA 8042), a statute designed to “establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress” (Congress of the Philippines, 1995). The statute did not mention the word “trafficking,” since it was not common parlance at the time, but it did refer to problems that would shortly after become labeled as “trafficking,” such as “illegal recruitment, fraud, and exploitation or abuse of Filipino migrant workers” (Congress of the Philippines, 1995). The law also introduced repatriation as the preferred

solution in such situations (Congress of the Philippines, 1995).²⁶ While similar statutes have been introduced before, they failed to pass Congress. RA 8042 therefore marked the first time the Philippine government seriously contemplated what rights and protections should be extended to its citizens who reside and work outside the country (Robyn M. Rodriguez, 2002).

The new government stance toward its citizens abroad was quickly put to a test in a similar case. In June 1995, the same month that the Migrant Workers and Overseas Filipinos Act became law, a fifteen year-old overseas Filipina domestic worker was convicted and sentenced to be executed in the United Arab Emirates (UAE). She killed her UAE employer in self-defense as he was trying to rape her. Acting again under considerable public pressure, this time the Philippine government lobbied the UAE government for the girl's release, and a year later she was allowed to return to the Philippines. Those two cases, happening only months apart, galvanized the image of the Filipina female migrant worker as a potential victim and survivor of abuse. The fact that both cases involved young females was crucial for generating the public outcry that they did, as criminal cases against Filipino male overseas workers were not unusual (Roces, 2009; Tingo, 2012). Furthermore, this public and government outcry focused on the plight of Filipinas who travel out of the country to pursue perceived legitimate forms of labor, such as domestic work. Even though the language of the new law could easily be applied to the

²⁶ Repatriation later became the default solution to trafficking situations in international anti-trafficking instruments, primarily the 2000 UN Trafficking Protocol.

situation of Filipinas who were working in the Japanese sex industry, this was not perceived to be a part of the same problem at the time (Roces, 2009).

During the second half of the 1990s international discourse on global human trafficking grew, and the discourse in the Philippines evolved accordingly. During this period, several bills focusing on trafficking in women abroad were introduced in the Philippine Congress. The first such bill was introduced in March 1996 in the House of Representatives. It called for measures that would better protect and rehabilitate Filipina women who were trafficked abroad for purposes of “forced prostitution, sexual servitude and exploitation including commercialized transnational marriages, migration for entertainment, sale of body organs and for other purposes.” It also proposed the creation of an Inter-Agency Council against Trafficking, a government body designated to monitor the bill’s implementation. (Republic of the Philippines House of Representatives, 1996). While the bill was approved by the House, it did not get the necessary votes in the Senate. This bill was re-introduced, with slight variations, in subsequent Congressional sessions. In 1998 alone, five independent anti-trafficking bills were introduced and passed in the House, but none passed in the Senate until 2003 (Philippine House of Representatives, 2010).

The Philippine executive branch similarly increased its actions against trafficking, although they were reserved to symbolic measures with high public visibility and less actual policy changes. The government of the Philippines initiated and joined several anti-trafficking collaborative projects with other governments and international and local organizations. For

example, in 1996 the Philippines hosted a regional conference on irregular migration and trafficking in East Asia and the Pacific (Derks, 2000). The conference established the Manila Process, a regional consultative process designed to increase regional dialogues and information sharing and coordinate over return and reintegration of irregular migrants, border control issues, remittances, and migrant rights (Derks, 2000; IOM, 2013). As a part of this process, the Philippines also participated in the 1999 International Symposium on Migration, a forum that convened by the International Organization for Migration (IOM) and consisted of ministers and high-ranking representatives of eighteen South Asian nations.²⁷ This conference was dedicated to increasing regional cooperation on irregular migration, which the IOM defines as any cross-border movement that occurs outside the regulatory norms of the relevant countries. The Bangkok Declaration, which the Symposium issued, called on countries in the region to, among other things, “criminalize smuggling of and trafficking in human beings, especially women and children” (International Symposium on Migration, 1999).

When the U.S. started addressing human trafficking in its foreign policy, the Philippines was one of the first countries the State Department urged to act on trafficking. In 1999, U.S. Secretary of State Albright announced that the two countries would co-host a regional meeting on trafficking in Manila (Loar, 1999). This launched the Asian Regional Initiative against

²⁷ Participants included representatives of the governments of Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Indonesia, Japan, Republic of Korea, Lao PDR, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand, and Vietnam, as well as the Hong Kong Special Administrative Region.

Trafficking in Persons (ARIAT), which brought together government officials from multiple countries in the region, representatives of the United States and European Union, international governmental organizations, international financial institutions, and private philanthropic funds (UN Economic Social Commission for Asia and the Pacific, 2003).²⁸ The Initiative issued a Regional Plan of Action that highlighted the importance sharing data and information on trafficking, as well as cooperation with international organizations, civil society, the private sector, and the media (ARIAT, 2000). The Philippines had other collaborations with the governments of Australia and Japan, two of the most prominent destinations for Filipina migrant workers and, among them, trafficked women (Derks, 2000).

Beyond these regional collaborations, the Philippine government also became a champion of global anti-trafficking collaborations. In 1999, it became the first country to partner with the then nascent United Nations Global Programme against Trafficking in Human Beings, in a multi-year research project on trafficking in the Philippines. This project later proved to be crucial for the development of a governmental policy toward trafficking (Aronowitz, 2002; United Nations Global Programme against Trafficking in Human Beings, 2003). The government of the Philippines was also among the first countries to sign the UN Anti-Trafficking

²⁸ Participants included representatives of Australia, Brunei Darussalam, Canada, Hong Kong, Japan, Cambodia, Thailand, Macau, Malaysia, Mongolia, New Zealand, Papua New Guinea, China, Indonesia, South Korea, the Philippines, Russia, Singapore, Vietnam, the United States, the European Union, Asian Development Bank, ASEAN Secretariat, ASEANOPOL, the Asia Foundation, the Ford Foundation, INSTRAW, INTERPOL, IOM, SEAMEO-INNOTECH, UNCICP, The UN Committee on Economic, Social and Cultural Rights, UNESCO, UNFPA, UNICEF, UNICRI, UNIFEM, and the World Bank.

Protocol, in December 2000 (United Nations, 2014). At this point, however, these international and regional collaborative efforts seem to have had no effect on government policy toward trafficking on the ground.

The first U.S. Trafficking in Persons Report, published in June 2001, aptly commended the Philippine government for these international collaborations, while maintaining that they were not enough. The Report noted the government's "good relationship" with local anti-trafficking NGOs and commended the government's active participation in regional anti-trafficking initiatives (United States Department of State, 2001). Nevertheless, it ranked the Philippines on Tier 2, as a country whose government does not fully meet the TVPA minimum standards to combat trafficking, but is making significant efforts to meet these standards. The Report specifically cited as one of the main reasons for this classification the fact that "[t]here is no law that specifically prohibits trafficking in persons" (United States Department of State, 2001). Other factors mentioned included a low prosecution rate under existing legislation and government corruption that facilitates trafficking (United States Department of State, 2001).

In October 2001, the UN Global Programme against Trafficking in Human Beings published a Strategic Action Plan for the Philippines, including multiple recommendations for specific prosecution, protection, and prevention measures. The Action Plan also highlighted the need for the Philippine government to enact the anti-trafficking bills that were introduced to Congress but have failed to pass (Inter-Agency Executive Committee, 2001). Since the Philippine government collaborated with the UN on this initiative, it endorsed the Action Plan.

The 2002 TIP Report mentioned the promulgation of the Action Plan as a positive development, but noted that “the agencies involved have not worked out implementation of the plan, nor has the government passed anti-trafficking legislation to implement and fund the plan” (United States Department of State, 2002). As a result, The Report kept the Philippines on Tier 2 for a second year in a row (United States Department of State, 2002). Both the 2001 and 2002 TIP Reports received no mention in the Philippine newspapers that were covered in this study, nor in any publically available government document. It is therefore unlikely that The TIP Report contributed to the development of the Philippine anti-trafficking response at that time.

In conclusion, since the early 1990s, the Philippines started engaging leading the global discourse on human trafficking. This was motivated mainly by growing evidence of large numbers of Overseas Filipino Workers (OFWs) being abused in their countries of employment. Local NGOs managed to mobilize the public to pressure the government to change its stance toward its citizens abroad. Toward the second half of the 1990s, the Philippine government emerged as one of the global leaders in anti-trafficking international collaboration with other governments, international organizations, and local NGOs. However, any changes up to this point were symbolic in nature, and did not amount to actual steps on the ground. At least some of this could be attributed to the fact that this was a period of major economic and political turmoil. The 1997 Asian financial crisis, which took a heavy toll on the Philippine economy, was followed by the election of a new President in 1998, who was himself ousted three years later.

U.S. pressure was evident during this period mainly on the fringes, although it grew with time. Until 1996 anti-trafficking work in the Philippines was purely an internal matter. Beginning in 1996, the Philippines started engaging other countries on trafficking, and collaborating with various international agencies as well. This coincided with the beginning of the U.S. foreign policy on trafficking, during the last couple of years of the Clinton administration. U.S. dialogue with the Philippines on the issue of human trafficking increased since 1998, but it mainly focused on funding both government and NGO projects, as well as through sponsoring initiatives designed to put trafficking on the government's agenda. While the first TIP Reports ranked the Philippines, from the sources reviewed in this analysis it is unclear whether or not they were noticed at all by the Philippine government.

2002-2008: Legislation Thwarted by Corruption

During this period, the government of the Philippines began taking steps that had the potential to actually curb human trafficking. Some of this could be attributed to the change in administration. The new president, Gloria Macapagal-Arroyo, assumed office in January 2001, and initiated a period of relative stability after five years of political turmoil (Lum & Dolven, 2014; Quah, 2013). In 2002, the government took baby steps to move beyond anti-trafficking rhetoric toward anti-trafficking policymaking. In a preliminary move toward implementing the anti-trafficking Strategic Action Plan, president Arroyo convened a senior-level anti-trafficking task force headed by the Department of Foreign Affairs (United States Department of State, 2003). She also signed an agreement with Indonesia and Malaysia to cooperate on issues of terrorism and transnational crime, and this agreement including a provision that would enhance police cooperation on trafficking cases (Ganesan & Amer, 2010). Despite these measures, no progress was made to further legislation and little effort was made to increase government oversight on recruitment agencies (United States Department of State, 2003). At the end of the year, the government ratified the United Nations Convention on Organized Crime and the attached Trafficking Protocol (United Nations, 2014). This move paved the way for first meaningful anti-trafficking legislation.

In 2003, the Philippine Congress enacted the country's first comprehensive anti-trafficking legislation, after it was repeatedly introduced since 1996. RA 9208: The Anti-Trafficking in Persons Act of 2003, defined "trafficking in persons" as:

The recruitment, transportation, transfer or harbouring, or receipt of persons *with or without the victim's consent or knowledge, within or across national borders* [emphasis added] by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or the removal and sale of organs (Congress of the Philippines, 2003).

This definition was taken almost word for word from the UN Protocol, with two notable changes, emphasized above. The first is the addition of the phrase “*with or without the victim's consent or knowledge.*” The UN 2000 Trafficking Protocol does stipulate that the consent of a person to be exploited is irrelevant when the exploiters use force, coercion, abduction, fraud, deception, or the exploitation of power. But the Philippine law emphasized this notion by putting it in the body of the definition. In addition, the Philippine law went beyond the UN definition by explicitly addressing trafficking within the borders of the country. While the UN definition of trafficking does not include the crossing of a border as a necessary element of the crime, the UN Trafficking Protocol is limited in its scope to dealing with transnational cases (United Nations, 2000).

The declared goal of RA 9208 is to guarantee the realization of internationally recognized human rights of trafficked persons. The law criminalizes trafficking, with severe penalties, and includes prevention measures and extensive protections for trafficked persons, including the provision of housing, legal counsel, medical and psychological assistance, skills training, and educational assistance for trafficked children. For the first time in the Philippines, it criminalized the act of buying a sex act, while declaring that prostitutes that have been trafficked are not guilty of a crime. It also established an Inter-Agency Council Against Trafficking (IACAT) to coordinate the government's efforts to combat trafficking (Congress of the Philippines, 2003).

U.S. pressure was not directly evident during the legislation process of the 2003 Anti-Trafficking in Persons Act. Rather, the passage of the bill is credited to local women's rights organizations, primarily the Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), and the GABRIELA National Alliance of Women, which have been calling on the government to enact such a bill for more than eight years (Gabriela Women's Party, 2009b; Roces, 2009). While both organizations see prostitution as inherently exploitative and violent, they diverge on their understanding of its causes and their policy prescription. For CATW-AP, as for the international CATW, its parent organization, women in prostitution lack agency and the government's role is to rescue them, even against their will (Barry, 1984; Doezema, 2010; Ralston & Keeble, 2009). GABRIELA and its affiliates, on the other hand, see prostitution in the Philippines as a result of poverty and unemployment, themselves the product of economic globalization, combined with the demand for sex by U.S. navy personnel and Western sex

tourists (Enloe, 1990; Simbulan, 2009). Most of GABRIELA's advocacy around trafficking focuses on its prevention through the elimination of these root causes: alleviating women's poverty and improving their access to employment (Gabriela Women's Party, 2008), while increasing accountability of the U.S. troops, with the view of ending their presence in the country altogether (Gabriela Women's Party, 2009a; Simbulan, 2009). Since GABRIELA recognizes that women are in prostitution for lack of better options, it does not aim to convince them to get out of prostitution, or to forcibly remove them from their situation. Instead, GABRIELA believes in empowering them wherever they are, until the root causes of prostitution are eliminated (Ofreneo & Ofreneo, 1998). GABRIELA thus is situated ideologically between the radical and liberal feminist approaches to prostitution – seeing prostitution as inherently exploitative and violent, but not to the degree that it completely invalidates women's agency.

Despite these ideological differences, both camps supported and lobbied for RA 9208. CATW-AP was particularly active, lobbying elected officials and mobilizing large groups of people to demonstrate outside the buildings of the Philippine Congress (Roces, 2009). In fact, it was CATW-AP that actually drafted the bill, ensuring that it reflected the UN Trafficking Protocol, which the Philippines ratified in the previous year (Roces, 2009). CATW-AP found a powerful ally in Senator Loi Ejercito Estrada, the wife of former President Joseph Estrada, who introduced the bill in the Senate (Roces, 2009). In the House of Representatives, it was introduced by Liza Maza, a representative of the political party affiliated with GABRIELA, which later championed it as “a major victory scored by the Gabriela Women's Partylist”

(Gabriela Women's Party, 2009b). While most elected officials rejected the definition's language on the issue of consent, the entire bill passed (Roces, 2009), and was presented in Philippine media as a necessary step taken to comply with the UN Protocol (Casayuran, 2003a, 2003b). If there were any diplomatic engagement between the U.S. and the Philippine governments over this bill, they were not reflected in the media or in government documents.

However, during this time the United States government started applying indirect pressure, through its funding of local anti-trafficking organizations. In 2002, the State Department Trafficking in Persons Office and the U.S. Agency for International Development (USAID) started providing grants to the Visayan Forum Foundation (VFF). Visayan was founded in the beginning of the 1990s by Cecilia Flores-Oebanda, with the goal of providing direct services to women and children working as domestic servants. When trafficking in women emerged as a central problem on the global stage, Visayan began focusing specifically on this topic and rebranded itself as an NGO that fights "to end modern slavery" (Visayan Forum Foundation). In 2002, Visayan launched a project in partnership with the Philippine Port Authority, to establish shelters near large sea and air ports that would provide trafficked women and children with emergency housing, health services, psychological support, legal counseling, etc. (IMDI, 2012; Office to Monitor and Combat Trafficking in Persons, 2003; USAID, 2009).

USAID funded this initiative, and provided continuous funding to Visayan for this and similar initiatives, reaching a total of \$7.3 million (Esmaguél, 2012; USAID, 2009). The Visayan-run victim shelters were featured in the "international best practices" section of the

2005 TIP Report (United States Department of State, 2005). The Visayan Forum did its part in supporting U.S. anti-trafficking efforts, for example by routinely providing the U.S. embassy in Manila with information for the TIP Reports (U.S. Embassy Manila, 2010), and by promoting the TIP Report as one of the “best sources for data” on trafficking (Visayan Forum, 2014). In 2012, this partnership came to an end, as the USAID accused Visayan of fraud by falsifying receipts of \$5.1 million, and stopped funding its projects (Coorlim, 2013; Esmaque, 2012). Nevertheless, for about ten years the U.S. supported the work of Visayan, and this gave Flores-Oebanda, its founder, unrivaled access to and credibility with the Philippine government as well as other world leaders. A CNN profile described her as “the face of the Philippines anti-trafficking movement” (Coorlim, 2013).

The 2003 TIP Report was published a couple of months after the enactment of The Anti-Trafficking in Persons Act, and it placed the Philippines on Tier 2 for the third consecutive year. Despite the stagnation in ranking, and perhaps because of the recent legislation, this year the Philippine media covered the TIP Report for the first time. The *Manila Standard* published stories about the Report in two consecutive weeks. The first focused on the Report’s findings, and mentioned the threat of economic sanctions, stating that the Tier 2 rank “nearly cost the Philippines non-humanitarian and nontrade-related assistance” (Locsin, 2003b). This was an exaggeration, as economic sanctions are only on the table for Tier 3, and even they are waived for U.S. allies (Bales & Soodalter, 2009; DeStefano, 2007). The following week, another article, by the same reporter, highlighted the TIP Report’s review of government corruption. It read,

“Corruption remains a major stumbling block in the Philippine government's efforts to stop human trafficking, according to the U.S. State Department” (Locsin, 2003a).

Despite the enactment of a comprehensive anti-trafficking bill, effective implementation was derailed due to lack of political will and government corruption. Political will is absent because trafficking is by and large a result of government policies designed to support the struggling local economy. Since the 1970s, the Philippine economy has become dependent on remittances, and curbing trafficking would also negatively influence this cash flow (Ofreneo & Ofreneo, 1998; Sassen, 2003). Furthermore, government corruption in the Philippines is notorious since the 1966-1986 Marcos regime. Corruption in the Philippines is pervasive in all government levels and includes graft, cronyism, embezzlement, and bribery (D. C. Kang, 2002; Quah, 2013; World Bank, 2000). In the government functions that relate to trafficking, corruption often manifests in bribing officials in the Philippine Overseas Employment Administration in order to circumvent the Agency's regulations, or bribing border officers to facilitate smuggling across the border (Guth, 2010; Samarasinghe, 2007). All fifteen TIP Reports, from 2001 until 2015, highlighted corruption in the Philippines government as a major obstacle to the fight against trafficking.

The 2004 Trafficking in Persons Report placed the Philippines on the Tier 2 Watch List, which was introduced that year for the first time. The reasoning provided was lack of evidence of increasing government efforts to combat trafficking, “particularly in terms of its weak implementation of the anti-trafficking law and a lack of progress in law enforcement.”

Specifically, there were no prosecutions under the new law, but a few cases related to trafficking were prosecuted under different, less stringent statutes. The Report derided the government for its “paltry number of prosecutions and convictions,” and named corruption and a weak judiciary as enduring “serious impediments to the effective prosecution of traffickers.” The Report recommended that the Philippine government “take immediate corrective action through the prosecution of traffickers, aggressive implementation of the new law, and the arrest and prosecution of officials involved in trafficking” (United States Department of State, 2004).

More than in previous years, local media quickly picked up the story. *The Manila Standard* published a piece opening with the words: “Shape up or else,” which highlighted the threat of economic sanctions if the Philippines fall into Tier 3 the following year. The article included an interview with U.S. Embassy Political Officer Kim Harrington, who “advised the Philippine government to act immediately so that it doesn't fall to Tier 3, where economic sanctions and the cutoff of non-humanitarian aid are a real possibility” (“Lack of Will' Puts RP on Trafficking List,” 2004). A few days later, *The Manila Bulletin* published an interview with Philippine Senator Loi Estrada, who warned, “failure to fully and speedily implement the law ... may force the United States government to let the Philippines drop under its State Department “Tier 3” category (Tuazon, 2004). While sanctions could only be imposed on Tier 3 countries, Estrada argued that “countries falling under the Tier 2 and Tier 3 categories of the U.S. State Department will deprive their governments and citizens substantial assistance and aid from the American government” (Tuazon, 2004). This indicates that Estrada, who was the principal

author of the 2003 anti-trafficking law in the Senate, was exaggerating the power of the TIP Report to pressure the government into action

A few months later, the TIP Report gained headlines once again, but this time it was because of its effect on Japan's policy toward migrant workers, many of whom were from the Philippines. Like the Philippines, Japan was placed on the Tier 2 Watch List in the 2004 TIP Report. While the Report acknowledged the efforts Japan was making, it noted that, "considering the resources available, Japan could do much more to protect its thousands of victims of sexual slavery" (United States Department of State, 2004). Japan's placement on the Watch List was "based on its commitments to bring itself into compliance with the minimum standards by taking additional steps over the next year" (United States Department of State, 2004), and not steps the government has already taken.

One of these steps was to modify Japan's entertainer visa system. The Japanese entertainer visa is a skilled-labor working permit that Japan issues to foreign nationals who are "qualified performers," such as musicians, actors, dancers, models, etc. (Muroi & Sasaki, 1997). In 1995, the Philippine Overseas Employment Administration, which regulates the export of Philippine labor, started issuing "overseas performing artist" licenses (Robyn Magalit Rodriguez, 2010; Romina Guevarra, 2006). These licenses enabled Filipina women to receive such a Japanese entertainer visa without any substantial performing experience. As a result, the number of Filipina women entering Japan as "performers" has risen from about 8,500 in 1980 to more than 80,000 in 2003 and 2004 each (Faier, 2009; Ito, 2005). The vast majority of these women

ended up working as “hostesses” in Japanese bars (Tyner, 2002). As many researchers argue, and as the 2004 TIP Report highlighted, being “hostess” often entailed having sex with clients, and in many cases the situation was exploitative and amounted to trafficking (Tyner, 2002; United States Department of State, 2004).

To avoid U.S. sanctions, Japan moved swiftly to tighten its regulations over the entertainer visa program. By the end of 2004, the Japanese government announced that it would cut the number of entertainer visas tenfold, and also that it would stop recognizing the standards set by foreign governments as one of the qualifications for the issuance of an entertainer visa (Kondo, 2011). This would have rendered the Philippine government licensing program moot, as these licenses would no longer enable unskilled Filipina women to work in Japan.

Since this move was expected to cause the Philippines to lose millions of dollars in remittances, this news was decried by Philippine policy-makers and received wide coverage in Philippine media. For example, the *Manila Bulletin* reported that Japan is “pursuing immigration policies that would paralyze the multibillion-dollar Filipino artists’ deployment industry” (“New Japan Immigration Policy to Affect Local Artists,” 2004). In a follow-up piece, the *Bulletin* warned that, “Japan’s policy change would produce an adverse multiplier effect. It would undoubtedly cut overseas remittances – a lifeline for the national economy” (“Pangilinan Urges Palace to Conduct Highest Level of Representation with Japan,” 2005). This was also exemplified in an exchange that occurred in the House of Representatives. Congressman Florencio Noel addressed the House, arguing that the Japanese anti-trafficking policy was

victimizing Filipino performing artists. Congresswoman Liza Maza, of the leftist Gabriela Women's Party, added that, while "many countries are scrambling to enact legislation and put measures in place" as a result of the TIP Reports, "many women's organizations are critical about this U.S. legislation," referring to the controversy around the law enforcement approach championed by the U.S. (Philippine House of Representatives, 2005). This back and forth highlights the lack of political will in the Philippines to act based on the TIP Report during this point in time.

While the 2004 Tip Report criticized the Philippines at least as harshly as it criticized Japan, most public attention focused on the possibility of losing remittances as a result of Japan's new policies, rather than on the wellbeing of trafficked Filipinas. Behind closed doors, however, the Philippine Foreign Secretary told the U.S. ambassador in Manila that the Philippine government favored the new Japanese regulations, and that his government "agencies would work closely with the Japanese Embassy to ensure processing of legitimate entertainers" (U.S. Embassy Manila, 2005a). He continued to affirm the Philippine commitment to fight trafficking, saying, "the Philippines did not wish to be known as a purveyor or supplier of trafficked persons" (U.S. Embassy Manila, 2005a). This demonstrates that the Philippine government at that time was concerned for damages the TIP Report might cause to its international reputation.

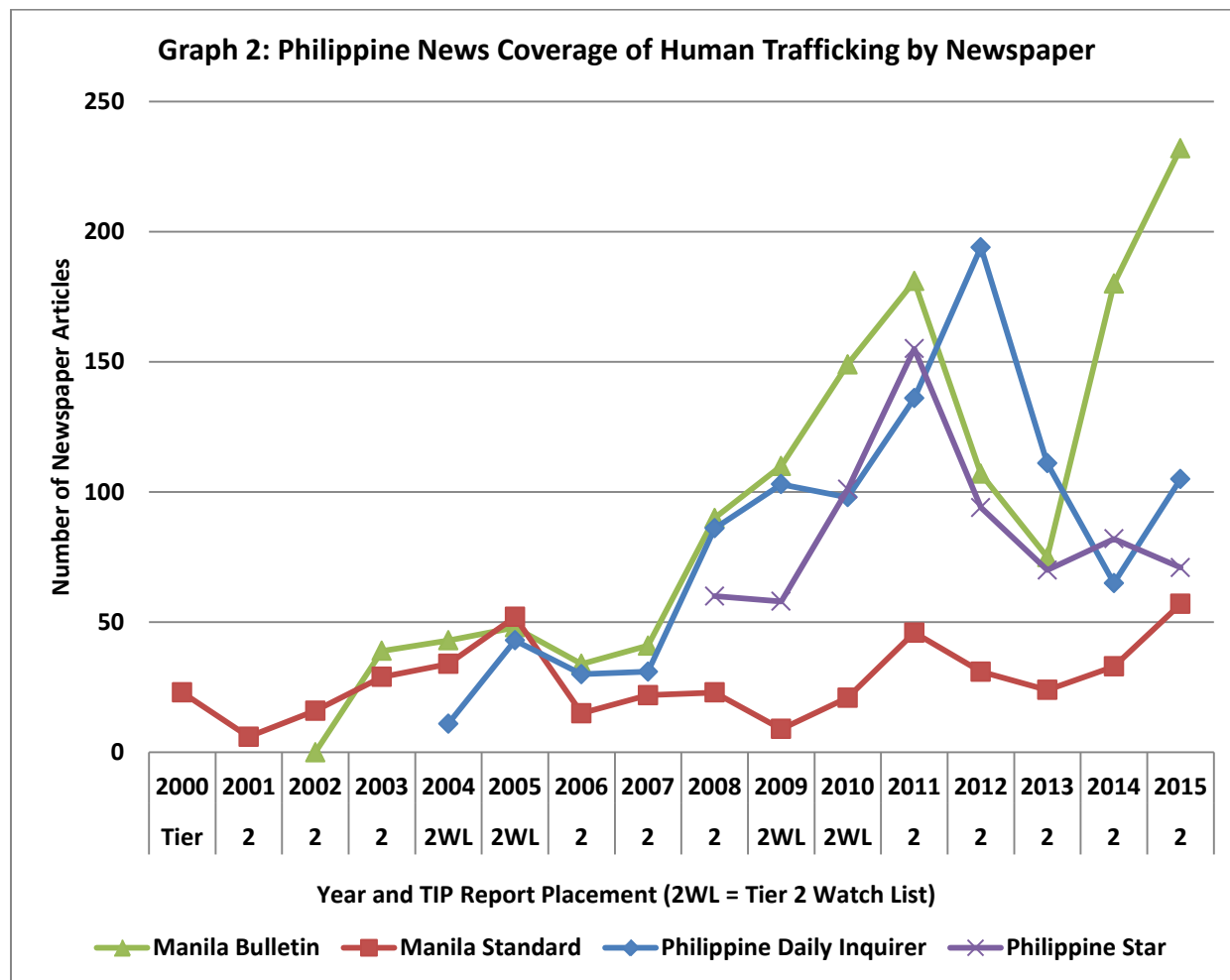
The 2005 TIP Report kept the Philippines on the Tier 2 Watch List. The Report commended the Philippines "impressive protection efforts" and involvement in anti-trafficking work in international organizations. However, the Report cited again the lack of trafficking

convictions under the 2003 trafficking law as a major problem on the prevention front, even though some trafficking cases were prosecuted under different laws, such as child abuse and illegal recruitment (United States Department of State, 2005). The Report also noted that, “The government dedicated four state prosecutors to focus on trafficking-related cases and provided training to law enforcement officials on the anti-trafficking law” (United States Department of State, 2005). Prior to the publication of the Report, the U.S. embassy in Manila warned several Philippine top officials about the “possibility that the U.S. might place the Philippines on Tier 3 this year due primarily to lack of convictions as well as allegations of official corruption” (U.S. Embassy Manila, 2005b). However, the embassy recommended to the State Department to refrain from such placement, for fear that it would cause the government to disengage and also undercut the efforts of the local anti-trafficking NGOs (U.S. Embassy Manila, 2005b).

Upon the Report’s publication, the U.S. embassy in Manila launched what it characterized as “an extensive outreach effort” to increase the visibility of the Report (U.S. Embassy Manila, 2005c). The embassy later reported that this effort was successful (U.S. Embassy Manila, 2005c). The embassy held a press conference, during which U.S. officials briefed reporters on the meaning of the Report, and made it clear that, unless the government achieved convictions under the trafficking law, the Philippines would suffer a cut in its financial assistance from the U.S. (Pañares, 2005b). In addition, Mark Taylor, senior coordinator in the State Department TIP Office, paid a special visit to the Philippines shortly after the Report came out (“Modern-Day Slavery,” 2005). These activities paid off and increased the Report’s

coverage in local media, compared to previous years, as can be seen in Graph 2, below. In fact, the U.S. embassy in Manila boasted that all major television networks featured a story on the release of the Report on their evening news shows (U.S. Embassy Manila, 2005c). The embassy concluded, “The TIP Report carries a great deal of credibility and weight in the Philippines” (U.S. Embassy Manila, 2005c). Indeed, 2005 saw a significant increase in news coverage not only of the TIP Report, but of the issue of human trafficking generally (see Graph 2).

Newspaper coverage of trafficking in 2005 increased by more than 50 percent compared with 2004, from 88 news articles mentioning trafficking in 2004 to 143 articles in 2005. Coverage in both 2004 and 2005 was also higher than that of 2003, with a total of 68 articles, even though 2003 was when the Philippine enacted its anti-trafficking law, an occasion that is bound to increase the public visibility of the problem.



The occasion of the second consecutive Tier 2 Watch List ranking also elicited the first public responses by the government to the TIP Reports. Three days after the release of the Report, Press Secretary Ignacio Bunye gave a radio interview, in which he said that “this problem is one of the concerns of the government” (Maglalang, 2005). Ignoring the TIP Report’s findings of government corruption as a facilitator of trafficking and putting the responsibility on trafficked persons, Bunye added that the law enforcement systems are in place

and “know what they should do,” and that what they need is “more cooperation from the people, especially among the families of possible victims of illegal trafficking” (Maglalang, 2005). Conversely, Secretary of Justice Raul Gonzalez expressed extreme discontent with the Report, arguing that its “sweeping statements” constitute “an outright criticism of our judicial system” (Pañares & Pelovello, 2005). His office’s Assistant Chief State Prosecutor later added that the 2005 TIP Report “failed to consider and appreciate the significant efforts made by the country ..., especially in the areas of law enforcement and prosecution” (Gaña, 2007). The U.S. embassy noted that the Philippine government overall “was clearly disappointed” that it remained on the Tier 2 Watch List (U.S. Embassy Manila, 2005c).

Despite this rhetoric on behalf of Philippine officials, who publically downplayed the Report, the government did take some operative steps as a direct response to it. Two days after the release of the Report, President Arroyo announced that the Philippines would form a new interagency group to combat trafficking (Pajarito, 2012). The same day, she also ordered the Bureau of Immigration to intensify its efforts against trafficking organizations (Pajarito, 2012).

In December 2005, the Philippines achieved its first ever conviction under the 2003 anti-trafficking law (see Table 4). This case involved a Filipina woman from Zamboanga City, who in 2004 was deceived by a recruiter to travel to Malaysia for a job in a restaurant, but was instead forced into prostitution until she managed to escape (Pajarito, 2012). Her two traffickers were convicted within four months of their arrest, an unusually speedy trial compared to the notoriously sluggish Philippine legal system, and were sentenced to life in prison and a hefty fine

(Pajarito, 2012). Their convictions were calculatedly handed down during a four-day visit to the Philippines by John Miller, head of the State Department TIP Office (Pañares, 2005a). The Philippine Chief State Counsel expressed hope that these convictions would be “enough to convince U.S. authorities to take our country out of the Tier 2 Watch List ranking” (Pañares, 2005a). Miller welcomed the convictions, stating that they will serve as a “crucial factor” in the assessment of the Philippines in the next TIP Report (Pañares, 2005c).

The 2006 TIP Report indeed removed the Philippines from the Watch List and restored its previous position on Tier 2. The Report particularly praised the government for achieving its first convictions under the 2003 anti-trafficking law, noting that “two cases resulted in the conviction of four individuals for trafficking offenses, with courts handing down life imprisonment sentences to the traffickers and awarding compensation to the victims (United States Department of State, 2006). The Report commended the Philippine Department of Justice for multiplying the number of prosecutors dedicated to work on trafficking cases, which resulted in a dramatic increase in the number of prosecutions. It also mentioned favorably the imposition of tighter screens on the Japanese entertainer visa, despite the fact that this was done by the government of Japan, not the Philippines (United States Department of State, 2006). With significantly less efforts by the U.S. embassy to increase the Report’s visibility, news coverage of this Report fell compared to the previous year, with only one newspaper article dedicated to the Philippine promotion to Tier 2 (Cerojano, 2006).

This trend continued the following two years. The 2007 and 2008 TIP Reports both designated the Philippines as a Tier 2 country. They both praised the government's "exemplary efforts" to prevent trafficking out of the country and to protect those who were trafficked abroad. At the same time, they continued to disapprove of the government's low prosecution and conviction rates under the anti-trafficking law. For the first time, they also highlighted internal trafficking within the country, for both sex and labor, and criticized the government's "weak efforts" on this front (United States Department of State, 2007, 2008). In addition, the 2008 Report named Cecilia Flores-Oebanda as one of its annual anti-trafficking "heroes," making her the first Filipino to be recognized in this way (United States Department of State, 2008). Flores-Oebanda is the founder of the Visayan Forum Foundation (VFF), which has been heavily funded by the U.S. State Department (Balana, 2008). While this news was covered in Philippine media, overall news coverage of the 2007 and 2008 TIP Reports, and of human trafficking in general, plummeted to the low levels of 2001-2002, before the enactment of the anti-trafficking law (see Graph 2).

Toward the end of this period, the Philippine government took additional incremental steps to improve its oversight and protection of its overseas workforce. For example, in 2006 the Philippine Overseas Employment Agency (POEA) issued new requirements for overseas domestic workers, including increasing their minimum age from 18 to 23, and requiring them to obtain official certification that attests to their skills. The POEA also imposed new restrictions on overseas employers, requiring them to submit employment contracts for verification and to

double the minimum wages to their Filipino workers. In addition, the government started deploying social workers to its embassies in key destination countries, in order to provide counseling to workers in distress (United States Department of State, 2007). In 2007, the government established an anti-trafficking task force at Manila's international airport to intercept undocumented passengers and help identified trafficked persons (United States Department of State, 2008).

The government also took some steps to address the pervasive corruption, which the TIP Reports consistently identified as the main barrier to combating trafficking. Along these lines, the government began taking steps against state employees who were involved in trafficking-related offences (United States Department of State, 2007). In 2006, a top executive in the National Labor Relations Commission was penalized for accepting a bribe from a labor recruiter (United States Department of State, 2007). However, he was only suspended from his work for three months, and was not prosecuted (United States Department of State, 2007). In 2007, the airport anti-trafficking task force identified three cases of trafficking facilitated by airport immigration employees. In addition, the Philippine Office of the Ombudsman established a new unit specifically dedicated to investigate cases of state employees involved in trafficking or corruption that relates to trafficking (United States Department of State, 2008). Despite these efforts, corruption within the government and the general ineffectiveness of the country's judicial system still prevailed, as the next section will demonstrate.

To conclude, this period was characterized by slow progress on trafficking, despite increased U.S. pressure on the government to act. Since 2005, U.S. officials explicitly used the threat of economic sanctions as leverage to get the government to implement the Anti-Trafficking in Persons Act of 2003. As a result, the TIP Reports, which were previously virtually ignored, received considerable public and media attention, particularly in years when the country received Tier 2 Watch List ranking. Lawmakers also began to take U.S. opinion on trafficking more seriously, and over time the TIP Report took over the role of other external pressure mechanisms. Thus, while the 2003 anti-trafficking legislative process was pushed by local women's rights organizations that utilized mainly by the UN Anti-Trafficking Protocol, most government actions after 2005 were motivated by U.S. pressure and not by compliance with the UN Protocol. Still, until 2008 the government's overall implementation of the 2003 statute was sluggish, particularly when it comes to trafficking enabled by corruption.

Table 4: Philippines - Selected Statistics

Year	TIP Report Tier	Total U.S. Foreign Aid (in \$US Millions) ²⁹	U.S. Funding of Anti-Trafficking Programs (in \$US) ³⁰	Human Trafficking Investigations ³¹	Human Trafficking Prosecutions	Human Trafficking Convictions	
						Sex	Labor
2001	2	\$145	\$0	N/A	0	0	0
2002	2	\$157	\$166,666	N/A	0	1	0
2003	2	\$218	\$0	N/A	3	2	0
2004	2WL	\$151	\$0	28	15	0	0
2005	2WL	\$197	\$349,000	76	31	4	0
2006	2	\$193	\$0	N/A	60	1	0
2007	2	\$186	\$732,350	155	56	3	0
2008	2	\$148	\$1,045,698	168	97	4	0
2009	2WL	\$185	\$789,013	228	206	9	0
2010	2WL	\$203	\$415,104	N/A	N/A	23	2
2011	2	\$215	\$1,246,011	129	N/A	27	2
2012	2	\$215	\$1,160,645	227	680	25	3
2013	2	\$240	\$169,687	155	663	31	0
2014	2	\$332	\$494,191	282	595	53	1
2015	2	\$178	\$269,698	329	569	40	2

²⁹ Disbursements during the fiscal year, including both military and economic aid, except 2015, which includes only economic aid. Source: (USAID)

³⁰ Includes all funding for trafficking related programs of the both government and NGOs by all U.S. agencies. Source: (USAID)

³¹ Investigation, prosecution, and conviction data were derived from the TIP Report of the following year. These statistics should be taken with caution, as the method of reporting them in the TIP Reports was inconsistent through the years. For example, the numbers may refer to the calendar year, or to the “reporting period” that the TIP Report covered. Prosecution numbers may refer to prosecutions under the specific anti-trafficking law, or to all “trafficking-related” prosecutions, even if the charge was different. Sometimes a later Report contained conflicting data, in which case the latter Report was chosen as more accurate. Investigations and prosecutions may refer either to new or ongoing investigations/prosecutions. N/A means that the information was not available.

2009-2015: Move toward Implementation

This period was marked by increased U.S. pressure, which led to increased anti-trafficking initiatives by the government, as this section will demonstrate. Government efforts culminated in 2013 with the enactment of another anti-trafficking law and a heavy focus on prosecutions. Two consecutive years on the Tier 2 Watch List dramatically increased media attention to human trafficking. Unlike in the past, this attention did not fade away in following years. Much of this could be attributed to the 2010 change of administration, but it would not have happened without the sustained pressure levied by the U.S. government, which heavily influenced discussion in both the executive and legislative branches.

After three consecutive years of receiving the Tier ranking, the 2009 TIP Report demoted the Philippines again to the Tier 2 Watch List. The Report cited the main cause as the low number of convictions for trafficking offences, and the fact that all the convictions under the 2003 anti-trafficking law were for sex trafficking, and none for labor trafficking (see Table 4). The Report also criticized the government for not being proactive enough and heavily relying on non-governmental organizations to do its anti-trafficking work (United States Department of State, 2009). Overall, the TIP Report labeled the Philippine efforts to convict traffickers as “sustained but inadequate” (United States Department of State, 2009).

The government responded with mixed messages. Publically, a spokesperson for President Arroyo paid lip service to acknowledge the problem, declaring that the government “will do all that needs to be done to make sure that no Filipino falls victim to this most terrible

fate” (Katigbak, 2009). However, other government officials said that the government was “dismayed” and “demoralized” by the Report, which they claimed did not reflect the efforts they were making (Burgonio, 2009). The President’s Executive Secretary³² told reporters that the government would deliver an official response to the U.S. embassy, so that the U.S. “will have an official reference on the Philippine government’s efforts” (Burgonio, 2009). He neglected to mention that the government already routinely submits an official report of its anti-trafficking efforts to the U.S. embassy in advance of the annual TIP Report (Burgonio, 2009). Furthermore, members of the Senate failed to adopt a resolution to express concern over the Report’s findings. The resolution stated that there “may be a need” for further anti-trafficking legislation, but it did not offer any suggestions as to what such legislation might entail. Even though this resolution was only declarative and symbolic in nature, it did not acquire the necessary majority (Senate of the Philippines, 2009).

Despite the government’s official stance that the TIP Report placement was wrong, it did take some measures as a result of the Report, specifically to address prosecution. The President’s Executive Secretary declared that, in order to remove the Philippines from the Watch List, he would ask the courts to “fast-track” trafficking cases (Burgonio, 2009). Since the Philippine judicial system has no mechanism to facilitate such “fast-tracking”, the Philippine Justice Department started using a legal innovation in the Philippine criminal procedure. Based

³² This is a position in the Philippine government that is for the most part equivalent to the Chief of Staff of a President in the United States.

on a 2002 Supreme Court ruling, when the state's public prosecutors face a heavy workload, the Office of the Public Prosecutor may authorize a private prosecutor to prosecute a criminal case, subject to the approval of the court (IJM, 2008). As at that point in time there was a big backlog of trafficking cases pending in the court system, which is notoriously slow for all types of cases, the Office of the Public Prosecutor used this provision to allow NGOs to prosecute trafficking cases on behalf of the victims they serve (United States Department of State, 2010). The two NGOs that took a significant caseload were the International Justice Mission and the Visayan Forum Foundation, two NGOs heavily funded by the U.S. State Department (IJM, 2008; IMDI, 2012; USAID, 2009). This had a positive impact on the number of trafficking-related prosecutions and convictions, as is evident in Table 4. In addition, in an attempt to display a stronger stance against corruption, the Philippine government signed official agreements with three anti-trafficking NGOs to jointly prosecute corrupt state officials and conduct anti-trafficking trainings in relevant government agencies (United States Department of State, 2010).

The 2010 TIP Report, which left the Philippines on the Tier 2 Watch List, was released one month after a new president was elected. The Report acknowledged the government's improved stance against corruption as well as the general increase in trafficking convictions, but again cited the overall low number of convictions and the lack of a labor trafficking conviction as the main reason for the Watch List placement (United States Department of State, 2010). Incidentally, the publication of the Report coincided with the election of a new President, Benigno Aquino, in May 2010. His predecessor, President Arroyo, who served since 2001,

showed some concern over trafficking, both publically and behind closed doors, but she was not in a position to deal with the systemic corruption, as she was part of that system. In 2005, she was accused of “stealing” the 2004 elections, and these allegations followed her throughout her presidency (Quah, 2013).³³ President-elect Aquino was considered a “clean” politician, who could truly make a dent in the Philippine corruption problem. Therefore, even before he took office, the U.S. Ambassador to the Philippines briefed him and his Vice President on human trafficking, the TIP Report, and the USAID anti-trafficking programs the Philippines benefits from (Jimenez-David, 2010; Morelos, 2010).

The Philippines’ continued placement on the Tier 2 Watch List did cause alarm in the new administration, especially given the real possibility of losing aid money. The U.S. Trafficking Victims Protection Reauthorization Act of 2008 stipulated that countries that are ranked on the Tier 2 Watch List two years in a row would be subject to an automatic downgrade to Tier 3 (United States Congress, 2008). Consequently, the TIP Report’s visibility in Philippine newspapers more than doubled compared to the previous year, and general coverage of human trafficking also increased to a new high (see Graph 2). As an example, an op-ed in the *Philippine Daily Inquirer*, titled “The Costs of Trafficking,” focused not on the cost of the existence of human trafficking, but rather on the potential loss of more than \$200 million in U.S. assistance. The government had a lot to lose at this particular point in time, as President Aquino

³³ Years later, after she already left the office of the President and was elected to Congress, Arroyo was arrested twice on corruption charges.

was slated to visit the U.S. in September 2010 to formally accept a U.S. Millennium Challenge Grant worth an additional \$434 million (Jimenez-David, 2010).

Philippine civil society organizations also explicitly leveraged the threat of sanctions to pressure the government into action. For example, a spokesperson for Visayan Forum, one of the country's prominent anti-trafficking organizations, told the press that the cause of Thailand's bad TIP Report placement is the country's low trafficking conviction rate. She added that "unless the Philippines can improve on its human trafficking case conviction record for the year 2011, over \$250 million in US government assistance will be put at risk" (Frialde, 2010). In November 2010, the Philippine Department of Interior and Local Government announced that it would work in collaboration with several non-government organizations, including Visayan, in order to revamp its anti-trafficking efforts (Frialde, 2010). Under the program, the NGOs were to provide training for government personnel on the prevention, identification, and prosecution of human trafficking cases, and support the Department's prevention campaign in local communities (Frialde, 2010).

Lawmakers in both houses of Congress used the threat of U.S. sanctions to pressure the new administration to act. For example, in August 2010, Congressman Emmanuel Pacquiao addressed the House of Representatives, warning that if the Philippines fails to take action, it would fall into Tier 3 the following year (Republic of the Philippines House of Representatives, 2010b). That, he argued, would place the Philippines in the same category as Somalia and Myanmar, and would also deprive the Philippines of \$250 million dollars, some of which is

intended for development the province that he represents (Republic of the Philippines House of Representatives, 2010b). He further stated that “This is a huge embarrassment for our country,” demonstrating Congress’ sensitivity to the Philippines international reputation (Republic of the Philippines House of Representatives, 2010b).

In November 2010, Congressman Lorenzo Tañada gave a passionate speech in the House of Representatives about a case involving eleven Filipinos who were trafficked for labor to the U.S. During his speech, he pointed to the Philippine Tier 2 Watch List status as motivation for the government to cooperate better with U.S. authorities in the investigation of this case (Republic of the Philippines House of Representatives, 2010a). He warned that otherwise, this case may lead to the “sliding down” of the Philippines to Tier 3, which would entail the loss of financial aid (Republic of the Philippines House of Representatives, 2010a). Perhaps foreseeing resistance to the idea that the Philippines should act as a result of external pressure, Tañada also made the case that, since the Philippines has its own laws against trafficking, his plea is “not about complying with other country’s standards,” but rather about implementing Philippine law (Republic of the Philippines House of Representatives, 2010a). As a result of this speech, the House Committee on Overseas Workers Affairs launched an official investigation into the case, which led to increased cooperation with U.S. ICE and FBI investigators. In his report on the case, Committee Chair Congressman Bello recommended further investigation, “not only to root out corruption but to prevent the Philippines from falling into the “Tier 3” ... - a status that would deny the country of some foreign assistance programs” (Bello, 2011). This incident

demonstrates the strategic use of U.S. pressure by two Filipino lawmakers on their own government.

In the Senate, Senator Loren Legarda, a champion of the anti-trafficking cause, used her position as Chair of the Committee on Foreign Relations to pressure the government to take concrete actions. She urged the Department of Foreign Affairs to “create channels” to improve the Philippines TIP Report ranking, and emphasized that “the danger of our downgrade from Tier 2 Watch List to Tier 3 will be disastrous not only to our women and children, but to our infrastructure and social development programs” (Senate of the Philippines, 2010). Toward the end of 2010, Legarda authored Senate Bill 2625: Expanded Anti-Trafficking Act, to amend the 2003 anti-trafficking legislation (Republic of the Philippines Senate, 2011). In her promotion of the bill, Legarda heavily utilized the TIP Report, asserting for example that the amendments would strengthen “our anti-trafficking efforts towards full compliance with the minimum standards for the elimination of trafficking,” referring of course to the TVPA Minimum Standards (Senate of the Philippines, 2011).

While the new anti-trafficking bill was not enacted until two years later, the executive branch did take a much more aggressive stance on prosecuting traffickers and cracking down on corruption. In the following year, the government achieved convictions for 25 traffickers, more than in the six previous years since the anti-trafficking law was enacted combined (United States Department of State, 2010). This included the country’s first conviction in a labor trafficking case, which involved two women who were trafficked to Malaysia for domestic servitude. The

government also initiated investigations of several state officials that were involved in trafficking related crimes (United States Department of State, 2010). In addition, the government took several measures designed to enhance its institutional response to trafficking. These new policies included expediting the prosecution of trafficking cases, increasing training on trafficking for judges, prosecutors, law enforcement, and diplomatic corps, officials on trafficking issues, and the formation of local anti-trafficking task forces, modeled after the existing task-force in the Manila international airport (Macairan, 2010; Punay, 2010; United States Department of State, 2010). To coordinate these new initiatives, the new Vice President himself, Jejomar Binay, was put at the head of the national inter-agency task force to combat human trafficking ("VP Binay Willing to Head Task Force vs. Human Trafficking," 2010).

The Philippine government expressed much anxiety toward the release of the 2011 TIP Report, and this was reflected in extensive media coverage. In 2011, newspaper coverage of the TIP Report, as that of human trafficking issues generally, reached a peak. The four newspapers sampled for this study published more than five hundred news items relating to human trafficking during 2011, a forty percent increase compared to 2010, and more than any other year on record (see Graph 2). The TIP Report itself was covered in 37 articles, also an all-time high. As early as January 2011, government officials publically expressed confidence that the Philippines would be removed from the Watch List in the 2011 Report (Punay, 2010). Expectations ran so high, that President Aquino erroneously announced, based on wrong

information, that the Philippines was removed from the Watch List, two months before the release of the 2011 Report (Aben, 2011; Apolonio, 2011).

The 2011 TIP Report did in fact promote the Philippines to Tier 2, as expected (United States Department of State, 2010). In an interview to CNN, U.S. Secretary of State Hillary Clinton gave the Philippines as an example for a country that has made a lot of progress, and implied that this was the result U.S. pressure, combined with the recent change of administration. According to Clinton, “until the new administration of President Aquino, we didn’t really have the level of commitment we were seeking. We do now, and we see a sea change of difference” (“Sec. Clinton on slavery: “Unforgettable and unforgivable”,” 2011).

The removal of the Philippines from the Watch List was received by the government with a sigh of relief. President Aquino referred to it in his 2011 State of the Nation Address.³⁴ This marked the only time to date that the President’s annual speech touched on the topic of human trafficking. Aquino’s speech, titled “Let us end culture of negativism,” was focused on the accomplishments of his administration during his first year in office. Aquino took credit for the increased number of trafficking prosecutions and subsequent removal of the Philippines from the Watch List as one of those achievements. He further stated that “If we had not been removed from this Watch List, the assistance we have been receiving from the Millennium Challenge Corporation, among others, would have been jeopardized” (Aquino, 2011). In saying this,

³⁴ The Philippine State of the Nation Address is an annual speech that the President is mandated by the Philippine Constitution to give in front of both houses of Congress.

Aquino implicitly admitted that the continued U.S. financial assistance was the motivating factor behind his administration's crackdown on trafficking. Tellingly, he did not make the case that this might have also benefitted the people of the Philippines, particularly trafficked persons.

In the following years, the Philippines continued to increase its anti-trafficking efforts, particularly in the area of prosecution. Within three years, from July 2010 to May 2013, the trafficking conviction rate shot up, with 81 convictions under the 2003 anti-trafficking law, compared with a total of 31 convictions during the statute's first seven years (Senate of the Philippines, 2015c). Already one month after the publication of the 2011 TIP Report, Vice President Binay pledged that the country would attain a Tier 1 status (Clapano, 2011). While this had not happened as of 2015, he has repeatedly made this claim year after year (Clapano, 2013; Ruiz, 2012, 2013, 2014). As the Philippines remained consistently on the Tier 2 list however, Binay and other government officials have been trying to spin this stagnation as an achievement, highlighting to reporters that under the previous administration the country was put on the Watch List and was in danger of getting to Tier 3 (Postrado, 2012; Punay, 2013; Ramos-Araneta, 2013).

After the ongoing government efforts to upgrade its position to Tier 1 proved unsuccessful, The Philippine Congress passed the Expanded Anti-Trafficking in Persons Act. Republic Act No. 10364, which was introduced initially in response to the 2010 TIP Report, passed the Senate unanimously on October 2012, and was signed into law on February 2013. The statute consists of multiple provisions that add "more teeth" to the Anti-Trafficking in

Persons Act of 2003. Its most notable contribution is the addition of an offense of attempted trafficking, which enhances the power of prosecutors to charge cases even if they lack crucial evidence that trafficking indeed happened. It enabled prosecutors to charge Filipino citizens or residents for a trafficking offence they have committed abroad. The new law also rendered inadmissible any evidence of trafficked persons' consent to be exploited or their past sexual behavior or reputation. The new legislation also strengthened the legal protection for trafficked persons, for example by assuring they would not be penalized for crimes they have committed as a result of their trafficking. In terms of prevention, the law mandated the publication of the names of persons accused of trafficking in order to warn potential victims, and thereby preventing future trafficking (Congress of the Philippines, 2013; Senate of the Philippines, 2012).

While lawmakers expressed hope that the enactment of the tougher anti-trafficking law would get the Philippines into the list of Tier 1 countries (Clapano, 2013), this is yet to happen. The 2013 TIP Report acknowledged the new legislation, but maintained the country's placement on Tier 2 (United States Department of State, 2013). The 2015 TIP Report, the last one that falls within the scope of this study, still points to "pervasive corruption" of state employees as the main reason trafficking continues to flourish, and blames the government for allowing government officials to facilitate trafficking with virtual impunity (United States Department of State, 2015). Two separate resolutions were introduced in the Philippine Senate, expressing concern over the stagnation in the Philippines tier placement. Both resolutions called on the

relevant senate committees to conduct an inquiry into the findings of the 2015 TIP Report, particularly focusing on corruption as a barrier to effectively combat trafficking. One of the resolutions proposes that the government should strengthen its anti-trafficking stance “not only for the sake of an upgraded rating from the US State Department, but rather for the welfare of Filipinos.” Both resolutions failed to pass the Senate (Senate of the Philippines, 2015a, 2015b). The last newspaper article that mentions the TIP Report during the period covered by this study is the editorial of the *Philippine Daily Inquirer*, which was aptly titled “Stuck” (“Stuck,” 2015).

This last five year period marked the first time the Philippine government’s attempts to combat trafficking could be characterized as serious and earnest. While previously government action focused mainly on prevention and international cooperation, coupled with harsh rhetoric and even comprehensive legislation, since 2010 the focus shifted almost completely to enforcement and prosecution. This was influenced primarily by the government’s increased attention to the U.S. TIP Report. In this period, the TIP Report dominated media coverage of human trafficking and left behind all other external pressure mechanisms that proved to be influential prior to this period, like the United Nations.

Conclusion: The Philippines

This chapter demonstrated how U.S. pressure grew to become an influential force on the Philippine anti-trafficking policy. During the 1990s, the Philippine government was motivated to protect its overseas workers and women exploited locally in prostitution primarily by internal pressure from below, particularly by the various women's rights organizations, most notably the Coalition Against Trafficking in Women - Asia Pacific, which drafted the 2003 anti-trafficking law, and the GABRIELA Alliance of Filipino Women. At this initial phase, the government was pressured to abide by human rights standards and later the UN Trafficking Protocol. After its establishment in 2001, the U.S. State Department's TIP Report gradually permeated public discourse over human trafficking in the country. The U.S. embassy in Manila engaged in concerted efforts to increase the visibility of the Report.

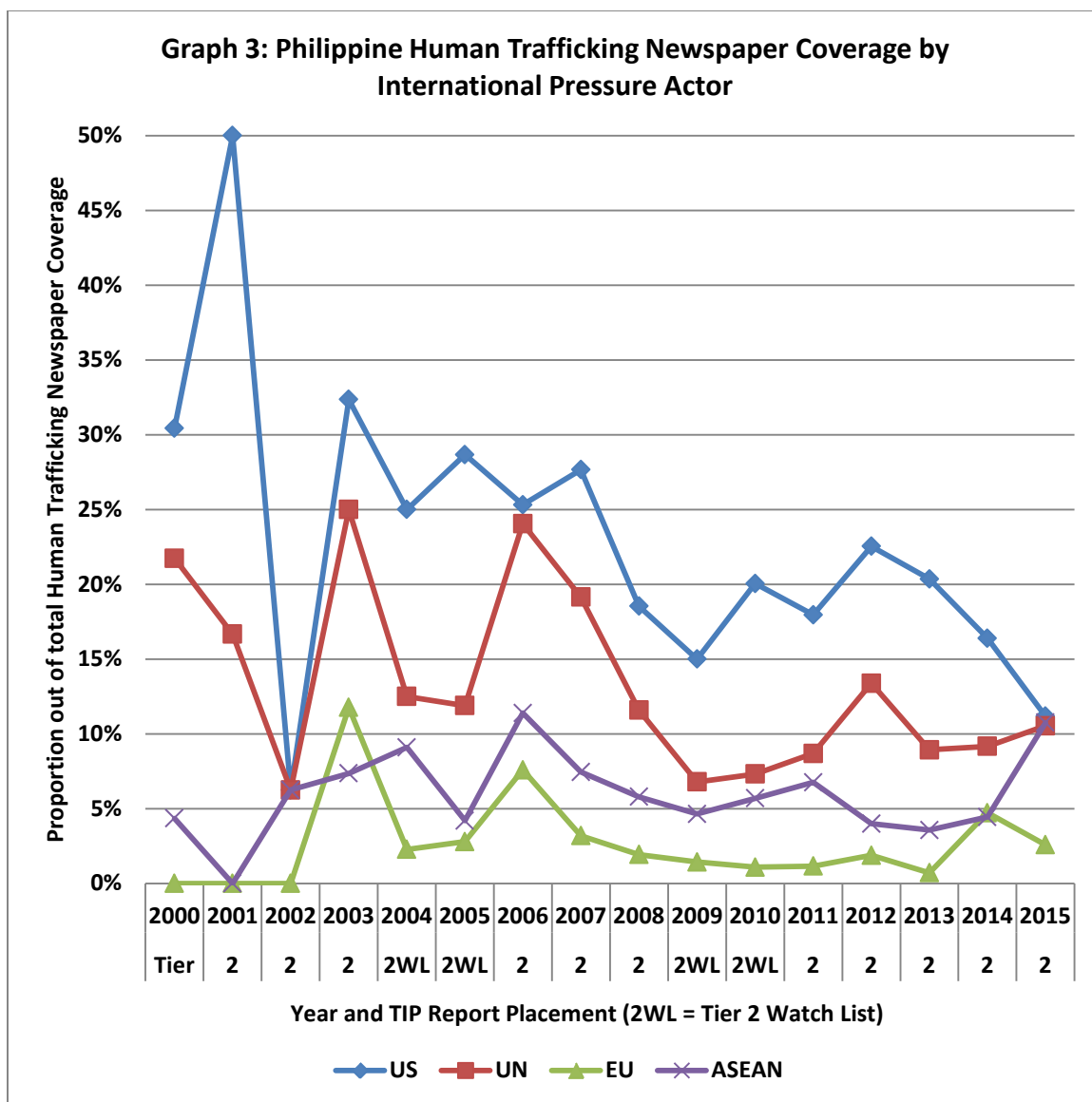
Once it became clear that the Philippine government is motivated by the threat of economic sanctions, local civil society and lawmakers increasingly used the TIP Report as leverage on the executive branch. This was increased by the ability of the State Department to fund and partner with local civil society actors to do its bidding. Specifically, CATW-AP kept the pressure on the legislature to legislate anti-trafficking policies that matched the U.S. stance toward trafficking. Similarly, the Visayan Forum Foundation provided protection services to trafficked persons, and even prosecuted traffickers to ease the load of the government. The TIP Report was such a powerful motivator, that anti-trafficking advocates felt the need to repeatedly

make the point that their proposed anti-trafficking policies would not only to deflect U.S. sanctions, but also for the benefit of the Filipino people.

After the 2010 election of President Aquino, the government of the Philippines engages in genuine efforts to improve its record on human trafficking. Government officials have explicitly expressed their aspiration to be included in the Tip Report's list of Tier 1 countries, i.e. the countries that fully comply with the TVPA Minimum Standards. Despite its efforts, as of 2015 the Philippines has not achieved the coveted Tier 1. This demonstrates the limits of U.S. pressure to effect change in the face of deep cultural norms and a complex political situation. The high levels of corruption of government officials and state employees still pose a significant threat to genuine implementation of the Philippines uncompromising rhetoric.

Graph 3, below, aims to compare the level of anti-trafficking pressure on the Philippines that was exerted by different international actors, as reflected in local media. The graph shows the percentage of trafficking-related news items that mention either the United States, The United Nations, the European Union, or the Association of Southeast Asian Nations (ASEAN), across all four newspapers used in this study. It is easy to see, that of these four actors, the United States was referred to the most in Philippine media, in conjunction with human trafficking. This finding agrees with the general conclusion of this chapter, that it was U.S. pressure, more than any other external factor, which motivated the Philippines to act on human trafficking. Interestingly, toward the end of the period covered in this study, the visibility of the U.S. is in decline, and that of ASEAN is on the rise. This could be attributed to the fact that in

2015 ASEAN countries negotiated and eventually issued the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ASEAN, 2015a). These efforts took center stage and were widely reported on in Philippine media, while U.S. involvement became routine.



Chapter 6: Thailand

Of the three cases examined in this study, the human trafficking situation in Thailand is ostensibly the worst. The Thai government was the first to address human trafficking, before international attention to the problem peaked. This chapter begins with a brief overview of the problem of human trafficking in Thailand. It continues to trace the major developments in Thai anti-trafficking policy, linking them to U.S. pressure on the Kingdom. The first period discussed, 1984-2001, covers a time when Thailand was ahead of most countries in the world to acknowledge that human trafficking exists and to set up policies to address it. These developments were internal to Thailand and were brought about by popular pressure on the government. The next period, 2002-2010, was characterized with growing U.S. pressure on Thailand and a slow response by the Thai government, almost exclusively on the issue of sex trafficking at the expense of labor trafficking. The last period, beginning in 2010, is marked by heightened concern over labor trafficking in the Thai seafood industry, coupled with unprecedented attempts to appease the U.S. and the international community as a whole.

Despite these attempts, Thailand is the only case in this study whose position on the TIP Report has been getting worse over time, as it was placed on tier 3 in both 2014 and 2015. While the government did enact anti-trafficking laws and created multiple anti-trafficking action plans, their implementation is hindered by political instability, government corruption, and general weakness of government institutions. When the government does crack down on trafficking, it typically comes at the expense of the human rights of the trafficked persons. Local anti-

trafficking non-governmental organizations typically reject government policies and are critical of the U.S. influence over them. Thailand's most recent attempts to ameliorate its tier rank have focused mainly on public relations initiatives, rather than genuine efforts to address the problem.

Case Background: Thailand

Thailand has a longer history with sex trafficking than most countries in the world. It was among the first to recognize trafficking as a problem and to craft policies to combat it. The first wave of anti-trafficking government action was in the 1928, with the enactment of the Anti-Trafficking Act, which criminalized the smuggling of women into the country for the purpose of commercial sex (Asia Watch, 1993). This was similar to the global White Slavery discourse that was popular at the time, which sought to criminalize the transnational movement of women for the purpose of prostitution (Doezema, 1999; Donovan, 2005). A few decades later, the Prostitution Suppression Act of 1960 criminalized all forms of selling sex and pimping, but left the act of buying a sex act legal (Kingdom of Thailand, 1960). In 1966, Thailand enacted the Act on Entertainment Places, which regulated nightclubs, karaoke bars, massage parlors (but not massage clinics that provide non-sexual massages), and other businesses that cater to male demand for “adult” entertainment. Among the regulations, the law required these businesses to have a special license, forbid access to anyone under the age of 18, because of their effect on “public morals” (Kingdom of Thailand, 1966). While the law did not permit prostitution, it did contain euphemisms such as “service partners” and “bath service providers” (Kingdom of Thailand, 1966). So Thailand had a double standard with regard to prostitution: on the one hand having anti-trafficking and anti-prostitution laws on the books, and on the other implicitly legitimizing prostitution (Mah, 2011).

The use of Thailand as a “rest and recreation” center for U.S. troops during the Korea and Vietnam wars has made the Thai sex industry into a booming economic sector (Enloe, 1990). Bangkok gained notoriety as “Asia’s brothel,” and some of the country’s islands became magnets for sex tourism from all over the world (Arnold & Bertone, 2002; W. Lee, 1991). Globalization processes, which included a government-sponsored growth in international tourism, contributed to a rapid expansion of Thailand’s sex industry, which more than doubled during the 1980s, from about 40 thousand sex workers in 1980 to 85 thousand in 1990, in more than 7,500 brothels (Boonchalaksi & Guest, 1998). These are official government numbers, while other estimates put the numbers at more than a hundred thousand (Boonchalaksi & Guest, 1998). In the mid-1990s, when the discourse on sex trafficking started to rise, prostitution was found to be the most profitable illegal sector in Thailand’s underground economy, generating at least \$22 million annually, which represented 10 percent of the country’s GDP (Pasuk, Sangsit, & Nualnoi, 1998). Thai nationals also went abroad to work in the sex markets of Japan, Australia, and the U.S. (Boonchalaksi & Guest, 1998).

During the 1990s, Thailand experienced rapid economic development, which made it a prime labor migration destination from its neighboring countries. Long stretches of unregulated borders and lax immigration enforcement enabled migrants to enter the country relatively easily, but also made them vulnerable to exploitation by traffickers. A 2006 ILO study found Thailand to be the “number-one destination in the cross-border trafficking of children and women” in the greater Mekong sub-region, hosting some 3-4 million migrant workers from its neighboring

countries of Myanmar, Laos, and Cambodia (Pearson, 2006). In addition, large segments of the Thai society are economically, socially, and politically marginalized, particularly the so-called “Hill Tribe people,” members of different ethnic minorities who reside in remote mountainous areas in the Northern and Western parts of Thailand (Toyota, 2005). They comprise several hundreds of thousands of people, if not more, many of whom are not eligible for citizenship under Thai law (Toyota, 2005). Stateless, they lack citizenship rights and protections and are therefore inherently vulnerable to exploitation, including trafficking (Toyota, 2005; Vital Voices Global Partnership, 2007). In addition, Thailand is also a source country, with Thai nationals leaving the country to seek employment overseas, at times under exploitative conditions (Hewison & Young, 2006; Sobieszczyk, 2000).

These vulnerabilities are exacerbated by an increasingly instable and unfree political system. While nominally defined as a constitutional monarchy since 1932, Thailand has been under military rule for the majority of the 20th century. A popular pro-democracy movement in the early 1970s managed to weaken the military’s grasp on the country and began a period of civilian rule, laced with frequent military coups (Hewison, 1997). During the 1980s and 1990s, Thailand experienced relative stability and underwent steady democratization, coupled with increased openness toward the West (Hewison, 1997). The issuance of a new democratic constitution in 1997, followed by the first real free elections in 2001 seemed to have paved Thailand’s road to democracy (McCargo, 2002). However, the country descended into political chaos in 2005, and has been in crisis ever since, with constant clashes between the military and

pro-democracy forces (Connors, 2008). The military regained control of the country in 2006 in a “bloodless” coup (Connors, 2008). Even though civilian rule was restored one year later, the military rewrote the Constitution and retook power for brief periods of time, meeting growing popular resistance (Connors, 2016). The military took power again in 2014 (Connors, 2016). Despite initial promises to restore democracy within one year, as of the end of 2015 the military employed increasingly dictatorial powers and significantly curtailed fundamental rights and freedoms such as freedom of speech and of peaceful assembly (Amnesty International, 2016).

Thailand is considered one of the United States’ closest allies in East Asia. This close relationship goes back nearly 200 years, but significantly intensified during the Cold War, when the U.S. forged a military-security alliance with Thailand, as part of its war efforts in Korea and later Vietnam. During President George W. Bush’s “war on terror,” the bond between the countries intensified, and in 2003 Bush formally added Thailand to the exclusive list of formal U.S. major non-NATO allies, a designation that gave Thailand access to increased military aid and other benefits. Economic and trade ties between the two countries have been flourishing as well, despite the ongoing political instability (Capie, 2004). However, growing attention in Washington to Thailand’s dismal human rights record, some of it over human trafficking, started fracturing the strong relationship between the two countries (Chachavalpongpun, 2014). The growing pressure by the U.S. on Thailand to crack down on human trafficking is a part of this broader trend.

1985-2000: Early Anti-Trafficking Response

In the mid-1980s, public attention in Thailand began to turn to look at the exploitation that was prevalent in prostitution. A single incident in 1984 initiated that shift. (Asia Watch, 1993). In January of that year, a fire broke in a brothel in Phuket, one of Thailand's prime sex tourism destinations. Five young women lost their lives in the fire, because they were chained inside their room and could not escape the brothel (Asia Watch, 1993). This was the first time women in prostitution were widely seen as victims, and not criminals. It was also the first time that a Thai brothel owner was prosecuted, convicted, and arrested (Asia Watch, 1993). The families of the victims later launched a civil suit and received some compensation for the loss of their loved ones (Asia Watch, 1993). These trials, which spanned seven years, and particularly their coverage in the media, sparked widespread consciousness of the violence and abuse within the country's thriving sex industry. Despite that, the government maintained its laissez-faire stance toward prostitution (Asia Watch, 1993; Boonchalaksi & Guest, 1994)

This incident also initiated a sex workers' rights movement in Thailand. In 1985, Thai sex worker and activist Chantawipa Apisuk launched "a small project to explore prostitution, sex tourism and issues of exploitation in the sex industry" (NSWP, 2014). The sex workers she organized with wanted English classes to improve their work skills and earning power. Soon after, she established for that purpose sex workers collective named EMPOWER: Education Means Protection Of Women Engaged in Recreation (NSWP, 2014). Gradually EMPOWER started offering more services, such as vocational trainings and information about HIV/AIDS,

and started to advocate for the rights of sex workers (NSWP, 2014). As the following sections illustrate, EMPOWER remains the most vocal and influential sex workers' rights organizations in Thailand until today, and it plays a key role advocating against U.S. anti-trafficking and anti-prostitution pressure.

In the 1990s, when human trafficking became again the center of global attention, Thailand was one of the first countries to acknowledge the existence of trafficking within its realm and to tackle the problem. However, Thailand's early response to human trafficking was limited to protecting children. For example, in 1992, in a bid to protect children born unintentionally to sex tourists, Thailand amended its nationality laws to extend citizenship, and thereby also legal rights and protections, to children born to Thai mothers and non-Thai fathers (Kingdom of Thailand, 1992). In 1996, Thailand enacted the Prostitution Prevention and Suppression Act, which reduced the penalty for selling sex, while introducing punishments on adults buying sex from minors and penalties on parents or others profiting from the prostitution of children (Kingdom of Thailand, 1996).

This period in time also the creation of another influential sex workers' rights organization in Thailand: the Global Alliance Against Traffic in Women (GAATW). GAATW was founded in 1994, as a result of a feminist participatory action research project that looked into the intersection of women's migration, prostitution, and exploitation (GAATW). In its early years, GAATW worked on two main objectives: creating a "clear and unambiguous" definition of trafficking; and promoting the legal protection of the human rights of trafficked women

(GAATW). In its advocacy for clearly separating consensual “sex work” from “sex trafficking,” GAATW is often seen as the counterpart of the abolitionist Coalition Against Trafficking in Women (CATW), which was discussed in the chapter on the Philippines. GAATW operates as a coalition of local organizations worldwide, but its international secretariat is located in Bangkok, which gives it more visibility in Thailand than in other countries. GAATW has been very vocal against the harmful effects of U.S. anti-trafficking policies on sex workers (GAATW, 2007), and advocating for a global human rights approach to human trafficking (Pearson, 2000).

In 1997, Thailand enacted the Prevention and Suppression of Trafficking in Women and Children Act. As the title suggests, the law did not consider the possibility that men could also be “trafficked.” It also only addressed trafficking for sexual exploitation, prohibiting the “buying, selling, vending, bringing from or sending to, receiving, detaining or confining any woman or child ... for sexual gratification of a third person.” The law gave Thai law enforcement agencies the power to inspect places where trafficking may occur, i.e. brothels and nightclubs and to detain women and girls identified as trafficked in order to protect them from traffickers (Kingdom of Thailand, 1997). In an attempt to address exploitation of children working in other sectors, Thailand enacted the Labour Protection Act of 1998, which raised the minimum age of employment from thirteen to fifteen and included special measures for the protection of working minors, for example a prohibition on employing minors in dangerous types of labor and in places such as gambling houses, brothels, massage parlors, and “places for dancing” (Kingdom of Thailand, 1998).

While Thailand was among the first countries in the world to develop an anti-trafficking legal framework, at this early stage its stance toward trafficking was limited. The government did enact several laws to address exploitative prostitution and child labor, mainly as a result of internal pressure and the work of UN agencies like the International Labor Organization. While some of these laws were advanced for their time, they were poorly implemented. They also seeded the way in which the anti-trafficking discourse enabled government abuse of the human rights of sex workers, for example by giving the police the power to detain women identified as “trafficked” against their will. U.S. pressure was in its infancy and was ineffectual at this stage.

2001-2003: Stagnation despite Growing U.S. Pressure

The period from 2001-2003 was marked by growing visibility and impact of the U.S. pressure on human trafficking in Thailand, although the U.S. was only one of many actors to which Thai authorities responded. As the global anti-trafficking discourse grew, so did Thailand's participation in international cooperation on the topic. In the end of 2001, Thailand signed the UN Anti-Trafficking Protocol, although it would not ratify it until more than a decade later (United Nations). As was detailed in the literature review, this is also when the United States became more vocal and more forceful with regard to its anti-trafficking foreign policy. This section will demonstrate how Thailand's government gradually became more and more attentive to U.S. pressure, particularly after the country was placed on the Tier 2 Watch List in 2004. Until 2010, Thai media gave more attention to UN and other international agencies' criticism of Thailand's trafficking problem, while U.S. pressure on the issue was less visible. However, as will be illustrated in this section, behind closed doors, the looming prospect of economic sanctions was generating much diplomatic efforts by the Thai government.

The first U.S. State Department TIP Report, published in June 2001, placed Thailand on Tier 2, meaning that the government does not comply with the U.S. Minimum Standards, but it is making significant efforts to do so. The Report stated that the government "openly admits" Thailand's trafficking problem and is making significant efforts to combat it "despite resource constraints" (United States Department of State, 2001). The Report highlighted points that require improvement: the weak enforcement of existing anti-trafficking laws, the lack of anti-

trafficking training for relevant state agencies, the lack of funding for assistance to trafficked persons, and the pervasive government corruption that facilitates trafficking (United States Department of State, 2001). However, the Report mentioned favorably the government's cooperation with local NGOs and with other countries in the region (United States Department of State, 2001). The Thai government and media both by and large ignored the 2001 TIP Report, as none of the Thai newspapers included in this study reported on it.

The TIP Reports of 2002 and 2003 gave Thailand similar assessments to that of the 2001 Report and maintained the country on Tier 2. While the 2002 Report mentioned only trafficking for sexual exploitation and street begging, the 2003 Report asserted that Thailand's trafficking problem also extends to other forms of forced labor. Both TIP Reports lauded the government's efforts to protect trafficked persons by collaborating with NGOs and international organizations to house them in temporary shelters and send them back to their home countries (United States Department of State, 2002, 2003). The 2003 TIP Report went so far as stating that "senior Thai officials make commendable efforts to provide protection to trafficking victims" (United States Department of State, 2003). Both the 2002 and 2003 Reports cited low levels of anti-trafficking law enforcement and government complicity in trafficking as the main reasons for the determination that Thailand's efforts do not comply with the TVPA Minimum Standards (United States Department of State, 2002, 2003). The 2003 Tip Report concluded that, while the government has long recognized "that trafficking in persons is a problem," "the issue is still not among Thailand's top priorities" (United States Department of State, 2003).

Unlike the first TIP Report, the 2002 and 2003 Reports received limited media attention. *The Nation* daily paper published an article that reiterated the 2002 Report's main findings as is, without giving additional context or independent reporting ("EDITORIAL II: Human trafficking," 2002). *The Bangkok Post* also covered the 2002 TIP Report. Interestingly, the article described the Report's global findings on trafficking and did not mention anything about the situation in Thailand, including the country's rank in the Report ("US condemnation counts for something," 2002). The only hint to the trafficking situation in Thailand was one line: "The fact that Phanupong "Got" Khaisri's plight received wide U.S. public attention shows the seriousness the U.S. government attaches to the problem of human trafficking" ("US condemnation counts for something," 2002). This is referring to a case of a Thai boy, who was brought at the age of two to Los Angeles by a Thai couple posing as his parents, who used him to fraudulently get into the U.S. (K. C. Kang, 2001). After a lengthy custody battle with the grandparents, the U.S. issued the boy a T visa, the special visa class the U.S. created specifically for trafficked persons, which includes a path to citizenship ("U.S. to grant Thai boy special immigrant status," 2002). The visa was awarded in May 2002, just a month before the 2002 TIP Report was released. By including this in the story about the publication of the TIP Report, and praising the "serious" U.S. stance toward trafficking, the *Bangkok Post* may have tried to implicitly criticize the Thai government's weak response.

The 2002 TIP Report was the first to generate a reaction from the Thai government. This was in response to a letter sent by the U.S. embassy in Bangkok to several Thai officials in the

spring of 2003, while the embassy was collecting information for the 2003 TIP Report. In the letter, the U.S. embassy warned that the U.S. “is considering downgrading Thailand's status due to the kingdom's lacklustre efforts to stamp out human trafficking” (Treerutkuarkul & Marukatat, 2003b). In response, the government’s National Sub-Committee to Combat Trafficking in Children and Women, which is in charge of implementing Thailand’s national anti-trafficking plan, initiated a bilateral dialogue with the U.S. embassy to improve its ranking (Treerutkuarkul & Marukatat, 2003a). On the legislative branch side, Lalita Ruerksamran, Chairwoman of the Thai House Committee on Women, Children and Elderly repeatedly expressed concerns over the country’s international reputation. In a Committee hearing in March, she declared, “We have to do something to revive our country's image” (Treerutkuarkul & Marukatat, 2003b). A month later, she urged the government to take further actions “to secure the country’s image on sex trade problems” by setting up an anti-trafficking task force (Treerutkuarkul & Marukatat, 2003a). This step was needed, she argued, “to prevent Thailand from facing possible aid cuts by the United States” (Treerutkuarkul & Marukatat, 2003a). This marked the first time the possibility of U.S. sanctions over trafficking was brought to light in Thai media and were used by legislatures to pressure the government.

Following these developments, the Thai government increased its anti-trafficking cooperation with other governments as well as with Thai civil society. In October 2002, Thailand signed an agreement with the governments of Laos to increase identification of trafficked persons and to regularize their repatriation. In May 2003, Thailand signed a similar

agreement with Cambodia. In July, less than a month after the publication of the 2003 TIP Report, the Thai government held a seminar which brought together law enforcement officers and anti-trafficking NGOs to work on a shared strategy. A scathing editorial in *The Nation* attributed these developments to criticism of the Thai government that was expressed in two sources, a UNODC Report and the U.S. TIP Report, adding that “It is a pity that the government is doing the right thing for a rather selfish and cynical reason. The government shouldn’t be doing this just because of pressures from the United Nations or any other foreign country” (“EDITORIAL - The reality behind human trafficking,” 2003).

Two additional developments are crucial for the understanding of U.S. anti-trafficking pressure in Thailand during this period. The first was U.S. funding of anti-trafficking projects, which is coordinated through the U.S. Agency for International Development (USAID). Beginning in 2002, more than twenty Thai local non-governmental organizations have been receiving grants for various anti-trafficking projects (USAID, 2009). Some of these grants were also given to government agencies, with the aim of building their capacity to do anti-trafficking work. One notable example is the formation of local anti-trafficking task forces, which bring together relevant staff from multiple government agencies, such as police investigators, prosecutors, social workers, and health professionals, to work in collaboration with local NGOs. Dubbed the “Chiang Mai Model,” after the first location, these task forces are designed to facilitate a stronger, faster, and better coordinated response to trafficking cases (USAID, 2009). By 2006, there were six such task forces throughout Northern Thailand (USAID, 2009).

The second development is the involvement of U.S.-based non-governmental organizations in anti-trafficking work in Thailand. Chief among these organizations is the International Justice Mission (IJM), a Christian faith-based NGO that operates in multiple countries to “rescue” victims of sex trafficking. IJM started operating in Thailand in 2001, and employed a team of former U.S. law enforcement officers to investigate and raid brothels, sometimes on their own, other times in collaboration with local Thai police. These activities were heavily criticized by local anti-trafficking NGOs, on several grounds. First, IJM’s policy was that any woman in the sex industry needs to be “rescued,” with or without her consent. During their brothel raids, they did not attempt to distinguish between adults and minors, nor between consenting sex workers and victims of trafficking (Arnold & Bertone, 2002). Second, the raids would ultimately lead to the women’s arrest, with no plan or means for their “rehabilitation” (Soderlund, 2005). A report by the EMPOWER Foundation (2003) on these raids exemplifies these two points. EMPOWER documented one raid, conducted by IJM with Thai police on a brothel in the city of Chiang Mai. The women who worked in the brothel were Burmese, and were all consenting sex workers. During the raid, 28 women were arrested, were taken to a shelter against their will, and were not allowed to leave for over a month (EMPOWER Foundation, 2003). According to EMPOWER, “Some of the women were not employees of that brothel but were simply visiting friends when they were ‘rescued’” (EMPOWER Foundation, 2003). Within a month of their “rescue,” the majority of the women escaped the shelter (EMPOWER Foundation, 2003). These practices were perceived by EMPOWER and other local

NGOs as “cowboy-style,” and generated antagonism toward IJM, and U.S. anti-trafficking work more broadly (Arnold & Bertone, 2002).

Internal U.S. politics around human trafficking played into these perceptions. Gary Haugen, founder of International Justice Mission, was instrumental in shaping U.S. foreign policy on trafficking, had the ear of several members of Congress, and even took part in drafting the 2000 U.S. Trafficking Victims Protection Act (Soderlund, 2005; Weitzer, 2007). While most of its funding comes from private donors, the International Justice Mission is also heavily funded by the U.S. government. For example, in 2002 IJM received a three-year grant from the U.S. Department of Labor to revamp its anti-trafficking work in Thailand (USDOL, 2006). Conversely, the EMPOWER Foundation is barred from receiving U.S. funding because of its stance on prostitution. In 2003, as a part of the reauthorization of the Trafficking Victims Protection Act, the Bush administration imposed a new rule, which requires any organization that receives U.S. funds for anti-trafficking work to have an organization-wide policy “explicitly opposing prostitution and sex trafficking” (United States Congress, 2003). Colloquially known as the “Anti-Prostitution Gag Rule,” this policy is highly controversial among human rights advocates, which argue that sex workers’ rights organizations are poised better than anyone else to identify and assist actual victims of sex trafficking (Kinney, 2006). The EMPOWER Foundation used to be supported by the U.S. government, but lost this funding in 2003 because of this rule (Soderlund, 2005). This added to the already existing suspicion by local Thai NGOs toward U.S. actions and motivations in this area.

Overall, this period was marked by growing pressure by the U.S. government, but this pressure was only one of many other actors in the Thai scene. The first two TIP Reports were largely ignored by the Thai government and media, despite their unfavorable rankings of the country. The third Report was noticed, and also seems to have motivated some limited government action. However, this was at a very limited scale, and there is no evidence that suggests that these developments would not have happened without the presence of U.S. pressure.

2004-2009: The “War on Trafficking”

This period was marked by an unprecedented attention by the Thai government to U.S. anti-trafficking pressures. The U.S. government increased its anti-trafficking international pressure globally in 2003, as under the Trafficking Victims Protection Act (United States Congress, 2000), the sanctions regime only entered into force following the 2003 TIP Report. The State Department Trafficking in Persons Office also started targeting Thailand with more vigor, for example using high-level diplomacy, as this section will detail. As I will demonstrate in this section, these efforts were successful in getting the attention of the Thai government, which revamped its efforts against sex trafficking. By the end of this period, the TIP Report would have become one of the main motivators for government action.

One particular event increased the government’s attention to U.S. anti-trafficking efforts, toward the end of 2003. Gearing up to host the Asia-Pacific Economic Cooperation (APEC) summit in October, the Thai government began mass deportations of undocumented migrants as a part of a campaign to “clean-up” the streets of Bangkok (Assavanonda, 2003). In one day in September, Thai authorities deported 621 Cambodian street beggars, many of whom were children, without screening them first to identify cases of trafficking, and without coordinating with the Cambodian government, despite the recent agreement between the two countries (Assavanonda, 2003). One week after the deportation, State Department TIP Office Director John Miller paid a visit to Thailand to examine firsthand its anti-trafficking programs. In a press conference, Miller expressed his appreciation the steps Thailand has taken to combat trafficking,

and that the State Department decided to allocate almost \$1 million to fund anti-trafficking efforts in Thailand to be distributed between government agencies and NGOs (Ganjanakhundee, 2003). However, most of his remarks were dedicated to the recent deportations, which Miller characterized as “a step backward,” as he warned that they would affect the country’s assessment in the next TIP Report (Ganjanakhundee, 2003).

As a result of this threat, Thai officials launched a campaign to prevent the country’s downgrade in the 2004 TIP Report. In January 2004, Thai Deputy Prime Minister Purachai Piumsombun met with the Thai Immigration Police Chief and directed him “to take tough action against human trafficking for fear of losing US financial aid” (“HUMAN TRAFFICKING - Fear of losing US aid spurs crackdown,” 2004). This statement did not mention what specific actions are to be taken, which could signal that this was a purely symbolic act. By way of public diplomacy, Purachai summoned U.S. Ambassador Darryl Johnson to a meeting, “to explain the implications for Thailand if it is downgraded to a tier-three country” (“HUMAN TRAFFICKING: Thailand to plead its case,” 2004). The report of this meeting in *The Nation* anonymously quoted Thai officials saying they “believe the country's ranking will be lowered” in the next TIP Report (“HUMAN TRAFFICKING: Thailand to plead its case,” 2004). They also expressed concern for the country’s reputation, saying the government “has been lobbying the US not to lower its status for fear it will damage the country's international standing” (“HUMAN TRAFFICKING: Thailand to plead its case,” 2004).

The 2004 TIP Report ended up placing Thailand on the Tier 2 Watch List (United States Department of State, 2004). This new option was created in the 2003 reauthorization of the Trafficking Victims' Protection Act (United States Congress, 2003), and was available to TIP Office analysts for the first time in 2004. Its goal was specifically to give the State Department another warning phase before putting countries on Tier 3, which requires Presidential determination about sanctions (United States Department of State, 2004). As Ambassador Miller had warned, one of the problems highlighted in the TIP Report about the conduct of Thailand was the deportation of hundreds of Cambodian "street children" from Bangkok. This caused the government's protection efforts of trafficked persons to be labeled only as "adequate." The Report acknowledged a "significant increase" in anti-trafficking prosecutions, but asserted that overall the anti-trafficking law was used "sparingly" because prosecutors are unfamiliar with it (United States Department of State, 2004). *The Nation* daily newspaper covered the TIP Report's findings, reprinting the Report's Thailand chapter almost in its entirety ("Thailand hovering above Tier 3," 2004).

Almost immediately, Thailand significantly stepped up its anti-trafficking rhetoric, issuing a new era in its anti-trafficking efforts. In August 2004, less than two months after the release of the TIP Report, Thai Prime Minister Thaksin Shinawatra declared an all-out "war on human trafficking" (AFP, 2004). He pledged to overhaul Thailand's anti-trafficking laws, establish a special police anti-trafficking unit, enhance protection measures for trafficked persons, increase preventative education, and boost collaboration efforts both with Thai NGOs

and with other governments (AFP, 2004). Most importantly, he promised to “weed out corruption among politicians and police,” stressing that “without effective and transparent enforcement any move to toughen penalties would be meaningless” (AFP, 2004). Social Development Minister Sora-at Linparatoom followed up, saying the government “has declared war against human trafficking as seriously as it did in its declaration of war against drug trafficking” (AFP, 2004). This was a reference to the controversial 2003 government crackdown on drug users in the country, during which more than 2,000 people were killed in extrajudicial executions (Human Rights Watch, 2004). Given this very recent history, Thaksin’s “declaration was widely interpreted as providing criminal justice officials with implicit authority to use any means possible to secure arrests and convictions” of traffickers (Gallagher & Holmes, 2008), regardless of any human rights considerations. This declaration of war put human trafficking on the national agenda for the first time (Kinney, 2013).

Table 5: Thailand - Selected Statistics

Year	TIP Report Tier	Total U.S. Foreign Aid (in \$US Millions)³⁵	U.S. Funding of Anti-Trafficking Programs (in \$US)³⁶	Human Trafficking Investigations³⁷	Human Trafficking Prosecutions	Human Trafficking Convictions
2001	2	\$44	\$0	N/A	N/A	N/A
2002	2	\$40	\$166,667	N/A	N/A	21
2003	2	\$48	\$0	N/A	N/A	20
2004	2WL	\$23	\$0	N/A	N/A	12
2005	2	\$42	\$223,780	N/A	N/A	74
2006	2	\$50	\$25,000	N/A	N/A	N/A
2007	2	\$55	\$304,900	N/A	N/A	N/A
2008	2	\$46	\$440,000	N/A	54	N/A
2009	2	\$42	\$210,000	95	17	8
2010	2WL	\$58	\$0	70	79	18
2011	2WL	\$64	\$560,000	83	67	12
2012	2WL	\$63	\$1,025,000	306	27	10
2013	2WL	\$75	\$350,000	674	483	225
2014	3	\$56	\$515,977	280	155	104
2015	3	\$6	\$273,967	317	242	241

³⁵ Disbursements during the fiscal year, including both military and economic aid, except 2015, which includes only economic aid. Source: (USAID)

³⁶ Includes all funding for trafficking related programs of the both government and NGOs by all U.S. agencies. Source: (USAID)

³⁷ Investigation, prosecution, and conviction data were derived from the TIP Report of the following year. These statistics should be taken with caution, as the method of reporting them in the TIP Reports was inconsistent through the years. Many of the TIP Reports mention that these data probably include non-trafficking prostitution cases. In addition, the numbers may refer to the calendar year, or to the “reporting period” that the TIP Report covered. Prosecution numbers may refer to prosecutions under the specific anti-trafficking law, or to all “trafficking-related” prosecutions, even if the charge was different. Sometimes a later Report contained conflicting data, in which case the latter Report was chosen as more accurate. Investigations and prosecutions may refer either to new or ongoing investigations/prosecutions. N/A means that the information was not available.

Some aspects of the Thai war on human trafficking were implemented immediately. By the end of 2004, the Thai police initiated an awareness raising campaign and established a hotline for reporting trafficking cases (United States Department of State, 2005). The police also began to systematically screen the country's large population of undocumented migrants in order to identify trafficking cases, as a lesson from the mass deportations of 2003, which had drawn heavy criticism by the U.S. (United States Department of State, 2005). In October 2004, Thailand orchestrated a landmark regional anti-trafficking cooperation initiative, the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), with the governments of Cambodia, China, Laos, Myanmar, and Vietnam (Gallagher, 2006a). In June 2005, the government created the promised new anti-trafficking unit within the Thai Royal Police and allocated to it 340 officers. This move considerably increased the number of trafficking investigations and prosecutions (U.S. Embassy Bangkok, 2005).

Acknowledging these developments, the 2005 TIP Report removed Thailand from the Watch List, yet maintained its place on Tier 2. The Report cited the government's "clear progress in applying greater law enforcement efforts" as the main motivation behind the country's upgrade. The Report also mentioned "modest progress in addressing widespread trafficking-related corruption" (United States Department of State, 2005). However, renowned international expert on trafficking Anne Gallagher characterized this relatively positive assessment as "a very kind reading of the situation" (Gallagher, 2006a). Additionally, she

pointed to various human rights concerns that arise from Thailand's anti-trafficking policies. For example, the TIP Reports consistently commended Thailand's protection scheme, which included a network of 97 victim shelters. The Reports failed to mention, however, that many persons identified as "victims" do not see themselves as victims and are housed in these so-called shelters for extended periods of time against their will, without the ability to leave until the government finishes processing their case, which could take many months (Gallagher, 2006a). The 2006 TIP Report maintained Thailand on Tier 2, while highlighting in stronger language than ever before Thailand's lack of efforts to combat labor trafficking, compared with its more developed stance toward sex trafficking (United States Department of State, 2006).

While maintaining a focus on human trafficking in general, the Thai newspapers included in this study ignored both the 2005 and 2006 TIP Reports. Thai press coverage of human trafficking somewhat decreased in 2005, but not to a degree that would demonstrate a significant drop in attention to the topic (see Graph 4 below). Most news stories in this period focused either on specific cases, e.g. arrests and prosecutions, or on legislative actions, specifically covering the attempt to enact a new anti-trafficking bill. External pressure sources, most notably the United Nations, were mentioned occasionally, but the Thai press virtually ignored the United States in this context.

U.S. pressure continued behind the scenes. In September 2005, senior advisers of the State Department's TIP Office visited Thailand and met with the head of the new police anti-trafficking unit, which was established that June as a part of the government's "war on

trafficking” (U.S. Embassy Bangkok, 2005). The embassy reported back to the State Department that it would continue following the work of this new unit, with “hope that any future “war on trafficking” will not be accompanied by the human rights violations that occurred during the anti-drug campaign” (U.S. Embassy Bangkok, 2005). Additionally, in December 2006, the U.S. embassy in Bangkok explicitly warned the Thai Ministry of Labor and the Ministry of Foreign Affairs that it was monitoring their handling of a high-profile labor trafficking case and that their response would be factored into the next TIP Report (U.S. Embassy Bangkok, 2006).

The general lack of interest in the TIP Report by Thai media notwithstanding, behind closed doors, the Thai government became increasingly concerned by this mounting U.S. pressure. Gallagher (2006a) found The TIP Report” to be “highly controversial in Thailand, but also extremely influential.” She also noted that Thai “government agencies are very sensitive to the grading they are awarded” (Gallagher, 2006a). Since its 2004 Watch List placement, Thailand produces an annual report of its own to submit to the U.S. in preparation for the TIP Report (U.S. Embassy Bangkok, 2007). The government also began sending annual delegations to Washington for trafficking-focused meetings in the State Department and Capitol Hill. These delegations are deliberately scheduled to take place right after the TIP Office receives data for the TIP Report from the U.S. embassies around the world (U.S. Embassy Bangkok, 2007).

Despite these growing Thai diplomatic efforts to improve its reputation with the State Department, little structural progress happened on the ground. While the number of trafficked

persons identified was steadily increasing, their identification was done mostly by non-governmental organizations rather than by government agencies (Gallagher, 2006a). The government routinely failed to identify many potential trafficking cases and ended up either prosecuting or deporting (or both) the victims rather than providing them with victim services (Gallagher, 2006a). Moreover, due to lack of training on trafficking, state officials often conflated trafficking with prostitution, resulting in many sex workers being wrongly identified as “trafficked,” and thereby “rescued” against their will by government agencies (Gallagher, 2006a; Kinney, 2013).

After two years of ignoring the TIP Report, the Thai press covered the release of the 2007 Report and did so favorably. The Report maintained Thailand on the Tier 2 list, asserting that the government “sustained impressive efforts” to combat sex trafficking, but failed to mount comparable efforts to address labor trafficking. The Report highlighted one specific case, in September of 2006, when Thai police raided a shrimp-processing factory that employed 800 Burmese undocumented workers under abusive conditions. While authorities identified some of the female workers as “victims of trafficked” and provided them with services, all of the male workers, including children, were deported Burma without being screened for trafficking (United States Department of State, 2007). *The Nation* newspaper published an unusually lengthy article on the Report, praising it as an “invaluable resource for government policy-makers, law-enforcement officials, social workers and anyone who cares about international human rights” (“Stamping out human trafficking,” 2007). Similarly, *The Bangkok Post* dedicated its editorial to

the TIP Report, writing that it “seems credible” (“EDITORIAL: Inhuman trafficking,” 2007). On government efforts, the *Post* wrote, “trafficking deserves much more attention, and much more effective prosecution,” even though it acknowledged that “the picture in Thailand is not entirely bleak,” especially in the level of awareness authorities have (“EDITORIAL: Inhuman trafficking,” 2007). The editorial also criticized other media outlets in the country, writing: “The press and broadcasters have often picked up on cases of abuse of Thai citizens overseas. But it has been less interested in the terrible conditions of some illegal migrants in Thailand, and in following up obvious cases of what amount to slavery of Thais overseas” (“EDITORIAL: Inhuman trafficking,” 2007). It is unclear what led the two papers to give such unprecedented attention to the TIP Report after ignoring it in the previous couple of years.

Following the publication of the 2007 Report, the U.S. government mounted considerable behind-the-scenes diplomatic pressure on the Thai government to improve its stance toward labor trafficking. In September 2007, the U.S. delivered an official communication to the Thai Ministry of Foreign Affairs, warning that Thailand may be downgraded again in the 2008 TIP Report if it does not change its ways (U.S. Embassy Bangkok, 2007). U.S. embassy officials told representatives of the Thai government that the U.S. considers Thailand’s progress on addressing sex trafficking “laudable,” adding that it would be “regrettable” if this progress would be overshadowed by the lack of progress on labor trafficking (U.S. Embassy Bangkok, 2007). The U.S. embassy also explicitly pushed for Thailand to pass its long anticipated new anti-

trafficking bill, which was also highlighted in the 2007 TIP Report (U.S. Embassy Bangkok, 2007).

The Thai representative responded constructively, indicating that she would be interested in discussing this further with Ambassador Mark Lagon, head of the State Department TIP Office (U.S. Embassy Bangkok, 2007). However, she also pushed back, noting that ministers in the Thai government think the U.S. does not “fully appreciate” their efforts and that they have not had enough time to adjust to the TIP Report’s new focus on labor trafficking (U.S. Embassy Bangkok, 2007).

Thailand’s National Legislative Assembly passed the long-awaited comprehensive anti-trafficking law in November 2007, and the statute came into force in June 2008. The new law repealed the country’s 1997 anti-trafficking law, which only addressed sex trafficking of women or children, and for the first time criminalized labor trafficking and recognized that men can also be “trafficked.” The definition of “trafficking in persons” used in the statute mirrors the 2000 UN Protocol definition (United Nations, 2000), with some minor wording changes. The only significant change is the addition of “causing another person to be a beggar” as a form of exploitation (Kingdom of Thailand, 2008). This unique addition reflects the Thai legislature’s attempt to localize the definition, as much of the trafficking in Thailand’s large cities took the form of forced begging. This was also an attempt to appease the U.S. State Department, which reproached the Thai government in 2004 for its treatment of street beggars (United States Department of State, 2004). In a nod to U.S. criticism over corruption-facilitated trafficking, the

new law also doubled the punishments of trafficking offences if the perpetrator is a state official (Kingdom of Thailand, 2008).

The 2008 and 2009 TIP Reports welcomed the new legislation, but kept Thailand on Tier 2, as a country whose anti-trafficking efforts are insufficient (United States Department of State, 2008, 2009). Thai media ignored the release of the 2008 Report. The 2009 Report was the basis of a single news item in the *Bangkok Post*, which described the Report as a mixed bag. On the one hand, the *Post* wrote that the Report “described Thailand as both a victim and source of exploitation of human trafficking” (“US report faults and praises Thailand on human trafficking,” 2009). On the other hand, the article exaggerated in claiming that the U.S. praised the Thai government for making “huge efforts to comply” with the U.S. standards on trafficking. This marked the beginning of a slow acceptance by the Thai government and media that, given Thailand’s endemic problems with the rule of law, even with genuine efforts by the country’s leaders, it would be very difficult for Thailand to move up in the TIP Report. From this stage onward, the government focused its efforts on remaining on Tier 2 and preventing being downgraded to Tier 3. As the next section shows, even these efforts proved to be unsuccessful.

At the same time, local sex workers’ rights activists began being more vocal about the harm done to sex workers by the Thai “war on trafficking” and by U.S. policies, which instigated it. In a 2009 GAATW Asia Regional Consultation, Pornpit Puckmai of the EMPOWER Foundation lamented that “the Thai government is concerned about giving good data for the US Trafficking in Persons (TIP) report which results in anti-trafficking policies that are influenced

by the US's position on eradicating prostitution rather than addressing trafficking" (GAATW, 2009). Pornpit wrote later on EMPOWER's website about the frequent brothel raids the Thai police conducts in the name of anti-trafficking work. The raids, she suggested, are:

maybe the authorities and politicians way of declaring 'See I have these problems in my area all sorted and under control' or maybe to take the public's mind off other issues, to answer the USA or their own superiors, to fit in with the propaganda against migrants, or to promote the anti-trafficking law, or the drug law or to get a good TIP Report... (Puckmai, 2010).

Throughout this period the TIP Report gained increased visibility and credibility with the Thai government and media. Major developments in Thai anti-trafficking efforts, which peaked with the 2008 anti-trafficking legislation, were motivated by U.S. pressure. At the end of this period, Thailand also began submitting regularly data on the numbers of investigations, prosecutions, and convictions of trafficking cases (see Table 5).³⁸ However, these efforts were limited to what the Thai central government had control over, such as legislation and training. The pervasive levels of corruption of state officials, including in the ranks of law enforcement and border control, as well as the political instability in general, rendered it difficult for the central government to effect change. Despite the upper echelons of Thailand's government best

³⁸ However, many of the TIP Reports warn that these data may include non-trafficking, "regular" prostitution cases.

intentions and the government's overall close engagement with the U.S. over human trafficking, little happened on the ground to make a dent in the problem.

2010-2015: Shift to Labor Trafficking

The year 2010 represents a watershed moment with regard to how Thailand perceived the TIP Report and U.S. anti-trafficking policy more broadly. Previously, government, public, and media discourse was influenced by information from various sources, including UN agencies, international human rights organizations, and local NGOs. From 2010 on, the involvement of the U.S. government became a vital driving force for the country's anti-trafficking efforts, and the TIP Report became its primary point of reference. As this section demonstrates, this period also marked a shift in public discourse from sex trafficking to labor trafficking, a shift that was itself prompted as a response to U.S. and other international pressure. Throughout 2010-2015, the Thai government lobbied various actors in the U.S. to alleviate the danger of economic sanctions, without giving the same priority to actually addressing the root causes of trafficking.

For the first time since 2004, the 2010 TIP Report placed Thailand on the Tier 2 Watch List, citing "inadequate progress" despite government's "significant efforts" against trafficking. The Report gave unprecedented attention to trafficking in Thailand's fishing sector (United States Department of State, 2010). This was the result of the work of various international human rights organizations, documenting labor abuses in the fishing and shrimping industries in southeast Asia, particularly Thailand (P. Robertson, 2010; Solidarity Center, 2008). It was also

the result of the larger attempt by the Obama administration to tackle forced and coerced labor with the same fervor as it does sex trafficking (O'Brien & Wilson, 2015).

Prior to the release of the 2010 TIP Report, the U.S. embassy in Bangkok was well aware of the anxiety in Thailand over the possibility of being downgraded (Donahue & Datla, 2013). Embassy officers that were sympathetic to the difficulties faced by the Thai government informed Thai officials they should expect to be downgraded if the country does not beef up its prosecution rate (Donahue & Datla, 2013). The Thai government also sent a delegation to Washington to present its case, as it has done in previous years. (Donahue & Datla, 2013).

The reaction of the Thai government to the 2010 TIP Report was vehement. Apparently surprised by its placement on the Watch List, the Ministry of Foreign Affairs “had informed the US through its embassy in Bangkok and the Thai embassy in Washington of its disappointment at the US move” (Thanida, 2010). Moreover, in a press conference, a Ministry spokesperson said, “Thailand doubts the credibility of the US report,” because “We have tried to tackle all the problems we could but this was not reflected in the report” (Thanida, 2010). The spokesperson further stated that “he did not believe the US would cut its assistance to Thailand” over the TIP Report (Thanida, 2010).

Behind closed doors the Thai reaction was even more forceful. Mark Taylor, who coordinated the writing of the TIP Report in the TIP Office in Washington, traveled to Bangkok shortly after the Report’s release to discuss it with Thai officials and was met with overt anger (Donahue & Datla, 2013). The main argument of the Ministry of Foreign Affairs was that the

TIP Office relied too heavily on NGOs and dismissed much of the data provided by the government. U.S. diplomats in Thailand later observed that the 2010 TIP Report worsened their relationship with their Thai counterparts (Donahue & Datla, 2013).

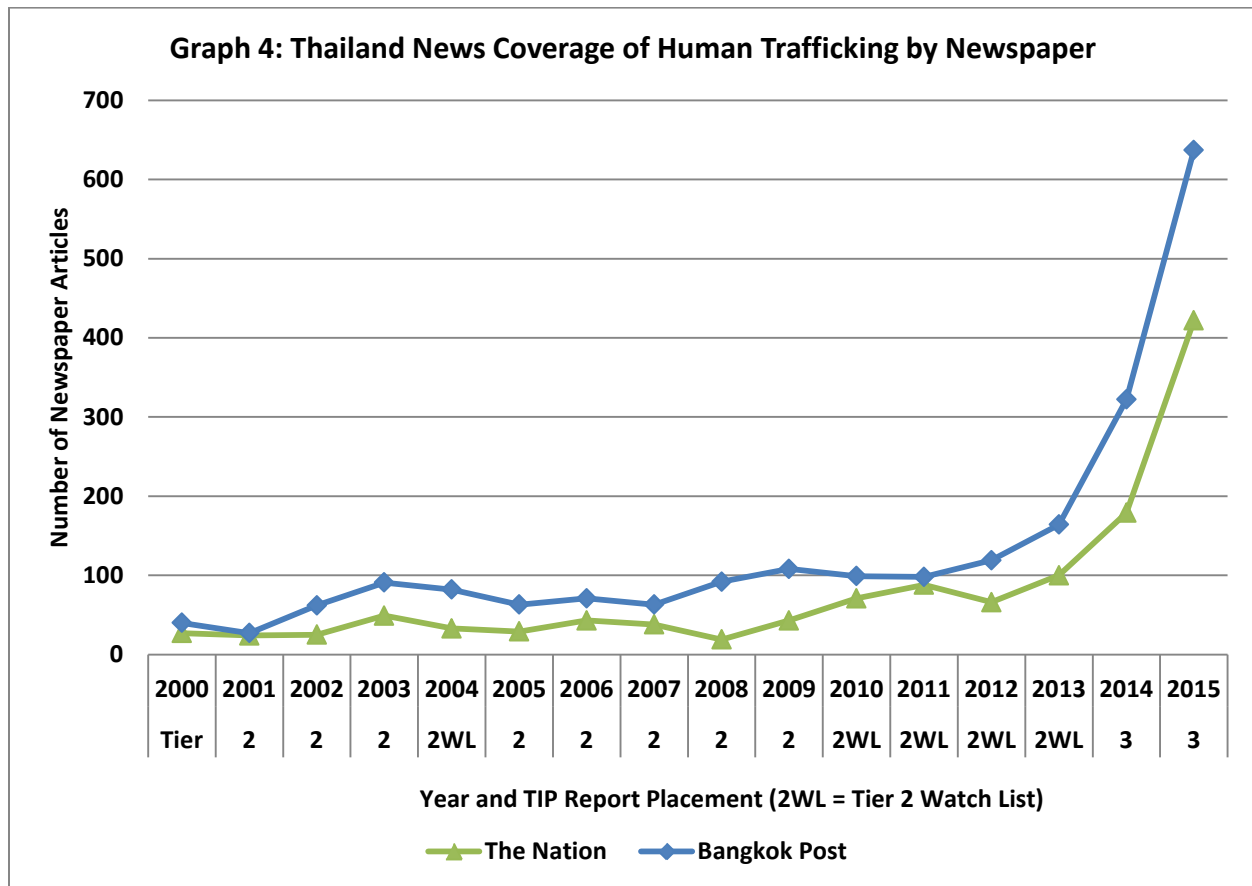
Whereas in previous years press coverage of the TIP Report was generally favorable, this time the Thai media was split. *The Bangkok Post* published four articles on the topic in one week, covering both the Report's main findings and the government's reaction to it. However, the newspaper's editorial criticized the government's defensive stance. It urged the government to resist the "easy temptation" of dismissing the Report and instead to take it seriously ("EDITORIAL - A scourge on our land," 2010). In sharp contrast, an editorial in *The Nation* newspaper lashed out against the TIP Report, arguing that the Watch List placement was undeserving. The piece opened with a sarcastic statement: "It must be great to be the world's most powerful country." It then called the Report "a devastating blow for the government" and "a big slap in the face for Thailand." *The Nation* accused the State Department for "deliberately ignoring" the country's political chaos, which had the government focus on restoring stability and international confidence in Thailand, thus hindering its ability to direct resources at trafficking. The editorial also revealed that the U.S. embassy in Bangkok as well as U.S. Senator Jim Webb tried to prevent Thailand from being downgraded Thailand, but their pleas "fell on deaf ears at the State Department." The piece concluded with an insulted tone: "we do not deserve such treatment from a friend of 176 years" ("Watch-list rating is damaging and undeserved," 2010).

While Thailand was on the Tier 2 Watch List previously, in 2004, the reaction of Thai government officials to the 2010 downgrade was stronger for two main reasons. First, while the government did not pay much attention to the TIP Report recommendations prior to 2004, this could not be said for the period of 2007 and on. By 2010, after passing new legislation and significantly increasing the number of prosecutions (see Table 5), Thai government officials genuinely believed they were doing their best to implement the TIP Reports' recommendations. But the second reason lies with the change in U.S. law. The U.S. Trafficking Victims Protection Reauthorization Act of 2008 stipulated that countries could no longer remain indefinitely on the Tier 2 Watch List, but required that countries would be downgraded to Tier 3 after being on the Watch List for two consecutive years. In order to avoid this automatic downgrade, the government would need to submit a written plan that, if implemented, would bring it into compliance with the TVPA Minimum Standards. In addition, the government would need to devote "sufficient resources to implement the plan" (United States Congress, 2008).

In the following two years, the dire conditions of migrant workers in the Thai fishing industry received more international attention. In the face of mounting evidence of no improvement, and as international governmental organizations began to inspect the situation (for example IOM, 2011), the 2011 and TIP Report kept Thailand on the Tier 2 Watch List (United States Department of State, 2011). Facing the threat of an automatic downgrade to Tier 3 the following year, the Thai government submitted to the U.S. a new written plan on combatting trafficking and significantly increased the amount of funding allocated to its anti-trafficking

initiatives. This bought Thailand a waiver from being downgraded to Tier 3, and the 2012 TIP Report maintained its placement on the Watch List (United States Department of State, 2012). Upon the Report's release, Thai Foreign Minister Surapong Tovichakchaikul pledged that the situation would improve the following year ("TRANSNATIONAL CRIME - Thailand promises to solve human trafficking scourge," 2012). He also boasted that without his lobbying efforts, the U.S. might have downgraded Thailand to Tier 3 ("TRANSNATIONAL CRIME - Thailand promises to solve human trafficking scourge," 2012).

Pressure on the Thai government intensified in the following year and was amplified by the press and, for the first time in public, the private sector. Press coverage of U.S. expectations of Thailand on trafficking doubled in 2010 and doubled again in 2012 (see Graph 4). Local press continuously followed how the issue was covered in American press, and reported on warnings by international human rights groups and experts that a Tier 3 ranking is inevitable unless the government changes its ways. This also contributed to a general rise in the newspaper reporting on human trafficking, as can be seen in Graph 4, below. Workers in several seafood and fruit processing plants started taking matters into their own hands, protesting over their poor labor conditions and waging strikes. Even leaders in the fishing industry began publically expressing their concerns that a downgrade would lead to heavy financial losses to themselves and to the Thai economy as a whole. They began to explore ways to deal with a potential international embargo on their products ("EDITORIAL - Dirty hands of shrimp trade," 2012; Janofsky, 2012).



In response, the Thai government brought its diplomatic campaign to new levels. Thai Prime Minister Yingluck Shinawatra discussed the issue of child labor in the shrimp industry with U.S. President Barack Obama in the end of 2012 ("Child labour on Obama agenda," 2012). In January 2013, Thai Foreign Minister Surapong Tovichakchaikul took diplomats from eleven countries on a personal tour to visit seafood processing plants, where he unveiled a new plan to combat trafficking. He explained the rationale for this tour by Thailand's desire to "clear the tainted image portrayed of the shrimp industry by some NGO reports in the U.S. media" (Samut, 2013). In March 2013, Thailand submitted its annual report to the U.S. embassy in preparation

for the TIP Report. In an unprecedented move, the Thai Foreign Minister himself presented the report to the U.S. Ambassador in a public event, declaring that the government intends to “solve” the problem of trafficking and “would like the U.S. to upgrade Thailand’s status to a better ranking” (Thanida, 2013). In May 2013, he followed up with a visit to Washington, D.C. to meet with U.S. Secretary of State John Kerry to discuss this issue (“Surapong off to Washington to meet Kerry,” 2013).

Despite this diplomatic campaign, the 2013 TIP Report still kept Thailand on the Tier 2 Watch List, giving the country its final waiver from an automatic downgrade to Tier 3. The prospects of being downgraded to Tier 3 spurred the Thai businesses community to consider improving their labor standards regardless of government action. For example, in 2013, the Thai Union Frozen Products Corporation, Thailand’s largest seafood exporter and Asia’s largest canned tuna exporter, voluntarily adopted the ten principles of the UN Global Compact and the set of Good Labor Practices of the International Labor Organization. In an interview to *The Nation*, the company’s President and CEO said that, in the face of impending U.S. sanctions, it has become increasingly important for the sustainability of his business to “respond to consumers’ concerns” (Deboonme, 2013). “Doing business today is not about how to sell products,” he added, but about “how we can assure global trade partners of our corporate governance and transparency of our companies and the industry we are in” (Deboonme, 2013). However, he also emphasized that private sector actions would not be enough to appease the

international community and that the government must engage in efforts to comply with international labor standards at the national level as well (Deboonme, 2013).

In the face of growing pressure by the U.S. and other actors, Thailand started actively suppressing the work of journalists and human rights activists. Since the TIP Reports have been using information published by human rights organizations, the Thai government began to prosecute human rights investigators in an attempt to prevent information about trafficking from being published. For example, in January 2013, Finnwatch, a Finnish NGO that studies global corporations, published a report on the trafficking of migrant workers facilitated by three Thai food processing companies that export their products to Europe (Vartiala, Purje, Hall, Vihersalo, & Aukeala, 2013). One of these companies, Natural Fruit, sued one of the researchers who worked on the report, and the Thai government pressed charges of criminal defamation against him. The Thai Navy made a similar use of Thailand's anti-defamation law in December 2013, filing a lawsuit against two journalists for reporting on allegations of Navy personnel's complicity in trafficking (Holmes, 2015). This is a part of a broader trend emanating from the 2006 military coup, of Thailand stifling public criticism of its actions using anti-defamation prosecutions (Streckfuss, 2010).

The Thai government braced itself for the release of the 2014 TIP Report. Following the 2013 Report, Thailand submitted to the U.S. a dozen different updates on its anti-trafficking efforts (Thiranat, 2014). On the occasion of sending Thailand's submission for the Report, the Minister of Foreign Affairs expressed hope that "the U.S. will be satisfied and upgrade our

status” (Thanida & Penchan, 2014). Local media anxiously followed leads from Washington, reporting with concern on a U.S. Congressional hearing that blamed Thailand for trafficking in Rohingya refugees (“Thai treatment of Rohingya highlighted,” 2014) and later on a campaign by nineteen U.S. and international human rights organizations demanding the U.S. State Department to demote Thailand to Tier 3 (“US groups urge sanctions on Thailand,” 2014). On several occasions throughout the year, Thai officials went to Washington to plead with officials in the State Department, Department of Labor, and individual members of Congress. In the beginning of June, Thai Minister of Foreign Affairs Sihasak Phuangketkaew sent an open letter to U.S. Secretary of State John Kerry, in which he said “I trust you will let the merits of our case speak for themselves. Thailand has made clear progress in combating human trafficking. We are ready to do more in keeping to our firm belief in the dignity of every individual” (“crime - Sihasak assures US on trafficking fight,” 2014). Three days before the Report’s release, the Minister of Foreign Affairs met again with the U.S. Ambassador to discuss Thailand’s rank. On the days before the release of the Report, *The Nation* reported that in previous months the Ministry of Foreign Affairs has been in contact with the U.S. “on a weekly basis,” and that the government is “holding its breath” in anticipation of the Report (Thiranat, 2014).

The 2014 TIP Report ranked Thailand as a Tier 3 country, declaring for the first time that the government is not making “significant efforts” to comply with the Minimum Standards to combat trafficking. This was an “auto-downgrade” from the Tier 2 Watch List, after the U.S. waived it twice, which is the maximum number of waivers allowed by the TVPA (United States

Department of State, 2014). Thailand's Minister of Foreign Affairs condemned the Report and urged the State Department to reconsider its assessment of Thailand, which he called "regrettable." He also called into question once again the Report's legitimacy, asserting "It's not right for one country to use its yardstick to judge the performance of another country" ("Thailand slams US trafficking report," 2014). The private sector immediately expressed its concerns over looming trade sanctions. Only two days after the release of the Report, representatives of the Thai Frozen Foods Association declared they would visit the U.S. to meet food importers and try to convince them to continue importing Thai products. The President of the Association told reporters that the Trafficking in Persons Report has created a bad reputation for Thai food industries" (Petchanet, 2014).

Thus, within just a few years, public discourse has shifted almost entirely from sex trafficking to labor trafficking, following international pressure. This was exemplified in the words of a senior police officer in the Anti-Human Trafficking Division of the Thai Police. When asked in 2014 by a reporter about the Tip Report, he said the Report "is mostly concerned about trafficked labour working in factories rather than the sex industry" (Wongsamuth, 2014). This was, of course, not accurate, but it reflects the perception of Thai law enforcement officials of the TIP Report.

Nevertheless, the government still maintained its pressure on the sex industry, and this pressure was still motivated, at least partially, by the TIP Report. In a damning report based on research conducted by sex workers, The EMPOWER Foundation asserted that the Thai

government's "frantic efforts to comply with U.S. requirements has led to a punitive, criminal justice response" (EMPOWER Foundation, 2012). These actions, according to EMPOWER, had "unacceptable human rights violations against ... women sex workers, their families and communities" (EMPOWER Foundation, 2012). In a 2014 media interview, EMPOWER Foundation director Chantawipa Apisuk said "Thai police were casual about enforcing [prostitution] laws, but annually made a concerted effort during a three-month period to reach arrest targets to give the impression that they were cracking down on human trafficking. March to May is when the police are ready to go out to the border areas and conduct raids" (Wongsamuth, 2014). These is the period in the year just before the publication of the annual TIP Report, when government officials routinely lobby U.S. diplomats in Manila and Washington, D.C., for a better tier placement.

When the 2014 TIP Report placed Thailand on Tier 3, The EMPOWER Foundation released a public statement, sarcastically titled "No More TIPs Please" (EMPOWER Foundation, 2014). The statement scolds the United States for enjoying "the role of headmaster giving grades to children," and argues that "the TIP system does not work and has failed all workers and migrants in Thailand" (EMPOWER Foundation, 2014). In solidarity with migrant workers who have been harmed by the government shift to tackle labor trafficking, EMPOWER points out that the U.S. warnings to stop buying Thai seafood would hurt the livelihood of the workers in this industry. They cheekily suggest, "Perhaps we will have to stop, eating MacDonald's / KFC and

stop drinking Coke etc. and use that money to eat more seafood to keep people employed?” (EMPOWER Foundation, 2014).

In a more serious tone, Noy Apisuk, EMPOWER founder and director, published an op-ed about the TIP Report in the *Bangkok Post*. She asserted, “Despite good intentions, the TIP process and anti-trafficking law end up harming poor people who need work” (C. Apisuk, 2014). Several months later, in another op-ed, a year later, EMPOWER leaders wrote:

When it comes to the US anti-trafficking agenda, one issue underpinning it is the desire to abolish prostitution. In Thailand there have been many attempts to wipe out prostitution, beginning with the enactment of the first anti-prostitution law in 1960. However, in practice, sex workers become scapegoats and are arrested to show the anti-prostitution law is working. It is the same with the anti-human trafficking law. (N. Apisuk & Hilton, 2015)

The op-ed concludes by calling on the U.S. to “uphold the rights, safety and well-being of people affected by its policies or by human trafficking” (N. Apisuk & Hilton, 2015). The publications of these op-eds were rare, as the voice of EMPOWER was completely marginalized in the Thai media’s discourse on human trafficking. To illustrate, almost 3,400 news articles relating to human trafficking were published between 2000 and 2015 in the newspapers that were included in this study. Despite its prominence in international and scholarly circles, the voice of EMPOWER was featured in only seven articles, four of which were op-eds written by its leaders.

As of 2015, Thailand is still on Tier 3, but U.S. sanctions have not been imposed. The President used his authority under the TVPA to waive all potential sanctions against Thailand, and to continue supporting the country diplomatically and financially (The White House, 2014, 2015). The TVPA gives the President the ability to do this indefinitely, even for countries that are consistently placed on Tier 3. However, the Thai government is still hoping to upgrade its placement. In 2015, the Thai National Legislative Assembly amended its anti-trafficking law to increase penalties on traffickers and to protect whistleblowers (United States Department of State, 2015). Despite the central government's best intentions, it still has not seriously tackled the major problem of corruption, which circumvents its efforts (United States Department of State, 2015).

Conclusion: Thailand

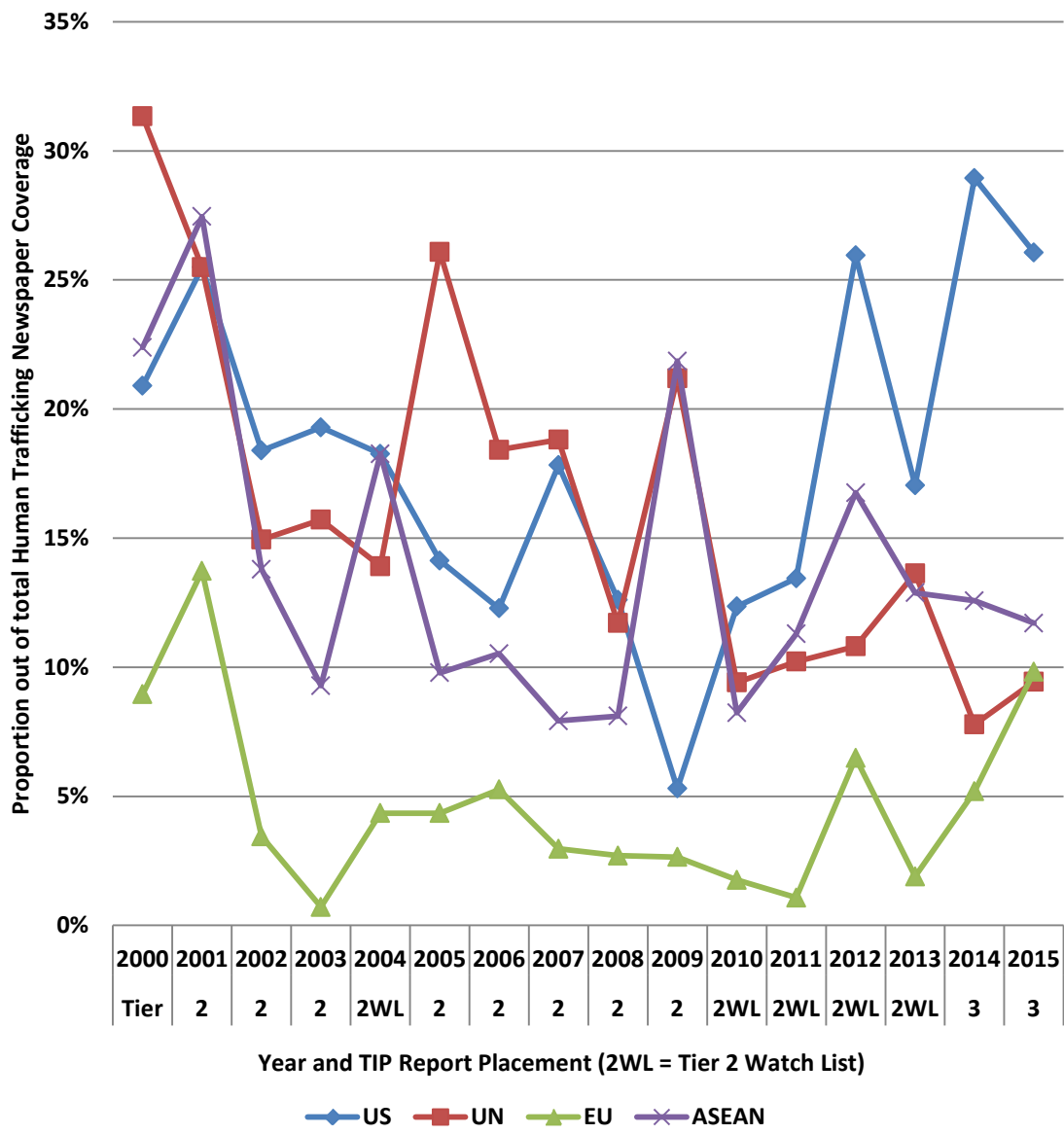
The case of Thailand demonstrates three main limitations of U.S. anti-trafficking foreign policy. First, while the government expressed in earnest its commitment to address concerns in the TIP Reports, this commitment was not reflecting a genuine concern over the human rights violations of trafficked persons, but rather driven by fear for its national reputation and of economic sanctions. The Thai government therefore spent much more time and energy on its diplomatic efforts, to convince the U.S. that it was doing its best, than on actually addressing the problem of trafficking. Secondly, this demonstrates the difficulties of effecting meaningful change if the government lacks the capacity to implement its own policies. As observed by Mark Taylor, Senior Coordinator for Reports in the State Department TIP Office, the Thai government implemented the U.S. recommendations to the extent that it could exert its power over the entire state apparatus, but it lacked the political will to crack down on corruption within law enforcement (Donahue & Datla, 2013).

Third, even when the Thai government engaged in anti-trafficking efforts, its actions created more harm than good. Instead of basing its approach on internationally recognized human rights standards, Thailand used its “war on human trafficking” to crackdown on prostitution and migrant workers. While this may not have been the explicit intent of U.S. policy, it certainly was an unintended consequence of U.S. pressure. U.S. pressure to produce trafficking arrests and prosecutions, coupled with the U.S. anti-prostitution stance, resulted in a

highly punitive law enforcement-based government approach that ended up harming the same people it purported to be helping.

Graph 5, below, compares the level of anti-trafficking pressure on Thailand that was exerted by different international actors, as reflected in local media. The graph depicts the percentage of trafficking-related news items that mention either the United States, The United Nations, the European Union, or the Association of Southeast Asian Nations (ASEAN), in the two newspapers used in this study combined. Unlike in the case of the Philippines (see Graph 3), for most of the period covered in this study the U.S. seems like one in many actors, competing mostly with the UN and ASEAN for coverage. Toward the end of the period, beginning in 2012, the United States dominates the trafficking-related news coverage. This finding agrees with the conclusions of this chapter, that as the threat of economic sanctions became real, Thai public attention to U.S. anti-trafficking pressure grew exponentially.

Graph 5: Thailand Human Trafficking Newspaper Coverage by International Pressure Actor



Chapter 7: Understanding the Outcomes of U.S. Anti-Trafficking Pressure

As preliminary research has indicated, United States pressure regarding human trafficking heavily influenced the government responses in all three examined cases. Mark Taylor, Senior Coordinator for Reports in the State Department TIP Office, acknowledged that “countries varied in the way they responded to the TIP Report. Some countries just didn’t care. And other countries were very sensitive to the way they were portrayed publically” (Taylor, quoted in Donahue & Datla, 2013). My research demonstrates that the Israeli, Philippine, and Thai governments all shared a deep concern for the way their anti-trafficking efforts were portrayed in the TIP Report. However, the Report’s influence on the actions manifested in different ways, and had significantly different outcomes. This chapter will compare and contrast the ways in which U.S. pressure was incorporated into the policymaking process in the three cases.

The chapter begins with an overview of the key findings for each case, arguing that, from the perspective of the United States, Israel could be seen as a success story, although from a human rights perspective this success is limited. The Philippines represents moderate success, with an optimistic outlook, while Thailand’s case is a resounding failure. The analysis continues with a discussion on the implications of this study for the literature on state compliance with human rights norms. I argue that the spiral model, which is the current leading framework for understanding the socialization of states into compliance, helps make sense of some of the developments that occurred in the three cases, it falls short of providing a comprehensive

explanation. Most importantly, it does not address situations in which there is disconnect between a state's declared policy and its ability to achieve that policy. I then turn to discuss the importance in the work of local NGOs for the successful socialization of the anti-trafficking norm. I argue that at least some of the failure in Thailand can be explained by the lack of a significant civil society contingency that leveraged U.S. pressure. Finally, I discuss the implications of this study to the policy transfer/diffusion literature. I found that U.S. pressure facilitated policy transfer, but the policy that was transferred was not necessarily that of the United States. Instead, at least some cases, U.S. pressure has led to the diffusion of international standards, rather than U.S. standards on trafficking. The TIP Report itself acted as a transfer agent for some programs.

Overview of the Three Cases

From the perspective of the U.S. government, Israel could be seen as a success story. Israel's Tier 3 placement in the first TIP Report stunned the government and got it to acknowledge and address the problem of trafficking, something that local non-governmental organizations did not succeed in doing by themselves. Further legislations and their slow but relatively diligent implementation resulted in Israel's steady rise in the TIP Report. Israel was placed on Tier 2 between 2002 and 2011, with a one-time placement on the Tier 2 Watch List in 2006, and on Tier 1 in 2012 and onward. Since that time, Israel boasts itself as a country that managed to "nearly entirely eradicate" trafficking for prostitution and sexual exploitation (Ministry of Justice, 2015). So much so, that the government is considering to significantly cut the authority and budget of the Justice Department's Office of the Government Coordinator of the Fight against Trafficking in Persons (Kashti, 2016). This success narrative is reinforced by the media (Mualem, 2013) and was also confirmed by Israeli anti-trafficking and human rights NGOs (Levenkron, 2009). At the end of 2015, there were indications that this type of trafficking was back on the rise, due to the government's relaxation of visa requirements of tourists from the Former Soviet Union. However, a police officer said that this wave is different than the trafficking of the 1990s, as today "there is no violence, no withholding of passports, no imprisonment, and no complete objectification. The women do make money and they may leave" (Yaron, 2015). This indicates that, despite the major shift in anti-trafficking discourse, the government is still really concerned not about the human rights of the trafficked persons, but

about the fact that non-Israeli women are entering the country under false pretenses to engage in prostitution.

Israel's self-portrayal as a success story and high TIP Report ranking are also problematized by other shortcomings of the government's approach to trafficking approach. First, even Israeli spokespersons admit that its success is limited to the area of sex trafficking, while the government response to labor trafficking is merely adequate (Ministry of Justice, 2015). Since the local economy relies on migrant workers, they still arrive in large numbers and are subject to grave labor rights violations that sometimes amount to trafficking (Human Rights Watch, 2015). Israel also systematically and deliberately refuses to consider asylum seekers as trafficked persons. Between 2010 and 2013, tens of thousands of asylum seekers from Sudan and Eritrea illegally entered Israel through its southern border with Egypt. The state responded harshly, refusing to review their asylum claims, jailing many indefinitely, and even deporting them to third countries. Despite the attempts made by local human rights NGOs to argue that the protection standards for trafficked persons can legally apply to at least some of the asylum seekers, the government rejected this proposition (Hotline for Migrant Workers, 2014; Reisen, Estefanos, & Rijken, 2013). Palestinians, who live under Israel's military occupation and work inside Israel or for Israeli employers, are denied almost all labor rights and protections and suffer extreme labor exploitation (Farsakh, 2005), but even Israel's anti-trafficking community does not

consider the possibility of trafficking in their midst.³⁹ With regard to sex trafficking, Israel does not recognize the possibility that Israeli citizens in prostitution could be considered “trafficked,” even if they are minors. While the Israeli anti-trafficking law permits such an interpretation, both state agencies and judges in criminal trials have been reluctant to do so, and the prostitution of minors is treated as a separate issue (Gruenpeter-Gold, 2010; Levenkron, 2009). Thus, while Israel boasts a Tier 1 status and sees itself as an anti-trafficking success story, from a human rights point of view this is a very partial success.

The case of the Philippines could be considered a moderate success by U.S. standards, as U.S. pressure was constrained by structural local factors. Unlike in the Israeli case, the Philippines had a grass-roots anti-trafficking community as early as 1995, before the United States formed its foreign policy on the issue. The Philippine government thus had developed policies against trafficking, which were considered “significant efforts” by the first U.S. TIP Report in 2001. Subsequent TIP Reports placed the Philippines consistently on Tier 2, with temporary downgrades to the Tier 2 Watch List during 2004-2005 and 2009-2010. Despite its government’s frequent declared attempts, the Philippines has yet to achieve a Tier 1 status, meaning that the U.S. still does not consider its efforts to comply with the TVPA minimum standards on combating trafficking. U.S. pressure did change the political will and attitude toward trafficking among the upper echelons of the Philippine government. However, their genuine efforts are hindered at the lower levels of state bureaucracy, which are rife with

³⁹ No Israeli civil society report on human trafficking mentioned Palestinian workers in Israel.

corruption. This is a systemic issue in Philippine political culture, and a newly elected government seems to be interested in addressing it as well.

The case of Thailand, on the other hand, represents a failed anti-trafficking policy, from the U.S. point of view as well as from a human rights perspective. Thailand's attention to the problem of human trafficking began as early as the mid-1980s, due to public pressure from below. By the time the U.S. began to insert its concern over trafficking into its foreign policy, Thailand was already engaged in regional cooperation on the issue. Eight of the first nine TIP Reports, between 2001 and 2009, placed Thailand on Tier 2, while the 2004 Report put it on the Tier 2 Watch List. Therefore, in the first decade of U.S. active anti-trafficking efforts, they garnered only little to moderate attention from the Thai public and government. After 2010, as the country's tier placement went down again to the Tier 2 Watch List and later plummeted to Tier 3 in 2014, Thailand significantly boosted its efforts to improve its TIP Report rankings. However, rather than making improvements to its anti-trafficking programs, the Thai government's efforts focused instead on a private and public diplomatic campaign to discredit the Report, alleging that it does not accurately reflect its efforts. While Thailand passed laws and wrote multiple national action plans, these activities were almost purely symbolic and had little to no impact on the ground (United States Department of State, 2015).

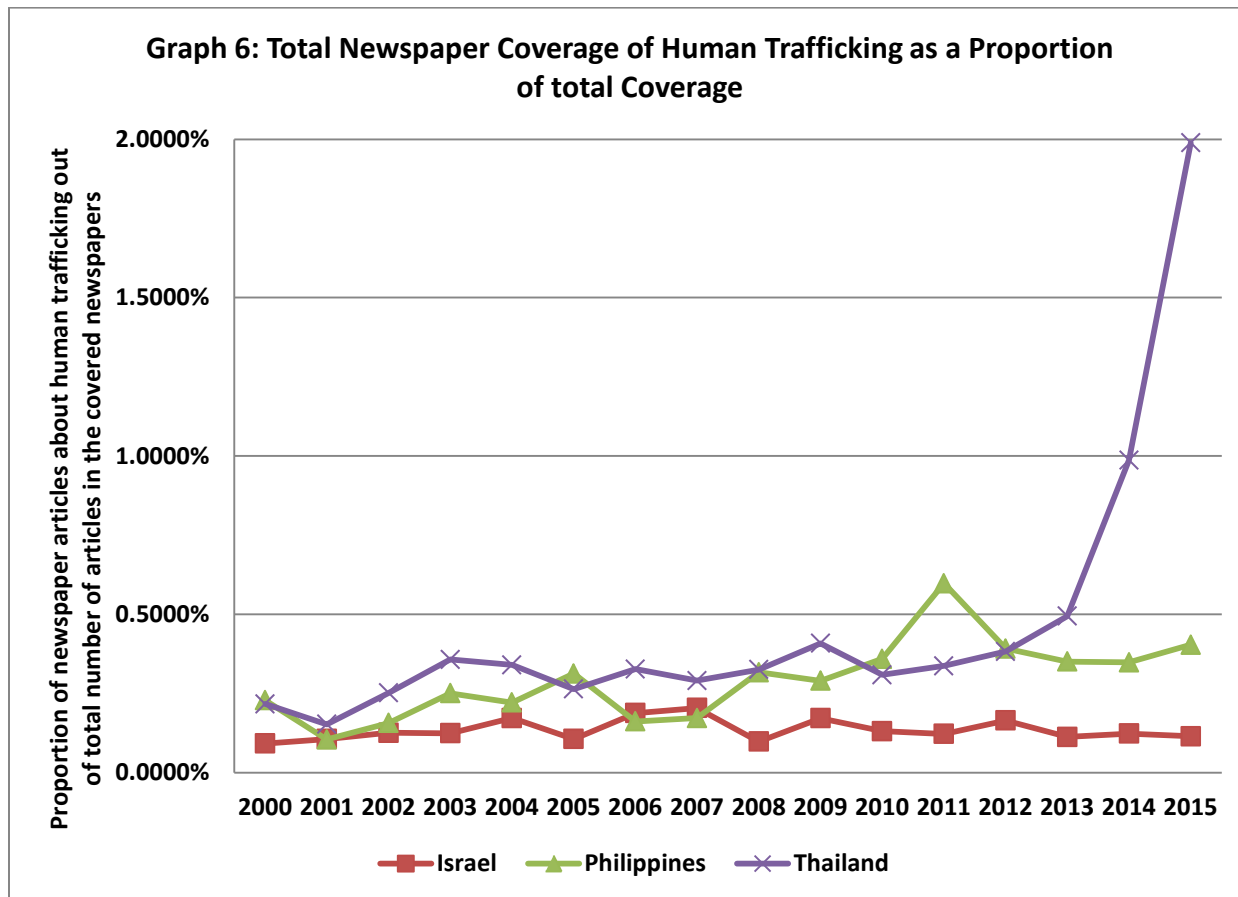
Furthermore, the anti-trafficking programs that Thailand did implement showed abysmal attention to international human rights standards. On the spectrum between a law enforcement approach and a human rights-based approach to human trafficking, the Thai response can be

characterized as almost purely law enforcement-based. Even when the TIP Report labeled Thailand's anti-trafficking efforts as "significant," its criminal justice system was highly punitive, not only toward traffickers, but toward trafficked persons as well (Gallagher, 2006a; Gallagher & Holmes, 2008; Pollock, 2007). Later on, as the threat of U.S. sanctions loomed in the horizon, Thailand began cracking down on news reporters and human rights activists whose revelations were featured in the TIP Reports (Holmes, 2015). This trend is not unique to the issue of trafficking, but is rather a part of Thailand's overall deteriorating human rights record, as after several decades of democratic reforms it descended back into dictatorship (Connors, 2008, 2016).

Agenda Setting

Within the policymaking process, U.S. pressure had the most impact on the agenda setting phase. This confirms past research, which also found the initial phases of the policymaking cycle to be the most susceptible to foreign pressure by other governments, transnational networks, and other policy transfer agents (Burgerman, 1998; Stone, 2000, 2004). Public attention to U.S. pressure naturally increased in all three studied countries during periods in which the TIP Report rank was low or decreasing, and peaked around times when U.S. sanctions seemed imminent. However, this is true not only for public attention to U.S. pressure, but also the general attention to the problem of human trafficking. Graph 6, below, depicts the aggregate level of media coverage of human trafficking in Israel, the Philippines, and Thailand.⁴⁰

⁴⁰ The results were standardized to reflect differences between the sources available in each country as well as the newspapers' availability in databases. For this purpose, I divided the total number of articles that refer to human trafficking in the selected newspapers with the total number of articles from the same newspapers.



The most dramatic trend appears in the case of Thailand. Human trafficking coverage by the Thai media increased significantly in 2003, when the U.S. publically warned the government that its actions may land it on the Tier 2 Watch List the following year. Coverage increased significantly again in 2012, after the country was placed on the Watch List two years in a row, and it soared exponentially in subsequent years, as the threat of U.S. sanctions drew closer. Similarly, coverage of trafficking in the Philippine media peaked in 2005, when the country was put on the Tier 2 Watch List for a second year in a row. Media attention rose again the next time the Philippines was placed on the Watch List, and peaked in 2011, when two consecutive years

on the Watch List threatened to trigger an automatic downgrade to Tier 3 the following year. In Israel, this trend is also visible, however it is less significant. There was an increase in media coverage of trafficking during 2006-2007, when Israel was downgraded to the Tier 2 Watch List.

These surges in public attention to trafficking can generally be attributed to the work of one of three actors: government officials and bureaucrats, local NGOs, and U.S. diplomats. Most frequently, increased media coverage reflected a rise in government attention to trafficking, as newspapers reported on anti-trafficking legislation efforts, trafficking cases as they go through the criminal justice system (arrests, convictions, sentencing, etc.), or quoted government officials making statements on the issue. Zehava Gal'on, the Israeli elected official that acted as a policy entrepreneur on the issue of trafficking, said that she used to "sit down with reporters" and convince them to write stories about trafficking in Israel and about the TIP Report (Gal'on, 2010). Non-governmental organizations engaged in similar strategies and also increased media coverage. In Israel and the Philippines, but not in Thailand for reasons explored below, local anti-trafficking NGOs used the TIP Report to add credibility and gravitas to their claims when they were interviewed. In yet other cases, U.S. diplomats from the local embassy or from Washington, D.C., utilize the media to raise the profile of the TIP Report through media background briefings, press conferences, or public statements. In Israel and the Philippines the U.S. embassy has been holding an annual "viewing party" of the TIP Report's release ceremony. In all three countries, low TIP Report rankings also garnered newspaper editorials calling the government to act.

Of the three cases, Israel is unique in that it exemplifies Keck and Sikkink's (1998) "boomerang effect," although with slight variations. In their original conceptualization of the model, local activists, when confronted with a regime that is reluctant to concede to their demands, activate transnational advocacy networks that mobilize in other countries so that other governments would put pressure on the reluctant regime. This resembles much of what happened in Israel, where initially the government was reluctant to even listen to the advocacy of local human rights organizations with regard to sex trafficking. The government as well as most of the public saw trafficked women as nothing more than "foreign prostitutes," and did not recognize that some of them were victims deserving of public assistance. The government ignored the local anti-trafficking community for four years in the end of the 1990s, until the publication of the first TIP Report in 2001. The Report, which placed Israel on the lowest Tier 3, has had immense positive influence on their work by giving them a "foot in the door" (Gruenpeter-Gold, 2010; Levenkron, 2009). This was not only because the Report confirmed their claims, but also because of the U.S. State Department's method of data collection, which relied heavily on input from these NGOs. Once the government realized that the U.S. government was listening to civil society anti-trafficking organizations, it was compelled to do the same (Gruenpeter-Gold, 2010; Levenkron, 2009).

While this dynamic is closely similar to the "boomerang effect," there is one key difference. The model that (Keck & Sikkink, 1998) presented was that of the formation of a transnational advocacy network (TAN), comprised of activists from various countries united by a

common agenda. When local anti-trafficking activists in Israel realized that the government is not responsive to their demands, the model predicted that they would reach out to their network peers in other countries, who in turn would lobby their own governments to levy pressure in Israel. The potential for this dynamic was in place, as in the late 1990s there were indeed TANs devoted to the issue of trafficking, with members in both the U.S. and Israel. For example, The Awareness Center (Machon Toda'a), an Israeli abolitionist NGO, was established in 2000 as a member of the global Coalition Against Trafficking in Women (CATW), and its founder was well connected to leading figures in the global abolitionist movement (Gruenpeter-Gold, 2010). However, the dynamic that unfolded in reality was different. CATW and its allies lobbied the U.S. to pass the TVPA independently from events in Israel, or in any other specific country for that matter. When the TIP Office was established, it was not even clear what countries would be assessed and included in the TIP Report. While the TIP Report was very welcome by the Israeli anti-trafficking activists, it came to them as a complete surprise (Levenkron, 2009). Thus, the TIP Report short-circuited the process, and achieved the same result while eliminating one of the steps in the original "boomerang effect" model.

The case was radically different in Thailand and the Philippines, which both recognized human trafficking as a problem before the U.S. got involved in the matter. Public discourse in these countries already accepted the basic framework of human trafficking, namely that individuals that were smuggled across international borders illegally deserve protection if they were exploited in the process. This mindset developed naturally in these countries, because they

are both source countries, meaning that their own citizens were being trafficked abroad, and therefore the population was more likely to sympathize with them. In sharp contrast, Israel is a destination country for trafficking. Trafficked persons who arrive to Israel suffer not only from the direct abuse of their traffickers, but also from the general tendency of the public to see them as a part of the problem of undocumented labor migration. Therefore the government had no real incentive to see them as potential victims, until the U.S. began to exert external pressure.

The other role of the TIP Reports in the agenda setting process was to open policy windows. According to Kingdon (1995), policy windows open up as a result of the coupling of at least two of three independent “streams”: problems, policies, and politics. Policymakers are routinely confronted with new problems that demand their attention, sometimes as a result of focusing events, such as crises. The policy stream produces specific solutions, although these can develop independently from any particular pressing problem. Independently, the political landscape may or may not enable policymakers to act in a specific way. Policy windows, Kingdon argued, do not just happen. They can also be artificially opened (Kingdon, 1995). I argue that the TIP Report acts as an opener of policy windows. While the existence of a trafficking problem may not be considered a problem by a government, U.S. pressure, in the form of a bad TIP Report review, creates an artificial crisis, which focuses policymakers’ attention to the problem. Not only that, the TIP Report also presents relatively clear policy prescriptions, while the threat of sanctions generates the political will to act.

The TIP Report thus joins all three agenda setting streams and opens the anti-trafficking policy window. This happened in Israel in 2001 and 2006, when it was placed on Tier 3 and the Tier 2 Watch List, respectively. The government acted swiftly to enact radical changes in its anti-trafficking policy. A similar process unfolded in the Philippines, albeit to a lesser degree. In 2010, the TIP Report placed the Philippines for the second consecutive year on the Tier 2 Watch List, which meant that without swift government action the country would be automatically downgraded to Tier 3, which has the potential of sanctions. This coincided with the election of a new governing coalition, which ran on an anti-corruption platform, and therefore had the political will to move beyond the symbolic anti-trafficking measures enacted by previous governments. The dynamic in Thailand was markedly different, for reasons that I will discuss in the next section.

State Compliance and Human Rights Socialization

All three cases examined in this study can be placed on the continuum presented as the spiral model for human rights socialization (Risse et al., 1999; Risse, Ropp, & Sikkink, 2013), however with certain modifications. The first phase of the spiral model is characterized by a government that ignores the human rights situation, until external pressure gets it to acknowledge that a problem exists. This fits nicely with the Israeli scenario, described above, but not in the case of the Philippines and Thailand, who acknowledged human trafficking as a problem as a result of local grassroots pressure from below. The model predicts that what follows the acknowledging of the problem is government denial of the international allegations. While this behavior was observed in all three cases, it was not neatly confined to a specific period of time, and it is difficult to argue that “the government” speaks with one voice on any issue. Instead, various public officials have criticized U.S. pressure as inaccurate at different points in time. Essentially, every issuance of a TIP Report was an opportunity for some government actor to criticize its findings. In the cases of Israel and Thailand, the government also acted against local activists who were perceived as fueling international pressure. In Israel, they were called “slanderers.” In Thailand, they were prosecuted as enemies of the state.

The third phase of the spiral model consists of government cosmetic concessions, which it hopes would reduce the pressure. This was also evident in all three cases however not in such a straightforward way. Signing the UN Trafficking Protocol by all three countries between 2000 and 2001 could be seen as such a cosmetic step, particularly for Israel and Thailand, which did

not ratify their signature until 2008 and 2013, respectively (United Nations, 2014), rendering their initial signature completely symbolic. The plethora of Philippine and Thai anti-trafficking national plans, task forces, bilateral agreements, and their participation in international anti-trafficking programs, could be similarly seen as cosmetic. Nevertheless, Israel's initial anti-trafficking policies were not purely symbolic. For example, while far from being a comprehensive anti-trafficking measure, Israel's criminalization of sex trafficking in 2000 initiated a process of identifying and prosecuting cases by law enforcement. However, it is important to acknowledge that there is a vast difference between governments' response to sex trafficking and their response to labor trafficking. While all three countries moved beyond cosmetic gestures when it comes to their sex trafficking policies, in many ways their treatment of labor trafficking still remains symbolic.

The fourth phase, in which states accept the validity of the international norm and engage in international discourse around it, is also problematized by the findings of this study. Israel exemplified this phase in its behavior in the mid-2000s, as it enacted its comprehensive anti-trafficking legislation and significantly increased its protection of trafficked persons. As the spiral model predicts, in this period Israel underwent a complete paradigm shift with relation to sex trafficking. According to Rachel Rachel Gershuni (2010), Israel's first government anti-trafficking coordinator, it was the 2000 law that enabled this discursive change, as it enabled judges to establish new case law from scratch with regard to trafficking, while ignoring the precedents that were based on Israel's prostitution laws. This new body of case law, coupled

with new guidelines by the State Prosecutor's Office, permeated all levels of government and changed the perception of trafficked women from criminals to victims (Rachel Gershuni, 2010). While this paradigm shift indeed helped many women who were trafficked into Israel for prostitution, as previously noted it did not encompass the entire gamut of trafficked persons. Public opinion as well as the attitude of the criminal justice system in Israel is far less sympathetic to the plight of people trafficked into Israel for domestic work, nursing, farming, or construction, even though the same anti-trafficking law applies to their situation.

The cases of Thailand and the Philippines further problematize the spiral model's fourth phase. One of the aspects of this phase (Risse et al., 1999, 2013) is signing of treaties and more generally engaging in the international discourse around a human rights norm. However, both Thailand and the Philippines contributed to the formation of global anti-trafficking discourse and engaged in it from its inception. The Philippines was even one of the first countries to ratify the UN Trafficking Protocol, back in 2002. This was partly because, as countries of origin, it was their own citizens who were victimized abroad. Another contributing factor was that their engagement in global anti-trafficking discourse did not cost them much, and did not actually coerce them into instituting policies they were not interested in. Certainly, the fact that the UN Protocol is not based on a human rights-based approach helped both countries to support it. They could be in full compliance with the Protocol without granting any rights to trafficked persons, and even utilize the Protocol's requirements to increase their power through increased law enforcement and border enforcement. Finally, both the Philippines and Thailand enacted

comprehensive anti-trafficking legislation, just like Israel. Unlike in Israel however, the Thai and Philippine statutes were not strongly implemented, whether due to lack of political will, lack of state capacity, or corruption within the government ranks. The spiral model does not account for the possibility that a state might be interested in adhering to human rights norms, but not be able to do so because of such constraining factors.

Finally, Israel is alone among the cases examined here that achieved the fifth and final phase, of genuine behavioral change. However, as discussed above, the change in behavior was limited to a certain subgroup of trafficked persons, namely non-Israeli women who were brought into Israel for prostitution. In addition, it is difficult to say when Israel moved from the fourth to the fifth stage, as they coincided and were virtually indistinguishable. Since the legal mechanisms were already put in place in the third phase, once the discourse changed, behavior followed suit almost automatically. The Philippines is struggling with implementing its legislation, as its efforts are hindered by corruption. In Thailand, a constant state of political crisis and the government's descent to dictatorial regime prevent it from happening for the time being.

As the constructivist literature on compliance with international norms predicts, U.S. pressure could not have achieved anything by itself. It had to be leveraged by local activists to be effective. The dynamic in Israel and the Philippines has striking similarities. In both countries, concern over sex trafficking emerged during the 1990s and led to the formation of anti-trafficking coalitions of non-governmental organizations (NGOs). As the anti-trafficking

policy window opened, in Israel in 2000-2001 and in the Philippines in 2010, both coalitions informally partnered with one (female) elected official, who amplified their voices and got significant legislative changes. These were Israel Knesset (Parliament) Member Zehava Gal'on and Philippine Senator Loren Legarda. In both countries this informal partnership used the TIP Report, and specifically the threat of U.S. sanctions, to further their anti-trafficking agenda.

Interestingly, the threat of sanctions worked, even though in reality it was an empty one. The governments of both Israel and the Philippines responded to U.S. pressure as if sanctions were imminent, while in reality they were a remote possibility, not likely to ever be imposed on these two countries. Sanctions can only be triggered after 2003, only on countries that the TIP Report places on Tier 3 (United States Congress, 2000). Israel was placed on Tier 3 only once, in 2001, before the sanctions regime went into effect. The Philippines was never placed on Tier 3. Thailand was placed on Tier 3 in 2014 and again in 2015, which theoretically puts sanctions on the table. But even if the TIP Report places a country on Tier 3, the TVPA gives the U.S. President considerable leeway to waive sanctions for any consideration that furthers the interests of the U.S., and to do so indefinitely. In effect, U.S. allies are never actually sanctioned as a result of the TIP Report (Bales & Soodalter, 2009; DeStefano, 2007). All three countries examined are strong U.S. allies, and the likelihood of actual sanctions is very low. Case in point: in 2014 and 2015 President Obama waived all potential sanctions on Thailand, despite its continued Tier 3 status (The White House, 2014, 2015). What mattered more than the actual specifications of the U.S. sanctions regime was how they were perceived by the state. This

perception was mediated through the work of anti-trafficking advocates, both within and outside government, who leveraged U.S. pressure to further their cause.

As I had already indicated, Thailand represents a significantly different story. No coalition of Thai local NGOs coalesced around the TIP Report, and no Thai politician emerged as a champion of the anti-trafficking cause. It may well be the case that no Thai politician is genuinely interested in the human rights of trafficked persons. However, I propose that this difference could be at least partially explained by a brief mapping of the anti-trafficking NGO landscape in the three countries. In the Philippines, anti-trafficking advocacy was championed by the Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), a regional network of the global Coalition Against Trafficking in Women, which is one of the most prominent anti-trafficking voices globally. CATW's approach is premised on the assumption that prostitution is inherently abusive and violates women's rights, and it therefore strongly advocates for the abolition of prostitution and against any effort of legalization or decriminalization (Outshoorn, 2005; Raymond & Hughes, 2001).

In Israel, the fight against trafficking was first spearheaded by an informal coalition of NGOs, and in 2003 it was formalized as the Task Force on Human Trafficking (TFHT), a project of ATZUM, a then new Israeli NGO (ATZUM, 2007). Unlike its Philippine counterpart, this Task Force is not an official member of the international CATW, but some of its members are. From its inception, the Israeli anti-trafficking community espoused a clear abolitionist position toward prostitution (Halley et al., 2006; Mandel, 2012). Even members who had reservations

about the U.S. approach to trafficking had no reservations about using U.S. pressure to leverage their work (Levenkron, 2009). In both Israel and the Philippines, sex workers voices were absent from the anti-trafficking coalitions, mainly because sex workers' rights advocacy in these countries is severely marginalized to the point that it is negligible in public discourse. The abolitionist approach also dominates U.S. anti-trafficking discourse, and was officially embraced by the Bush administration, which developed much of the U.S. foreign policy on trafficking (Lagon, 2011; O'Brien & Wilson, 2015; Zimmerman, 2010).

Conversely, Thailand's anti-trafficking community is split along the feminist radical-liberal divide. While the radical abolitionist approach dominates the government discourse and is also espoused by several feminist organizations, sex workers in Thailand have a long history of organizing for their rights, and the country boasts a vibrant community of sex workers rights organizations (Arnold & Bertone, 2002; Pollock, 2007). These organizations never used the TIP Report to further their goals, because they perceive it as damaging to their work. They are in fact highly critical of the TIP Report, and what it represents. As discussed in chapter 5, the EMPOWER Foundation, a sex workers' rights collective, has been highly critical against the U.S. anti-trafficking work, which causes harm to its constituents. Similarly, the Global Alliance Against Trafficking in Women (GAATW), which is based in Thailand, has long been a vocal critic of U.S. anti-trafficking discourse and the "rescue industry" that it created and finances (GAATW, 2007). For example, the work of the International Justice Mission (IJM), which was endorsed and funded by the U.S. government, led many Thai human rights activists to be very

skeptical toward U.S. anti-trafficking efforts (Kinney, 2006; Soderlund, 2005). This may explain why the TIP Report never received much traction until its focus changed to labor trafficking in 2010.

Taking this line of reasoning a step further, this may also explain why the Thai response to U.S. anti-trafficking pressure changed dramatically once global attention began turning to labor trafficking instead of sex trafficking. In 2010, the TIP Report highlighted extreme labor abuses in the Thai fishing and shrimping industries, and placed Thailand on the Tier 2 Watch List for the first time. Media attention to the Report significantly increased that year, and continued to increase exponentially, almost doubling every year until 2015. The Thai government also dramatically increased its attempts to dismiss the Report on the one hand, and to convince U.S. officials to improve the country's rating on the other. Unlike in the cases of Israel and the Philippines, this increase in attention to U.S. pressure in Thailand was not the result of the work of anti-trafficking or human rights organizations. Instead, it was the Thai business community that began pressuring the government to act, out of fear that the information in the TIP Report would be used by the U.S. government to ban the import of Thai produce.

Policy Diffusion/Transfer

The TIP Report served as a catalyst for anti-trafficking policy diffusion and policy transfer in all three cases. In Israel, Thailand, and the Philippines, the governments adopted the “3P approach” (prosecution, protection, prevention). The division of a “model” anti-trafficking policy to these three components was first developed by U.S. anti-trafficking NGOs, as they were lobbying the Clinton Administration to pass the TVPA in the late 1990s. It permeated U.S. government discourse, and was successfully “uploaded” through the TVPA and TIP Reports into the international arena, where it dominates global anti-trafficking discourse. In order to demonstrate their compliance with U.S. anti-trafficking standard, the three governments examined in this study “downloaded” this policy framework and started using it in their annual reports to the U.S. embassy. Later this paradigm was internalized, to the point that it is now found in national anti-trafficking plans, government agency websites, etc. Other features of the U.S. federal anti-trafficking policy were also borrowed. Examples include the use of shelters for trafficked persons in Israel, the formation of government investigative-prosecutorial anti-trafficking task forces in the Philippines, and the methods of brothel raiding in Thailand.

Notwithstanding these cases of policy transfer, other elements of U.S. anti-trafficking policy were not borrowed. This is most evident in the definition of the crime of human trafficking in the three examined cases, which do not derive from the U.S. definition. The definitions codified in the UN Anti-Trafficking Protocol and the U.S. TVPA are similar in spirit, but have several key differences, the most glaring ones are that the U.S. definition does not

include trafficking for the purpose of organ removal and that it labels any minor engaged in commercial sex as a victim of trafficking, but not in cases of labor exploitation and slavery (Chuang, 2010; Gallagher, 2011). The anti-trafficking laws that were enacted in the Philippines and Thailand adopted the UN definition, and the Israeli definition was created locally, but in essence parallels the international definition. In all three cases, while the major anti-trafficking statutes were enacted as a result of U.S. pressure, the definitions employed are not the definition that the U.S. uses and that is promulgated through the TIP Report.

This finding agrees with previous research on the limits of policy transfer. As Jones and Newburn (2007) found in their study of criminal justice policies that were transferred from the United States to the UK, what actually transferred was the policy ideas, symbols, and rhetoric. However, the actual content of the policies were subject to British domestic debate that resembled other forms of policymaking. The policy outcome was sometimes similar to its U.S. original, but not necessarily. Similarly, in the case of anti-trafficking policy, what transferred most clearly from the U.S. to the three countries examined were the ideas, symbols, and rhetoric, which together constituted the framework for internal debate on the details of the domestic policy. Beyond the few examples noted above, there was no observable attempt by any of the three governments to actively learn and borrow a policy solution from the U.S. federal government or any particular U.S. state. All Israel, the Philippines, and Thailand were concerned with was avoiding a damning and potentially damaging tier placement. Using U.S. anti-trafficking rhetoric was an easy step for them to take toward that goal.

In addition, it is important to remember that, while nominally concerned with all “3 P’s,” U.S. pressure heavily emphasized one P, namely prosecution. Governments that were interested in improving their TIP Report rank were told by American diplomats that their first steps should be to criminalize trafficking, investigate and prosecute trafficking cases, and make sure that the convicted receive a harsh punishment. However, there was never such clarity with regard to what governments should do to protect victims, and the expectations on prevention measures are even vaguer. Moreover, most governments are not interested in emulating the U.S. protection scheme, which is unique in giving (some) trafficked persons a path to citizenship. Since the TIP Report features information on a variety of anti-trafficking programs from all over the world, it has the potential to diffuse any policy that it highlights. Case in point: the Israeli government anti-trafficking coordinator explicitly reported that she used to comb through the Report to learn from the experience of other countries and to look for programs that could also work in Israel. Some of them she indeed implemented, for example having an awareness raising campaigns in buses and with taxi drivers, or giving out awards to organizations or individuals in recognition of their work. She called the TIP Report the “annual document that summarizes best what goes on in the world” (Rachel Gershuni, 2010). It therefore seems that U.S. pressure stimulates the diffusion of anti-trafficking policies, but not necessarily those of the United States.

This means that the TIP Report operates as a policy transfer agent. Policy transfer theory posits the existence of nine potential transfer agents: elected officials, political parties, government bureaucrats, pressure groups, policy entrepreneurs, multinational corporations, think

tanks, nongovernmental organizations, and supranational governmental institutions (Dolowitz & Marsh, 1996, 2000). All the agents on this list are situated in the destination country. To borrow from Lee's (1966) conceptualization of the migration of people, they all consist of pull factors. What was not considered was the possibility that transfer agents could be found in the jurisdiction that is the source of the policy, acting as a push factor. In the case of human trafficking, the U.S. single-handedly produces anti-trafficking global knowledge, which dominates the field of transnationalized policy prescriptions, while bypassing the need for the formation of transnational policy communities (Stone, 2002, 2004). In this fashion, the TIP Report, which was initially intended as a diagnostic tool for the purposes of the U.S. government, became an agent of policy transfer.

The last contribution of this study to the policy transfer/diffusion literature is the examination of cases of transfer from the Global North to the Global South. Not much was written about the link between policy transfer and policy success or failure. However, generally speaking, the few studies that examined a transferred policy that failed to achieve its goal attributed the failure to inadequate implementation. There was an implicit assumption that the borrowing country has the ability to implement its policies, but that sometimes this implementation leads to unintended consequences. This is certainly the case in Thailand. However, the Philippines present a more nuanced story. Between 2010 and 2015, the Philippine government seems to have had, for the first time on this issue, the political will to genuinely implement its previously enacted anti-trafficking laws. However, widespread corruption of low-

level civil servants the various provinces proved to put significant limitations on the power of the central government in Manila to implement its own policies. Thus, policies that work in a developed country with a strong central government and general adherence to rule of law, may not be transferable to countries that do not share these characteristics.

Conclusion: U.S. Pressure Outcomes

There are significant differences between the three countries in this regard. U.S. pressure had a profound impact on the way Israel addresses sex trafficking of non-Israelis, and both Israel and the U.S. see Israel case as a success story. Israel's response to other forms of trafficking is still lacking, but U.S. pressure nevertheless transformed the local discourse on trafficking. The Philippine policymaking process was also heavily influenced by U.S. pressure, yet the general weakness of the central government in the face of rampant corruption hinders the implementation of the government's own policies. In Thailand matters got worse over time, as repeated military coups drove the country into authoritarian rule. While the government scrambles to avoid U.S. sanctions, its policies are increasingly harmful to the very people they purport to protect. Some of this is explained by the ideological politics surrounding sex trafficking, but some is attributed to the fact that, during the time period covered in this study, Thailand's overall human rights record tanked, as it descended from limited democracy into military dictatorship.

Conclusions and Further Research

This concluding chapter provides a summary of my empirical findings, a discussion of their theoretical implications, and a framework for understanding human rights state socialization and policy transfer. I then turn to utilize my cases to draw empirically grounded theoretical statements about how a country can unilaterally impact compliance with human rights norms in another country. Next, I point out some practical implications for policymakers and NGOs interested in promoting human rights using the external influence of a country other than their own. Lastly, I conclude this chapter with some suggestions for future research based on my findings.

I argue that unilateral international pressure can be very effective during the agenda setting phase when it is applied by an ally and connects with local grassroots efforts. This pressure can also facilitate and catalyze several policymaking processes. My findings generally validate the boomerang effect model and spiral model of human rights socialization, however I propose important modifications for these models.

U.S. Pressure Outcomes

U.S. anti-trafficking pressure permeated and eventually dominated public and government discourse on human trafficking in all three cases examined in this study, i.e. Israel, the Philippines, and Thailand. Nevertheless, U.S. pressure had radically different outcomes with regard to the types of policies that were developed in each country. Israel genuinely changed its behavior toward human trafficking over time, and implemented policies to combat it that go beyond its formal international obligations. It is undisputed that Israel did this because of U.S. pressure on this topic. In the Philippines, U.S. pressure was also effective, but to a lesser degree. Efforts by the Philippine government to follow U.S. guidance were thwarted by structural problems in the Philippine political system, mainly weak law enforcement and pervasive corruption within lower and middle government ranks. Of the three cases examined in this study, Thailand responded the least favorably to U.S. anti-trafficking pressure. Even though Thai government payed lip service to fighting trafficking, the policies they pursued imposed a heavy law enforcement based solution to the problem, and ended up for the most part violating the human rights of sex workers and trafficked persons.

This variance in anti-trafficking outcomes could be explained at least partially by the role of civil society in the three countries. Among the three cases, the strength of civil society as a whole in Israel is considered to be higher than that of the Philippines (Salamon & Sokolowski, 2004), and that of the Philippines higher than in Thailand (USAID, 2014). Indeed, the role of civil society in Israel and the Philippines in leveraging U.S. pressure, particularly the TIP Report,

cannot be overstated. In both countries the existing anti-trafficking community latched on to the TIP Report as a mechanism to pressure their own governments. In both cases, NGO leaders also found elite allies within government, either elected officials or government bureaucrats, and together managed to push their anti-trafficking agenda. The Thai case was starkly different. Not only is Thai civil society considered weaker than that of Israel and the Philippines, it was also trying to undercut U.S. anti- trafficking efforts, because the government's efforts were highly punitive toward adult, consenting sex workers.

Other factors that explain the different outcomes are the political climate and how much trafficking benefits society. During the period of this study, Thailand descended from an emerging into a military dictatorship, including two coups d'état. Similarly, but less extreme, the Philippines underwent several divisive elections impeachments of sitting heads of state. In Israel, while there were several transfers of power, they were all peaceful. Needless to say, unlike the Philippines and Thailand, Israel is a wealthy country that boasts a strong governing capacity within its jurisdiction. In addition to the general political climate, one must take into account the fact that human trafficking, while universally condemned, can have some benefits for the governments at play. The Philippine economy relies on remittances from its overseas workers. In Thailand, commercial sex is similarly an important financial sector that draws tourism. Both governments are averse to doing anything that might jeopardize these economic sectors, even if that means taking a more relaxed stance toward human trafficking.

Agenda Setting

This research found that the policymaking process is highly susceptible to unilateral pressure by another country, particularly during the agenda setting phase. International pressure that goes beyond “naming and shaming” is capable of forcibly opening policy windows by creating artificial crises, which focus the attention of policymakers on an issue that previously was not on their agenda. The fact that U.S. pressure comprised of information as well as the threat of sanctions may be crucial to this point. The threat of sanctions creates the crisis, while the dissemination of information provides ready-made policy solutions. All three cases suggest that even a vague threat of sanctions could be enough for opening the policy window, provided that this threat is leveraged by local actors, whose agenda matches the pressure originator. In the case of Israel and the Philippines, these local actors were anti-trafficking NGOs that found strong allies within the state bureaucracy, and together they to amplify U.S. pressure. In the case of Thailand, it was the business community. Either way, there is no evidence that pressure would work without a local contingency that builds on it. Similarly, this local contingency would probably not be able to leverage U.S. pressure in countries that do not receive any assistance from the U.S.

Norm Socialization

My findings propose a variation of Keck and Sikkink's (1998) model of the boomerang effect. In its original conception, the model begins with social activists who are frustrated with their government, which is unresponsive to their demands. Their frustration leads them to reach out to activists in a different country, who could potentially lobby their own government to apply pressure on the unresponsive government. My findings somewhat diverge from this model, and suggest that an external pressure regime can create a shortcut for this process, eliminating the need for local activists to take initiative and create a transnational advocacy network. Indeed, the case of Israel demonstrates that the existence of such a network is not required a-priori for the application of unilateral pressure. On the contrary, the pressure may in some cases create the network.

Similarly, my findings validate Risse and Ropp's (1999) spiral model of human rights socialization, while offering some updates. A unilateral pressure scheme, independent from the multilateral UN or regional system, can serve as a catalyst for the progress of a state along the phases of the spiral model, condensing them and sometimes blending phases together. It is also important to acknowledge that different branches of government can work independently and further muddle up the model. Israel's socialization into the international anti-trafficking norm serves as an example. The model's third phase consists of the state making cosmetic changes in order to mitigate international pressure, while in the fourth phase the state accepts the validity of the international norm. But while Israel's executive branch was still in the first phase in 2000,

not acknowledging the problem, members of the legislative branch successfully pushed for an amendment to the penal code, which was imperfect but by no means only cosmetic, as it enabled the judicial branch to give some relief to trafficked persons.

Similarly, the spiral model is lacking in its attention to the different levels of government. This is exemplified by the case of the Philippines, where, in 2010, a newly elected central government changed its tone toward trafficking and reached the fourth phase. Notwithstanding the political elite's genuine eagerness to curb human trafficking, it found itself bound by existing socio-cultural structures that curb change, in the form of corruption at the lower levels of government. Furthermore, even in cases when the government remains persistent in its reluctance to incorporate international human rights standards, other actors with power to change may respond to international pressure instead. Thailand demonstrates this point, as the fishing and shrimping industries are scrambling to exhibit improvements in their labor standards, despite the lack of pressure from the Thai government to do so.

Finally, I argue that the literature on human rights compliance is wanting in that it examines human rights policies separately from other policy areas. In the case of human trafficking, for example, a state's policy could have elements based on human rights principles, but more often than not it is primarily a law enforcement policy, with some heightened level of attention to the rights of the victim. Consequently, a state may give the impression of compliance with an international human rights norm, when in fact it is only complying with it to the degree that it furthers its own power, while not actually promoting the realization of the

human rights. Thailand serves as a case-in-point. The state enacted anti-trafficking measures, ostensibly to comply with international norms, but these measures arguably did more harm than good. Furthermore, now that the country is under military rule, it can use its anti-trafficking laws to further its grip on civil society.

Policy Transfer

My study found that the policy transfer and diffusion concepts are useful for understanding the dynamic of international pressure. U.S. pressure in all three cases facilitated the accelerated diffusion of international anti-trafficking norms. However, my findings deviate from the typical model of policy transfer, in their proposition that policy agents can exist in the jurisdiction of policy origin, and not only in its destination. I argue that the annual TIP Report acts as a transfer agent of specific policy prescriptions. Interestingly, despite the fact that it is a U.S. diplomatic tool, the TIP Report facilitates the transfer of policies and programs that originate in other places as well.

Practical Implications

If advances are to be made in protecting human rights, then an international system of accountability is vital. When the global human rights regime falls short of providing adequate incentives for states to comply, unilateral pressure schemes can effectively close this gap. However, these would be most effective in promoting human rights standards if they avoid the temptation of promoting their own agenda or national interests.

For non-governmental organizations and other members of civil society, it is crucial to find a sympathetic partner within the state apparatus, and together to find ways to utilize existing external pressure on the government. Thought should be given as to how policymakers may respond differently to pressure from above than from below. In some cases, the involvement of local activists in the external pressure regime can lead to government antagonism, as in the case of Israel, or have serious consequences for personal liberty, as in Thailand.

Plan for Further Research

Several methodological choices limit the generalizability of this study's conclusions. More research is needed to validate my conclusions. First and foremost, the sources that I used in this study pose a limitation on the validity of my findings. While newspaper coverage can serve as a useful way to gauge public attitudes, they do not reflect the inner workings of inter-governmental diplomacy. Reports of the effects of U.S. pressure are inherently biased in favor of the positions promoted by the governments of the U.S. and of the other country in question. Furthermore, my own language limitations restricted me to using only English language newspapers in two of the three cases studied. This could further bias the results, as they exclude news reporting that is geared to the non-English speaking population. Further is thus needed using in-depth interviews in the Philippines and Thailand, as well as examining their local language news media.

Second, this study was limited to cases in which preliminary research indicated that U.S. pressure was effectual. Several factors played a key role in the selection of cases, and these factors may have biased the outcome. One such factor was the existing close relationship between the U.S. and each of the three countries examined. Pressure is likely to operate differently, if at all, in cases without such a relationship. Extending this research to more cases would strengthen the generalizability of my findings. This study is replicable, but there are sampling issues. It is impossible to completely isolate the factors that have influenced my cases. My study should be replicated with cases of other countries, with similar circumstances to the

cases chosen here, in order to verify my findings. My preliminary research, as detailed in chapter 3, suggests that such appropriate cases may include Taiwan, Malaysia, Singapore, and South Korea. It would also be useful to look beyond East Asia, and examine the way U.S. pressure plays out in other parts of the world, for example Africa or Latin America.

More research is needed to further complicate our understanding of the spiral model. Specifically, studies should explore more cases in which the government genuinely wants to comply with an international norm, but finds that it is unable to do so. In addition, more research is required to better understand the socialization of states into compliance with human rights norm that also have implications for other policy areas that may conflict with human rights, such as criminal justice, immigration, etc.

It is my hope that this dissertation can provide empirical evidence to policymakers and human rights activists to make their work more effective.

Appendix A: Interview Protocol

1. Describe your role in relation to the creation/implementation of policies that combat human trafficking?
2. What are your views on the involvement of the United States in the fight against human trafficking?
3. How has the U.S. TIP report influence your work?
4. Can you give specific examples of instances when you have used the TIP report for the purposes of your organization, or have witnessed others use it?
5. How do other people in Israel perceive U.S. involvement on this issue, and the TIP Report?
6. Have you ever witnessed any resistance to take U.S. opinion under account, or to participate in the TIP reporting process?
7. What do you think of the effectiveness of TIP report? Do you consider it to be useful? Helpful? Harmful? How has this changed over the years?
8. Based on your judgment, does the most recent TIP Report accurately reflect the situation with regard to human trafficking in Israel? Has the accuracy of the Report improved over the years?
9. Other than the TIP Report, what other U.S. initiatives have you encountered? Do you find them useful for your work?

Appendix B: The Sampled Newspapers

Country	Publication Name	Language	Access through	Available coverage
Israel	Haaretz	Hebrew	Index of Daily News	1993-2015
Israel	Jerusalem Post	English	LexisNexis	1995-2015
Israel	Maariv	Hebrew	Index of Daily News	1993-2015
Israel	Yedioth Ahronoth	Hebrew	Index of Daily News	1993-2015
Philippines	Manila Bulletin	English	Factiva	1999-2015
Philippines	Manila Standard	English	Factiva	1997-2015
Philippines	Philippine Daily Inquirer	English	Factiva	2004-2015
Philippines	The Philippine Star	English	Factiva	2008-2015
Thailand	Bangkok Post	English	Factiva	1995-2015
Thailand	The Nation	English	Factiva	1998-2015

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