On 19 June, the US Secretary of State, Hilary Clinton, released the 2012 Trafficking in Persons Report. The TIP Report has been produced every year since 1996 by the Office to Monitor and Combat Trafficking in Persons within the State Department, and is seen by the US Government as its ‘principal diplomatic tool to engage foreign governments on human trafficking’. Released on Juneteenth or Freedom Day, the 2012 Report has particular resonance for the US as 22 September 2012 is the 150th anniversary of Lincoln’s preliminary Emancipation Proclamation, Proclamation 93, Declaring the Objectives of the War Including Emancipation of Slaves in Rebellious States.

As explained in a FlagPost on last year's Report, each year countries' achievements or otherwise are assessed against standards set out in US domestic law -- the Trafficking Victim Protections Act 2000 (TVPA) -- rather than in international legal instruments, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. As the 2011 Report noted, the TVPA standards are ‘largely’ (though not entirely) consistent with the framework for addressing trafficking established by the Protocol. Countries are grouped into four categories according to the State Department's assessment of their governments' efforts to combat trafficking:

- Tier 1: countries deemed to fully comply with the TVPA's minimum standards
- Tier 2: countries whose governments are deemed to not fully comply with the TVPA's minimum standards but are making significant efforts to do so
- Tier 2 Watch list: tier 2 countries in which: 1) the number of victims of trafficking is very significant or increasing; 2) the State Department has found no evidence of increasing efforts to combat trafficking (e.g. increased investigations or prosecutions); or 3) the determination that a country was making significant efforts was based on commitments by the country to take additional steps in the coming year, and
• Tier 3: countries whose governments are deemed not to fully comply with the TVPA's minimum standards and who are not making significant efforts to do so.

The 2012 Report presents the State Department's assessment of 186 countries, with 185 of these ranked: 33 on Tier 1; 93 on Tier 2, and 42 on Tier 2 Watch List; and 17 on Tier 3. (The exception is Somalia which for the 10th year remains a special case 'due to the lack of a viable central government'.) For the first time Burma has been promoted from Tier 3 to Tier 2 Watch List; while Syria went from Tier 2 Watch List to Tier 3. The Report indicates that in 2011

• there were 3969 reported convictions of traffickers (278 for labour trafficking), up from 3619 (237 for labour trafficking) in the 2011 TIP Report
• 7909 prosecutions were reported as being underway (456 of these for labour trafficking), up from 6017 (607 for labour trafficking) in the 2011 TIP Report
• governments identified and assisted 42,291 victims of trafficking, up from 33,114 in the 2011 TIP Report. (To place this figure in context, the International Labour Organisation's 2012 Global Estimate of Forced Labour found that there are nearly 21 million victims of forced labour across the world.)

A key focus of the 2012 Report is effective protection and support for victims of trafficking. As every year, the the Report rewards close reading. In regard to the US response, it notes that when Congress passed the TVPA in 2000, there were fears that its provisions would open the way to 'massive' visa fraud. To guard against this, a cap of 5000 approvals a year was placed on the special T visas designated for victims of trafficking. However, while numbers of applications are increasing every year, the total number of T visas approved since 2002 remains less than half of the quota available for one year (page 15).

Among the Topics of Special Interest in this year's Report is the high prevalence of forced labour among fishing crew, with commentary focusing on the March 2012 report of the New Zealand Ministerial Inquiry into labour exploitation on foreign flagged vessels (the subject of a number of FlagPosts.) Featured on page 19 is a cutting of an advertisement from the Otago Daily Times (unattributed) offering a $1000 reward for information leading to the whereabouts of an Indonesian fisherman who jumped ship from FV Oyang 70 in Dunedin in 2007. It sits beside a cutting of 19th century US advertisements offering rewards from $50 to $200 for the capture of escaped slaves. (The Otago Daily Times responded quickly, saying that the advertisement was approved 'because it appeared the fishing company and a New Zealand fisheries consulting firm were concerned for their missing crew member'. However, it drew criticism when it first appeared.) New Zealand remains at Tier 1. However, the Report points to deficiencies in New Zealand anti-trafficking legislation, indicating the current statutes define trafficking too narrowly and do not criminalise all forms of forced labour.

Australia continues to hold a Tier 1 ranking, as it has done consistently since its first appearance in the 2004 TIP Report. The Report states that Australia is a 'regional leader in combating trafficking in persons' and is

'primarily a destination country for women subjected to forced prostitution and to a lesser extent, women and men subjected to forced labour. Child sex trafficking also occurs with a small number of Australian citizens, primarily teenage girls, exploited within the country, as well as some foreign victims.'

The 2010-11 report of the Australian Government's Anti-People Trafficking Interdepartmental Committee had indicated that one unaccompanied minor was referred to the Support for Victims of Trafficking Program as a suspected victim of trafficking into the sex industry. However, the TVPA definition of trafficking encompasses all forms of child prostitution. In Australia such offences are generally dealt with as state criminal offences and would not be reflected in trafficking data. The TIP Report notes also that the 'government did not initiate any additional prosecutions during the year, a notable decrease from 13 prosecutions and five convictions during the previous year’, and makes a number of recommendations for the Australian Government, including:

• finalising draft amendments to the Criminal Code (currently before the Parliament)
• improving efforts to coordinate/refer suspected trafficking cases between government agencies
• strengthening efforts to identify trafficking victims
• improving access of trafficking victims to financial compensation and civil remedies, and
• developing a national plan of action for combating trafficking (also a recommendation of the Special Rapporteur in Human Trafficking).

Finally, each year the State Department honours Tip Report Heroes, people from around the world ‘who have devoted their lives to the fight against human trafficking’.

This year Dr Anne Gallagher AO was honoured by Secretary Clinton as a TIP Report Hero for her work in international law and policy on human trafficking -- the first time an Australian has been recognised in this way.

Dr Gallagher was also made an Officer in the General Division of the Order of Australia in the 2012 Queen's Birthday Honours, for ‘distinguished service to the law, and to human rights, as a practitioner, teacher and scholar, particularly in the areas of human trafficking responses and criminal justice.’

(Image source: US State Department)