

Comparing U.S. Policy with Israel, Jordan, and Syria: Does Diplomacy Play a Role in Human Trafficking Policy in the Middle East?

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Abstract

This article analyzes existing anti-trafficking policies in the U.S., Israel, Jordan, and Syria and discusses potential ways to enhance and expand current strategies. The reason the author chose to focus on these particular countries is because he had the opportunity to travel to each of these countries in the summer of 2010 and talk with individuals about the extent of trafficking in these countries and to what degree the respective governments are working to combat the problem. Surprisingly, the countries that have closer diplomatic ties to the U.S. sorely lack comprehensive approaches to deal with trafficking in their respective countries. In order for policy makers to intervene effectively there needs to be greater illumination on what problems are faced in these countries as well as deficiencies in current anti-trafficking policies. These deficiencies are discussed in detail as well as recommendations for policy changes based primarily upon diplomatic efforts.

Key Words: Human Trafficking, Middle East, Diplomacy, Social Policy

1. Introduction

Human trafficking is a global epidemic that creates unfathomable problems for individuals, communities and the global society. Despite the abolishment of legalized slavery nearly 150 years ago, human enslavement has resurged and has become an acceptable and lucrative practice amongst an ever-growing society of modern slave traders. Most reasonable individuals would argue that slavery is not accepted within modern civilized society; however, many governments do not actively pursue policies that would effectively combat the spread of slavery and some make no attempts at all. The Middle East has experienced widespread oppression and exploitation for years, with some notable exceptions. This past year has seen the lifting of much of this oppression through populist uprisings that have sought to extend freedom and personal choice throughout the region as part of the Arab Spring. Yet in countries that saw limited protesting, oppression still exists for many who are unable to lift their voices against a society that often seems indifferent, or even contributors, to their suffering. Individual nations must join together to advance international anti-trafficking policies in order to liberate all who are oppressed and give a voice to those who continue to suffer in slavery.

The purpose of this article is to analyze existing anti-trafficking policies in the U.S., Israel, Jordan, and Syria and discuss potential ways to enhance and expand current strategies. The reason the author chose to focus on these particular countries is because he had the opportunity to travel to each of these countries in the summer of 2010 and talk with individuals about the extent of trafficking in these countries and to what degree the respective governments are working to combat the problem. Surprisingly, the countries that have closer diplomatic ties to the U.S. sorely lack comprehensive approaches to deal with trafficking in their respective countries. In order for policy makers to intervene effectively there needs to be greater illumination on what problems are faced in these countries as well as deficiencies in current anti-trafficking policies. First, there will be a discussion of existing policies established by the United Nations and the United States, particularly from a diplomatic perspective. Second, a comparison between U.S. anti-trafficking policies and those established within Jordan, Syria, and Israel. Third, how U.S. diplomacy has impacted these countries' policies, and finally, recommendations for policy improvements through the use of diplomacy and international pressure.

2. Existing Policies

The United Nations led the international community in bringing the problem of modern slavery to light through the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000 (Smith, 2011), in that same year the United States also passed the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). The VTVPA emphasizes several different areas in order to combat trafficking both within the U.S. and internationally. The primary issues include: "Protection and assistance for victims of trafficking; Strengthening prosecution and punishment of traffickers; ...and Minimum standards for the elimination of trafficking and assistance to foreign countries to meet minimum standards" (Victims of Trafficking and Violence Protection Act, 2000). Although there is ongoing criticism of whether or not the United States is effectively combating trafficking (Desyllas, 2007; Logan, Walker, & Hunt, 2009;), the focus of this paper is to identify and critique international and diplomatic responses toward the specified countries previously mentioned. In addition to domestic policy the VTVPA also provided funding for the implementation of an annual report that is designed to track the progress of global anti-trafficking efforts.

In 2001 the U.S. Department of State published its first Trafficking in Persons Report (TPR), which summarized 82 different countries' attempts to combat trafficking in two main areas, criminal prosecution of traffickers, and provision of services to survivors, which reflects the mandate of the VTVPA (U.S. State Department, 2001). Over the last decade, the TPR report has expanded to include 184 different countries including the United States, which included itself in the report for the first time in 2010. The primary purpose of the TPR is to enable the U.S. government to engage foreign governments on human trafficking from a diplomatic approach and has been utilized extensively for that purpose (U.S. State Department, 2011). Despite criticism describing the TPR's approach as being another attempt at imperialism (Desyllas, 2007), there is little debate surrounding the need for a collaborative approach in order to effectively combat trafficking. The U.S. has taken the lead to deal with this problem and despite limitations of its policies, has the means to make significant progress toward eliminating human trafficking throughout the world.

3. Comparison between U.S., Israel, Jordan, and Syria

As previously mentioned, the Office to Monitor and Combat Trafficking In Persons releases a TIP report each year which categorizes countries on a three tier scale according to their efforts to combat trafficking. There are three main categories in which countries can be placed, countries whose governments fully comply with the Act's minimum standards for the elimination of trafficking were placed in Tier 1. Countries whose governments do not fully comply with those standards were then placed in Tier 2 if they are making 'significant efforts to bring themselves into compliance' with the standards, or in Tier 3 if they are not" (U.S. State Department, 2001, p. 5).

There is technically a fourth category, the Tier 2W, which places the country on a watch list and is used primarily to give countries an opportunity to improve before sanctions or other actions take place. The VTVPA also stipulates that the State Department is to consider various factors to ascertain whether a country is making progress to comply with the minimum standards.

These factors include: 1) the extent of trafficking in the country; 2) the extent of governmental noncompliance with the minimum standards, particularly the extent to which government officials have been complicit in trafficking; and 3) what measures are reasonable to bring the government into compliance with the minimum standards in light of the government's resources and capabilities (p. 6) Each year, governments must show substantial improvement in dealing with trafficking to maintain a Tier 1 ranking or avoid being placed on a lower tier. However, the United States did not evaluate itself until last year which undermined diplomatic efforts to persuade other countries to comply and also brought criticism from experts in the field (Desyllas, 2007; End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes-USA, 2010).

3.1. United States

The United States is a "source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, debt bondage, and forced prostitution" (U.S. State Department, 2011, p. 338). The United States is a tier 1 country, but is not without problems or areas that can be improved.

Many of the criticisms come from nongovernmental organizations (NGO) who point out that the U.S. is still focused primarily on prosecution of the survivors rather than protecting and recognizing the special circumstances that these individuals face such as, poverty, mental health problems, language barriers, or isolation (U.S. State Department, 2011). More emphasis needs to be placed upon assistance to survivors regardless of their willingness to cooperate in order to protect basic human rights. Another recommendation from this same report emphasized a need for increased public awareness and a call for educating the public to recognize risk factors related to human trafficking. This would provide law enforcement to make optimal use of resources in addition to raising the stakes for traffickers by making it more difficult to conceal these horrific crimes. A final recommendation called for an evaluation of anti-trafficking efforts on the state level, similar to the international tier system, in order to pinpoint with greater accuracy specific needs within particular regions. This would also help in coordinating with neighboring states that may face similar issues and shore up gaps in state-based efforts, which could also help to improve efficiency and lower costs.

3.2. Israel

Israel is primarily a destination country with problems in the form of forced sex work as well as labor. Most of the individuals trafficked into Israel come from Asia and Eastern European countries. Israel is a tier 2 country because it needs to improve services to trafficking survivors and do better at enforcing existing laws. Israel has made progress in recent years by passing the 2006 Anti-Trafficking Act, but again this focuses primarily on prosecution and neglects services for survivors. According to a leading advocate for anti-trafficking efforts in Israel, the country does have 3 different shelters for survivors, but only one of them receives government funding, and they are primarily geared toward women. Moreover, Israel has also seen an increase in trafficking domestic laborers primarily from African nations (R. Davidovich, personal communication, July 5, 2010). Additionally, NGOs recently criticized the restriction of foreign workers within sectors and showed concern over "amendments to the Law of Entry passed in the Knesset in May 2011 that further bind foreign workers to sectors, employers, and geographic regions. NGOs assert that the binding of migrant workers creates vulnerability to human trafficking" (U.S. State Department, 2011, p. 202). Another difficulty lies in the fact that prostitution is legal in Israel, which, many argue, exacerbates the problem drastically (Holman, 2008; Hughes, 2004). However, it is important to point out that maintaining a brothel and pimping are not legal in Israel and prosecutions for these crimes do take place and have increased in recent years (Berg, 2007).

3.3. Jordan

Jordan is also a transit and destination country primarily for forced labor, but also sex trafficking. Most of the individuals trafficked into Jordan come from Indonesia and the Philippines along with other Asian countries, there are also some native Jordanians who are coerced into forced labor as well (U.S. State Department, 2011). Jordan recently passed the Anti-Human Trafficking Law in 2008, which went into effect in March of 2009. This law "prohibits all forms of trafficking and prescribes penalties of six months' to 10 years' imprisonment for forced prostitution, child trafficking, trafficking of women and girls, and trafficking crimes involving other aggravating circumstances" (U.S. State Department, 2011, p. 208). These laws are considered stringent enough, but prosecution is still minimal and penalties have been minor, which is one of the reasons that Jordan is a tier 2 country as well. A major issue for which Jordan is heavily criticized is the rampant exploitation of workers from other countries. The Filipino government has limited worker migration to Jordan in recent years due to human rights violations (Thorold, 2008), and the Jordanian government banned Bangladeshi workers from entering the country because many of them pointed out Jordanian violations of the U.S.-Jordan Free Trade Agreement on behalf of thousands of trafficked workers (Institute for Global Labour & Human Rights, 2010). Another problem that Jordan faces is the lack of protection and services for survivors of trafficking. The State Department's TIP report stresses that currently there are no government funded services nor are there any shelters that are targeted solely to survivors of trafficking. There are some domestic violence shelters that also provide services to women who have been trafficked, but these are limited and also receive little government support.

3.4. Syria

Syria is primarily a destination country for women and children who are coerced into forced labor and sex work. Most of these come from Indonesia, the Philippines, Somalia, and Ethiopia. These individuals are recruited by agencies to work in Syria as domestic workers, but are later subjected to circumstances of forced labor by their employers (U.S. State Department, 2011).

According to the TIP report the Syrian government does not comply with minimal standards to effectively combat trafficking and provide services to trafficking survivors, which resulted in Syria being put on the tier 2 watchlist. In 2010 Syria passed a comprehensive anti-trafficking law, "Legislative Decree No. 3, which took effect in April of the same year, provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not lay out a clear definition of human trafficking" (U.S. State Department, 2011, p. 345). Like Jordan, Syria does not directly fund any shelters for the survivors of trafficking; however, the government did donate land and buildings for two NGO's that provide services to survivors. Additionally, in 2005 the Syrian government also cosponsored a workshop in Damascus to address trafficking and to bring increased awareness of trafficking within Syria (Integrated Regional Information Networks, 2005).

Each of the aforementioned countries varies in their respective approaches to combat human trafficking. Of course, there are unique cultural and historical differences between each of these countries that need to be acknowledged in order to establish effective anti-trafficking policies. As previously mentioned, the United States has been criticized for an imperialistic approach to imposing its will in the global setting in dealing with human trafficking (Desyllas, 2007). However, Holman (2008) cites several examples where U.S. pressure has been successful in changing and improving anti-trafficking policies in historically high-risk countries such as Indonesia, Belize, and Cambodia. However, there has also been criticism that the country categorizations within the TIP report is often biased toward countries with whom the U.S. is closely allied, or contrastingly, where diplomatic ties are strained (Gallagher, 2011).

4. U.S. Diplomatic Efforts in Syria, Jordan, and Israel

The U.S. has important diplomatic ties with Jordan and Israel, which have strengthened in recent years, yet diplomacy between the U.S. and Syria has been practically nonexistent. These strained diplomatic ties began in the early 1970's and culminated in 1979 when the United States placed economic sanctions against Syria when the terrorist watch list was first implemented under the International Security Assistance and Arms Export Control Act of 1976, and these sanctions have sharply increased in recent years (Sharp, 2011). Moreover the U.S. has provided just over 500 million dollars in direct monetary assistance for the Syrian government since 1971, much of that was given prior to sanction implementation (Sharp, 2011a).

Of course there have been significant human rights violations under the Asad regime ever since he took power in 1970, and the backlash against his regime has culminated in the ongoing protests that began early in 2011. However, this does not change the fact that in recent years under his regime significant changes have been made to combat human trafficking in Syria (U.S. State Department, 2011). Ironically, Syria's rating by the U.S. State Department as a tier 2 on the watch list is lower than that of Jordan's despite providing more substantive anti-trafficking policies than its neighboring country, Jordan. Furthermore, it is debatable whether Israel provides much more than Syria in the form of meaningful policies against trafficking, despite receiving a much higher level of monetary and diplomatic assistance from the United States. In fact, between 1971 and 2001 Jordan and Israel have received over 4.5 billion dollars and nearly 80 billion dollars, respectively (Sharp, 2011a). This financial assistance has had some impact on the development of anti-trafficking policies in these two countries, however, more needs to be done diplomatically to put pressure on these allies to enhance their anti-trafficking policies. There is also an opportunity to improve diplomatic ties with Syria, particularly if the current protests result in regime change, but even if Asad does not step down there is an opportunity to negotiate to improve the overall situation in Syria, including anti-trafficking policies.

5. Recommendations for Policy Improvements

There is little debate that conditions in Syria, Jordan, and Israel are dramatically different from a political perspective, however, their policies are very similar when it comes to their individual efforts to combat trafficking. The United States has significant influence in the Middle East, not just because of the recent military conflicts in which the U.S. is involved, but also due to their ongoing diplomatic ties with specific countries. As previously mentioned, the State Department has used its power in other countries to influence and strengthen anti-trafficking efforts, even in countries with whom diplomatic ties are not particularly strong. With the current diplomatic situation between the U.S. and Syria being so strained, it is understandable that diplomatic influence is limited. However, diplomatic relations between Israel and Jordan, though not perfect, are much stronger and are potentially more meaningful.

The United States should increase pressure on Jordan and Israel in order to identify ways in which these countries can bring the level of anti-trafficking efforts to the point of both being categorized as a tier 1 country. This would not need to happen immediately, it could easily be done incrementally in a way that makes sense and which accounts for the particular needs for that country. Moreover, the United States needs to earmark a portion of the monies provided to Jordan and Israel, particularly Israel because the level of assistance is much greater, to be devoted to anti-trafficking policies and services. If the United States wants to take the lead and go through the lengthy process of developing the annual TIP report, they must not be afraid to influence countries, particularly allies, who do not meet the standards that they themselves have established. This would not require additional funding, or the addition of major policy changes, simply a shift in practice. A practice that could mean the difference in freedom for many, or the continued oppression of slavery with little hope for the future. The United Nations, the European Union, and the rest of the international community must also become more involved and work with the United States in order to take advantage of the current political climate in the Middle East and make substantive changes in these countries. Only then will the world be able to take the steps necessary to end the abhorrent practice of human trafficking and end slavery for good.

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