



# **AUTHORITARIANISM AND TRAFFICKING IN PERSONS**

## **POLICY MEMO**

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## EXECUTIVE SUMMARY

Though trafficking is present in every country, including democracies, our analysis shows that there is a connection between trafficking and authoritarianism. A possible explanation for this is that, because of their higher levels of political competition and transparency, democratic states tend to be more likely to identify trafficking as a problem that needs to be addressed, and, thus, comply with international standards to prevent and prosecute trafficking, and to protect and compensate their victims. Authoritarian regimes, on the other hand, generally fail to put into place the legal mechanisms and institutions that can prevent trafficking, protect victims, and prosecute perpetrators.

In the following memo, we (1) use the U.S. Department of State’s Trafficking in Persons (TIP) Report to examine the connection between authoritarianism and trafficking; (2) present three case studies that explore this connection; (3) outline what seem to be the main trafficking issues in the U.S. and suggest policy changes; and (4) present a conclusion on the findings in the prior three parts. In addition to this, we include three appendixes with (a) a list of experts to contact for more information, (b) resources for further reading, and (c) the full table containing our trafficking and authoritarianism correlation analysis.

## I. LEGAL FRAMEWORK

International law defines “trafficking in persons” as the “recruitment, transportation, transfer, harboring, or receipt of persons [...] for the purpose of exploitation” by means of deception, fraud, debt bondage, and other forms of coercion. Forms of trafficking include sexual exploitation and forced or bonded labor, as well as forced marriage and the illegal trade of human organs. According to a report published by the International Labour Organization and the Walk Free Foundation in 2017, it was estimated that 24.9 million victims were trapped in modern slavery in 2016.

Under international law, states are obligated to prevent and combat trafficking in persons in their territories, and are responsible for the protection of its victims. These obligations are most clearly defined in the United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, ratified by the United States on November 3, 2005.

The United States' Trafficking Victims Protection Act (TVPA) establishes minimum standards for states in combating trafficking, and defines "severe forms of trafficking in persons" as sex and labor trafficking. According to the TVPA, sex trafficking is considered any commercial sexual act performed by adults under the use of force, fraud, or coercion, or any commercial act "in which the person induced to perform such an act has not attained 18 years of age." Labor trafficking is "the recruitment, harboring, transportation, provision or obtaining of a person for labor services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." A victim does not need to be physically transported from one location to another to fall under the definition of "severe forms of trafficking in persons."

The U.S. Department of State assesses states' compliance with TVPA on an annual basis in its Trafficking in Persons (TIP) Report, one of the best-known and most widely cited texts on the subject. The TIP Report places states into one of four tiers based on a "3P" paradigm of "prosecuting traffickers," "protecting victims," and "preventing the crime." The 3P paradigm is an approach reflected under both international law and the TVPA. The U.S. Department of State also recognizes an additional "fourth P" — partnership — as "a complementary means to achieve progress across the 3Ps and ensure all segments of society are enlisted in the fight against modern slavery." The TIP Report provides a description of the trafficking situation in each country or territory and analyzes the government's efforts to address trafficking, including the enactment of anti-trafficking laws and victim protection efforts.

Both international law and the TVPA have approached human trafficking from the standpoint of criminal justice and have prioritized "prosecution" over the other Ps. The U.N.'s Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children — adopted a few months after the U.S. Congress passed the TVPA in 2000 — was created as a supplement to the U.N. Convention against Transnational Organized Crime. Its emphasis on criminal justice is clear, as it applies specifically to offenses that are "transnational in nature and involve an organized criminal group." As NYU researcher Sally Engle Merry discussed in her 2016 book, the TIP Report emphasizes criminalization and prosecution as the solution to human trafficking, but ignores the larger structural problems underlying trafficking, including political and economic "push" factors.

The Human Rights Foundation (HRF) believes that authoritarianism is one of the structural problems that is at the root of trafficking. HRF is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. We believe that our resources are most needed and make a greater impact in countries under authoritarian rulers where independent media, activists, think tanks, opposition parties, and NGOs are under permanent threat. Because we focus on civil and political rights in authoritarian states, we focus our analysis here on the connection between authoritarianism and trafficking; our analysis of the 2018 TIP Report's assessment of government efforts from April 1, 2017 to March 31, 2018, will reveal that democratic regimes rank better than authoritarian regimes in meeting the minimum standards for the elimination of human trafficking.

International bodies and nongovernmental organizations have largely failed to examine this connection, but our findings show that, in addition to compliance with the obligations spelled out in the U.N.'s Protocol, trafficking is best addressed by empowering citizens of authoritarian states with the civil and political rights listed in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

## II. AUTHORITARIANISM AND HUMAN TRAFFICKING

An analysis of states ranked in the 2018 TIP Report reveals a strong connection between regime type and compliance with the TVPA's anti-trafficking standards. HRF categorizes states into three regime types — democratic, competitive authoritarian, and fully authoritarian — using the widely accepted definitions provided by Harvard professor Steven Levitsky and University of Toronto professor Lucan A. Way in their seminal book *Competitive Authoritarianism*. We have taken this on as a part of our mission statement to promote and defend democracy and freedom where it is most at risk. According to HRF's analysis, the world currently has 93 authoritarian regimes (accounting for 53% of the world's population) and 109 democratic regimes.

The 2018 TIP Report assesses 187 countries, 96 democracies and 91 authoritarian states. It ranks them into four categories:

**Tier 1:** The governments of countries that fully meet the TVPA's minimum standards for the elimination of trafficking.

**Tier 2:** The governments of countries that do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** The governments of countries that do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards. Distinct from Tier 2 countries, Tier 2 Watch List countries are also characterized as those in which (1) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; (2) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or (3) the determination that a country is making significant efforts to bring itself into compliance with the minimum standards was based on commitments by the country to take additional future steps over the next year.

**Tier 3:** The governments of countries that do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

As seen in this chart, there is a strong correlation between regime type and tier placement in the 2018 TIP Report:

	<b>Democratic</b> (# of countries, % of tier)	<b>Competitive</b> <b>Authoritarian</b>	<b>Fully</b> <b>Authoritarian</b>
<b>Tier 1</b>	37, 94.87%	1, 2.56%	1, 2.56%
<b>Tier 2</b>	45, 56.25%	16, 20%	19, 23.75%
<b>Tier 2 Watch List</b>	11, 26.19%	19, 45.24%	12, 28.57%
<b>Tier 3</b>	2, 9.09%	4, 18.18%	16, 72.73%

The vast majority of countries in Tier 1 — 94.87% — is democratic. On the other end of the spectrum, the vast majority of Tier 3 countries — 90.91% — is authoritarian. Authoritarian states constitute 43.75% of Tier 2 and 73.81% of the Tier 2 Watch List. Additionally, 79.69% of the countries in the bottom two tiers — 51 out of 64 countries — are authoritarian regimes; meanwhile, democracies make up only 20.31% of the countries in the bottom two tiers. In other words, only 13 of the 64 countries in the bottom two tiers are democracies.

It is important to note that there is an additional Special Case categorization in the 2018 TIP Report which we included in calculating the total number of regimes types and the percentages cited in the previous paragraph. In the 2018 TIP Report, one democracy and three fully authoritarian regimes were classified as special cases.

The connection between authoritarianism and trafficking has also been confirmed by quantitative academic studies, including a 2014 study from Emory University that found that states with authoritarian regimes are less likely to have strong policies protecting victims of sex trafficking. While most analysts have focused on how specific economic or labor policies influence trafficking, these new studies show that overall political structure greatly influences a state’s trafficking policies.

Authoritarian regimes lack rule of law, actively undermine or criminalize civil society, and tend to encourage corruption. All of these factors allow traffickers to commit crimes with impunity. Without rule of law, trafficking victims lack an avenue through which to challenge their abusers, and cannot count on the state to intervene to protect their rights. Arrests, detentions, and sentencing occur arbitrarily and often are politically motivated. Additionally, authoritarian regimes tend to prosecute fewer trafficking cases. In corrupt states, police and politicians can be bought off to intentionally ignore and profit from trafficking. Authoritarian states also prevent civil society and advocacy groups from operating openly and effectively, if they are not banned outright.

The Walking Free Foundation’s 2016 Global Slavery Index revealed that the states that demonstrated the weakest efforts to combat slavery were predominantly authoritarian regimes, countries “characterized by government complicity, low levels of political will, or high levels of conflict and political instability.” Meanwhile, the strongest responses to modern slavery came from democratic regimes, countries “characterized by strong political will, sufficient resources, and a strong civil society that holds governments to account.” Its most recent 2018 Index also confirmed these findings; the 10 governments

taking the most action toward combating slavery were democracies, while the 10 governments taking the least action toward combating slavery were authoritarian regimes.

In democracies, civil society groups can operate freely to provide services to victims and lobby representatives to improve anti-trafficking policies. The U.S. government, for example, recognizes the well-established role of civil society groups: the fourth “P” in the 3P paradigm includes “partnership” with civil society and local authority figures. Additionally, in democracies, victims are more likely to seek the help of law enforcement and pursue justice through the due process of law. Free and fair elections and representation ensure that government leaders are responsive and accountable to the needs of society’s most vulnerable.

The correlation between trafficking and authoritarianism suggests that improving civil and political rights in authoritarian states will improve victim protection, and simultaneously tackle the root causes of trafficking. The following case studies describe trafficking industries in authoritarian states, and outline how authoritarian policies allow criminals to act with impunity.

### III. CASE STUDIES

#### **North Korean defectors in China**

With 1.1 million estimated victims, North Korea has the highest percentage of slaves of its population of any other country in the world, according to the Global Slavery Index. At the same time, it ranks last for government response to slavery. According to the U.S.’s TIP Report, the North Korean government — ranked as a Tier 3 country — has not criminalized and prohibited all forms of trafficking, and in fact actively participates in state-sponsored trafficking through forced labor in its prison camps, forced labor of students, and provision of slaves to other countries through contracts. Its abuse of rights and freedoms is singular. There is no rule of law, political discourse, civil society, free press, or electoral process that would allow activists to advocate for reform or victims to seek justice.

North Korea’s cruel policies work in tandem with the negligence or even complicity of other authoritarian states, like China. North Korean defectors know that they will face the full violence of the state if they are repatriated. This makes them extremely vulnerable to trafficking in China, a Tier 3 country that routinely returns defectors to North Korea. North Korean women are particularly vulnerable. Many pay smugglers a high fee to escape the country, and are then sold into slavery immediately upon entering China, sold as brides or forced into cyber pornography. Female North Korean defectors cannot reveal their identities to anyone for fear that, once identified, they will be sent back to North Korea, where they will be put in labor camps that the 2014 U.N. Commission of Inquiry Report compared to the Holocaust’s concentration camps.

HRF Board Member Yeonmi Park was trafficked in this manner upon defecting from North Korea with her mother when she was 13 years old. She and her mother were both sexually abused by traffickers, sold as brides, and Park was blackmailed by traffickers into helping sell defectors herself. Park has called on China to reverse its forced repatriation policy, which would cause traffickers to “lose all their power.” At

the same time, Park argues that pro-democracy efforts to increase North Koreans' access to information are vital to securing freedom in North Korea. Smuggled flash drives, SD cards, and DVDs filled with foreign media and music, books, and copies of Wikipedia can open North Koreans' eyes to the outside world and encourage them to advocate for change. In fact, such measures are reportedly already working; increasingly, North Koreans are defecting for political reasons, and high-level defectors report dissent among the country's elite class. Park argues that supporting democracy and human rights in North Korea will address the root causes of defection and trafficking. The U.S. should exert pressure on North Korea and its co-conspirators in trafficking, such as China and Russia, to end human rights abuses and transition towards democracy.

### **Thailand and the global supply chain**

Trafficking is often committed by non-state actors, including corporations that contract factories and firms in authoritarian countries along their supply chains. These countries fail to protect civil and political rights, meaning that workers have next to no recourse to address poor working conditions. The U.N. special rapporteur on trafficking in persons addressed modern slavery along the global supply chain in her 2012 annual report, and emphasized the fact that states have an obligation to prevent third-party trafficking crimes that occur within their territories, and that corporations also have the responsibility to protect human rights along the supply chain as well, in accordance with the U.N.'s 2011 Guiding Principles on Business and Human Rights.

Thailand is a Tier 2 country and a fully authoritarian state that houses an estimated 425,500 trafficking victims. Its fishing industry, valued at \$7 billion a year, is notorious for its abuse of employees, and employs migrants from neighboring authoritarian states (Cambodia, Laos, and Burma). According to the Global Slavery Index, seafaring laborers are subject to "severe and frequent physical abuse and threats thereof, excessive and inhumane working hours, sleep and food deprivation, forced use of methamphetamines, and long trips at sea confined to the vessel." The victims — 90% of whom are foreign nationals — are "bought and sold like animals and held against their will" on "ghost ships" far away from the Thai coastline, according to the Guardian. Similar to the victims in the United States, the migrant population often hold temporary, employer-specific visas that make them susceptible to threats of deportation.

When activists tried to advocate for victims in these industries, they were met with government repression. In 2015, Thailand's top trafficking investigator, Paween Pongsirin, revealed that important figures in the Thai government, military, and police were complicit in trafficking. He was forced to flee the country out of fear of reprisal.

Because Thailand is an authoritarian regime, citizens have no real way to hold their representatives accountable for corruption and other abuses of power. According to the Global Slavery Index, victims are prevented from testifying in cases "due to their mistrust of the police." Meanwhile, civil society leaders cannot speak out and advocate freely for fear of reprisal. Prime Minister Prayut Chan-o-cha has captured all legal, administrative, and judicial powers, so the state is only likely to counter trafficking when it endangers its economic interests or its grip on power.

The international community can help by pressuring corporations and governments to improve trafficking policies through multi-stakeholder efforts. An oft-cited example of good anti-trafficking legislation is California's Transparency in Supply Chains Act of 2012, which requires all retailers and manufacturers with an annual revenue of more than \$100 million to disclose information about product supply chains. This requirement has already led companies like Nestlé and Patagonia to improve human rights conditions in response to public pressure.

In Thailand, international pressure related to the fishing industry — including threats of a trade ban from the European Commission — led Thailand to institute several reforms, including new laws and the creation of new trafficking-focused bodies and courts. However, the Global Slavery Index points out that the Thai government instituted top-down reforms without consulting labor organizations or civil society, meaning that government efforts “remained disconnected to the reality of exploitation on the ground.” As international pressure has waned, new reports have emerged that the Thai government has failed to fully implement the promised reforms. The U.S. TIP Report also notes that in 2017, Thailand “did not aggressively prosecute and convict officials complicit in anti-trafficking crimes, and official complicity continued to impede anti-trafficking efforts.”

The international community can better aid trafficking victims by also, and most importantly, pressuring the Thai government to institute democratic reforms to increase transparency and accountability, and to empower people to advocate for the changes they want even when the international community is not paying attention. Public accountability through free and fair elections and other democratic institutions would give government officials the incentive to eradicate slavery in the fishing industry.

### **Cuba and sex trafficking**

In 2017, HRF and Cuba Archive jointly published a report addressed to the U.N. Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, entitled “Cuba's Human Trafficking Business: A Huge State-Run Enterprise.” The report explains that Cuba is likely one of the largest and most profitable traffickers in the world, and is a unique case in that human trafficking is conducted by the government through multiple state enterprises and often has the support of accomplices, participants, sponsors, and promoters throughout the world. Among the forms of trafficking that Cuba is known for is sex trafficking.

In 2018, Giammarinaro published a report on the visit that she made to Cuba from April 10 to April 14, 2017, in which she describes the country's trafficking industry and assesses the government's anti-trafficking policies. According to the report, Cuba is a source country and, to an extent, a transit country for trafficking. Victims of internal trafficking in Cuba are women, girls, and boys who are trafficked for sexual exploitation by either family members or close relatives. One of the special rapporteur's main findings during the visit was that “Cuban girls and women are trafficked for labour and sexual exploitation through deceptive promises or advertisements of employment in the entertainment industry, usually via the Internet or mobile phones outside of Cuba, that then turn into forced prostitution.”

She also found that Cubans attempting to reach the United States through Central and South American countries such as Colombia (democratic), Ecuador (competitive authoritarian), Mexico (democratic), and



Panama (democratic) are vulnerable to trafficking and often exploited sexually or for labor. Some migrants from African and Asian countries, for example, attempt to reach the United States through Cuba, and may find themselves in circumstances in which they are “compelled into labour exploitation or sexual exploitation while en route in order to repay their travel-related debts or when they accept deceitful promises or solutions that result in exploitation.” Furthermore, tourism in Cuba brings with it a demand for sexual services that incentivizes the trafficking of women and children for sexual exploitation. The special rapporteur also noted that “invisibility” presents a hurdle for anti-trafficking in Cuba. There is a scarcity of information on trafficking in the country that makes it difficult to assess the industry’s scope and magnitude. Lastly, anti-trafficking efforts are “at [an] initial [stage], as are the legal and institutional protection frameworks for victims of trafficking.” The lack of data, nonexistent civil society, and weak government response mean that trafficking’s “extent, trends, and manifestations are therefore unknown.”

The United States, meanwhile, ranked Cuba as a Tier 2 Watch List country in the 2018 TIP Report for the fourth consecutive year. The TIP Report found that “the government did not criminalize most forms of forced labor, or sex trafficking of children ages 16 and 17, and did not report providing specialized services to identified victims.” Additionally, “The government lacked procedures to proactively identify forced labor victims and detained potential sex trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking.” However, the report notes that the government is “making significant efforts” to meet minimum standards.

Sex trafficking within Cuba, as well as other forms of trafficking, needs to be addressed within the context of the country’s political regime type. Cuba is not a democratic country where the fundamental rights of citizens are respected, or where there is a separation of powers. Cuba is ruled by a totalitarian regime under which there is no guarantee of independence in the administration of justice or respect for the fundamental rights of citizens. In other words, there is no legal protection for victims of trafficking because the judiciary is subservient to the Communist Party. The U.N. special rapporteur even pointed out in her report that the country lacks a clear, legal definition of trafficking. As HRF and Cuba Archives’ report puts it, “because the main perpetrator of the trafficking is the Cuban state — directly and indirectly — the exploited fall hopelessly and systematically into a seeming black hole. The vast majority of Cubans have no realistic choices in this totalitarian system — they must submit to the state that controls everything and allows no independent advocates.” In other words, because the Cuban government is a significant actor in the trafficking industry, its victims have no chance at seeking justice.

In order to truly and effectively combat sex trafficking in Cuba, the international community must push its government to implement democratic reforms and respect the human rights of the Cuban people. The special rapporteur did address the trafficking situation in her report; however, she also commended “the political will of Cuba to address trafficking in persons,” pointing to its free and universal education and healthcare systems and a recent national plan for action. Similarly, the TIP Report offered some criticism of the Cuban government, but took the regime’s word that it would follow up on a written plan, despite the fact that the Cuban government “did not demonstrate increasing efforts” compared to the previous year. Such praise masks the complete absence of civil and political rights in Cuba. The international community must be vocal about the dictatorship’s abuses if it truly hopes to bring an end to sex trafficking in Cuba.

## IV. HUMAN TRAFFICKING IN THE UNITED STATES

Although there is a clear connection between trafficking and authoritarianism, trafficking in persons by its nature is transnational and complex, and democracies have a role to play in protecting the rights of victims. The United States is a leader in creating strong legislation to define and criminalize trafficking. The U.S. Department of States' TIP Report is considered an authoritative text on the subject of human trafficking. However, trafficking continues to be prevalent across a variety of industries as criminals take advantage of legislative loopholes and deficiencies in the monitoring and regulation of labor conditions. The following section compiles analysis and recommendations from leading anti-trafficking organizations and international bodies on how the United States can improve its own anti-trafficking efforts.

Historically, U.S. policymakers have focused more time and effort on sexual exploitation; laws on sex trafficking are strong, and law enforcement is better able to identify and aid victims. Labor trafficking, however, is poorly understood by law enforcement, policymakers, and the general public, which makes it difficult to identify and help survivors.

The most significant problem facing anti-trafficking advocates is the profound lack of data. The largest data set comes from Polaris, which runs the federal government's trafficking hotline and text line. Polaris confirmed 31,659 trafficking cases from 2007 to 2016, but estimates on the total size of the U.S. victim population range from 54,000 to as high as 2 million. Existing studies rely on small, region-specific samples that are often self-reported, presenting a challenge to policymakers. For example, Polaris notes that although only 16% of its cases are labor exploitation cases, the real percentage is likely to be significantly higher, since many labor trafficking victims are unaware that they have been trafficked. For example, Northeastern University's Urban Institute cites in one of its studies that 94% of victims realized they were being abused, but did not understand that they had been trafficked or that they had rights. Globally, according to Human Rights First, labor trafficking constitutes 64% of trafficking cases. In order to properly address trafficking, the United States must first conduct a thorough investigation to ascertain the size and nature of trafficking industry within the United States.

Nevertheless, existing studies have afforded useful insights. The most common countries of origin of U.S. trafficking victims are China (fully authoritarian), Guatemala (democratic), Honduras (democratic), Mexico (democratic), and the Philippines (competitive authoritarian). States with the highest number of trafficking cases are California, Texas, Florida, Ohio, and New York.

According to Polaris, sex trafficking disproportionately affects women (69.6% of victims) and a surprisingly large number of U.S. citizens and permanent residents (24.4%). U.S. citizens are more commonly trafficked in the following trafficking industries: escort services, outdoor solicitation, pornography, and remote interactive sexual acts (such as webcam, phone, and text-based sexual services). Foreign nationals are also impacted, and Native Americans are particularly at risk in a worrying trend of sexual abuse and disappearances that has increased in recent years.

In contrast, two-thirds of U.S. labor trafficking victims are male, mostly men in their 30s and 40s, according to a study by the Urban Institute. 71% were trafficked on temporary, nonimmigrant visas, and

69% were unauthorized to live and work in the U.S. by the time they contacted service providers. The most common industries involved in trafficking are agriculture, hospitality, construction, restaurants, and domestic service (which primarily victimizes women). Most labor trafficking victims were recruited in their home countries, and many worked with recruiters that charged exploitative fees for migration and visa assistance. Abuses include deceptive or false contracts, extortion, debt bondage, retention of passports, sexual abuse and rape, illegally low wages and wage theft, and threats of deportation. Prosecution rates are very low; less than 50% of identified traffickers were prosecuted in the cases studied by the Urban Institute. Public awareness about labor trafficking is also very low, and law enforcement is hesitant to help victims because of anti-immigrant sentiment and poor training.

Though the U.S. leads the world in legislation, it can still implement many changes to improve the identification of trafficking victims, aid victims once they have escaped, and reduce vulnerabilities. The following are recommendations from leading NGOs and from the U.N. special rapporteur on trafficking in persons, Maria Grazia Giammarinaro, who visited the U.S. and published a country report in 2017:

**Improve data collection:** As discussed above, the United States should seek to compile comprehensive data on trafficking in its territories. The United States is a destination, source, and transit country, which means its trafficking industry is complex and detailed information is needed to dismantle it.

**Visa reform:** The vast majority of foreign nationals that fall victim to trafficking in the U.S. enter the country on temporary, nonimmigrant visas (particularly A-3, B-1, G-5, H-2A, H-2B, J-1, H1-B visas). These visas tie migrants to a single employer, which makes them highly vulnerable to abuse and coercion via threats of deportation. The U.S. should institute reforms to allow these migrants to legally switch employers. The Beyond Survival Campaign also recommended that the U.S. give lists of migrants holding these visas to community organizations that can monitor conditions at their work sites for evidence of trafficking.

**Improve victim protection and support:** Victims, once identified, struggle to transition to freedom. The U.S. is obliged to protect victims and provide them services under international law. In particular, the U.S. should improve affordable housing options for survivors, and should ensure that they receive legal support to claim back wages and expunge their criminal record of crimes committed as a result of being trafficked.

**Improve public awareness and professional training:** Immigration agents, law enforcement, and members of the general public who came in contact with trafficking victims often failed to take action because they did not realize intervention was needed. This is particularly true for labor trafficking, which is little understood by the general public. The U.N.'s 2000 Protocol requires states to provide training in trafficking to law enforcement, immigration agents, and other relevant parties. The U.S. should ensure that these key officials can distinguish between a migrant and a victim of trafficking. If law enforcement is unable to identify trafficking victims, the routinized detention of all migrants at the southern border may lead them to “penaliz[e victims] solely for unlawful acts committed as a direct result of being trafficked,” according to the special rapporteur. As a result, she recommended that the U.S. end the routinized detention of migrants.

**Evaluate global supply chains:** Many studies have recommended that the U.S. federal government require companies to certify a lack of slavery or forced labor in their supply chains. California's Transparency in Supply Chains Act of 2012 serves as a gold standard in this arena and has already prompted corporations to improve transparency and human rights conditions in their manufacturing.

**Strengthen labor laws:** Foreign nationals, especially domestic workers, are not necessarily covered by labor laws, including regulations on back pay and overtime. This makes them vulnerable to abuse, and incentivizes companies to hire trafficking victims.

**Examine domestic and foreign policies that create vulnerabilities to trafficking:** It is important for the United States to recognize trends in trafficking as an outcome of other policies. For example, the U.S.'s prohibition of drugs has created a thriving and violent black market for illicit substances, and has caused conflict and instability throughout Central America. People living in conflict zones are highly vulnerable to trafficking. Traffickers take advantage of Central Americans who seek a more stable and peaceful life, using coercion and fraud to enslave them. Drug traffickers are increasingly entering into the human trafficking business, as well, and in some cases force migrants to carry drugs over the U.S. border. If the U.S. aims to end human trafficking from these regions, it must work to amend the policies at the root of the problem.

The United States has long been a leader in the fight against trafficking, and the health of U.S. democracy has allowed trafficking victims and their advocates to voice their opinions and push for reforms as needed. Following the above recommendations will allow the U.S. to maintain a high standard for the rest of the world to emulate.

## V. CONCLUSION

To demonstrate the significance that democracy promotion has in combating human trafficking, this memo highlighted the connection between authoritarianism and trafficking, presented several case studies exploring the connection, and outlined the main trafficking issues in the U.S. as well as suggested policy changes. Ultimately, we can conclude that any anti-trafficking plan that neglects to promote democracy and individual rights advocacy is incomplete.

HRF's analysis of the U.S. Department of States' 2018 TIP Report found that there was in fact a connection between the political regime type of a country and its compliance with the TVPA's minimum standards. Tier 1 countries were overwhelmingly democracies, while Tier 3 countries were predominantly authoritarian.

The three case studies on North Korean defectors in China, the fishing industry in Thailand, and sex trafficking in Cuba all featured countries ruled by fully authoritarian regimes that regularly violate their citizens' civil and political rights. The main takeaway from all three of the case studies is that anti-trafficking efforts will be more successful if they coincide with democratic reforms.

Lastly, the United States has been the leader in creating strong legislation to define and criminalize trafficking, and its TIP Report is the authoritative text on human trafficking. However, even in the United States, there are many ways in which the government can improve its efforts to eradicate human trafficking, including visa reform and the re-examination of foreign and domestic policies.

HRF is an organization that devotes the majority of its time to addressing human rights concerns and promoting democracy in closed societies. As such, the United States is not a country that we usually analyze. However, as an organization that promotes democracy globally, we find that, as a country with a strong democratic tradition, the U.S. is in a unique position to push for civil and political rights in authoritarian states through its foreign policy. It is evident that there is, in fact, a connection between trafficking prevalence and regime type, and it is worth investigating this trend through reports and academic research, and by enacting national and international policy reforms.

# APPENDIX A

## EXPERTS

The following activists, lawyers, nonprofit leaders, tech entrepreneurs, and more are experts in the anti-trafficking space and their writings, talks, and other publications can provide more information on the topics discussed in this report. All of the individuals listed below have worked with HRF as a part of the Oslo Freedom Forum or another program.

### **Nick Grono, Trafficking in general**

Nick Grono is CEO of the Freedom Fund, a nonprofit founded in 2013 that identifies and invests in frontline efforts to eradicate modern slavery in the countries and sectors where it is most prevalent. The organization has developed an expertise on human trafficking and has partners with local and international organizations and governments working to end slavery. The Freedom Fund has participated in several HRF panels to draw attention to the issue of modern slavery.

### **[Justin Kosslyn](#), Trafficking in general**

Justin Kosslyn is a product manager at Google Ideas, an interdisciplinary think tank dedicated to applying technological solutions to global challenges. Through his work at Google Ideas, Kosslyn launched the Global Human Trafficking Hotline Network. At HRF's 2013 Oslo Freedom Forum, Kosslyn [described](#) how connecting networks and collecting data helps private organizations and law enforcement respond more efficiently to human trafficking and aid more victims, and identified trends that can be utilized to combat human trafficking.

### **[CJ Adams](#), Trafficking in general, focusing on criminalization**

CJ Adams is a product manager at Google and a fellow at Royal Society of Arts. Before joining Google, he worked with the Polaris Project, where he designed and built new tools for combating organized criminal networks, improving the flow of information between victims, service providers, and law enforcement officers in thousands of human trafficking cases.

### **[Julia Ormond](#), Trafficking in the global supply chain**

Julia Ormond is a long-time activist against human trafficking who has promoted international awareness as a United Nations Goodwill Ambassador and as founder of the advocacy nonprofit, the [Alliance to Stop Slavery and End Trafficking](#) (ASSET) which works with NGOs, government officials, and individuals to create the systemic change needed to eradicate slavery at its source. At HRF's 2012 Oslo Freedom Forum, she [explained](#) that focusing on the global supply chain allows activists and policymakers to address the systemic problems within corporate culture that enable the exploitation of workers in the developing world.

### **[Hyeonseo Lee](#), Sex trafficking of North Koreans in China**

Hyeonseo Lee is a North Korean defector who has dedicated herself to helping female defectors who were trafficked as sex slaves and child brides upon escaping to China. She [spoke](#) about this topic at HRF's San Francisco Freedom Forum in 2016.

### **[Yeonmi Park](#), Sex trafficking of North Koreans in China**

Yeonmi Park is a North Korean defector and board member of the Human Rights Foundation. She defected when she was 13 years old, and has since spoken publicly about her own experiences with trafficking and advocated empowering North Koreans by circumventing official censorship and giving them access to information.

### **Siriwan Vongkietpaisan, Labor trafficking in Thailand**

Siriwan Vongkietpaisan is a Thai lawyer and human rights advocate whose work primarily focuses on human trafficking cases in Thailand. In 2005, Vongkietpaisan founded Social Responsibility (SR) Law, a firm dedicated to promoting social responsibility and litigating cases on subjects including human trafficking and migrant labor abuses. In 2016, SR Law was awarded a Freedom Fund grant to develop educational resources for human rights litigation and to provide legal aid to victims.

### **Maria C. Werlau, Sex trafficking in Cuba**

Maria C. Werlau is president of the Board and executive director of [Cuba Archive](#), a Cuban nonprofit that gathers and distributes information on the abuses of Cuba's communist regime. Cuba Archive worked with HRF to publish a [report](#) on trafficking in Cuba ahead of the U.N. special rapporteur on trafficking in persons' visit to the island in 2017. Werlau also testified before U.S. Congress to provide expertise on this topic in 2016.

### **Aaron Halegua, Labor trafficking in the U.S. commonwealth**

Aaron Halegua is the founding partner of Aaron Halegua, PLLC and a research fellow at the New York University School of Law. He also serves as a member of the American Bar Association's Immigration and Human Trafficking Committee. Aaron has published on labor and employment law, migrant worker issues, dispute resolution, and access to justice in the United States, China, and internationally. As an attorney, he has represented dozens of exploited immigrant workers in the United States. Most recently, he assisted over 2,400 Chinese workers trafficked to build the Imperial Pacific casino project in Saipan – part of the U.S. Commonwealth of the Northern Mariana Islands – in obtaining \$14 million in backpay through a U.S. Department of Labor settlement. He has expertise relating to federal and local anti-trafficking laws, litigation of labor and trafficking claims, immigration relief for victims, and issues involving migrant workers generally.

### **Meron Estefanos, Trafficking of Eritreans in North Africa**

Meron Estefanos is an Eritrean journalist and human rights activist. She is the co-founder of the International Commission on Eritrean Refugees, an advocacy organization for the rights of Eritrean refugees, victims of trafficking, and victims of torture. She is known for saving hundreds of Eritrean refugees who became victims of trafficking after fleeing Isaias Afwerki's brutal authoritarian regime.

### **Rachana Sunar, Child marriage**

Child marriage is a form of human trafficking not covered in this brief. Rachana Sunar is a Nepalese women's rights activist and founder of the Sambad Center, an organization that educates young married mothers on issues such as women's rights, child marriage, and human trafficking. At 15 years old, Sunar was intended to become a child bride to an older man of a higher caste, but tricked her family into delaying the marriage and allowing her to stay in school. Sunar began sharing her story with other Nepalese women and now helps lead the fight to end child marriage in Nepal. She has saved 37 girls from forced marriage and provides literacy lessons for adults in addition to her work at the Sambad Center.



# APPENDIX B

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## APPENDIX C

### HUMAN TRAFFICKING AND AUTHORITARIANISM ANALYSIS

To provide a further analysis of the findings of this memo, this appendix presents several tables of the breakdown of political regime types in the U.S. Department of State's Trafficking in Persons Report (TIP Report). The tables assess the rankings provided in the 2001, 2002, 2017, and 2018 reports. These specific reports were chosen in order to demonstrate the connection between a country's political regime type and efforts to combat human trafficking; the 2001 and 2002 reports were the first two editions of the report, while the 2017 and 2018 are the most recent reports.

While the numbers of countries examined in the TIP Report has increased over the years, the correlation is consistent: democratic regimes tend to perform better than authoritarian regimes when it comes to compliance with the minimum standards under the TVPA.

Some additional information:

- It was not until 2004 that the U.S. Department of State introduced the category of Tier 2 Watch List to the TIP Report. That is why there is no data available for the 2001 and 2002 reports in the Tier 2 Watch List tables presented below.
- Three countries in the 2017 TIP Report are categorized as a "Special Case."
- Four countries in the 2018 TIP Report are categorized as a "Special Case."
- In our analysis of the 2001 and 2002 reports, we excluded the Federal Republic of Yugoslavia given that it has ceased to exist.

#### Regime Breakdown

Regime	Breakdown of Countries in 2001 TIP Report	Breakdown of Countries in 2002 TIP Report	Breakdown of Countries in 2017 TIP Report	Breakdown of Countries in 2018 TIP Report
Democratic	43	45	96	96
Competitive Authoritarian	17	19	40	40
Fully Authoritarian	21	24	51	51
Authoritarian (CA and FA)	38	43	91	91
Total	81	88	187	187

<b>Regime</b>	<b>Breakdown of Countries by Percentage in 2001 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2002 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2017 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2018 TIP Report</b>
<b>Democratic</b>	53.09%	51.14%	51.34%	51.34%
<b>Competitive Authoritarian</b>	20.99%	21.59%	21.39%	21.39%
<b>Fully Authoritarian</b>	25.93%	27.27%	27.27%	27.27%
<b>Authoritarian (CA and FA)</b>	46.91%	48.86%	48.66%	48.66%
<b>Total</b>	100.00%	100.00%	100.00%	100.00%

Tier 1:

<b>Regime</b>	<b>Breakdown of Countries in 2001 TIP Report</b>	<b>Breakdown of Countries in 2002 TIP Report</b>	<b>Breakdown of Countries in 2017 TIP Report</b>	<b>Breakdown of Countries in 2018 TIP Report</b>
<b>Democratic</b>	11	17	34	37
<b>Competitive Authoritarian</b>	1	1	2	1
<b>Fully Authoritarian</b>	0	0	0	1
<b>Authoritarian (CA and FA)</b>	1	1	2	2
<b>Total</b>	12	18	36	39

<b>Regime</b>	<b>Breakdown of Countries by Percentage in 2001 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2002 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2017 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2018 TIP Report</b>
<b>Democratic</b>	91.67%	94.44%	94.44%	94.87%
<b>Competitive Authoritarian</b>	8.33%	5.56%	5.56%	2.56%
<b>Fully Authoritarian</b>	0	0	0.00%	2.56%
<b>Authoritarian (CA and FA)</b>	8.33%	5.56%	5.56%	5.13%
<b>Total</b>	100.00%	100.00%	100.00%	100.00%

Tier 2:

<b>Regime</b>	<b>Breakdown of Countries in 2001 TIP Report</b>	<b>Breakdown of Countries in 2002 TIP Report</b>	<b>Breakdown of Countries in 2017 TIP Report</b>	<b>Breakdown of Countries in 2018 TIP Report</b>
<b>Democratic</b>	24	24	46	45
<b>Competitive Authoritarian</b>	13	14	17	16
<b>Fully Authoritarian</b>	10	13	17	19
<b>Authoritarian (CA and FA)</b>	23	27	34	35
<b>Total</b>	47	51	80	80

<b>Regime</b>	<b>Breakdown of Countries by Percentage in 2001 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2002 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2017 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2018 TIP Report</b>
<b>Democratic</b>	51.06%	47.06%	57.50%	56.25%
<b>Competitive Authoritarian</b>	27.66%	27.45%	21.25%	20.00%
<b>Fully Authoritarian</b>	21.28%	25.49%	21.25%	23.75%
<b>Authoritarian (CA and FA)</b>	48.94%	52.94%	42.50%	43.75%
<b>Total</b>	100.00%	100.00%	100.00%	100.00%

Tier 2 Watch List:

<b>Regime</b>	<b>Breakdown of Countries in 2001 TIP Report</b>	<b>Breakdown of Countries in 2002 TIP Report</b>	<b>Breakdown of Countries in 2017 TIP Report</b>	<b>Breakdown of Countries in 2018 TIP Report</b>
<b>Democratic</b>	--	--	14	11
<b>Competitive Authoritarian</b>	--	--	16	19
<b>Fully Authoritarian</b>	--	--	15	12
<b>Authoritarian (CA and FA)</b>	--	--	31	31
<b>Total</b>	--	--	45	42

<b>Regime</b>	<b>Breakdown of Countries by Percentage in 2001 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2002 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2017 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2018 TIP Report</b>
<b>Democratic</b>	--	--	31.11%	26.19%
<b>Competitive Authoritarian</b>	--	--	35.56%	45.24%
<b>Fully Authoritarian</b>	--	--	33.33%	28.57%
<b>Authoritarian (CA and FA)</b>	--	--	68.89%	73.81%
<b>Total</b>	--	--	100.00%	100.00%

Tier 3:

<b>Regime</b>	<b>Breakdown of Countries in 2001 TIP Report</b>	<b>Breakdown of Countries in 2002 TIP Report</b>	<b>Breakdown of Countries in 2017 TIP Report</b>	<b>Breakdown of Countries in 2018 TIP Report</b>
<b>Democratic</b>	8	4	2	2
<b>Competitive Authoritarian</b>	3	4	5	4
<b>Fully Authoritarian</b>	11	11	16	16
<b>Authoritarian (CA and FA)</b>	14	15	21	20
<b>Total</b>	22	19	23	22

<b>Regime</b>	<b>Breakdown of Countries by Percentage in 2001 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2002 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2017 TIP Report</b>	<b>Breakdown of Countries by Percentage in 2018 TIP Report</b>
<b>Democratic</b>	36.36%	21.05%	8.70%	9.09%
<b>Competitive Authoritarian</b>	13.64%	21.05%	21.74%	18.18%
<b>Fully Authoritarian</b>	50.00%	57.89%	69.57%	72.73%
<b>Authoritarian (CA and FA)</b>	63.64%	78.95%	91.30%	90.91%
<b>Total</b>	100.00%	100.00%	100.00%	100.00%