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**RAISING OUR OWN AWARENESS:
GETTING TO GRIPS WITH TRAFFICKING IN PERSONS AND
RELATED PROBLEMS IN SOUTH-EAST ASIA AND BEYOND**

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Introduction

It is generally agreed that the related problems of trafficking and migrant smuggling are increasing, perhaps rapidly. This has not happened in a vacuum, however, but against the background of an unprecedented growth in programmes and policies to combat these problems.

It is thus difficult to escape that conclusion that we have yet to fully come to grips with trafficking and migrant smuggling, and that, while we might be having some impact around the edges, or in particular geographical areas, the economics of these phenomena remain largely unaltered.

This is not at all to invalidate efforts to date. That would be to disregard every victim that has been rescued and successfully re-integrated, every community that has benefited from programmes to improve their lives, and every person whose understanding of the risks of migration has led them to make safer decisions and avoid the abuse and exploitation inherent in trafficking.

It would also be to disregard the reality that, though it has gathered pace in the last few years, the international response to these issues is generally still at a relatively young stage. Lessons are being learnt, programmes are being adapted accordingly and new, innovative responses are arising in response to emerging issues. In fact, for almost any gap that can be identified in the response, an intervention can be found somewhere, which is seeking to address it. We need to get better at sharing such interventions, and information on success and lessons learnt. This is not as easy as it sounds, for it requires integrity about what is actually working and what is not, somewhat challenging given issues such as the competition for funding resources among different agencies.

The fate of those currently in situations of gross exploitation and abuse, and those who may be in the future, demands that we meet this challenge, however, constantly assessing the impact of what we are doing, identifying gaps in our understanding, and being open and honest about what is happening, including any shortcomings in what we have been doing.

The topic of trafficking in persons and migrant smuggling in the Asia-Pacific is

very broad, with the region featuring a wide range of patterns, trends and response. It would be impossible to do justice to this topic in a paper of this length. I have thus chosen to focus on the area that I know best, South-East Asia, with particular reference to the Mekong Countries: Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam. However, I have also drawn on lessons learnt and examples of good interventions from our colleagues in South Asia. And I am confident that many of the lessons and experiences from South-East Asia would be more widely applicable.

In addition, the focus of the paper is primarily on trafficking in persons, although issues of migrant smuggling, and migration more generally inevitably overlap¹. The paper essentially suggests that there are several important problems in the anti-trafficking response, many of which emanate from the way that the issue is conceptualised and are then reinforced by gaps in data and information available to inform our work, and a general lack of rigorous analysis of the impact of specific programmes and activities. There are, at the same time, examples of how changes in our conceptualisation and understanding of the issues, based on experience and new information, are leading to promising new approaches. Some of these new approaches are highlighted later in the paper.

Overview of Trafficking in South-East Asia

An overview of trafficking in South-East Asia is provided below. This is necessarily brief and aims primarily to set the scene for the discussion that follows.

Patterns and Trends

There is not so much one pattern of trafficking in persons in as a range of them. Examples of different patterns in South-East Asia include:

- Trafficking into Thailand from neighbouring Lao PDR, Myanmar and Cambodia against a background of widespread irregular migration, due to spatial differences in the supply of, and demand for, labour. Women and girls are more likely to be trafficked into forced prostitution or domestic servitude while men

¹ Readers are referred to two works by Patrick Taran, *Getting at the Roots and Globalization, Labour and Migration: Protection is Paramount*, for an excellent discussion of issues related to globalisation, migration and policy (see bibliography for details),

and boys are more likely to be held captive on fishing boats. Both male and female victims may end up in forced labour in sweatshops, on plantations or constructions sites;

- A similar pattern of trafficking to Malaysia and Singapore from Indonesia, The Philippines and, to a lesser extent countries with the Mekong region;
- Trafficking of children from the Cambodia border to beg or sell flowers on the streets of Bangkok or Ho Chi Minh;
- Trafficking of Vietnamese boys and girls for sexual exploitation in Cambodia;
- Trafficking from several destinations in the region to China for forced marriage or sexual exploitation, and trafficking within (false) marriages to Taiwan in particular;
- Trafficking from Thailand, The Philippines and other places for sexual exploitation in Japan, and sexual and labour exploitation in various parts of the Western world and the Middle East. Importantly, much of this trafficking happens in the context of *legal* migration, rather than illegal migration;
- Internal trafficking in most South-East Asian countries, particularly for sexual exploitation, on which quite a bit is known, and domestic servitude, on which little is known;
- Kidnapping of young boys in China and in Myanmar and Vietnam for adoption in China.

The final example is one of the few types of trafficking where direct force is commonly used. Most traffickers use more subtle means of coercion and deceit. Depending on the level of organisation required, these traffickers may be part of small-scale '*cottage industry*' type networks, or large global networks capable of moving victims around the globe.

Smuggling v Trafficking

There are a number of basic differences between trafficking and smuggling, which can be briefly summarised as follows:

- Trafficking is a crime against an individual, whereas smuggling is a crime against the State;
- In a classic smuggling situation, the relationship between a migrant and a smuggler or smuggling ring is a short-term one, ending when the journey

is completed, while in trafficking, the relationship is ongoing as the victim is kept in a situation from which they cannot escape, due to either physical restrictions or other binding factors; and

- The source of profit is different. In smuggling, the profit comes from the movement of the individual and is one-off. In trafficking, the bulk of the profit comes from the ongoing exploitation of the victim, and can therefore continue indefinitely.

It is this last point that makes trafficking a particularly profitable and therefore appealing proposition for criminal groups. In practice, of course, the lines between smuggling and trafficking can become quite blurred, particularly as many trafficking victims commence their journey as smuggled migrants, only to lose control over their situation at some point. Not all trafficking involves smuggling, however. As noted previously, some trafficking occurs through legal migration channels while internal trafficking also does not of course involve smuggling.

Responding to Trafficking – the Four P's

One of the difficulties to date in collecting information on interventions against trafficking is that they are often classified in different ways. In particular, the term Protection has been used to refer to law enforcement responses (notably in the fight against commercial sexual exploitation of children) and/or to the range of support services provided to victims. There is certainly a need to standardise such interventions. For the purposes of this paper, I will be using the categorisations contained under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), which can be summarised as the 4 P's, specifically:

1. Policy and Cooperation;
2. Prevention;
3. Legal Frameworks, Law Enforcement and Justice (Prosecution); and
4. Protection, Recovery and Reintegration – referring to interventions from the identification of the victim to their eventual (successful or unsuccessful) reintegration.

The types of interventions contained under each heading include:

Policy and Cooperation: national planning; information collection and dissemination; bilateral and regional cooperation; research, experience sharing and analysis; and monitoring and evaluation.

Prevention: awareness raising; vulnerability reduction (including education, job creation, micro-credit, etc.); community action/protection; promoting safer migration; and various 'demand side' initiatives, including any to address social attitudes and norms.

Prosecution: legal frameworks; specialist police responses; general police responses; judiciary; victim identification; victim protection; and legal sector cooperation.

Protection: shelters; referral systems; services to victims, family tracing and assessment; reintegration and monitoring.

Within these broad categories, there are also of course a range of cross-cutting issues, such as gender, human rights and participation.

The remainder of this paper will concentrate primarily on the area of Prevention. While all areas of the response present challenges and difficulties in implementation – many of them major – there are a number of conceptual issues which make Prevention a little more complex, for reasons to be discussed below.

Analysing Prevention²

Throughout the region, and beyond, prevention efforts have overwhelmingly been focused on the supply side of trafficking, that is, attempting to reduce vulnerability at community level, primarily by discouraging migration, on the basic and often unspoken premise that people who do not move cannot be trafficked. The specifics of these activities do not vary greatly between countries at the present time, although there are some interesting new approaches, which are highlighted below.

Despite a large number of activities, however, there is little concrete evidence that such activities are having an impact on trafficking on a localised basis and even less that they are impacting trafficking in overall terms. Most prevention activities to date can be classified under three strategies – awareness-raising, vulnerability reduction, and controls on movement – and it is helpful to look at

² This section is taken from notes initially prepared by the author for draft reports for ADB and ARCPPT and may duplicate the finished product in places. Grateful acknowledgement is due to Nina Vallins at ARCPPT for her feedback on some of the ideas expressed,

each of these separately, to try and identify possible reasons for this.

Awareness Raising

The majority of prevention projects in many countries are aimed at raising awareness of communities about the risks of trafficking and the tricks and techniques of traffickers, through a range of mechanisms including mass media campaigns, community programmes, peer education, posters and calendars, and inclusion in formal and non-formal education curricula.

Support for such initiatives continues despite, or perhaps because of, limited monitoring of their immediate impact in terms of increased awareness and even less information as to whether this increased awareness is leading to behaviour change in the form of less, or safer, migration.

Moreover, much of the awareness raising with regard to trafficking presupposes that those who are raising awareness have a greater understanding of the situation facing target communities than the communities themselves. This supposition is highly questionable at times. One survey in Northern Thailand, for example, found that women were choosing debt bondage arrangements, not because they were ignorant of the risks, but because they had a better understanding of the risks than those seeking to raise their awareness. These women were migrating to work in Japan and had no legal avenues through which to do so. Debt bondage was actually seen as a risk minimisation strategy as the cost of any failed migration attempt was met by the end employer, not the migrant, who would have little chance of repaying such a debt (Sobieszczyk 2002).

Another example is Poipet on Cambodia's border with Thailand. Several hundred children have been repatriated to Poipet from being trafficked to beg on the streets of Bangkok. Poipet is quite a small town, so it is highly unlikely that the communities are not aware of the situation. It is much more likely, in fact, that they have a far more complete picture of the situation than anybody else. And yet, awareness raising is regularly mooted as the key intervention strategy in Poipet.

These are just two of many examples which suggest that the awareness of anti-trafficking practitioners also needs raising. This is discussed further in section below entitled 'Raising our Own Awareness'. A final point to consider in the

awareness raising area is that quite a bit of trafficking appears to be of an almost opportunistic nature. Could it be that efforts to raise awareness of the risks of being trafficked, are also serving to raise awareness of the money that can be gained by becoming a trafficker? Such a consequence is almost unthinkable but maybe one that should not be immediately ruled out.

Vulnerability Reduction

Vulnerability reduction strategies involve helping communities to protect themselves against trafficking by offering choices and alternatives, such as vocational training, micro-credit, and other forms of poverty alleviation, or by support for general development activities such as improved access to education. The theory is that providing communities with alternatives will reduce the need to migrate. Again, this approach has limitations, including the lack of suitability of many vocational training programmes and the fact that many communities see migration as their best poverty alleviation strategy, often with good reason.

A recent workshop in Savannakhet hosted by ADB, for example, suggested that remittances to the province from migration accounted for 80% of the Province's income while research by Mirror Art Group and UNIAP in Thailand indicates that the trafficking of children from Poipet to beg in Bangkok is driven by potential earnings of as much as \$25 a day, about 20 times the daily labouring rate in Poipet. It would be practically impossible to come up with any intervention in Poipet that could provide a realistic 'alternative' to even a minority portion of that amount of money.

In addition, it is not always clear that the issues being addressed are those that have the most impact on vulnerability to trafficking. For example, Omelaniuk notes that 'there is no clear evidence that a low level of education is necessarily a high risk factor (2005:15)', and in the same paper highlights the greater risks of children in large families. Yet, while there are many anti-trafficking programmes addressing the former factor, few links are drawn between trafficking prevention and family planning.

Controlling Population Movements

A third strategy, increased controls on population movements, is regularly mooted as a way to reduce trafficking. This includes tightening of migration policies

and border controls, specific policies such as controls on the movement of young women; and fines for those returning from illegal migration. However, apart from the fact that most borders within South-East Asia are so highly porous as to make genuine border control impractical, evidence tends to suggest that attempts to restrict the movement of people are counter-productive in that they tend to force people into more organised and dangerous forms of migration (see, for example Marshall and Thatun, 2005). As a side point, this suggests that policies to combat smuggling and those to combat trafficking may not always be compatible.

Push-down Pop-up

In addition to the limitations of each of the above approaches, it is important also to acknowledge that trafficking is a dynamic phenomenon and traffickers can quickly adjust to changing environments. Research from several countries of the region has indicated that community-level trafficking interventions that appear successful on the surface may simply be shifting the problem from one community to another (a phenomenon known as the “push down – pop up” effect). A Report commissioned by USAID in 2004, notes that, during analysis of trafficking patterns and trends in seven South-East Asian countries, every report of a success in combating trafficking was followed by a comment that the traffickers had responded by changing their tactics or location (DAI, 2004).

A striking feature of all these approaches is that they almost exclusively focus on the movement aspects of trafficking, rather than the exploitative aspects, and overwhelmingly place the emphasis on preventing trafficking in the source communities and countries, often far away from where most of the exploitation takes place. To understand why this is, it is useful to review our conceptualisation of trafficking and, in particular, its ‘root causes’. This is done in the following section.

Conceptualising Trafficking - the Root Causes

In analysis of the root causes of trafficking, poverty, lack of economic opportunity, and lack of awareness about trafficking almost invariably feature near the top of the list. In fact this is so common, that one could probably safely call it a consensus view. Further, the majority of interventions to date, particularly in the area

of prevention, have centred around addressing these issues.

But what if one was to drop the term trafficking for a minute and try simply relating these 'root causes' directly to what it is they are purported to cause. For example:

A young girl from Cambodia crossed the border looking for work because of poverty. This *caused* somebody to slip a drug in her drink to render her unconscious and take her to a third country. There, it *caused* a brothel owner to beat her with electrical wire and force her to have sex with clients.

Another young woman from Myanmar left her village because of a lack of economic opportunity. This *caused* someone to sell her into domestic servitude, which in turn *caused* the family to accuse her of stealing a mobile phone, set fire to her and then lock her up for three days without food, water or medical treatment.

Three young men from Cambodia did not fully understand the risks of migration. This *caused* someone to put them on a ship where they were kept for months and forced to take drugs to enable them to work very long hours. It also *caused* the captain of the boat to murder them when they became too sick to work.³

Put in this way, I would suggest that the attribution of course appears rather strange. ***Ultimately trafficking involves gross abuses of human rights, including physical and mental abuse, rape, forced drug use, deprivation of liberties and sometimes even murder. To suggest that these acts are 'caused' by factors such as poverty, lack of employment opportunities and lack of awareness is simply not correct.*** These factors, along with others such as lack of education, lack of legal status and problematic individual situations, certainly contribute to the vulnerability of individuals and groups to being trafficking, but they cannot be said to cause it.

This is not to suggest that addressing these vulnerabilities is not important. Clearly it is, and not just in the trafficking context, but because many are problems in themselves. The threat of trafficking should not be required to generate our concern about poverty or a lack of job opportunities, for instance.

But this dominant discourse on the causes of trafficking has had important implications for the anti-trafficking response to date. Indeed, throughout the region,

³ These are all actual cases.

and beyond, prevention efforts have overwhelmingly been focused on the supply side of trafficking. Far less attention has been paid to the factors that create the 'demand' for trafficking, and policy discordances and failures which create an enabling environment for traffickers.

The current attribution of the root causes of trafficking has two other very important consequences. First, it encourages a focus on the movement aspects of trafficking, rather than the exploitation aspects, which are ostensibly the main source of global concern. Second, and crucially, the suggestion that trafficking is caused by factors such as poverty, lack of opportunity, and lack of awareness, implicitly puts the prime responsibility for addressing the issue on the countries, areas and communities from which victims originate, rather than the destination countries, areas and communities in which the greater part of the exploitation and abuse is taking place.

This can readily be seen from the US Government's Annual Trafficking in Persons Report which grades countries into three tiers on their response to trafficking. The top tier, Tier One, is dominated by (richer) destination countries, while the bulk of the (poorer) countries of origin are to be found in Tiers Two and Three.

In looking at how our responses to trafficking can be improved, there appears, therefore, to be a need to return to the beginning, in terms of how we conceptualise the issue, what data and information we need to respond, and what we know about what is working so far. This is the topic of the next section.

Going Back to Basics

Reconceptualising the Causes of Trafficking

If poverty, lack of opportunity, and lack of awareness are not the root causes of trafficking, then what are? Perhaps it is easier to tackle this question from another point of view, that of the traffickers. Like all forms of organised crime, trafficking is a business – and it is currently a business which yields significant profit, at generally little or no risk, particularly for those at the end of the trafficking chain, who generally stand to make the most profit and are often complicit in the most egregious forms of exploitation and abuse.

From this point of view, the level of economic disparity between areas and regions contributes to the existence of a large potential supply pool of workers open to exploitation. Mismatches between immigration policies and labour market realities serve to make much of the cross-border migration illegal and therefore increase the vulnerability of these potential workers. This is further exacerbated by lack of recognition of the rights of migrants at points of destination.

Supply of potential victims is therefore plentiful, while demand for the low-cost goods or services produced by the victims is high, and profits continue to accrue over time. Compared to drug trafficking – where profits are one-off, the chances of being apprehended and successfully prosecuted are much higher, and punishments generally more severe – it is not hard to see why this is an appealing proposition.

In addition, law enforcement responses in human trafficking often target victims rather than perpetrators, particularly as illegal migrants or for involvement in the sex trade. In one country in South-East Asia, for example, it was reported that seven traffickers were in jail and more than 300 victims! (US State Department, 2004). When law enforcement does go after the perpetrators, it tends to target the smaller links in the trafficking chain, the recruiters and transporters rather than the managers and owners of institutions into which people are trafficked. Most of the former group are replaceable, particularly given the large potential supply source, and the additional potential to transfer any additional costs of recruit and transport onto the victim by increasing their 'debt'.⁴ It is important also to acknowledge the complicity of public officials throughout the region in many aspects of trafficking, ranging from taking bribes to ignore the crime, to direct involvement in the transportation, harbouring and abuse of victims.

Taken together, all of these factors create a virtual impunity among those who benefit most from the crime. This is well illustrated by the example of a farmer from Lao PDR who went to Thailand and managed to locate his daughter who had been trafficked into a brothel. Far from cowering and attempting to make a deal whereby the daughter was released and no charges laid for a crime in which he had been caught red-handed, the owner demanded payment of 15,000 Thai Baht (\$375) from the father – which he couldn't of course meet.

⁴ Some of those involved in transportation of victims may even be unaware of the eventual fate of the victims and thus not even be complicit in the trafficking crime.

If trafficking is indeed a business, then one of the most important responses would seem to be to go after the money. There are a number of strategies that can be used here. Ultimately the apprehension of perpetrators and punitive confiscation of their assets would almost certainly have the most effect. Other, less ambitious strategies include simple disruption and/or hassling by authorities of traffickers for less serious misdemeanours which are easier to investigate and punish. For example, the daily rescue and return of Cambodian children begging on the streets of Bangkok for the benefit of others would serve to severely impact on the economics of this phenomenon, as the initial outlay by traffickers in recruiting and transporting victims would increase while revenues would collapse. ***Law enforcement therefore needs to be seen not just as a way of bringing justice to victims and perpetrators but as a key strategy in making trafficking less profitable and therefore less common.*** In other words, and without wanting to once more rearrange the way anti-trafficking interventions are conceptualised, better law enforcement needs to be seen as a form of prevention.

It is also important to acknowledge that human trafficking, and responses to it, do not occur in a vacuum but against a background of social tolerance grounded in discriminations against such groups as women, children, migrants and ethnic minorities.⁵ Increased efforts in the criminal justice field need to be complemented by measures to begin to address these equally challenging issues.

The need for greater attention to the demand side of trafficking, i.e. measures aimed at making trafficking a less profitable and more risky undertaking for all current beneficiaries, including the consumers of the products of trafficking, does not mean that we should abandon work on what is currently termed prevention. It may be better and more accurate to refer to such work as vulnerability reduction though, and we need to remain realistic about how much impact we can have on this side.

That said, we also need to remain realistic about how much progress can be made in law enforcement and on social attitudes and norms in the short and medium term. An argument could be made that it is better to accept this reality for the time being and continue to focus mainly on prevention activities, particularly those such as

⁵ Space prevents a detailed analysis of these factors here but readers are referred to ARCPPT's Gender and Development Strategy (2003) and Gender and Rights Strategy (2005) for an excellent discussion of these issues.

increasing education and opportunities, which have inherent and positive side benefits regardless of their overall impact on the trafficking problem. I personally would favour a balanced approach, and consider that the most important thing is probably clarity about what we are doing and why, what can realistically be achieved, and how we can improve.

Whose Reality Counts?

In seeking to improve our interventions, however, it is difficult to escape the conclusion that trafficking may not be the ideal paradigm for the many and varied problems affecting migrants and their communities in South-East Asia. A very interesting piece of research in Lao PDR (UNIAP, 2004) found that in many communities with high levels of migration, the migration experience was not seen as trafficked/non-trafficked but lucky/unlucky. A lucky migrant came back with money in his/her pocket while an unlucky one came back without money or with an injury, illness or drug addiction.

Some of what these communities classify as an unlucky migrant we would classify as a trafficking victim but some we wouldn't. For example, a young woman is forced to work long hours in a domestic home for six months without pay and then deported as an illegal migrant. Most of us would call that trafficking. A second woman is forced to work under similar conditions but is paid. She leaves voluntarily only to be robbed of all her savings by guards at the border as she is returning home. This isn't trafficking, but from a villager's point of view, what is the difference? The lucky/unlucky migrant view also helps to explain why there is so much of what we call 're-trafficking' in that a migrant with an unlucky experience might simply choose to try again.⁶

On a related issue, the migrant cohort in Lao PDR tends to be largely between 15-20 years of age. Again within our own paradigm, we effectively split this group into two, 15-17 years old, and 18-20 years old, and we establish different rules for both. We then apply our method of calculating age, which is different to local methods, and claim that this is justified by an international consensus to which these communities, never having had a vote, can hardly be described to be a party.

⁶ See also World Bank, 2003, for a description of a whole range of exploitative practices facing Filipino women migrants throughout the entire migration process.

The unilateral imposition of outside views and realities on target populations is regarded in most other instances as bad development. One could certainly therefore make a case that the first-best solution would be to throw out the trafficking paradigm completely and replace it with one that focuses on the broader issue of gross abuse and exploitation of migrants.

As that is unlikely to happen in the foreseeable future, however, we are left with working with what we have. If we can agree that the exploitation of migrant women, men and children is not 'caused' by their being poor but by the actions of perpetrators, acting against a background of general impunity, and social tolerance or at least indifference, where does that leave us? The next few sections identify some of the key outstanding issues, and make some suggestions what could be done about them. Again there is a particular emphasis on prevention.

Raising our Own Awareness

A striking feature of the anti-trafficking sector in many countries is a lack of clear information about the specifics of trafficking, and the effectiveness of different interventions. Trafficking differs from other sectors, where it is possible to distil a number of basic facts that are widely applicable. In the HIV/AIDS sector, for example, we can state as a fact that HIV is passed through unsafe sex, sharing of needles and from mother to child, etc. We can also state as a fact that the spread of HIV can be reduced through consistent use of condoms, reduction in sharing of contaminated needles, screening of blood donations and use of various drugs. ***No such universal truths exist in trafficking. Factors contributing to trafficking, and appropriate solutions may differ, even within communities.***

With regard to the specifics of trafficking, basic information is not always freely available. In many countries it is not commonly known with any degree of certainty, for example, whether the majority of those involved in recruiting trafficking victims are known to the victim or whether they are strangers. Nor is it known whether the majority of those involved in transporting victims of trafficking are men or women.

Even less information is available as to what trafficking victims knew or understood about trafficking beforehand. Had they heard of trafficking? Did they understand what it was? Did they perceive the risks as applying to them? If not, why

not? If so, what factors led them to take the risk in any case? This information, much of which could be collected from victims, would be extremely valuable in better targeting interventions.

It would also assist in assessing the impact of awareness-raising activities. In fact, information on the impact of trafficking programmes is currently limited across the board. A dearth of good quality indicators is often suggested as the reason for this. Yet it is arguable that the lack of meaningful indicators is more a reflection on the lack of clearly established baselines and end targets. Put simply, the link between the issue to be addressed, the current situation, the end target and the method of getting there, is seldom explicit and sometimes questionable.

Other topics on which we currently have insufficient information include:

- Trafficking in men – while growing anecdotal evidence exists, research on trafficking in men is almost non-existent;
- Prevalence of, and community attitudes to, debt bondage arrangements, which are often grounded in traditional practices;
- Approaches developed independently by communities with a long history of migration to make this migration safer; and
- Knowledge and attitudes of clients of those forced into the sex trade, for example, how many of these clients are aware that they are having sex with a victim of trafficking.

While calls tend to be couched in terms of the need for more research, it is important to be clear that what is needed is more information. Research is one of the methods through which more information can be obtained, and there would certainly be benefit in increased research, particularly of a longitudinal nature and into areas of trafficking which have currently had limited attention.

But a considerable number of information gaps could be addressed in other ways, often at low cost. The collection and collation of basic information from victims is the most obvious example of this. In addition to the information on awareness and knowledge mentioned above, this could shed additional light on who is involved in the trafficking, the main source areas of trafficking, and importantly, the point from which the victim lost control of their lives. This may not in fact always be at the point of departure but at certain points along the journey, including border crossings, train,

boat or bus stations at which traffickers prey on those appearing vulnerable, or recruitment spots for casual labour. It would surely make sense to ensure that our interventions are targeted at the points of greatest vulnerability.

Much of this information is already collected by agencies working with victims, but is not shared and collated. Reasons for this include an unwillingness among some agencies to share 'their' information with others. A country in which this information collation has been done is Bangladesh where a database was established by an NGO coordination body, ATSEC, about four years ago to collect and analyse non-confidential victim information. By the time the first 200 cases had been entered, ATSEC members already had enough information to cause them to review their assumptions about who was doing the trafficking. Previously it had been assumed that people were being trafficked by strangers but more than two-thirds of the initial cases ran counter to this.

The establishment of such a mechanism should be an immediate priority in countries where this has not already been done. Contributing to the database should not be seen as optional for victim support agencies but a requirement of their continued funding.

It is important to acknowledge that the collection of information from victims will, however, be skewed by the nature of policies and mechanisms in place for their identification. In countries which do not recognise trafficking in men, for example, in either policy or law, the misconception that men are not trafficked will simply be reinforced by the information collected. This point raises two additional issues. First, it highlights the need to be careful with what information is telling us (a concern which also applies to indicators). Second, it flags the importance of the whole area of victim identification which is discussed immediately below.

Starting from the Beginning: The Identification of Victims

It may seem strange to suggest the identification of victims as a starting point for intervening on trafficking. Prevention would appear the most obvious place to start. As the example from Bangladesh shows, however, without important information about the specifics of trafficking, the development of effective prevention programmes can be somewhat problematic.

In fact, ***one could argue that victim identification lies at the heart of all of the intervention areas***. The fact that victims of trafficking can provide important information to help in focusing and targeting our anti-trafficking efforts is central to improving ***Prevention*** programmes and the overall ***Policy*** framework. It is obviously also central to ***Protection*** as victims must be identified for support to be provided to them.

Finally, the prompt identification and accurate of victims (and their appropriate treatment) is one of the cornerstones of an effective criminal justice response. At the present time, and in the foreseeable future, the successful apprehension and ***Prosecution*** of traffickers continues to be highly dependent on the cooperation of victims as witnesses. Without effective mechanisms in place to identify victims, it will simply not be possible to start to remove the impunity that continues to surround many traffickers.

Victim identification within the region is currently uneven, ranging from some countries where there appears little effort to distinguish trafficking victims from illegal migrants, to countries such as Thailand and Cambodia, which have a range of mechanisms and processes through which victims may be identified. Even in countries where the response to trafficking is reasonably advanced, however, there is general agreement that the number of victims officially identified represents only a small proportion of the total number of victims.

There are a number of reasons for this. In many countries, legal definitions of trafficking and trafficking victims are lacking or, more often, incomplete. Where such definitions do exist, they are often complex and difficult to apply to on-the-ground realities. This is in turn compounded by a lack of understanding about trafficking among some front-line officials (including Police, Immigration officials and Embassy staff) and the resulting overlooking of trafficking victims or their arrest and/or deportation.

In addition, there is a lack of mechanisms for the identification of victims, particularly for self-identification. Currently, most victims are identified either through screening at international detention centres or through raids undertaken on brothels, often based on information received from clients.

Some countries have hotlines⁷ or other phone-lines through which assistance can be accessed. Cambodia, for example, operates a national hotline in three languages (Khmer, English, and Vietnamese). While the effectiveness of this hotline has yet to be formally evaluated, identification of victims of trafficking and related crimes has increased 10-fold since its inception. More analysis is needed of such hotlines, including their links to services, but it is clear that there is a considerably more information on trafficking cases held by, for example, source communities, that currently does not reach the authorities.

An emerging barrier to self-identification of victims is long delays in formal repatriation processes in some countries. One NGO reports that they identified 66 trafficking victims at an international detention centre. However, when the length of the repatriation process – often upwards of six months – was described to them, only four of the 66 chose to self-identify as victims, the other 94% forfeiting their rights to support and possible legal remedy in order to return home. This is a staggering ‘drop-out’ rate and highlights the unintended consequences that can occur from well-intentioned anti-trafficking responses.

It is important to acknowledge that no system of victim identification will ever be perfect, and no working definition of victim will ever be ideal. But we should not become pre-occupied with those ‘borderline’ cases on which it is difficult to build a consensus, at least until we have made considerably more progress on those cases which are much more clear-cut, and have addressed issues which see us lose 62 of 66 victims in one go.

Encouragingly, victim identification is now being increasingly recognised as a crucial issue. Thailand, for example, is taking the lead in developing operational guidelines for the identification of victims, simplifying the comprehensive legal codes into more accessible working definitions. Screening of deportees at the border to identify those who have been trafficked is another area of growing attention. In addition, recognising its importance, the Mekong countries have identified improved identification of victims as one of the main priority areas under the Sub-Regional Plan of Action for the recently signed regional COMMIT⁸ MOU.

⁷ The term hotlines is used here to describe services which are available 24 hours, callable at no cost, and linked to a range of services for victims.

⁸ Coordinated Mekong Ministerial Initiative against Trafficking

This greater acknowledgement of the importance of better victim identification procedures and practices is just one of a number of very positive examples of how the trafficking response is evolving to take account of new developments and knowledge. The next section looks at a few more of these examples.

Building on What We Have Learnt

From 'Stay at Home' to 'Be Smart, Be Safe' to ...

Many initial anti-trafficking messages centred largely on attempts to discourage migration, with the basic objective being to highlight the existence of trafficking and encourage potential migrants to stay at home. Particular warnings were given about strangers in the now-revised assumption that the majority of victims were trafficked by people they didn't know, 'lurking in the shadows' outside their communities.

Three realities have gradually been recognised, however. The first, covered already, is that many people are trafficked by those that they know. The second is that people will continue to migrate, legally or illegally, in an effort to improve their lives. The third, a related point, is that the vast majority of those who migrate improve their lives by doing so.

This has, in fact, long been known. As far back as 1983, the World Bank's first country report on China criticised the government for restriction the movement of its population as 'locking them into poverty'. Similarly, Rubens Ricuperio, in his role as Secretary-General of UNCTAD, described international migration as 'the missing link between globalization and development'. (IOM 2001). Yet it has taken some time for this understanding to filter into the anti-trafficking movement. Migration has tended to be seen as a symptom of the failure of poverty alleviation strategies, rather than as an important poverty alleviation strategy in its own right.

Slowly but increasingly, acknowledgement that migration is not only inevitable but generally beneficial to both sending and receiving areas, is being reflected in prevention approaches. Messages are moving towards 'Be Smart, Be Safe ...' type messages, combining information on the risks and realities of migration, with advice on ways to make migration safer. Coupled with this, new bilateral agreements are

being developed to attempt to regularise a lot of the migration which is currently illegal. These include MOUs on Employment Cooperation between Thailand and Cambodia, Lao PDR and Myanmar respectively. Also, The Philippines has negotiated with the Malaysia the creation of a standardised contract for Filipino domestic workers, a response to lack of labour rights extended to domestic workers under Malaysian law.

These are all positive steps forward. However, increasing the proportion of migration that is legal and ensuring migrants are better informed are only part of the solution. Rights are only useful if they can be accessed. The next step is thus to ensure more mechanisms are in place to support migrants in points of destination, where, as noted above, most of the exploitation and abuse is taking place. Currently few programmes exist to provide such assistance in many countries, with attempts by The Philippines to develop strong community protection networks in destination countries being one exception.

Hand-in-hand with increased protection for migrants must go campaigns to reduce public tolerance for their abuse. Some efforts have been made in this area. In Cambodia, for example, the Ministry of Women's Affairs ran a series of TV ads to highlight the plight of young women trafficked internally for the sex trade. It is clear that much, much more needs to be done.

Learning from Others

As noted above, there is a need to improve the way we share lessons learnt, being sure that the term 'best practice' does not continue to be diluted by exaggeration of the impact of various programmes. One new mechanism which will assist in this is the development of a regional training programme on trafficking being coordinated by the UN Inter-Agency Project on Human Trafficking in the GMS (UNIAP) under the COMMIT umbrella. This will initially bring together representatives from six governments to participate in a series of standardised training modules. These modules will be constantly updated and revised as positive examples and interesting new initiatives are identified through the participants and other sources. Future trainings will be available to a wider audience of anti-trafficking practitioners.

This paper has identified a number of constraints and it is important to highlight that many of these are already being identified and acted upon. As a result, a

number of interesting and promising new initiatives are being introduced, some which may have scope for wider applicability. Apart from a general move towards safer migration initiatives, moves to strengthen victim identification and others already mentioned, these initiatives include:

- Moves to identify job placements for target groups *before* vocational training takes place, leading to much higher success rates in job placements;
- Initiatives to identify and address specific or localised vulnerability factors such as lack of citizenship and birth registration, land insecurity and debt caused by unexpected shocks (such as a major illness to a family member);
- Provision of information to potential migrants prior to potential departure concerning which agencies might provide assistance should difficulties arise;
- Outreach programmes in strategic locations at destination points, such as boat and bus terminals, to identify potential vulnerable migrants and provide assistance as appropriate;
- Nascent work on social attitudes and tolerance for exploitation and abuse of migrants and other vulnerable groups including work in The Philippines to introduce programmes working with young men on their attitudes to women and sexuality, and to pilot work with fathers on attitudes to women and children, particularly daughters.

Though it has yet to come into operation, another interesting example promises to be a holistic project being coordinated by UNIAP to address all aspects of trafficking for child begging between Cambodia and Thailand (which aims to address creation of more alternatives at source, encourage disruption strategies by law enforcement to impact the economics of the trade, and support tailored return and reintegration programmes).

The impact of many of these programmes is, as yet, not fully known, but they are all certainly worth of wider attention and consideration. Other programmes are also needed to fill gaps in the overall response and some suggestions are highlighted below.

Moving Ahead – Recommendations for the Future

Creating a Framework

At the present time, most countries lack an overall framework for their anti-trafficking efforts, against which anti-trafficking initiatives can be prioritised, coordinated, monitored and evaluated. While many countries have National Plans, for example, these tend to be lists of activities rather than an attempt to establish clear baselines, end targets and indicators for the period of the Plan.

The areas of Policy, Prosecution and Protection, in particular, lend themselves to the development of a consensus about what an effective response would look like in these areas. The development of specific conceptual frameworks in these areas would potentially have a number of important advantages including: increasing clarity with regards to what programmes are attempting to achieve; improved targeting of activities; development of clearly defined targets and indicators; and improved coordination and allocation of resources from having those agencies involved moving towards common goals rather than focusing on their own individual activities. Some work has already been done in establishing such frameworks, particularly in the criminal justice area by the Australian-funded Asia Regional Cooperation to Prevent People Trafficking Project (ARCPPT). This should be publicly available shortly.

The following are a number of other recommendations for moving ahead in our response to trafficking in persons, most of which have been covered to some extent in this paper. They have been kept to four per programme area.

Policy Framework

In addition to the need for an overall framework discussed immediately above

...

- *Continuing moves to locate Migration Policy more centrally in the anti-trafficking response.* This would include moving to bring immigration policies more into line with labour market and geographical realities, greater acknowledgement of the Convention of the Rights of Migrant Workers and Their Families as one of the international instruments relevant to trafficking, and including migration policy and practices in any criteria to assess national responses to trafficking;
- *Strengthening monitoring and evaluation of the impact of anti-trafficking programmes.* For each programme, this would begin with clearer articulation of the problem being addressed, the end objective and the

assumptions underlying the proposed approach;

- *Addressing information gaps* through increased collation of existing data, more research and greater sharing of experiences; and
- *Working as a team.* Anti-trafficking actors must start working more closely together towards agreed goals. With regard to the UN, the replacement by certain agencies of the constant reference to ‘trafficking in women and children’ with ‘trafficking in persons’ to respect the UN’s own Convention would be a good place to start, while the dropping of individual agency logos on materials relating to trafficking in favour of a UN one would send a huge symbolic message of solidarity in combating criminal networks.⁹

‘Prosecution’

- *Widespread measures to improve identification of trafficking victims,* including establishment of guidelines, training for front-line officials, increased mechanisms for identification, particularly self-identification;
- *Establishment and support of specialist anti-trafficking law enforcement units* to anchor the criminal justice response, mitigate the impact of corruption and act as a focal point for cooperation with other countries;
- *Increased targeting of bigger players* and moves toward confiscation of assets; and
- *Explicit acknowledgement of, and measures to combat, the impact of corruption on the apprehension and successful prosecution of traffickers,* including acknowledgement of the Anti-Corruption Convention as one of the international instruments relevant to trafficking, adjustment of laws, policies and practices to reduce opportunities for corruption, and institution of checks and balances throughout the legal process.

Protection of Victims

- *Development and monitoring of Standards of Care for victims,* based on human rights norms, including on issues relating to detention of victims by law enforcement and victim support agencies;
- *Acknowledgement of the important role played by victims in strengthening law enforcement* while drawing on lessons from throughout the world indicating that victims who are treated first and foremost as victims of crime are more likely to testify than those treated primarily as potential

⁹ Although this suggestion might appear somewhat far-fetched, it shouldn’t. Agencies are all getting money from the same source (tax-payers) to fight the same problem.

witnesses (see Pearson, 2002);

- *Streamlining of repatriation procedures* to improve the welfare of victims and reduce disincentives to victims identifying as such and accessing available services; and
- *Finding meaningful ways for victims to contribute to the anti-trafficking response*, including through collecting information on their experiences and authentic participation in development of policies and practices relating to trafficking.

Prevention

- *Reassessing our analysis of the 'root causes' of trafficking* to place more of the emphasis on the actions of the exploiters and abusers rather than the victims;
- *Reviewing the whole area of awareness raising* including any assumptions that raised awareness will automatically lead to behaviour change;
- *Developing increased support mechanisms and structures for migrants at points of destination*; and
- *Commencing work in earnest on the attitudes and norms which provide an 'enabling environment' for traffickers*, including discrimination based on sex, ethnicity, class, age or other factors,

Conclusion

There is clearly much more we can do to strengthen our responses to human trafficking and related issues. And it is important not to forget how far we have come in a relatively short space of time. But it is also important that we are realistic about what can be achieved. The OECD has calculated that the value of consumer and taxpayer support for farmers in developed countries amounts to around US\$311 billion per annum (OECD, 2002). Three billion people live on less than \$2 a day. Were this money paid to them directly, it would increase their incomes by a minimum of 50 times! As a trafficking prevention strategy, running micro-credit programmes in small rural villages is really no match for that.

Selected Bibliography

- Asia Regional Cooperation to Prevent People Trafficking Project, 2003, Gender and Development Strategy, ARCPPT, Bangkok.
- Asia Regional Cooperation to Prevent People Trafficking Project, 2005, Gender and Rights Strategy, ARCPPT, Bangkok.
- Blanchett, T et al, 2002. *Beyond Boundaries: A Critical Look at Women Labour Migration and the Trafficking Within*, Drishti Research Centre, Dhaka.
- Development Alternatives Inc. (DAI), 2004. *Trafficking Responses in Thailand, Burma, Cambodia, Laos, Vietnam, the Philippines, Indonesia: Needs, Capacity Assessment and Recommendations*, Washington (not yet publicly available).
- Ginzburg, O. 2002, Lao PDR - Building Projects on Assumptions, UNIAP, 2002.
- Ginzburg, O. and Marshall, P., 'Addressing Trafficking in the Greater Mekong Sub-region' in Caraway, N. (ed.) 'The Human Rights Challenge of Globalization in Asia-Pacific-US', forthcoming.
- Harris, N., 2002. *Thinking the Unthinkable: The Immigration Myth Exposed*, IB Taurus, London.
- Horizons Project, Population Council, 2001. *Prevention of Trafficking and the Care and Support of Trafficked Persons*. The Asia Foundation, Kathmandu.
- International Organization for Migration (IOM), 2001. *The Link Between Migration and Development in the Least Developed Countries*, IOM, Geneva.
- Marshall, P., 2001. 'Globalisation, Migration and Trafficking: Some Thoughts From the South-East Asian Region', UNIAP Occasional Paper No.1, Bangkok.
- Marshall, P. and Thatun, S., 2005. 'Miles Away: The Trouble with Prevention in the GMS' in Kempadoo, K., Pattanaik, P, and Sanghera, J. (eds), *Shifting the Debate: New Approaches to Trafficking, Migration, and Sex Work in Asia*, Paradigm Publishers.
- OECD. 2002. *Agricultural Policies in OECD Countries. Monitoring and Evaluation 2002*, Paris.
- Omelaniuk, I., 2005. *Trafficking in Human Beings*, Paper for United Nations Expert Group Meeting on International Migration and Development, New York.
- Pearson, E., 2002. *Human Traffic, Human Rights: Redefining Victim Protection*, Anti-Slavery International, London.
- Sobieszczyk, T., 2002, *Risky Business: Debt Bondage Migration from Northern Thailand, Step by Step, Issue 6*. UNIAP, Bangkok
- Taran, P, and Geronimi, E., 2002. *Globalization, Labour and Migration: Protection is Paramount*, ILO, Geneva.
- Taran, P. and Moreno-Fontes Chammartin, G., 2003. *Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime*, ILO, Geneva.
- UNIAP/UNICEF, 2004. *Lessons Learnt Through TRACE on Human Trafficking from Laos to Thailand (final draft, October 2004)*.
- US State Department, 2004. *Trafficking in Persons Report*, Washington.
- Wille, C., 2000. *Trafficking of children into the Worst Forms of Child Labour: Rapid Assessment Findings from Four research Sites along the Thailand-Laos PDR and Thailand-Myanmar Border Areas*, Bangkok.
- World Bank, 2003. *TKW's Vulnerabilities: Searching for Solutions*, Brown Bag Presentation, Manila.