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IOM International Organization for Migration  
OIM Organisation Internationale pour les Migrations  
OIM Organización Internacional para las Migraciones

## **Human Trafficking: New Directions for Research**

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## **Preface<sup>1</sup>**

As part of the UN Global Initiative to Fight Human Trafficking (UN.GIFT), a two-day meeting of research experts was organized by IOM, in collaboration with UNODC and ILO. The meeting took place in Cairo on the 11<sup>th</sup> and 12<sup>th</sup> of January 2008.

The overall objective of the meeting was to contribute to the prevention and elimination of human trafficking by developing a set of recommendations to promote new ways of studying trafficking and to enhance the quality of research on the subject. The research initiative also responds directly to one of UN.GIFT's three strategic goals: to broaden the knowledge base of data, facts and research on trafficking.

The event gathered about 20 leading researchers from across the world to assess the current state of trafficking research, identify current knowledge gaps, share innovative research and data collection methods and highlight the importance of evaluation and assessment of counter trafficking programmes. The meeting also provided a forum to discuss a number of possible follow-up activities, including: 1) Establishing an interdisciplinary advisory research network on Human Trafficking to promote a new global agenda for research on trafficking; 2) Developing measures, including tools and guidelines to enhance research capacities in developing countries in order to support more and better research and data on human trafficking.

During the two day meeting, various cross cutting issues and gaps were identified by the experts through their presentations and background papers. The papers included in this volume are a selection of papers presented at the meeting which cover issues of data collection, regional/national priorities and knowledge gaps in trafficking research as well as two dedicated papers on evaluation and impact assessment.

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## **Introduction**

Although combating human trafficking has become a growing priority for many governments around the world, information about the magnitude of the problem remains very limited. Despite a growing body of research on trafficking, many agencies with a role in combating trafficking do not systematically collect and analyze data that would allow them to judge whether their programmes are having the intended effect of preventing and reducing trafficking, protecting victims, and punishing offenders (“ASEAN and Trafficking in Persons”, IOM, 2007).

An IOM global survey of existing research on human trafficking “Data and Research on Human Trafficking: A Global Survey” (Laczko and Gozdzik 2005), highlighted some of the gaps and weaknesses in current empirical research on trafficking. These included:

- Overemphasis on trafficking in women for sexual exploitation;
- Too few studies focusing on trafficking for labour exploitation;
- Lack of research on trafficking of boys and men;
- Lack of empirical research, particularly studies presenting the viewpoints of the victims;
- Too many studies with a short timeframe, low budget, and narrow focus to meet the needs of operational programmes;
- Small and non-representative samples;
- Too few evaluations of policy responses/counter-trafficking programmes;
- Lack of external process and outcome evaluations of assistance programmes;
- Lack of interdisciplinary studies;
- Lack of research capacity in developing countries;
- Dispersed research findings, not easily accessible to policy-makers.

Another barrier to the study of trafficking is that there has been little uniformity in the application of the Palermo Protocol definition to identify trafficking in persons. In the 1990s, ‘human trafficking’ was used interchangeably with the terms ‘human smuggling’ or ‘illegal migration’. Today, the crime is still often confused with related crimes despite the Palermo Protocol, and many countries continue to mix trafficking data with other forms of irregular migration or migrant exploitation.

Building on the results of the above analysis, the Cairo meeting began with a review and assessment of recent research on trafficking in each of the major regions of the world – the Middle East, Europe, Asia, Africa and Latin America. This was then followed by an in-depth discussion and analysis of key thematic issues, such as ways to enhance data collection and develop better methods to study trafficking, including methods to understand the impact of counter-trafficking programmes.

All participants at the Cairo meeting agreed that knowledge of the current state of research and its gaps combined with new and appropriate methodologies will allow researchers, international agencies and policy makers to move beyond a reliance on questionable statistics, or simple statements that trafficking is a growing problem, to assessing in more detail how well they are dealing with this problem. Furthermore, collection, compilation and the reporting of key data, as well as research capacity building and evaluation of the impact of programmes are also essential elements needed to increase the knowledge base on human trafficking. Below is a brief overview of current knowledge gaps and challenges related to trafficking research as identified by the experts.

### *Current knowledge gaps and challenges in trafficking research*

#### **1. Conceptual clarity and broadening the understanding of trafficking**

The UN Trafficking Protocol also called the Palermo Protocol came into force in December 2003. It constitutes the first definition of human trafficking in international law, the product of long debates between government officials with varying interests. Yet, it is often criticized for its complexity when countries try to adopt it word for word in their legislation and for its inoperability for law enforcement agencies, service providers and others, such as immigration officials.

For the purposes of research there is a level of ambiguity in the current use of the definition of trafficking. The difficulty of using the Palermo Protocol definition uniformly for research purposes means that researchers often need to use a wider definition to identify trafficking cases. From a research perspective it often makes sense to start with a broader definition of trafficking and include a spectrum of softer and more severe forms of exploitation and trafficking-like practices in fieldwork.

Therefore, though it is important to use a definition in line with the Palermo Protocol, the importance of conducting studies which take a broad focus and study “trafficking-like” situations and specific national contexts is also recognized. The variation in the definitions used for human trafficking represent a significant challenge to accurate measurement and research on trafficking and it continues to weaken the reliability of different measurement strategies. Conceptual clarity is also challenged by legal and operational definitions used by governments which may vary from country to country.

How to identify trafficked victims among irregular migrants is another factor that strongly influences conceptual clarity. While in movement, trafficked individuals are very difficult to distinguish from irregular migrants; the trafficking chain functions at the cross country level well hidden within the same mechanism used by people for irregular and sometimes regular migration. This becomes even more complicated in countries where officially trafficking may be denied in official discourses. In general, data in such countries is lacking and the data that is collected does not correspond with the figures cited by authorities.

Another debated issue in relation to conceptual clarity is the importance of harm and intent in defining trafficking (see in particular the paper by Masud Ali on research in

South Asia). Is harm a more useful variable for understanding trafficking? Some experts feel that the legal definition of trafficking is negligent and that harm affecting migrants may be an easier way to understand trafficking than the legal definition. Harm and intent are important defining features of the issue of trafficking but there are limitations on their use for conceptual purposes. However it is important to be aware that not all harm is trafficking harm and therefore there is the need to be cautious in using the term appropriately. Likewise with the understanding of intent; there are many cases of unintentional trafficking and in some cases it is not clear whether trafficking occurred from the outset (intentionally) or ended in a trafficking situation.

Furthermore, current knowledge is biased toward trafficking for sexual exploitation as research is overly focused on this area though recent new research has widened this scope. Therefore there is a continuing need to focus on other forms of trafficking which have received less attention such as trafficking for forced labour and the extent to which child begging should also be included in trafficking research. Similarly women and children victims of trafficking for sexual exploitation receive the most attention and are therefore the focus of a majority of studies. A gender gap exists in studies on male victims of trafficking, both men and boys.

## **2. Evaluation and Assessment**

The importance and need for more evaluation and assessment of counter trafficking programmes and initiatives is widely recognized. Evaluation and assessment should consider not only the impact of such programmes on the intended groups in reducing trafficking (or a particular aspect), but also the impact of prevention measures. Furthermore, there is a need to also consider the potential negative impacts of a programme.

Regarding the outcomes of counter trafficking programmes, the most common mistake is to confuse outcomes with outputs. Outputs are the expected results of a programme in relation to its objectives and the outcomes are what are found from the analysis of the



problem and the intended beneficiaries; for example changes in the number of people trafficked from one place to another. Without an analysis of these outcomes, it is not possible to evaluate the impact of the programme or intervention. However, evaluations which focus on outcomes and impact are typically not done because the necessary high quality baseline information on trafficking incidence, the severity and programme beneficiaries is often not available. To facilitate outcome evaluation for counter-trafficking programmes, it could be possible to adapt evaluation methods used for similar interventions in other areas - such as in crime and justice, health, education, social work, and welfare.

Generally speaking, little is known about project impact. As clearly outlined in the paper by Danailova-Trainor, there is no baseline information and/or clearly defined control group due to the hidden nature of human trafficking; there is no commonly agreed upon criteria for victim identification; the root causes are not empirically tested and there is a lack of clearly defined beneficiaries.

In addition, some programme characteristics impede impact assessments because there are overly broad objectives and diverse scope which diffuse potential impact; the impact of a short-term, smaller scale intervention may be difficult to attribute; there is little attention and funding (if any) devoted to programme evaluation; and complementary projects funded by different donors with different project time frames and assessment requirements make attribution of results to a single program difficult.

Thus, the assessment of the long-term impact of counter-trafficking programmes is at an early stage, due to the lack of good quality data and programme design characteristics that impede evaluations. Local knowledge is critical in all stages of the evaluation from design to implementation to analysis. As counter-trafficking interventions are diverse, they do not allow for a unifying “outcome evaluation” framework which could be enhanced by additional research.

Monitoring, which is the component of the output analysis of a project, is also a critical precondition for evaluation. This involves collecting information through on site visits,

from programme progress and financial reports, analyzing information and taking appropriate action.

Finally, a consistent and uniform ex ante assessment could guide the selection of new programmes in developing countries according to their likely impact on trafficking.

### **3. Data collection and methodological challenges**

There is wide agreement among experts that there is a need for more data in order to fight trafficking and to estimate its scale in particular at the national level, but whether or not it is viable and necessary to have global estimates on trafficking is often questioned given the difficulties involved in generating reliable figures.

A major challenge in trafficking-related research is how to obtain reliable and comparable data. In certain regions, there is a complete lack of data, and it often does not make sense to talk of “gaps” in knowledge when the evidence base is so weak. Important questions researchers need to answer regarding data collection are “what do we need data on and what do we need data for”. What do the numbers mean and for what purpose are they to be used – for government? Who benefits? World wide estimates are important because they have the power of drawing attention to the problem of trafficking, however small scale studies may be more precise, and more appropriate to answer specific questions about specific contexts.

There are several ways to begin to address the data challenge. These include increasing and diversifying sources of information and considering sources that already exist such as law enforcement data and victim service provider data; bearing in mind that this may present issues of definitional variation across sources and possible double counting which can impact the level of accuracy. In addition, any effort to address challenges in

collecting data need to simultaneously work to build the capacity of government agencies and researchers, in particular in less developed countries, to do so.

Databases such as the IOM Global Human Trafficking Database is a good example of not only a project management tool but also as source of comparable data within its own dataset as there are standardized screening forms and procedures used. It has proven to be an added value to research as it contains information of both a quantitative and qualitative nature. The primary data collected from assisted victims includes the socioeconomic profile of victims; the profile of traffickers; trafficking routes; patterns of exploitation and abuse; nature of assistance provided; and instances of re-trafficking.

Another innovative example is the Human Trafficking Reporting System (HTRS) developed by Northeastern University (see the Farrell and McDevitt paper), which allows law enforcement, victim service providers, labour inspectors, prosecutors and others working collaboratively to enter information about cases of trafficking. It has the potential for measuring the scope of identified trafficking in a community as well as providing data on the characteristics of victims; the limitation being that this depends on the level of participation by the agencies involved and only identified cases are included.

Though much discussion is centred on gathering and using primary data, the value of secondary data should not be underestimated. Though secondary sources may not always reflect the whole reality of trafficking, their value lies in helping to shape the context and offering a wider perspective on the issue. In the absence of primary data, such as the direct victim testimony, the use of secondary sources such as service provider records are able to provide background information.

In addition to improvements in data collection and data collection systems there is a need for more multi-method and interdisciplinary approaches. Methodologies to better understand the context of human trafficking include organizational network analysis, in depth studies of individual trafficking networks or operations, and ethnographic research, though these tend to be more local in nature and thus broader generalizations across regions and populations are more difficult to make. Site specific research in areas where

trafficking is known to take place, such as markets and reception centres for migrants, is another alternative. Country specific studies which link a specific country context with a particular form of trafficking is another approach.

With regard to multi-method ways of collecting data, it is generally agreed that in order to have good quantitative estimates, systematic qualitative studies are also needed. Furthermore, sampling methods used to obtain estimates of other hard-to-detect populations could be applied in obtaining baseline victim data, such as snowball sampling. Trafficking data could also be collected as an additional component to existing household surveys in the countries of origin.

#### **4. Selection of research gaps**

##### *The level of agency of VoT : The agency of victims versus the continuation of “victims.”*

The lack of consideration of the level of agency of victims of trafficking was identified as a gap for a number of reasons. One is in relation to terminology and the use of the word “victim” and not “survivor” for example. This difference in terminology potentially shapes how researchers view those interviewed, the level of agency ascribed to them and the projects and/or recommendations that may follow. Much of the literature, especially on women trafficked for sexual exploitation, portrays them as lacking agency. Conducting trafficking research has the potential to empower VoTs and researchers should consider the level of agency they have in the research process; this also means looking at those who do not accept assistance and why. The law, service providers and researchers are often in coordination but function under different frameworks such in cases regarding the agency of children (see Gozdziaik paper).

##### *Social values, norms and traditions*

Research on trafficking focused, for a long time, on the criminal and economic aspects of the issue. Certain methodologies for the study of trafficking were identified as best examples and reproduced in different scenarios and countries. This “one size fits all” approach to trafficking research was convenient because it resulted in an increase of studies in countries where researchers lacked the specific knowledge and expertise. Yet, this approach to trafficking was often not able to reproduce the reality of the problem in the population studied because it did not take into account the specificities of the environment where the research was carried out, like the detailed decision making process and the context in which such decisions have been made. Therefore, the importance of taking into account the role of social values, norms and traditions in addition to the economic and criminal side of trafficking in order to produce studies representing the reality of trafficking in the regions studied is key.

#### *Internal trafficking*

Internal trafficking is an existing research gap across national contexts. Numbers of internally trafficked victims are often more difficult to capture. For example, domestic workers in Egypt come from rural areas and are recruited through local agencies (see Jureidini paper). As most women do not stay in the area long enough to take legal action after the fact, better follow up of what happens to women once they leave would help to estimate the scale of this problem.

#### *More regional approach to trafficking*

More regional stock taking needs to be done which moves beyond the national level, as we see occurring in the ASEAN region (see David paper). At the same time reports such as the TiP report could be more nationally owned and institutionalized and seen as a useful tool for countries to understand better their own national situation. In South Asia, this is already occurring to some extent.

#### *Studying the trafficking corridor: countries of origin, destination and transit*

Trafficking can not be studied in an isolated context. There is a need for more cross-national research. More research is required on trafficking corridors analyzing the connection between countries of origin, destination and transit. For example, countries such as Egypt fit all three categories. Pakistan and India are both destination and transit countries.

Given the difficulty in developing statistics on the actual number of individuals, studying the number of identifiable trafficking routes (each of which can be identified based on multiple sightings of victims) provides insights into the over all dimensions of the problem. Moreover, by studying trafficking routes, we observe the multiple points of contact and exchange (from entry through one or more transfers among traffickers, through borders to points of destination). These "contact points" may help refine research, by indicating where to look to identify victims and participants.

Furthermore, the identity of trafficking networks involved is also not known in many instances. How networks work across countries and regions and the differences in their operations is under researched. One of obstacles hindering this is that the line of criminal networks may often be blurred.

### *Demand-side of trafficking*

Looking at incentives, which means the motivation behind demand, would be an advanced approach to analyzing demand, but unfortunately there is not enough information available. Additionally, data is lacking in order to carry out empirical research on the demand side. Definitions are also not clear: How do we define “demand” for trafficked persons, what is the market and thus how is data collected? How is poverty measured in relation to this? How do we operationalize research on the demand side of trafficking?

However, it is not possible to base research solely on the demand side. An anthropological approach to the demand side of trafficking is also important as well as considering social norms.

### Linking human trafficking and development

Migration and development are two issues that are high on the international policy agenda. The link between the two are increasingly researched and recognized. However, the same link has not always been made between trafficking and development. For example, there has been little attention given by researchers to questions such as - how do development policies impact on trafficking and how do measures to combat trafficking impact on development?

### **Conclusion and Way Forward**

The two day Cairo meeting offered a very useful comparison of gaps in research and specific issues hindering the collection of data on trafficking across regions as well as insights into current research methodologies, and assessment and evaluation practices. A number of important challenges for further research and data collection were identified, including:

- Lack of innovative research allowing researchers to look “outside the box” utilizing new conceptual approaches and therefore enhancing the knowledge base of trafficking;
- Need for capacity building at different levels. For example, at the government level promoting the use of better data collection techniques and information gathering; at the level of researchers, in particular in developing countries, providing the opportunities, knowledge and competencies to conduct better research and analyze the existing data; and at the regional/international level through comparable datasets (to the extent this is possible);
- Awareness raising allowing policy makers to understand the complexity and extent of trafficking in order to enhance counter-trafficking policies and support new research efforts aiming to address trafficking in all its forms and at all levels.
- Mainstreaming evaluation and assessment in all counter-trafficking initiatives in order to evaluate whether the stated objectives of the projects and programmes

were achieved but most importantly (where possible) to assess their impact on the group targeted by the study as a means to identify successful interventions.

In response to these challenges, several strategies could be envisioned to include both short term and long term approaches. In the first instance, a network of experts such as the one gathered in Cairo would be essential to have on an on-going basis. Such a network would facilitate coordination among agencies and researchers in order to avoid duplication of efforts. The potential role of this network could be to develop research capacity building tools, evaluation/assessment and ethical guidelines as well as share examples of good/innovative research practice/data collection, through a website created to enhance such information sharing. In addition, dissemination and interpretation of research findings as a tool for policy makers could be developed through a virtual directory of current and past research on human trafficking.

A wider global programme of counter trafficking research could be initiated in the long term which would build upon the guidelines and recommendations set out by the network. Potential activities would include: a call for research proposals for pilot projects that address specific knowledge gaps in selected regions, training workshops for researchers in developing countries and targeted evaluation and assessment projects. Acknowledging the need for more regional approaches to trafficking research, these activities could be initially carried out in regions where data is lacking and little research has been carried out.



## **Enhancing the Collection and Standardization of Human Trafficking Data: Examples from Data Collection Efforts in the United States**

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Attempts to measure human trafficking and describe the characteristics of either victims or offenders have generally been confined to qualitative accounts of particular types of trafficking victimization (e.g. forced prostitution) and generalized analyses of trafficking patterns in specific geographic regions. Since much of the attention in the international anti-trafficking movement has been directed toward preventing the sexual exploitation of woman and children, less research has been devoted to measuring the extent or understanding the nature of labour trafficking (UNODC, 2006). While some efforts have been made to prepare estimates of trafficking victims both globally and in the U.S.<sup>2</sup> these estimates suffer from a number of methodological challenges including a lack of uniform systems to record and report information about officially recognized human trafficking cases and a paucity of reliable research about the characteristics of human trafficking victims and offenders.

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<sup>2</sup> In 2005 the International Labor Organization (ILO) used a methodology that relied on reported cases of forced labour to estimate that at least 12.3 million people were victims of forced labour in the world, and about 20 per cent (2.45 million) of that number included victims of human trafficking. The ILO first estimated the global number of reported cases of forced labour in the world and the total number of victims. The first part of the estimate was based on a “capture-recapture” sampling method and led to an estimate of total reported victims over a period spanning from 1995 to 2004. Next, they used the total number of reported victims from 1995 to 2004 to develop estimates of the actual number of people who were victims of forced labour (Belser et al., 2005). In 2006, Caliber Associates developed an estimation model that could estimate the number of females and males in eight countries who were at risk of being trafficked into the U.S. Using this preliminary model, they identified a number of individuals at risk for being victims of trafficking (Clawson et al., 2006). A key finding of this study was that in order for sound estimates to be generated using statistical approaches the field needed to collect more detailed and systematic data on trafficking victimization.

Despite these challenges, measuring human trafficking has become increasingly important in recent years. As substantial funding is devoted to programmes to identify, interdict and prosecute human trafficking perpetrators and serve trafficking victims, critics have questioned the legitimacy of these expenditures. In 2005 the U.S. Congress passed legislation requiring the Department of Justice to provide detailed information on the extent and costs of human trafficking in the United States. A recent front page article in the Washington Post suggested the documented magnitude of human trafficking victimization does not justify the current U.S. expenditures in anti-trafficking programming (Markon, 2007). These incidents underscore the need to develop reliable methods to measure human trafficking.

This paper identifies some potential sources of information about the extent and nature of human trafficking and discusses challenges inherent to each type of data collection mechanism using data from the United States as an example.

### **Measuring human trafficking in the United States**

Significant efforts are underway in the U.S. to confront the crime of human trafficking, including the enactment of legislation providing resources to both law enforcement and victim service agencies working to identify and assist trafficking victims and prosecute traffickers (Victims of Trafficking and Violence Protection Act, 2000).<sup>3</sup> The federal government has prioritized human trafficking prosecutions and expects local law enforcement to become the “eyes and ears for recognizing, uncovering and responding to circumstances that may appear to be a routine street crime, but may ultimately turn out to be a human trafficking case” (U.S. Department of Justice, 2004: 5). To support this effort, the federal government has provided funding for 42 multi-agency human

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<sup>3</sup> The TVPA accomplished five main goals: 1) it defined a specific crime of human trafficking; 2) it enhanced the penalties for slavery, involuntary servitude and peonage from 10 to 20 years; 3) it created a new visa category which allows trafficking victims to receive benefits and services in the U.S.; 4) it ordered a report ranking countries based on their response to trafficking and specified sanctions which can be applied to those countries whose governments do not take adequate steps to prevent trafficking; and 5) it provided funding for enforcement of anti-trafficking provisions and new assistance programmes. The 2003 and 2005 reauthorizations further directed federal agencies to gain a better understanding of the scope of the trafficking problem and the sufficiency of the current U.S. responses.

trafficking task forces which include federal, state and local law enforcement, prosecutors, labour regulators and/or inspectional services, victim service providers, other non-governmental agencies and mental health professionals. In addition to federal efforts to combat trafficking, 32 (out of 50) states have passed legislation criminalizing human trafficking and directing law enforcement agencies to enhance identification and interdictions efforts (Farrell, 2006).

Despite these efforts, we currently have limited reliable information about the prevalence of human trafficking or adequate measures of either law enforcement or non-governmental agency responses to the problem.<sup>4</sup> In the U.S., our current knowledge about the extent of human trafficking comes primarily from two sources of data: law enforcement records and victim service agency records. These two sources of data and their respective challenges are discussed in more detail below.

### ***Law enforcement records***

Law enforcement agency records can be an important source of information about human trafficking in local communities. In the U.S. the enforcement of the law is carried out by federal law enforcement officials and approximately 18,000 local, county and state agencies representing diverse environments and local crime problems, and coming from a variety of different organizational structures. Law enforcement agencies are well suited to collect and report information about crimes as well as crime victims and offenders using standardized protocols. Since 1929 they have regularly collected standardized information on crimes reported to the police through the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) programme.

While law enforcement data can serve as an incredibly rich source of information on human trafficking in local communities, there are a number of limitations to its current

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<sup>4</sup> The U.S. Department of Justice, using what information was available, estimated between 600,000 and 800,000 people are trafficked internationally each year, 14,500 to 17,500 of whom are trafficked into the U.S. (Miko, 2004; U.S. Department of Justice, 2004). Serious questions have been raised about these estimates, pointing to the paucity of the underlying information, and the uncertainties this produces.

use. Law enforcement records alone are insufficient to measure the extent of human trafficking since they are, by definition, a subset of all the cases that exist. There are many reasons that cases do not come to the attention of law enforcement; these include reluctance of victims to report crimes to authorities and a lack of awareness, preparation or interest from law enforcement in the investigation of these crimes.

To be a useful source of data, law enforcement must be able to recognize and correctly report cases of human trafficking that exist in their community. A recent national survey of over 2,000 law enforcement agencies experiences identifying and responding to cases of human trafficking indicates that police do not perceive human trafficking to be a problem in their community and are generally unprepared to address these incidents if they arose (Farrell, et al., 2007). Additionally, when police identify victims of trafficking, they are often reluctant to intervene out of a belief that human trafficking victims were in some way complicit in their own victimization (Clawson et al, 2003). Law enforcement response is further complicated by victim citizenship status and immigration issues – problems local law enforcement in the U.S. tend to shy away from addressing. These challenges are exacerbated when the victim is a member of a group that historically has not been a priority for law enforcement protection or has had negative relationships with law enforcement. As in many other crimes, human trafficking victims are often reluctant to self-report their victimization to government officials. Victims' fear of the police or fear of retaliation towards them or a member of their family additionally reduces their likelihood of reporting victimization (Aron et al., 2006).

The second major constraint to using law enforcement data in the U.S. is the lack of sufficient systems to reliably record, track and report information even when human trafficking offenders or victims have been identified by law enforcement, especially at the state and local level. Because human trafficking is a relatively new crime type and there are a number of differences among existing state laws, the UCR programme does not presently include a crime category for human trafficking. As a result, local law enforcement agencies categorize and report crimes that may involve human trafficking but under different crime classifications. For example, cases that involve human

trafficking victimization could be categorized as kidnapping, sexual assault, domestic violence or fraud on incident reports even though investigators have uncovered the basic elements of human trafficking victimization.

As a result of these challenges, an inverse relationship currently exists between the amount of information we have about human trafficking offenses at various stages of the criminal justice process and the likely prevalence of incidents at those stages (See Figure 1). We have the greatest amount of information on those cases that have progressed to prosecution, particularly at the federal level. Since these cases are believed to be a small subset of all the human trafficking incidents, we have the least information about the largest category of incidents – those offenders and victims who have yet to be identified by law enforcement or other government agencies (see the boxes on the left hand side of Part 1 of Figure 1).

To overcome these problems it is critically important that we create systems to increase and improve the level of knowledge we have about human trafficking along all parts of the criminal justice process. The Human Trafficking Reporting System (HTRS) developed by researchers at Northeastern University, the Urban Institute and the Bureau of Justice Statistics is designed to overcome many of the challenges of law enforcement data collection and reporting.

- The Human Trafficking Reporting System utilizes a secure web-based case management and tracking system that will be initially used by all agencies participating in federally funded human trafficking task forces to capture standardized information on investigations, arrests, prosecutions and incarcerations of human trafficking offenders, as well as information on victims identified by participating agencies. Information will be entered and updated on an ongoing basis by each task force member using standard protocols and definitions of terms. Data will be cross-checked and validated by researchers regularly to improve data quality. Researchers will use the information from the HTRS to produce regular reports and identify the best practices for expanding the reporting programme beyond task force agencies.

Ideally the HTRS would be expanded to allow all local, county and state law enforcement agencies to record standardized information about human trafficking investigations.

Even when law enforcement reporting systems accurately capture standardized information on human trafficking cases that come to their attention, this information alone is insufficient to fully understand human trafficking problems in a local community. Despite efforts to improve law enforcement responses to human trafficking victims, some victims may never be reported to the police. As a result, law enforcement data on human trafficking may be substantially different than data from other sources on non-identified cases. For example, law enforcement may perceive certain types of trafficking cases or certain types of trafficking victims to be a higher priority (e.g. sex trafficking, victims of a particular nationality) and focus their identification and reporting efforts on those groups (Tyldum et al., 2005; Laczko and Gramagna, 2003). As a result it is imperative to capture additional information from other sources.

### ***Victim services records***

Non-governmental organizations who serve trafficking victims can be a useful source of information on human trafficking victims, particularly those victims who do not come of the attention of law enforcement. Unfortunately, non-governmental organizations tend to lack standard data collection and reporting mechanism since they are often dealing with “today’s crises and neglecting the solid information they may have collected yesterday” (Bales, 2005, pg. 99). A few data collection systems have been developed in the U.S. to centralize information from victim service providers who receive federal funding to serve clients identified as human trafficking victims.

- The Department of Health and Human Services (HHS) works with over 100 subcontractors who are provided with per-capita reimbursement resources for each victim they serve. HHS collects information from its subcontractors related to the types and number of services provided to victims. USCCB in turn reports the

information each month to Anti-Trafficking in Persons Program administrators who enter the information into an excel database. This database is used to track the victims from pre- to post- certification.

- The Department of Justice, Office of Victims of Crime (OVC) provides grants to organizations to provide direct services to meet a broad range of trafficking victim needs. OVC has created a database that collects information from individual OVC Services for Trafficking Victims grantees. The Trafficking Information Management System (TIMS) tracks Organizational information including the organization type, status of the grant, and contact information for the organization, client information including: name (optional), identification number, demographics, county of origin, intake date, type of trafficking, status (certification, T-visa application, or continued presence), and services rendered. While the data collection has begun, grantees have expressed some reluctance to report information into TIMS that may violate the confidentiality of victims. Additionally TIMS has encountered some operational challenges including difficulty in downloading the program and definitional issues.

Similar efforts have been made internationally to systematically record information about the characteristics of victims who come into contact with service providers. For example, the International Office of Migration (IOM) records information on all victims who are receiving services from providers in countries where IOM has a presence. These are largely countries of origin rather than countries of destination such as the U.S. (Laczko and Godziak, 2005).

While the above mentioned data collection systems are designed to collect similar information about clients identified (through various means) as victims of human trafficking, few victim service agency data collection programs include well-developed systems for identifying and classifying human trafficking victims along a standardized set of parameters. Over the last two years the Vera Institute of Justice has been working collaboratively with service providers serving victims of human trafficking in various capacities in New York City to develop and validate a standardized human trafficking

victim identification and intake data system. The system was designed in 2007 and will be piloted among 10 agencies in 2008. Overall though, these systems too are limited since they only collect information on those victims who have presented to victim service agencies, been recognized as Human trafficking victims and whose services have been in some part subsidized by governmental agencies.

## **Moving forward**

Widespread recognition of human trafficking victimization is quite recent. In a short period of time, researchers have gathered a good deal of useful preliminary information about the potential extent and characteristics of human trafficking victimization. Despite this progress, there are numerous challenges to collecting reliable data on human trafficking cases as we move forward:

- The need to diversify sources of information on human trafficking victimization and offending. Social service agencies, labor unions, health and municipal inspectors, health care workers, church leaders and others may be well suited to provide valuable information about human trafficking in local communities. Data collection and outreach strategies should be developed to increase the breadth of sources from which information is collected.
- Methodological challenges increase as we begin to collect more data from different sources. These challenges include double counting victims across different sources of data and inconsistent classification across agencies (i.e. individuals are identified as human trafficking victims in victim service data but are not classified as victims in law enforcement data).
- Variations in the definitions of human trafficking employed by law enforcement, service providers and others is a significant challenge to accurate measurement. Conflating migration, trafficking and smuggling continues to threaten the reliability of different measurement strategies.

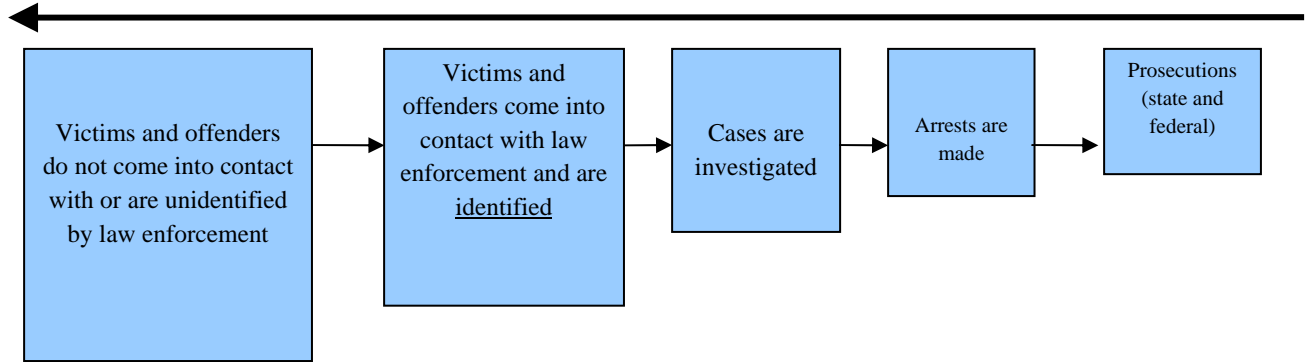


- Efforts to guarantee data reliability and accuracy must be weighed against concerns for protecting victim confidentiality. Often the data elements necessary to audit and harmonize trafficking statistics will require collecting sensitive information such as victim name or specific victim characteristics.
- Political concerns regarding immigration status and anti-prostitution efforts, and others, need to be addressed to ensure a shared definition of human trafficking which will allow for consistent data collection.
- Understanding the nature and causes of human trafficking requires use of new methodologies. The overwhelming majority of information on human trafficking that has been collected to date comes from secondary sources working with human trafficking victims or offenders (e.g. law enforcement, victim services). New research utilizing organizational network analysis, life histories, and in-depth studies of individual trafficking networks or operations are necessary to gather the information necessary to understand the contexts through which human trafficking emerges and is sustained. These methodologies, which are inherently more local in nature, present additional challenges which should be discussed among researchers seeking ways to generalize and draw broader conclusions about human trafficking across communities and nations.

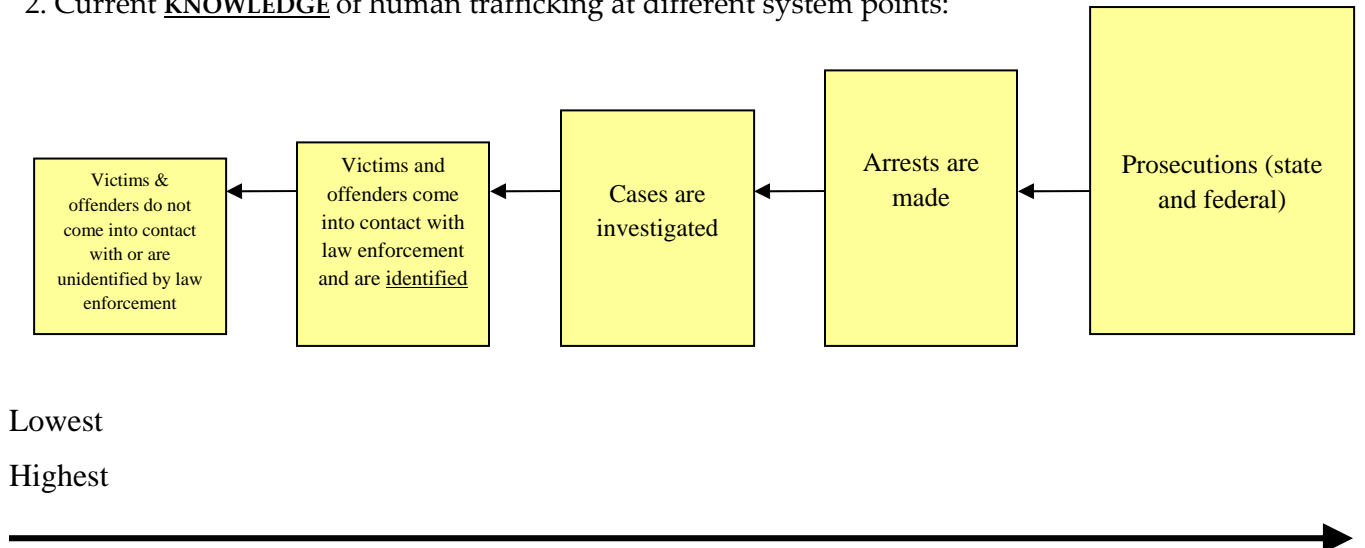
The methodological challenges to measuring and understanding human trafficking are difficult but they are not particularly unique. Much can be learned from previous research and existing systems to collect data on hidden crimes such as rape and domestic violence. Developing the tools to improve data collection and standardize data across multiple systems is critical to understanding the prevalence, characteristics and best means to combat human trafficking.

# Figure 1: The Disconnect Between Prevalence and Knowledge of Human Trafficking

1. The EXPECTED PREVALENCE of human trafficking victims at different system points:



2. Current KNOWLEDGE of human trafficking at different system points:



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## **Coping with Biases in Trafficking Data**

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Eight years ago Jon Salts expressed worry that the strong global concern for trafficking and human smuggling was running ahead of any theoretical understanding and factual evidence of the phenomenon (Salt, 2000). Although there has been a significant increase in the number of academic publications on trafficking in the last years, this is still a valid description of the field. From its beginning, the global agenda to fight trafficking has been driven by activists who have captured the attention of media and politicians with stories of thousands, if not millions of innocent women and girls who are suffering in captivity, exploited and abused. Against this backdrop researchers and data producers struggle to keep up. They struggle to identify trafficking and to distinguish it from other “bads” such as prostitution, child labour and forced labour, in a world where exploitation is widespread also in arenas without elements of mobility and force. And they struggle to be heard, in particular when they present moderating findings. The highly politicized discourses often makes it difficult for politicians to respond to research that suggest alternative understandings of trafficking and related phenomena, while the dramatic accounts and individual stories of suffering presented by activists seem to have a stronger impact on policy and public opinion than the available research.

This does not mean that researchers should give up. On the contrary, there is a strong demand for solid empirical research to counterweight the tendency to develop policies in response to activist agendas. This article points to some of the common pitfalls in trafficking research. It argues that empirical research in the trafficking field is complicated, and that we have to accept some limitations and biases. However, it argues that as long as we acknowledge these limitations and make them explicit in our research, sound empirical research that enhances our knowledge in the trafficking field is possible.

Trafficking research here refer to the parts of the knowledge production that uses the trafficking concept to describe at least part of the population under study. With the population of trafficking victims this is understood as women, men or children, who have been moved away of his/her place of residency with a purpose to exploit, and kept in a situation of exploitation through the use of force, manipulation, abuse of position of power or position of vulnerability or other forms of coercion.

In order to increase our knowledge of how, where and why trafficking takes place, there is still today a strong demand for empirical research in this field, in particular in the forms of data and numbers. But there is still a long way to go before the knowledge producers are able to satisfy the policy demands for data and numbers. When researchers are not heard it is partly our own fault, as we often fail to communicate the practical implications of the research to policy makers and the general public. It also because there is too little solid research done. Data production efforts trying to describe the population of trafficking victims too often fail to adequately address the following key issues:

- the need to cover a representative part of a clearly defined target population; and
- the need to identify members of the target population and distinguish them from non-members.

Few studies of human trafficking have been able to adequately address these problems of coverage and identification. These problems are generally not of the kind that can be solved by advanced mathematical formulas or complicated sampling schemes. But much can be done to improve coverage and identification through stronger awareness of some of the basic principles for empirical research. This article takes up some of these principles in relation to the particular challenges of trafficking research. First, it presents some of the challenges in identifying observable populations and behaviours for empirical data production among victims of trafficking. Second, it discusses some of the factors that have inhibited the development and use of explicit operational definitions of trafficking. And third, it discusses the challenges of identification of trafficking victims,

when victims do not want the trafficking label, before it explores the usefulness of different research strategies for the current knowledge needs in the trafficking fields.

In conclusion we suggest that more research efforts should be given small scale, thematically focused empirical studies, rather than yet another attempt to describe worldwide trafficking across regions and arenas.

### *A focus on observable populations and behaviour*

A clear definition of the target population is a prerequisite for any production of primary data, whether qualitative or quantitative. The target population is the group of people (or other units under study) that we want to say something about, and that we collect data from. The population of trafficking victims is likely to change over time, and across national borders or arenas where trafficking takes place. Consequently our data will depend on how we understand the boundaries of our target population, not only conceptually, but also in terms of time and space. Many will choose to delimit their target population according to geography, type of trafficking, age and gender, for instance by looking at victims of trafficking among adult women in prostitution in Norway. As we have suggested elsewhere, another useful distinction can be made between the three different stages that a person can be in with regard to trafficking: persons at risk, current victims and former victims of trafficking (Pedersen and Sommerfelt, 2007; Tyldum and Brunovskis, 2005). While the two first are associated with severe problems for primary data collection, data production and analysis is more likely to be successful when we target the last group – the former victims.

Some empirical studies have focused on people at risk of becoming victims of trafficking (see for instance Alexandru, 2003). In order to produce data on people at risk, one needs to know who people at risk are. But in the trafficking field there is still much insecurity as to what the main risk factors for trafficking are. Consequently this population at present cannot be targeted for empirical studies in a good way. Any targeted recruitment of persons at risk of trafficking will be based on our still limited knowledge of who the

victims of trafficking are and will as such be tautological. It will confirm any initial prejudice or misconception we have of the composition of victims in the general populations, rather than produce new knowledge. For instance, if it is believed that poverty increases the risk of trafficking this cannot be confirmed through a study of migration behaviour of the poor only. In order to understand risk factors one needs to study people who have become victims of trafficking, and through such studies determine what distinguishes victims from non-victims.

The second group, current victims of trafficking, are usually outside the realm of primary data production, and there are several reasons for this. Perhaps most importantly, it would be extremely difficult to defend ethically a research design where we were to identify victims of trafficking, interview them and then leave them to continue a life exploited by traffickers. To collect information about ongoing abuse, exploitation and coercion (in particular if the victims are aware that this information is obtained), and then not act to improve their situation is likely to ruin any belief the victim had in humanity, or any hope of being rescued, may lead to severe strain on involved researchers and be in violation of most ethical codes of conduct for research on vulnerable populations (Zimmerman and Watts, 2003). And if the main task of a project is to identify victims in order to rescue them from traffickers, police or various NGOs will usually be better situated to handle such a task than researchers. Researchers may collect the required information *after* the victims have been rescued, if the victims are interested in giving it out. This does not mean that we cannot study arenas where trafficking is known to take place. Such studies can give us important information that enables us to contextualize information from other sources, and also to monitor changes in response to policies and other developments. However, for the reasons described above, researchers should be careful in designing projects that aim at distinguishing current victims from non-victims. It is, of course, possible to produce estimates of what the population of current victims looks like, based on the knowledge we have of former victims and other information about the arenas where trafficking is known to take place (provided we have reasonable good data on former victims and the organization of the arena where trafficking takes place is not assumed to change over time). But then the primary focus for the data collection is with



the former victims, and not the current. And as we have argued elsewhere (Tyldum and Brunovskis, 2005), we still know too little about the mechanisms in the trafficking field to successfully apply any proxy indicators to estimate the size or characteristics of the population of current trafficking victims anywhere.

That leaves us with the last group; the group of former victims of trafficking. Most empirical studies on victims of trafficking focus on this group, mainly distributed between two different types of studies; studies of victims identified in assistance programmes or by the police and legal system ((Brunovskis and Surtees, 2007; Brunovskis and Tyldum, 2004)) and studies targeting return migrants in their country of origin (see for instance (refs))

Most of our knowledge of trafficking victims is based on studies of victims who get assistance in shelters or other assistance programmes in countries of destination or origin. Such studies cannot be assumed to be representative of the population of trafficking victims at large, as there are several selection mechanisms that take place and influences who are placed in such programmes, and who are not. First of all, not all victims of trafficking live in areas where assistance programmes are available. Secondly, some NGOs may use specific selection criteria to determine who qualifies for assistance, and these criteria may not overlap with our research definition. For instance, some regions have no shelters for child victims of trafficking. Others may only offer assistance to females, victims of sex trafficking, or even, only victims who have agreed to cooperate with the police. In some instances such selection criteria are not made explicit, but through a local understanding of who are worthy victims and who are not. For instance, some organizations may not accept any women who have earned any money from their prostitution, while others will insist that women who were not under direct threat or force to enter prostitution are not applicable for assistance (Brunovskis and Tyldum, 2004; Tyldum, Tveit and Brunovskis, 2005). Finally, among those who are offered support, not all want to accept this assistance. One recent study of victims of trafficking who decline assistance indicate that victims who accept assistance are generally those who have few, if any, alternatives to the assistance programmes. Victims who have a family and friends

they can turn to will often choose to seek assistance from their own network (Brunovskis and Surtees, 2007). These selection mechanisms suggest that victim profiles produced from shelter data are relatively biased representations of the population of trafficking victims at large. Is it possible then that the mechanism that makes women with close ties to their family and good networks less likely to seek assistance from official programmes lead to a overly strong emphasis on persons with dysfunctional family backgrounds as more vulnerable to trafficking? Brunovskis and Surtees' study suggest that this group is more likely to be in need of assistance programmes, but based on this, we cannot show that this group is more vulnerable to trafficking to start with. Similarly, victim profiles from shelters should not be used to say anything about for instance, age distribution among trafficking victims, or element of force and coercion among trafficking victims at large, as these are likely to be influenced by both variations in both implicit and explicit understandings of trafficking among shelter personnel and the victims themselves.

For all these reasons, we should be careful not to automatically assume that we can generalize from data produced on assisted victims to the population of trafficking victims at large. This does not mean that we should stop collecting data on victims in assistance programme. This population is particularly suitable for research, both because they are relatively easily identified, and because shelter personnel are available, at least ideally, for determining to what extent the victims will benefit from participating in a research project, and provide support when this is necessary after participation in the interview. However, studies of victims of trafficking in assistance programmes should not be taken to be more than it is, and findings cannot be generalized to the population at large. Similar arguments can be made for victims identified through police and legal system, where selection criteria such as willingness to testify, legal cooperation between country of origin and destination are likely to influence who the victims are. Perhaps even more importantly, as the threshold for trafficking sentencing is still quite high in many countries, the more severe cases with strong elements of coercion are likely to be overrepresented (for more on biases in police and legal data, see Farrell and McDevitt, 2008; Tyldum and Brunovskis, 2005).

This leaves us with the final group: people who have ended a trafficking experience and have gone back to their country of origin or destination. In theory it should be possible to identify victims of trafficking in ordinary household surveys or through various types of network sampling design developed for studies of rare and elusive populations. However, in order for such a design to work we need to be able to identify victims of trafficking and distinguish them from non-victims. This requires a clear definition of what kind of experiences should qualify to classify somebody as victims of trafficking. Furthermore, we need to convince the survey population to give up the information necessary in order to identify them as victims or non-victims. This takes us to the next point: the need to determine who to include as victims of trafficking.

### *A need to know what we study*

In order to determine who are the members of the target population and who are not, both conceptual and practical identification are necessary. Several conceptual definitions of human trafficking exist (for a discussion of some of these, see for instance Tyldum, Tveit and Brunovskis, 2005), but many are too ambiguous for practical identification of victims. Few definitions enable us to clearly distinguish between sex trafficking and other prostitution, and consequently, too many studies fail to clarify what elements – organization, coercion or withholding of incomes – are necessary for women in prostitution to be classified (and counted) as victims of trafficking. Similarly, few studies clarify what kind of migration component is necessary in order to be classified as trafficking as opposed to forced labour or other forms of servitude. Only after these and other issues are clarified can we start systematic data collection attempts among return-migrants in countries of destination.

The problem of lack of definitional clarity has been addressed by a number of authors in recent years (see for instance Anderson, 2007; Kelly, 2002; Laczko and Gramegna, 2003). Still, few improvements seem to have come about. There are several factors that have hindered such improvements. Among these are the striving for common

international standards, the polarization of the trafficking discourse, and the lack of theoretical foundation of what trafficking actually is.

Fields such as prostitution, immigration and labour exploitation are marked by highly politicized debates of what it is, what policies should regulate it, and why it is a problem. Therefore it should not come as a surprise that international agencies, governments and activists have not been able to come to an agreement of how these elements should be included in the trafficking concept. As Bridget Anderson (2007) points out, there is a wide-ranging consensus between different agencies, organizations and lobby groups that trafficking in persons is a serious problem, but different groups identify it as a problem for different reasons and often have different political agendas with regards to it. Significant conceptual clarity has been sacrificed in attempts to reach an international consensus of what trafficking should entail. The blurring of the concept has enabled various governments to sit together and agree on the need to fight trafficking, even if they have fundamentally different views on prostitution, labour rights and migrant's rights. But at the same time, this blurring has reduced the possibilities to reach a joint understanding of what trafficking actually is. Furthermore, the very sensitive issues, and the risk of reactions from various agencies and funders if politically unwanted definitions are used, seem to discourage even some knowledge producers from describing how they see relationships – for instance, between prostitution and trafficking – as they fear this may have impact on their possibilities for future funding.

Another consequence of the agenda-setting qualities of the trafficking concept is that various lobby groups keep pressing for new groups to be termed as victims of trafficking. The trafficking label has been a trigger for funding, but it also is a label that will trigger certain rights of protection for identified victims according to international agreements. As a result, the trafficking concept has been argued to cover child soldiers, marriage migrants, underpaid migrant workers, and independently working prostitutes. There may be good political and even theoretical arguments for such expansions; however, it can also be argued to reduce the usefulness of the trafficking concept. Partly because different users put different content to it, so that we rarely know who it refers to. But also

because it becomes so wide and encompasses so many different practices and fields that the trafficking concept in itself loses whatever analytical content it once had.

As a consequence of the many ambiguous uses of the concept, some researchers choose to stay away from it altogether, arguing that it mainly functions to trigger funding and adds little for conceptual clarity. Whether labour markets and prostitution arenas should be understood as a common field for research, and if there are common mechanisms found for several forms of exploitation of migrants, it should be a theoretical question, and not a political one. It is possible that the trafficking research would benefit from taking this step back and reconsider the theoretical foundation for the development of the categories in the first place.

It is difficult to count on something that people so clearly and strongly disagree on what it is. To the extent that it is possible to quantify victims of trafficking, we should accept that different actors will count it in different ways. Rather than working to reach a common worldwide definition of how to count trafficking victims, we should emphasize the need to make explicit the criteria that are used in quantifications in various settings. We should accept that for many years still, there will *not* be an international agreement on for instance, the relationship between trafficking and prostitution. This should not keep us from doing research, but we should be aware that different researchers will refer to different populations, and they should be required to make this explicit.

### ***Who admits to victimization?***

Even if we have decided on what kind of criteria we need in order to determine if someone are victims of trafficking or not, we still haven't solved the major challenge for primary data collection on trafficking among return-migrants or other migrant populations: that many victims of trafficking do not wish to be identified as such. In many communities, failed migration experiences with exploitation and abuse is in itself stigmatized. Even more so, many are reluctant to tell of sexual exploitation, not to mention experiences in prostitution. Accordingly, they go to great lengths to keep

trafficking experiences secret, even from their own families (Brunovskis and Tyldum, 2004; Davidson, 2005). Thus, a major challenge in collecting primary data on trafficking experiences lies in convincing respondents to recount instances of prostitution or abuse to a stranger that comes to interview them.

We should be humble as to what kind of data we believe will be possible to collect in both qualitative and quantitative survey designs. What people will be willing to talk about is likely to vary between countries or regions, and over time. However, it is difficult to imagine a successful survey design anywhere, in which interviewers go from door to door to ask people if they have earned money in prostitution. Information on labour exploitation or failed migration may be somewhat easier to attain. In general, for sensitive questions, it is likely that more long-term investment and repeated visits, in order to establish trust and rapport, will be necessary in order to produce more reliable data. Such processes are generally difficult, or at least relatively expensive, to combine with quantitative designs. We should also keep in mind that survey tools that only part of the population can be expected to report correctly to are likely to do more to mask the truth rather than to improve our understanding of trafficking. The problem of quantitative data is that it will most likely produce a number, no matter how bad the quality of the survey tools. Presenting a number not even the data producers themselves believe in may do more harm than good, as such numbers may be picked up and used by other actors who find they serve their purpose.

### *Acknowledging the limitations*

So where does this leave us? This article has argued that any data production among victims of trafficking will be associated with some kind of bias or limitation. This does not mean that we should abandon them and the project of producing data on victims of trafficking as such. All of the above sources can give potentially interesting and valuable data that may increase our understanding and help us monitor the development of human trafficking. However, they should not be expected to be without bias, nor should they be treated and analysed as if they were. The different types of data are associated with

different types of biases; triangulation of approaches may give different information and lead to different perspectives that may serve to control and confirm each other.

Throughout the last decade, much attention and funding has gone to the development of a worldwide estimate of the number of trafficking victims (for instance in Belser, Cock and Mehran, 2005; US State Department, 2007). In response to the massive media attention and activist lobbying to raise attention to the phenomenon, policy makers have demanded documentation of the scale of the problem in order to allocate funding, and monitor change as policies are implemented. However the difficulties in the production of primary data described above makes it complicated, if not impossible, at this stage, to produce reliable numbers of victims of trafficking even at the national, or even local levels. The combination of the strong demand of numbers, the NGO- and activist-driven knowledge production, and difficult access to primary data has led to the publication of several global and regional “estimates” with little scientific basis. The need to demonstrate the scale and severity of trafficking can be argued to have led to an inflation in numbers aiming at “documenting to the world” the importance of the fight against trafficking. Some activists will argue that such possible exaggerations are not a major problem as long as an attention ends up being given to whatever abuses are occurring. These actors fail to recognize that an inaccurate estimate of the problem is likely to result in a remedy being proposed that is equally inappropriate (Dottridge, 2003). Furthermore, exaggerating the impact of a problem can also lead to donor fatigue, where potential donors end up overwhelmed by the problem, assuming it cannot be solved in any conceivable way. Acknowledging that a problem can be severe, but not involving a very large number of persons, may open up for other, and better, policies. For instance would many nations consider giving more extensive assistance to identified victims if the group of victims is believed to be relative small, than if they fear the influx of infinite masses of victims.

A worldwide estimate that cannot be disaggregated to regional and national numbers, doesn't improve our knowledge of trafficking as such and has limited use beyond the need to say that trafficking is a major problem. Above we argued that there is a need for

more theoretically oriented studies for the development of the trafficking concept. In addition to this, there is a strong need for empirically based studies for policy development and evaluation. We need research and data that can:

- give us a better understanding of the problem in order to *develop* relevant programmes and policies;
- tell us where trafficking takes place in order to *target* programmes and policies; and,
- monitor how the extent and content of trafficking changes in order to *evaluate* existing policies.

In order to develop, target and monitor programmes and policies, we have little use of a single, worldwide estimate<sup>5</sup>. In itself such an estimate, if it could be trusted, would not give a better understanding of trafficking as such nor will it tell us where trafficking takes place. As long as the worldwide estimate cannot be disaggregated to national estimates, it will have limited potential also for monitoring purposes, as it cannot be linked to i.e. policies or economic development in specific regions.

If our goal is to increase our understanding of how and where trafficking takes place, we need more narrowly defined thematically or sector specific research, and not large scale international attempts to count (or just guess) the number of trafficking victims. Due to the stigma associated with failed migration, prostitution and other victimized behaviour (or outcomes), and the illegality of many practices tied to trafficking (such as for instance illegal immigration, informal employment or prostitution), we need to have a sober idea of what kind of information we will be able to access. Qualitative data collection attempts will often be more reliable for these populations.

Only when we have produced a number of thematically focused and geographically defined local studies can we start aggregating these findings, and look for overreaching

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<sup>5</sup> The global estimates of trafficking and related phenomena that have been published this far have not made public any sub-divisions beyond continents (if any at all), and do not allow for disaggregation to, for instance national levels .



patterns and regional, and even local trends. And perhaps in some years, when sound national research have started to produce reliable nationwide estimates of number of trafficking victims on various arenas, we may start compiling these results into sound regional, or even worldwide aggregates.

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## *Evaluation of Counter-Trafficking Programmes and Research*

By Gergana Danailova-Trainor<sup>6</sup>

Assessment of the long-term impact of counter-trafficking programmes is at an early stage, owing to questionable data and programme design characteristics that impede evaluations. Several research approaches could be pilot tested to improve knowledge of counter-trafficking programme effectiveness. These include tracking individual victims over time, learning from experience to reach other elusive and hard-to-detect populations, and gaining more understanding from analyzing existing databases. However, such research would have to be tailored to the specific cultural context, evaluation framework, data collection methods, and analysis of each individual programme.

### **Impact assessments can benefit most from further research**

Programme evaluation—an area of increasing interest in the study of human trafficking—includes both ongoing monitoring of programmes (process evaluation) and one-shot or multiple studies of programme impact.<sup>7</sup> The general question of interest is: what would have been the condition of the beneficiary project group today, i.e., actual or potential victims of trafficking, if the project had not taken place? To answer this question, researchers examine the linkages among inputs, activities, outputs, outcomes and long-term impact. In this paper I will focus on long-term impact assessment of counter-trafficking programmes, primarily because research could add most value to this element of the evaluation chain. Although process evaluations provide useful information regarding the programme's conformance to its design, performance monitoring is

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<sup>6</sup> This paper expresses solely the opinion of the author, an economist with the US Government Accountability Office (GAO), and does not constitute an endorsement by GAO.

<sup>7</sup> Programme evaluation is a systematic study conducted periodically or on an ad hoc basis to assess how well a programme is working. Evaluations may examine aspects of programme operations to explain the linkages between inputs, activities, outputs and outcomes, what would have occurred in the absence of the programme as well as the effectiveness of alternative programmes aimed at the same objectives. See Wholey, J., Hatry, H. and K. Newcomer, 2004

primarily a management tool, and deficiencies in monitoring are unlikely to be addressed through further research.

Adapting evaluation methods used for similar interventions—such as for crime and justice, health, education, social work, and welfare—could facilitate outcome evaluation for counter-trafficking programmes, but such an approach has limitations. For example, evaluation research for education programmes could inform evaluation of counter-trafficking law enforcement training; insights from measuring the success of substance abuse media campaigns could strengthen evaluation of trafficking prevention programmes; and experience in evaluating domestic violence and education programmes could benefit evaluation of trafficking victim assistance programmes.<sup>8</sup> However, despite their similarities, the diversity of such interventions does not allow for a unifying evaluation framework that would be useful in practice and would go beyond some general guiding principles.

A counter-trafficking intervention's impact on the progressive elimination of human trafficking—most likely the programme's desired ultimate goal—can be measured as the degree to which the intervention reduces trafficking incidence and severity. Assessing such impact requires baseline information on trafficking incidence (and/or severity) for both the beneficiary project group and for a control group, which has not received the intervention. Without a baseline on the project group, it is difficult to say if the intended changes have taken place. Without a control group, it is difficult to eliminate other possible explanations for the observed changes in the project population. However, as recent research has shown, the quality of existing estimates is questionable. (GAO, 2006) This is the gap that could benefit most from further research.<sup>9</sup>

### **Knowledge about programme impact is limited**

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<sup>8</sup> For example, the Campbell Collaboration prepares, maintains and makes accessible systematic reviews of studies about programme effectiveness in a wide array of areas. See <http://www.campbellcollaboration.org/>

<sup>9</sup> For a discussion of outcome and medium-term (up to 2 years) impact assessment of efforts to combat trafficking in human beings, see M. Dottridge, 2007

As outlined in the report by the US Government Accountability Office (GAO, 2007) on US-sponsored global counter-trafficking programmes, the lack of reliable and comparable data and some elements of project design impede evaluation of efforts to combat trafficking. Data on reported trafficking victims may not be available for several reasons. First, victims are a hidden population, because trafficking is a clandestine activity similar to irregular migration and forced labor. Moreover, confidentiality concerns may limit the degree to which data are made publicly available. Further, there are no commonly agreed upon criteria for identification of human trafficking victims, and the agreed-on definitions of trafficking are broad and varied. Finally, data from victim assistance interviews may not be reliable due to the mental and psychological state in which they are found.

In addition, some programme characteristics, such as overly broad objectives, diverse scope, and lack of clearly defined beneficiaries, impede impact assessments. Also, the impact of a short-term, smaller scale intervention may be difficult to attribute and quantify. Moreover, little attention and funding (if any) are devoted to programme evaluation at the project design phase. Finally, different donors may fund complementary project activities with different project time frames and assessment requirements. This makes attribution of results to particular interventions more difficult.

As a result, little is known about programme impact. (GAO, 2007) Evaluations of counter-trafficking programmes are based on qualitative rather than quantitative methodologies. While qualitative data provide in-depth understanding of causal processes, they are expensive to gather on an extensive basis, usually contain information that is not uniformly collected across cases and situations, and cannot be reproduced and generalized to other settings. (Rossi, 1993) In addition, evaluations of counter-trafficking programmes focus primarily on process, rarely assessing impact. Finally, few evaluations track individual victims over time.

### **Several approaches could improve knowledge of programme effectiveness**

The evaluation of any programme requires a selection of evaluation design, methods for data collection, and analysis of data collected. Within this framework, several approaches could be useful for improving knowledge of counter-trafficking programme effectiveness. These approaches include tracking individual victims over time, learning from experience to reach other elusive and hard-to-detect populations, and gaining more understanding from analyzing existing databases. In addition, local knowledge is critical for the implementation of any evaluation project.

### **Tracking individual victims over time**

Given the limited knowledge about the effectiveness of current interventions, starting at the micro level and gaining deeper knowledge about victims already identified could be an important first step. To ensure consistency and harmonization of data collection, some key data elements could include:<sup>10</sup>

- a) victim demographics, such as victim's nationality, ethnicity, gender, and age;
- b) victim characteristics, such as prior education, prior employment, health, prior income;
- c) trafficking experience, such as type of work (sexual or labor exploitation); trafficking route (origin, transit, and destination city, country, state, or region); exit method (boat, foot, plane, train, vehicle, other); start and end date of the trafficking episode; work days per week and work hours per day; income; and bondage;
- d) intervention, such as victim fate (arrested, retained, deported, repatriated, sheltered, released); type and duration of the services that individual victims have received; intervention cost and duration

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<sup>10</sup>Data on programme beneficiaries can be collected using a typology similar to the one currently used in the available global databases. See Kutnick et al, 2007

e) follow-up in several impact areas.

Longitudinal studies could track assisted victims over time. Such studies could follow victims from the time of their initial assistance through their reintegration in their communities or reunification with their families and their subsequent employment and life experiences. The studies could focus on several impact dimensions—education, employment, health, and economic well being—to identify interventions’ possible contributions.<sup>11</sup> For example, over three to five years, some assisted victims may remain with their families; others may use the skills acquired at their shelter and find suitable employment; others may remain unemployed; others may be severely psychologically damaged and unable to fit in with the rest of society; yet others may be re-trafficked, etc. Identifying the assistance that individual victims have received, and disaggregating through appropriate statistical analysis the individual and intervention effects, could help determine the types of support that work better in a “before and after” evaluation study (or in a richer panel or time series study, if adequate resources are available). Although this evaluation design has its limitations, such a victim-driven approach could eventually help answer the policy question of “what works” in victim assistance.

### **Learning from other elusive and hard-to-detect populations**

Significant insights regarding programme effectiveness can be gained from evaluation of programmes aimed at other elusive and hard-to-detect populations. One such population is the homeless, whose counts via sampling have been estimated, for example, in a study of the homeless in Los Angeles County (Berk et al, 2007). While procedures used in counting the homeless in the United States cannot be simply exported to other settings, Berk (2007) argues that some instructive lessons for human trafficking, particularly for the coercive labour practices of agricultural workers, can still be learned. For example, defining a population in spatial terms and then sampling spatial units within it could be useful. With the knowledge of local informants, the researcher could locate victims

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<sup>11</sup> The impact areas are based on the discussion provided by Iburguen, C. and A. A. Cader, 2005



within sampled areas.<sup>12</sup> Local informants could also designate clusters of victims—“hotspots”—that could be sampled with certainty. If a sufficient number of such clusters is found and adequate resources are available, these hotspots could become the units for randomization in designing place-randomized trials aimed at assessing programme effectiveness. (Boruch, 2004) Although randomized trials are highly desirable due to their valuable statistical properties, they may not be feasible for a large number of interventions.

In addition, other sampling designs used to obtain estimates of other hard-to-detect populations could be applied in obtaining victim counts. In its 2007 report, GAO proposed applying to human trafficking a variety of sampling methods suggested by an expert panel it had convened. (For a complete list of suggested sampling methods, see appendix III, GAO, 2007:40) These methods include, for example, the use of decoys, which were employed by the US Census in another study of the homeless. An initial estimate of identified victims can be adjusted based on those decoys that have not been found by the enumerators to account for victims who may have been missed. In addition, an assisted victim may identify others that he or she has been in contact with. Those victims may in turn identify others. A variation of a snowballing technique could be used by adding questions to victim assistance interviews. However, the primary purpose of such interviews is to help victims. Therefore, confidentiality and security concerns may prevent the use of this methodology.

Finally, when evaluating project impacts without baseline data and/or a control group, project impact can be assessed using logic models and strategies for reconstructing baseline data and comparison groups. For example, when projects are implemented in phases, it may be possible to use pipeline designs, i.e., areas to be incorporated in subsequent phases could be used as a control group for phase 1. This approach is popular because it is easy to use and economical to select the control group. It also avoids the ethical and political challenges of selecting and interviewing a control group that will not

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<sup>12</sup> A study of sex workers in Thailand uses a similar mix of qualitative and quantitative methods and defines the population in spatial terms. See Steinfatt, 2002, p.363-379

receive any benefits from the project. (Bamberger, 2006) Project records, recall, and key informants are other possibilities for data collection.

### **Gaining knowledge from analyzing and/or modifying existing databases**

Existing global and national databases could shed some light on the profiles of the trafficking victims and the factors that affect trafficking. An analysis of these databases may facilitate programme design by targeting resources aimed at addressing such factors. For example, a database created and maintained by the International Organization for Migration (IOM) offers a systematic, in-depth profile of assisted victims across more than 80 countries since 1999. Although the data are limited to countries where IOM has a presence and are not generalizable, the database contains information on trafficking duration as well as a plethora of victim characteristics. (GAO, 2006)

Data from victim assistance interviews conducted by service providers at IOM missions indicate that some victims of sexual exploitation have suffered work-related, physical, and/or psychological abuse. These data could be used to create an index of trafficking severity and monitor its movements—for example, by assigning weights to age, average work days per week and average work hours per day, and the ratio of debt to salary, and assigning a base year against which to measure changes over time.<sup>13</sup> The risk factors affecting trafficking severity could be modeled and their influence estimated. Risk factors could include employment status immediately before recruitment, literacy level, education and occupation.<sup>14</sup> Interventions could be designed to address the risk factors or root causes of trafficking so as to increase the interventions' long-term impact. Success could be assessed in terms of the interventions' effect on reducing trafficking severity.

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<sup>13</sup> The assignment of appropriate weights and the choice of relevant observable factors require rigorous analysis. The proposed factors are only suggestive of the possible variables that could be considered.

<sup>14</sup> For instance, one could conjecture a positive link between female youth unemployment and trafficking severity. Such a link between trafficking incidence and female youth unemployment is suggested by Danailova-Trainor, G. and P. Belsler, 2006

Trafficking data could also be collected by international organizations, non-governmental organizations (NGOs), and national statistical agencies as an additional module to existing household surveys. At a conceptual level, the population could be partitioned into several subsets: people who have been previously trafficked and assisted (these are victims rescued by the police and reintegrated with the help of an international organization or a local NGO), people who have been trafficked but have not received any assistance (these are victims who have managed to return on their own, after paying off their debt, suffering violence, economic coercion and exploitation, or excessive dependence on employers), and people who have neither been trafficked nor assisted.<sup>15</sup> This approach could offer some insights, not only about the number of reported victims at a point in time, but also about those who have not been previously identified. Thus, it could bridge the gap between the number of reported victims and the total number of victims, both reported and unreported, which presents the most difficult methodological challenge for researchers. (Kutnick et al, 2007)

Two ratios could be constructed—the ratio of reported to total (assisted and not assisted) victims, and the ratio of total victims to the population. Because data on individual victims are collected at several points in time, changes in these ratios could be observed over time. Statistical analytical techniques could be employed to test the causal links between interventions and changes in the observed ratios. If analysis is focused on the national level, changes in the ratio of total victims to the population could be indicative of the success of the government through its national strategy, plan, and programmes in combating trafficking.

### **An ex ante analysis of potential impact could help programme design**

The approaches suggested earlier could be useful in improving knowledge of counter-trafficking programme effectiveness. However, a detailed analysis of the programme's potential impact on trafficking before an intervention begins is also warranted. This ex

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<sup>15</sup> Clearly, the number of total victims is underestimated, since there are trafficking victims unaccounted for in the countries of destination.

ante analysis would require an understanding of the stakeholders and institutional arrangements, within which the intervention is intended to take place.

A consistent and uniform ex ante assessment could guide the selection of new programmes in developing countries according to their likely impact on trafficking. Such analysis could involve the following elements:<sup>16</sup>

- a) Evaluating the trafficking situation, national strategies, and donor assistance in the sector or region. This may include clarifying the trafficking definition, collecting baseline information, defining potential beneficiaries, assessing the political economy including poverty, gender, and income inequality, as well as identifying existing strategies, key objectives and sources of information;
- b) Conducting a stakeholder and institutional analysis. Such analysis may focus on those who influence the intervention (NGOs, international organizations, social workers) as well as those who are influenced by the intervention (criminal groups, employers), including their degree of collaboration, existing networks and structures, and incentive mechanisms;
- c) Identifying the transmission channels of policy. For example, an intervention that provides victim assistance using a shelter as a policy tool has a primary channel of victim protection and a possible secondary channel of economic empowerment through counselling and training. The effects can be measured by subsequent changes in the nature of employment, education and health of assisted victims at a certain point in time after leaving the shelter (refer to impact areas in tracker studies discussed earlier);
- d) Assessing stakeholders' and target groups' capabilities and assessing expected results including key benefits. For example, an ex post evaluation of IOM's anti-trafficking activities in Central Asia by the Swedish Development Agency, Sida,

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<sup>16</sup> The ex ante impact assessment is adapted from *A Practical Guide to Ex Ante Poverty Impact Assessment*, (Paris: OECD, 2007).

found a need to build the local NGOs' capacity in Kazakhstan and the Kyrgyz Republic. Psychologists in shelters needed training in relevant therapies, social workers needed training in computer and internet skills, NGOs needed more knowledge in analyzing groups who were at risk of being trafficked, police officers and prosecutors needed basic knowledge about trafficking and the amendments to the legislation, and journalists needed knowledge on the human rights aspects of trafficking. (IOM, 2006)

This ex ante analysis could improve potential impact. It could complement the design, data collection, and data analysis components of the overall counter-trafficking programme evaluation.

## **Conclusion**

Donors and implementers of counter trafficking programmes face trade-offs in allocating scarce resources. In the long run, better understanding of successful interventions would make efforts more efficient and would help achieve the strategic goal of the progressive elimination of human trafficking. Since little is known about what causes this crime and how to prevent it, evaluation could improve our understanding about the effectiveness of interventions.

This paper suggests several approaches to improving our knowledge of “what works”. Such knowledge is a public good. To this end, funding for impact assessments should be separate from funding for programme activities. Moreover, developed countries are better positioned than developing countries to finance and provide technical support for long-term programme evaluations.

To this end, the proposed Trafficking Victims Protection Reauthorization Act of 2007 calls for increasing programme effectiveness. According to the proposed amendment, “US assistance programmes require enhanced monitoring and evaluation...which should measure results—the actual effects of assistance—as well as outcomes—the numerical

product of assistance, such as the number of individuals assisted and systems established...While the results of programmes related to TIP [trafficking in persons] may be difficult to measure... making efforts to measure such results are critical to learning the extent to which the US assistance programmes affect the nature and severity of trafficking and change the fundamental conditions that facilitate trafficking..." (TVPRA, 2007) The proposed amendment also provides up to two percent of the amounts made available annually to combat international TIP to be used for measures to enhance programme effectiveness.

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William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, Section 105 (a), Increasing Effectiveness of Anti-Trafficking Programs, (Washington, D.C., November 6, 2007)



**Research needs concerning the monitoring, evaluation and impact assessment of both research about human trafficking and projects and programmes to address human trafficking**

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This paper addresses weaknesses in counter-trafficking projects and programmes implemented around the world and by a wide range of organizations. The weaknesses which are highlighted concern the lack of research that precedes projects, the lack of data collected to monitor the progress of initiatives while they are being implemented and the lack of adequate evaluation and impact assessment at their end. Most of the points raised in this paper have been mentioned in previous publications of mine, issued over the past two years, which mention short-comings in current techniques used to monitor, evaluate or assess the impact of counter-trafficking initiatives.<sup>17</sup>

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In this paper I use the term “M&E” systems to refer not only to conventional monitoring and evaluation, but also to impact assessment. For readers who are not already familiar with the various concepts or terms associated with M&E, there is a box at the end of the paper with some explanations about the terms used in this paper.

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<sup>17</sup> See in particular: (1) *Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment*, UNICEF and Terre des Hommes, 2006, accessed at [http://www.unicef.org/ceecis/media\\_4857.html](http://www.unicef.org/ceecis/media_4857.html) ; (2) *Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual*, European Commission Directorate-General on Freedom, Security and Justice, accessed at [http://ec.europa.eu/justice\\_home/news/events/news\\_events\\_en.htm](http://ec.europa.eu/justice_home/news/events/news_events_en.htm) ; and (3), *A handbook on planning projects to prevent child trafficking*, Terre des hommes, 2007, accessed at: [http://tdh.ch/website/tdhch.nsf/pages/trafficking\\_documentationE](http://tdh.ch/website/tdhch.nsf/pages/trafficking_documentationE)

Before referring to the various points I want to make about the research needed both to prepare and evaluate counter-trafficking initiatives in 2008 and beyond, it seems relevant to cite two seminal sets of comments on this topic from US sources, both of which make similar points to me. The first was a 2004 evaluation of US-financed initiatives to prevent human trafficking in Eurasia (Europe and the Central Asian republics).<sup>18</sup> This noted that numerous initiatives to prevent trafficking had not been evaluated. It reported that some evaluations which had been carried out had measured a project's outputs (e.g., numbers of reports published or disseminated, numbers of people given information during an 'awareness raising' campaign, etc.), but not their impact on people's lives or their contribution to reducing trafficking.

The second was rather more prominent, a 2007 report by the US Government Accountability Office (GAO), which focused specifically on shortcomings in monitoring and evaluation of US government-funded bilateral and multilateral initiatives (including ones implemented by intergovernmental organizations [IGOs] which were supported by money from taxpayers in the US, as well as other countries).<sup>19</sup> It called for improvements in the assessment of the impact of US-funded projects and for "rigorous evaluation methodologies". It also urged monitoring and evaluation weaknesses to be addressed at the stage of project design. Although directed at a Washington DC audience, the US GAO report summarizes key points which apply to counter-trafficking initiatives financed by any donors, not only by US government agencies.

Along with these comments, the other pertinent observation that I have heard from senior staff in various UN agencies is that counter-trafficking projects and programmes have frequently been started in the absence of any dependable baseline information about the scale or precise nature of the trafficking that is occurring. Therefore, while claims can be made subsequently that projects have had a beneficial impact and either helped trafficked

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<sup>18</sup> See Ruth Rosenberg et al, *Best Practices for Programming to Prevent Trafficking in Human Beings in Europe and Eurasia*, Development Alternatives Inc for USAID, September 2004, accessed at: <http://www.vitalvoices.org/files/docs/Prevention%20assessment%20Report-formatted%20CAS1.pdf>

<sup>19</sup> US Government Accountability Office (US GAO), *Human Trafficking: Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements*, Washington DC, July 2007, page 15, accessed at [www.gao.gov/highlights/d071034high.pdf](http://www.gao.gov/highlights/d071034high.pdf).

persons re-launch their lives or reduced the scale of trafficking, it is difficult to offer evidence that this is really the case. Indeed, this has created the dangerous situation in which organizations that are seeking financial support can constantly claim, without presenting meaningful evidence, that, “the numbers of people being trafficked are increasing” (and therefore such organizations should be given money), and subsequently claim that they **think** their project has reduced the number of people being trafficked, but they cannot be sure, as there was no baseline information. Of course, this takes us back to the need to give priority to research about trafficking patterns before launching programmes or soon after doing so, not just at the end of a project, for evaluation purposes.

Apart from the conventional reasons why it seems sensible to integrate M&E into any initiatives to suppress crime or bring about social or economic change, what are the specific reasons for making it a priority to evaluate counter-trafficking initiatives?

Referring to actions to stop human trafficking in general, in 2002 the UN High Commissioner for Human Rights put considerable emphasis on the need for M&E, calling on States and, where applicable, IGOs and non-governmental organizations (NGOs), to consider:

Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.<sup>20</sup>

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<sup>20</sup> Guideline 1, paragraph 7, of the High Commissioner’s *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, UN document E/2002/68/Add.1, 20 May 2002. The *Recommended Principles and Guidelines on Human Rights and Human Trafficking* are found at <http://www.ohchr.org/english/about/publications/papers.htm>

The priority that the High Commissioner suggested should be given to monitoring and evaluation was based on one of the 17 Principles that were recommended to underpin all anti-trafficking initiatives, namely that,

Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers (Principle 3).

In a recent anthology that I edited, we pointed out some of the disastrous consequences of not monitoring and evaluating counter-trafficking policies and initiatives properly.<sup>21</sup> This pointed out that initiatives which were nominally supposed to stop trafficking actually had numerous negative rather than positive effects for people who have been trafficked, as well as other groups of people, such as migrants and sex workers.

I will cite only one example here, the conclusions drawn by a US-based NGO funding anti-trafficking activities in Nepal:

In the course of observing the impact of our interventions, we began to be concerned that some of the approaches we were supporting might have unintended negative consequences. Prevention messages that characterized trafficking as a definite result of leaving a village seemed to discourage girls and women from exercising their right to migrate in search of a better life. Some women and girls crossing the border to visit relatives or join legitimate jobs were intercepted as suspected trafficking victims, infringing on their right to migrate—an important self-protection mechanism, especially given the current conflict. Furthermore, increased HIV/AIDS awareness also resulted in serious stigmatization of returnees, with some neighbors thinking all returnees must be infected by the virus.<sup>22</sup>

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<sup>21</sup> Mike Dottridge et al, *Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World*, Global Alliance Against Traffic in Women (GAATW), 2007, accessed at <http://www.gaatw.org>

<sup>22</sup> Sondra L. Hausner, *The Movement of Women. Migration, Trafficking and Prostitution in the Context of Nepal's Armed Conflict*. Save the Children USA. Kathmandu, June 2005. <http://www.ain.org.np/html/publications.html>

The M&E techniques which can be used for counter-trafficking initiatives are similar to M&E techniques used in relation to many other programmes and projects. As in the case of other projects designed to bring about change, it is not sufficient to assess whether a project has simply delivered the ‘outputs’ that it promised at the outset. Knowing that a project intended to prevent trafficking (by informing potential migrants of dangers) has printed or distributed the thousand leaflets which it said it would use provides project managers with some useful monitoring information, enabling them to know that the initiative is being implemented. But it does not tell them whether the leaflets are having the intended effect. ‘Output indicators’ are routinely used to measure whether outputs have been produced according to plan, but these require supplementing by ‘results indicators’ to measure actual results – to find out whether the actual behaviour of young people who received information has been transformed in any way.

Our first attempts to identify meaningful results indicators were not hugely successful and sometimes involved time and resources being wasted, collecting information which was not useful. For example, once donors began to ask if awareness raising projects were really having any beneficial effect, projects began asking questions of the people whose awareness had been raised (i.e., who had been given information of some sort) whether they remembered what they had been told – or had interpreted the information correctly. This was better than nothing, though these checks should really have been carried out during a pilot phase, before any wide information dissemination got under way. However, we can all observe, when passing a tobacconist’s or duty free shop, that providing smokers with pictures of someone else’s damaged lungs does not automatically deter people from smoking. Checking whether they remember how horrible a picture on a cigarette packet was would not help!

The problem is that finding out how counter-trafficking initiatives actually affect people’s behaviour takes much longer. A donor whose money is used to produce a computer ‘game of life’ for adolescent girls in an Eastern European country naturally wants a report on how the money has been spent and with what effect after six or 12

months, when the initiative is complete, and is unlikely to agree to spend the same amount of money again to track what happens to a representative sample of the girls who use this game in order to find out if and how it affects their behaviour.

Nevertheless, even without using what the statisticians regard as a meaningful sample (of people), a great deal can be learned by talking to the intended beneficiaries of a counter-trafficking project (both those with a preventive objective and those involving protection or assistance). However, a remarkable characteristic of many counter-trafficking initiatives is that they do not emphasize the importance of talking to the intended beneficiaries and getting first-hand information from them. Sometimes this is because of fears that a woman or girl who has been trafficked into forced prostitution is at danger of further trauma or stress if questioned by a stranger about her experiences. This is a genuine risk, but one that can be managed. Unfortunately, there may also be cases where organizations providing care to trafficked persons have less reasonable motives for discouraging outsiders from interviewing the women or girls they have assisted, wanting to maintain their monopoly of access to such people and to control the information they provide because it helps ensure future income. There is no clear answer to this, for there definitely have been cases in which journalists or independent investigators have been given access to such women or girls and have abused their positions and re-traumatized interviewees.

There is one particular difference to note between conventional M&E techniques and those needed for counter-trafficking initiatives. Techniques for monitoring and evaluating counter-trafficking initiatives need to pay particular attention to identifying unintended or harmful effects of such initiatives on various groups, both adults and children. Some stakeholders or intended beneficiaries are intended to benefit from counter-trafficking initiatives, but end up not benefiting or even suffering actual harm as a result of an initiative. Further, some who were not considered stakeholders or beneficiaries when a project was designed also end up being affected in a negative way.

The UN High Commissioner for Human Rights' *Recommended Principles and Guidelines on Human Rights and Human Trafficking* referred explicitly to impacts on the rights of "those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers". An additional group which has been routinely affected in a negative way by counter-trafficking initiatives consists of sex workers – not those trafficked into forced prostitution, but the hundreds of thousands of men and women who, for a wide range of reasons, earn their livelihood from commercial sex and do not want to be helped or forced to change their livelihood. While it is clear that some people in government, inter-governmental and non-governmental organizations would prefer sex workers not to exist, they do and so there is little justification why initiatives to stop trafficking should also make their lives more difficult.

By sifting through evidence in an objective way, independent evaluations and impact assessment can identify both positive and negative effects of counter-trafficking initiatives. Still, identifying the negative effects requires a special effort, particularly from organizations which are adept at putting a public relations 'spin' on their own achievements and find it difficult to imagine or admit that they are doing harm. And a significant number of organizations responsible for counter-trafficking initiatives come into this category.

A handbook on impact assessment recommends that those responsible for M&E need to look, not just once, but twice for the possible negative effects of the programmes they evaluate. In the case of anti-trafficking programmes, as in many development initiatives, the people who are intended to benefit principally are routinely in an unequal power relationship with law enforcement officials, social workers, NGO staff and others involved in administering programme intended to help them. They are consequently frightened of criticizing anything. The handbook advises:

Deliberately set out to capture negative changes and to seek out those who might report it, particularly groups who are often disadvantaged such as

women, minority groups, or people who have dropped out of the project.<sup>23</sup>

A structured interview that the author designed for UNICEF to use with children from countries in south-east Europe who had been trafficked tried to capture some of the negative changes caused by anti-trafficking initiatives. It succeeded in identifying a swathe of gaps in protection systems, as well as shortcomings in programmes which were intended to protect and assist the young people.<sup>24</sup>

Not surprisingly, monitoring unintended or harmful effects of efforts to protect and assist trafficked persons means talking to the adults and children concerned regularly. This should involve listening to more than simply the direct answers they give — also listening and looking out for any other effects which efforts to assist trafficked adults or children (or to stop trafficking from occurring) might be causing. For example, in one micro-credit project visited by the author, it was apparent that the project was channelling credit to the village head's wife. The intentions were good: project staff thought the behaviour of this influential woman would persuade other women in the village to accept credit and invest it, like her, in an income-generating scheme. In the short-term, however, it reinforced an existing power structure. It seems that other counter-trafficking initiatives have done the same, with programme managers who are focused on stopping human trafficking failing to realize the true impact of their activities. In this particular case, where unmarried girls belonging to an ethnic minority were being trafficked, the micro-credit went exclusively to married women and it seemed that the projects programme logic (or 'intervention logic') was seriously flawed. The credit recipients stated that it could be completely unrealistic to give credit to young, unmarried women, for they were bound to waste it! However, neither the project's staff nor these respondents could really offer a proper explanation of how the credit was helping. They hoped that making conventional households better off would eventually reduce the need for unmarried

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<sup>23</sup> Chris Roche, *Impact Assessment for Development Agencies – Learning to Value Change*, OXFAM GB with NOVIB, 1999, page 52.

<sup>24</sup> **The text of the questionnaire is reproduced in *Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment*, *op. cit.***



women to emigrate. However, in the short-term, unmarried girls and young women went on emigrating (with some getting into difficulties), as they had virtually no options other than marriage if they stayed at home.

While questioning trafficked persons is a routine part of efforts to bring traffickers to justice and of assessments of the needs of trafficked persons, collecting information from them to identify factors causing trafficking and gaps in protection systems is not yet a routine part of strengthening prevention and protection systems. Of course, particular care needs to be taken when questioning trafficked persons, to avoid subjecting them to further trauma or harm. Further, information about trafficked persons is particularly sensitive. Put in the wrong hands or handled incorrectly, it causes harm to them. It is consequently important to distinguish between two different types of data: non-personal, anonymous data, which can be made public and distributed relatively freely, and personal data, which should be subjected to legal data protection measures.

So, our M&E and, in particular, impact assessments, require interviews rather than filling in a questionnaire or checklist of completed activities. I hope most social scientists would assume that this means conducting confidential interviews, even if some could be with focus groups. However, I was rather alarmed to find that one IGO thought it was acceptable for interviews to be carried out in public, under the smiling faces of the project's administrators and chiefs. Evidently, there was not much likelihood that any counter-productive effect of this project would be uncovered using this interview technique. However, the organization running the project was evidently fearful that insistence on holding confidential one-to-one interviews would ruin their relationship with their government partner.

So, the problem is not only that the intended beneficiaries of counter-trafficking projects are in an unequal power relationship. Because the issue of human trafficking is a delicate one, with some governments conflating trafficking and illegal immigrating and others conflating it with prostitution, evidence-based conclusions are routinely inconvenient to the organizations carrying out such projects, which may be tempted to downplay

evidence or avoid collecting it in the first place! This is clearly a disastrous state of affairs and one that must be changed if it is to be appropriate to urge donors to continue investing money in counter-trafficking initiatives.

Some M&E activities can produce meaningful results if carried out by staff of the very organization whose activities are being monitored or evaluated. In other cases, more objective evidence can be obtained by an independent or external evaluator. Both evaluation and (particularly) impact assessment require taking a long-term view of activities, which is often difficult for someone who is involved in implementing those same activities, especially when they are involved in a continuing project cycle and want to present results in order to get funding for the next cycle.

Alongside straightforward short-comings in M&E techniques, there is a different sort of weakness in counter-trafficking initiatives, which is relevant to mention here. This involves flaws in their programme logic. Because of this weakness and the consequent need to pay more attention to assessing whether projects are likely to produce the results they promise, there is not only a need for more ‘conventional’ M&E by both internal and external personnel, but also an acute need for donors and implementing agencies to appoint external reviewers at an early stage when project proposals are being considered for possible funding, not just once they are being implemented. External or independent reviewers could be asked to check the proposed programme logic (in effect, a quality assurance review of the programme logic). This is similar, but not the same, as the implementing agency carrying out an ‘*ex ante* evaluation’ (i.e., one that is performed before an initiative starts, to predict what its consequences will be). It requires an expert who is independent of both donor and implementing agency to carry out the review. On the donors’ side, they review proposals with their own check-list of requirements, but these are not usually based on expertise about human trafficking. On the implementing agency’s side, all sorts of things occur to warp the programme logic: in the course of negotiations with donors, programme logic is too easily blurred or sacrificed in order to meet perceived donor requirements.

The same external reviewer can also be asked to contribute to later evaluations of the same initiative, either as a lead reviewer or as an extra voice commenting on whether the findings of later evaluators seem consistent with earlier comments. This system (of involving the same reviewers over a long period of time, rather than a series of separate reviewers or evaluators, all of whom may have different backgrounds and give different and conflicting views on the best ways of modifying a project) is used in various other disciplines which involve initiatives to bring about change, sometimes involving people and sometimes involving other objectives. Some organizations implementing counter-trafficking projects might fear that this method would reduce their independence. However, it would probably help improve the quality and impact of counter-trafficking initiatives.

The following eight points summarize what needs to be done to ensure better M&E in counter-trafficking initiatives.

1. Collect evidence about what forms of abuse are occurring **before** projects or other counter-trafficking initiatives are initiated – to see what sorts of intervention are needed and to avoid simply implementing an ‘off-the-shelf’ anti-trafficking initiative or one which the IGO, NGO or government agency in question has implemented elsewhere and therefore feels experienced in implementing. Research of this sort is also likely to help ensure that the programme logic which underlies a project makes good sense. It may help identify possible indicators for the project to use to monitor and evaluate its achievements.
2. Ensure an independent review of any counter-trafficking initiative’s programme logic, notably to check whether the intended intervention is considered (by the reviewer) likely to bring about the effects that are promised (in terms of preventing trafficking or protecting a particular individual who has already been trafficked against the likelihood of being trafficked again). In the case of a few large programmes, this means waiting so that it is not an initial ‘financial envelope’ which is reviewed, but the actual activities, once these are planned. In

the case of any programme of significant size (or intended to have a substantial impact), an ‘*ex ante* evaluation’ should be conducted.

3. In the case of any counter-trafficking initiative that is more than just ‘one-off’, put a research component in place to monitor the impact of an initiative as it occurs, giving high priority to confidential, one-to-one interviews with the individuals who are its intended beneficiaries. Monitor the project’s ‘outputs’ to acquire essential management information for the project, but also monitor its wider effects and impact (its ‘results’).
4. In view of the difficulty of measuring the effects of efforts to stop trafficking after relatively short periods of time, such as one or two years, use indicators, but give high priority to ensuring that the indicators are meaningful ones and not politically or ideologically motivated ones that do not provide meaningful evidence about the overall impact of an initiative.
5. For any counter-trafficking initiative that last two years or more, include a mid-term evaluation after one year-and-a-half years or half way through (whichever is less). Give high priority to evaluating its impact (rather than only its outputs) and interviewing the intended beneficiaries to find out what its effects have been on them.
6. Persuade donors to make resources available to finance impact assessments which occur a year or more (if possible continuing for several years) after project activities come to an end. Ensure that enough project management remains intact to digest the messages heard by the impact assessors and to ensure that these are translated into ‘lessons learnt’ and, if appropriate, into ‘good practice’ lessons that can be shared with other organizations.
7. Be careful how large quantities of data about trafficked persons are used. Avoid hoarding data so that no-one else has access to it (often on the grounds that all

personal information is confidential). The counter-trafficking community is big enough, mature enough and professional enough for individual agencies to be able to trust external reviewers to scrutinize how they use and interpret data about individual cases and to share data about individual cases once it does not reveal their identity. All aspects of counter-trafficking work require evaluation – including work as varied as the quality of psychosocial care, data collection and capacity-building initiatives.

8. Ensure that evaluations and impact assessments are used to learn and improve counter-trafficking work – not just within one agency, but among all the IGOs, NGOs and government agencies, which are giving the issue substantial attention. Use the learning process to identify replicable good practice. Note that it is not really legitimate to call a technique ‘good practice’ when it has only been tried out in one place and has not been subjected to any independent review.

### Terms used<sup>25</sup>

**Monitoring.** An ongoing process to collect data systematically about the results of anti-trafficking initiatives either by a single agency or a group of agencies, in order to inform the agencies’ management and other stakeholders about what is being achieved. Specific indicators can be used to assess the extent of progress and achievement of the objectives of an individual organization, a single project or a group of organizations that are working together or pursuing a common objective.

**Evaluation.** While monitoring should be continuous, evaluations occur periodically. In the case of projects they generally occur near the end of an intervention, or half way through (in order to see if any changes of plan are needed). The aim of an evaluation is to determine the relevance and fulfilment of objectives, efficiency (in terms of use of resources), effectiveness impact and sustainability. An evaluation should provide

<sup>25</sup> These are based broadly on a glossary issued by the Organization for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC). See, Working Party on Aid Evaluation, *Glossary of Key Terms in Evaluation and Result Based Management*, Paris, 2002. The entire glossary is trilingual (English, French and Spanish) and was accessed at: <http://www.oecd.org/dac/evaluation>

information that is credible and useful, enabling lessons to be learned so that these can be taken into account when consideration is given to continuing or modifying an activity. In some instances evaluation involves the definition of appropriate standards, the examination of performance against those standards and an assessment of actual and expected results.

**Ex ante evaluation** is performed before an initiative is taken, to predict what its consequences will be. **Ex post evaluation** is performed after an initiative has been completed.

**Impact assessment.** In addition to monitoring efforts to protect or assist trafficked children while they are occurring, from time to time a more substantial evaluation is needed to look at the overall impact of these efforts, particularly their long-term impact on the children concerned. This impact assessment involves evaluating the positive and negative long-term effects produced by an intervention, directly or indirectly, intended or unintended. Impact assessment is about examining the likely economic, social and environmental impact of an action that is being proposed or has already been carried out. It identifies and assesses the issue at stake and the objectives pursued. It identifies the main options for achieving the objectives and analyses their likely impact. It outlines the advantages and disadvantages of each option as well as synergies and trade-offs.

**Programme logic** (also known as intervention logic) refers to the causal relationships between a series of elements in a project or other initiative (inputs, outputs) and their expected 'outcome' or result. A management tool (required by many donors), known as 'logical framework' or 'logframe', offers a way of setting down programme logic in a relatively concise way, enabling others to see how the various inputs and outputs are expected to contribute to achieving an objective or goal.

**Good practice** consists of specific strategies or activities which have been tested in different circumstances and are known to produce good quality results. Implicitly this term is juxtaposed with 'bad' or 'less good' practices which do not produce the desired

results or which have harmful side-effects (either on the children whom an intervention was designed to benefit or on others whom it was not expected to affect).

**REFERENCES ?**

**Anatomy of Blame Game:**

**Assessment of the demand-supply interface of trafficking and commercial sexual exploitation**



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***Dhaka: 30 May 2008***

## **Anatomy of Blame Game: Assessment of the demand-supply interface of trafficking and commercial sexual exploitation**

The main objective of this paper is to initiate an enquiry on the overall demand-side dynamics of trafficking of children and women in order to scrutinize emerging trends among a group of social scientists that blame trafficked persons as a cause of promoting prostitution.<sup>26</sup> The paper is based on a study conducted in Bangladesh as a part of a regional study conducted in six Asian countries under ILO-IPEC project.<sup>27i</sup>

This paper draws on the findings of the mentioned study to indicate that the demand-side actors are not passive consumers of services delivered by trafficked individuals; rather the demand-side actors are often active agents in shaping the supply of sexual services which can only be met by trafficked individuals. Moreover, to meet these specific service-needs, the demand-side actors are proactive in creating a pool of suppliers of sexual services directly or indirectly sponsoring the process of trafficking. The paper further attempts to demonstrate that the demand function (in the sector of prostitution) is primarily influenced by demand-side variables and only marginally by the supply-side actors and factors.

Following the conceptual guideline of the INCIDIN-ILO study (2005), this paper has treated trafficking as a process involving both demand- and supply-side agents. The trafficking process has been identified in relation to the following sets of actors:

1. the supply-side actors involving:
  - the trafficked individuals;
  - the decision groups influencing the choice of the potential trafficked person (such as family members etc.);
2. the demand-side actors involving:

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<sup>26</sup> The paper is a response to the discussions held in the Experts Meet organized by IOM in Cairo under the UN GIFT project, January, 2008. A section of the experts opined that the presence of trafficked individuals and their willingness to “sell sex at a cheaper price” have led to an “expansion of demand for prostitution” in some of the European destinations.

<sup>27</sup> INCIDIN Bangladesh; December, 2005; *The Dreaded Demand: Study on the Demand-Side of Trafficking of Women and Children in Bangladesh*; ILO-IPEC,

- the third parties (such as recruiter, transporters etc. organizers of the trafficking);
- the employers of trafficked persons (e.g. the organizers of "sex work");
- final user/consumers of products and services of trafficked person (e.g. the clients of the trafficked individuals in sex work).

It should be noted that while the organizers of the sex work may appear as supply side actors for the clients, when the trafficked individuals are kept at the centre, the organizers of the sex work becomes demand-side actors within the trafficking scene.

## **1. Demand dynamics of commercial sexual exploitation (CSE) in Bangladesh**

A recent study reveals that for the majority (56 %) of clients of the sex workers, their first experience with sex was not with a sex worker (INCIDIN-ILO, 2005). However, a good number of them identified that they were initiated into “commercial sex” through self-initiative (13.9 %), by peers (19.2 %), pimps (2.4 %) and sex workers (6.0 %) etc. It may be further noted that a very small proportion (1%) mentioned that the pornographic publications have led them initially to sex workers.<sup>28</sup> Thus one important finding of the study points that the supply-side actors are responsible only for ten per cent of the time when clients were led to the sex workers. In other words, it was mainly the presence and influence of demand-side actors that have primarily led the sample of clients to sex workers. This primary statement is important because it indicates that the actors involved in commercial sex sector are not solely responsible for shaping the demand of potential clients.

### **1.1 A general overview of preference regarding sex workers**

A general overview on the features of the preferences of the clients of the sex workers is available in the INCIDIN-ILO (2005) study. According to the study, the majority (60%)

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<sup>28</sup> INCIDIN; 2005

of the clients held preference for female sex workers; while a third opted for male sex workers. The remaining had bisexual preference and preference for transsexuals.

Although the large majority of the clients have been found to hold no preference based on ethnic identities of the sex workers, a good proportion have expressed their higher preference towards Bengali and tribal sex workers. A quarter of the clients have expressed that they do not have any preference with regards to the religion of the sex workers while the majority (64%) have expressed preference towards Muslim sex workers. Of the remaining, around a quarter (24%) held preference for Christian and a third held preference towards the sex workers of Hindu religious identity.

Sexually transmitted diseases (STDs) are another concern of the clients. The STD experience can work in two ways. Firstly, the STD record of a sex worker may influence the choice of the clients. Secondly, the STD experience of the clients may influence the choice regarding sex workers. However, this should not be generalized.

A third of the clients have expressed they do not have any preference towards the education level of the sex workers while a little more than quarter expressed their preference towards illiterate sex workers. In between these two extremes the clients have expressed their preference towards primary (38%) to higher than secondary level of education (13%).

A comparatively a smaller proportion of the clients (14%) have expressed that they do not have any preference based on the “looks” of the sex workers. While 29 per cent of the clients have opted for “extremely beautiful”, 40 per cent have revealed their preference towards sex workers who are “beautiful”. In terms of sense of beauty the clients have expressed skin colour (e.g. 72% preferred fair-skinned), physical structure (e.g. 47% desired “normal” physic) and personal hygiene (e.g. 56% preferred moderately “clean”) of sex workers as the key indicators. To assess health and hygienic status, the clients have usually looked at the dress, cleanliness and visible symptoms of illness.

More than a half (59%) of the clients have mentioned that they prefer sex workers with high to moderate level of experience. Half of the clients said that their preference towards the sex workers was not influenced by the status of virginity of the sex workers. However, a large proportion (42%) preferred virgins while the rest sought just the reverse.

It is interesting to note that although the clients have revealed a multi-variant preference structure with respect to the sex workers, a large majority (85%) made their final “choice” based on the costs involved in “buying sex”.

Cost of “having sex with sex workers” is thus one of the crucial factors of that influence the “effective” preference of clients. It is to be noted that the cost of sexual services also depended on the type of sexual demands. The clients explained that along with the general status of the sex workers, the “fees of sex workers” depended on the sexual activities demanded by the clients. One of the clients explained, “Any form of unorthodox sexual activity is quite expensive.” He held a personal preference towards “anal sex”. But for that the sex workers usually charged BDT 100 extra (one Bangladesh Taka is roughly equivalent to 70 USD SEE EDITOR’S NOTE). He explained that because of this “additional cost”, he seldom pursues “anal sex”.

The cost may also influence the “final choice” of the clients regarding the age of the sex workers. One of the men explained, “I pay them minimum of BDT 100 and maximum of BDT 300 depending on age and other factors. I prefer young girls but some time I have sex with the old sex workers as they cost less.”

Lastly, two critical elements of preference caught our attention; firstly, almost three quarters of the clients (72 %) have expressed desire for sex workers within the age of 17 (in other words children). A small group has been found to prefer children as young as below 10 years (3%). Among children, adolescents (15-17 years) have been identified as the most preferred group (58%). Apart from children, the next preferred age group was from 18-24 (66%).

Secondly, the sampled clients have further indicated that the submissive personality of the sex workers also influenced their preference (91%). Among them a third opted for “shyness”, 37 per cent opted for “obedience” and another third desired “sincerity”. Moreover, 42 per cent of these men wanted either moderately communicative or even silent (28%) sex partners. This reveals that the “patriarchal-preference” towards “passive and amicable” sex partner is also functional in the “market of sex”. It is basically these two elements of preference that the paper finds responsible for facilitating trafficking of children into the sector of sex work. Details on this argument are presented in the subsequent sections.

## **1.2. Demand of children in commercial sex**

Thus although clients show a predetermined psychological construction regarding their preference of sex worker prior to purchase, their actual behaviour in the network of commercial sexual exploitation is not solely restricted by any such rigid framework. Only 29 per cent of the clients leave without sexual interaction, if the sex worker of their choice is not accessible, while around a quarter (26%) accept any sex worker available within their “budget”. The rest mentioned making efforts to seek-out their “preferred ones”.<sup>29</sup> Some of the men only desire younger girls just because they are sexually drawn to “children”. However, in most cases the men did not identify the girls as “children”, for them these girls were either “young women” or “virgins” or “*Kochis*” (i.e. green ones), if they were at or below the age of 13. This is not uncommon when the instances of early marriages are considered in Bangladeshi society. Some of the clients related age with their “safety concerns”. One of the clients explained, “The older they get the more difficult it is to trust and control them.” This factor of control and concern of “safety” has also been reported by the clients of the sexually exploited boys.

Clients have repeatedly emphasized their quest for sexual pleasure. Convenience, as a result, works to motivate the clients towards the location and type of the sex workers.

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<sup>29</sup> INCIDIN-ILO; 2005

One of the clients explained, “In the brothels of Dauladia, Faridpur and Fulbari I go to few selected sex workers, as they do it the way I want to. The girls who are new do not want to do it the way I want to. I have always managed to do it the way I want to.” According to him, compliance and capacity of the sex workers to meet the sexual activities he demands are the key factors. Elaborating on the issue, a man said that with his wife “sex is a very brief activity while in a brothel I usually take a girl in my arms, caress her breasts, touch her vagina and then have sex with her.”

One of the clients explained that the clients prefer young girls also form the point of “maximizing sexual pleasure”. The clients of the sex workers explained, “The vaginas of the older girls are comparatively loose that’s why men are more interested towards younger girls.” Others mentioned, “The older sex workers cause trouble, they do not let a clients do what he wants. But the younger girls let a client do whatever he wants to do.”

However, not all the clients are drawn to children, as one of the men explained, “It is different pleasure to have sex with the sex workers who are above 20. They can perform the sexual activity willingly. I love those sex workers who can fulfil my demand and who can satisfy me.”

Similarly, according to the boys engaged as sex workers in a train terminal in Dhaka, the clients have higher “demand for the boys who are young, beautiful and newcomer in the station”. The boys explained that, the demand for “newcomers” is higher as “they are more flexible.” They explained that, the clients fear the older boys as they may create trouble, “so the clients prefer the younger boys.” In general the pimps of the boys in sexual exploitation have expressed that, “most of the clients want young-aged, small-sized and well- mannered boy.”

Pimps involved “male prostitution” have identified several factors that influence the preference of the clients regarding the “boys”. According to them, many clients prefer younger and good looking boys because “they are used less.” Furthermore, clients sought boys with fair complexion. The pimps have also observed that the boys with big breasts

were more demand. It should be mentioned that the boys were “growing breasts” with the aid of hormone injections. Clients enjoy massaging and/or sucking the breasts of the boys while having anal sex. According to the pimps, day by day the demand of “breast of the boys” is increasing. The pimps have explained that the men who prefer anal sex like to have it with male sex workers as female sex workers are often not willing or costs higher to do such “services”. The pimps have further explained that some of the men exclusively demand to have sex with “male sex partners including the boys”. One of them informs, “We have seen a man who has three wives but continues to have sex with male prostitutes.” The clients have also found to “value the fact that a boy’s anal-way is tighter (in comparison with vagina of their wives or of the female sex workers), and there is no possibility for a boy getting pregnant.”

It has also been found that the pimps and some of the clients consider the boys as “safer sex partners” in comparison to the female sex partners within the commercial setup. They believe that, “there is lesser or no possibility of being infected with any disease, if one has sex with male sex workers”. This misconception to some extent has been found to have originated from the mainstream HIV/AIDS campaign in which the risks in “male having sex with male” (MSM) behaviour have completely been ignored in Bangladesh.<sup>30</sup> Only few of the men identified younger girls are “risky”. One such man explained, “Though it is desirable to do it with the younger girls, it is sometimes very risky as it can cause them serious injury.” The interaction with the clients reveals that some clients were also masochistic; “I like to have sex with young girls because their body is soft; they have small breasts, their vagina is tight and they feel pain while having sex”, explained one such clients.

## **2. Interplay of demand and supply**

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<sup>30</sup> *INCIDIN-ILO*:2005



There does not only exist and interplay of supply and demand of sex workers within the sphere of commercial sex sector; but the demand can influence demand itself just as supply can influence supply itself.<sup>31</sup>

### **2.1. The demand-side dynamics in commercial sex:**

This has several dimensions. As for example the effective demand (i.e. demand backed by ability) of an individual regarding sex workers can inform another person of the existence of sex workers, the services offered, the costs and constraints of accessing those services etc. This exposure to the experience of an “existing client” of the sex worker may work on another individual and can influence that person in favour or against becoming a “client of the sex workers”. One client shared the following, “When I was enrolled in Rajshahi University [to study] psychology, I stayed at dormitory in Binodpur area for two years along with my four roommates. There was a woman who cooked for us. One of my roommates allured her by giving some money and gradually convinced her to have sex with him. One day, while he was having sex with her, another of my roommates found them together. As a consequence, the woman agreed to have sex with all of us on alternate days. Afterwards, four of us had sex with that maid over the next two years.”

It has been found that the way a person may react to the experience of an “existing client” depends on the relationship between the two (peers usually leave a bias towards the sex workers), economic, moral and social status of the individual. As for example, a fishmonger in Khulna recalled, “I used to work in a fishery in Khulna where every worker used to have sex with prostitutes at night. I finally also joined them.” A client in Dauladia explained, “My friends used to go to the sex workers and used to tell me about their experiences. I became interested and began to join him in having sex with the prostitutes.”

### **2.2. The supply-side dynamics in commercial sex:**

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<sup>31</sup> *INCIDIN-ILO*:2005

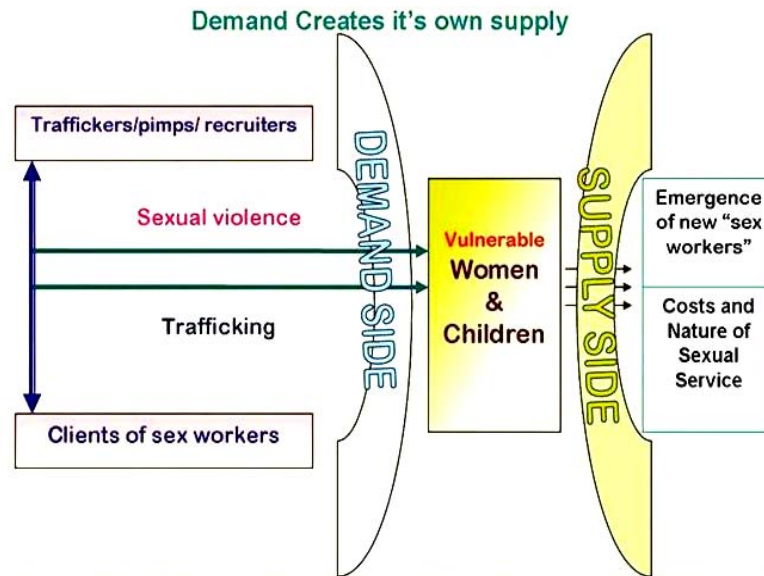
The supply side information can also influence the supply of sex workers. This is revealed through cases in which a sex worker has been able to bring in a new girl or women into the “market of sex”. One of the women in Khulna explained, “After the death of my husband, I did not have any means to support my family. One of my neighbours told me that she was earning her living as a sex worker. She informed me that it was easy and no one will know of it. At that time I had to get some money so I requested her to take me with her.”

It needs to be noted that supply can only lead to new supply in existence of some facilitating factors; economic hardship and previous experience with sexual abuse are two such factors.

### **2.3. The interplay of demand and supply in commercial sex:**

There are different means through which demand and supply are found to influence each other. First, **demand can create its own supply**. The discussions with the sexually exploited boys and girls have revealed two similar aspects of the demand dynamics:

- **Demand creates its own supply:** The men who desire to have sex with boys or hold the effective demand for such sexual interaction with boys are found to be proactive in organizing the supply of such boys. The so called clients are not mere “customers”; they often seek out vulnerable boys and initiate them to sexual interactions. As such the clients can be also seen as the “recruiters” who deceive the boys or lure the boys and “forcefully” bind them within the network of “male prostitution”. The cases of trafficked girls and women have also revealed that a large number of them have been initiated into commercial sex by force and deceit. In many occasions they have been initiated into commercial sex through rape carried out by the organizers or clients of commercial sex.



■ **Informal networking:** The clients may appear as individual but they are informally linked with a network of “men who seek to have sex with boys”. The informal network can function through a chain of “client-boy-client” or via a chain of “client-pimp-boy”. In the former case boys may be recruited or picked up and initiated by a client who then links the boys with other such men whom he knows. In the second situation, the boy may be “accessed by the clients through pimps”. It should be noted that in both of the cases, the demand-side actors (i.e. the clients and pimps etc.) require boys to complete the chain. For the same reason, boys move in and out of both such networks. The similar trends have been also noted for the girls in sexual exploitation.

Based on the above discussion we find that the demand-side actors work in three ways to influence the supply within the context of “commercial sex work”:

1. **The organizers of “sex market” can influence supply:** This is done by the traffickers, pimps or other demand-side actors who can recruit new sex workers and bring them into the “market”.

2. **The clients with self initiatives can ensure supply of sex workers:** When the clients work as a recruiters or initiators of commercial sex work by means of force, deception or trafficking.
3. **The clients dictate the nature of sexual services:** The clients usually decide regarding use of condom and the forms of sexual interactions with the sex workers. Thus the supply of “sexual services” to a greater extent depends on the preference of the clients.

Thus the interplay of demand and supply leads to reinforce a situation in which the demand for sex workers leads to an increase of both sex workers and their clients.

#### **2.4. The interplay of supply and demand in commercial sex:**

There are situations in which, the **supply can create its own demand** within the setup of commercial sex work. This works in three forms;

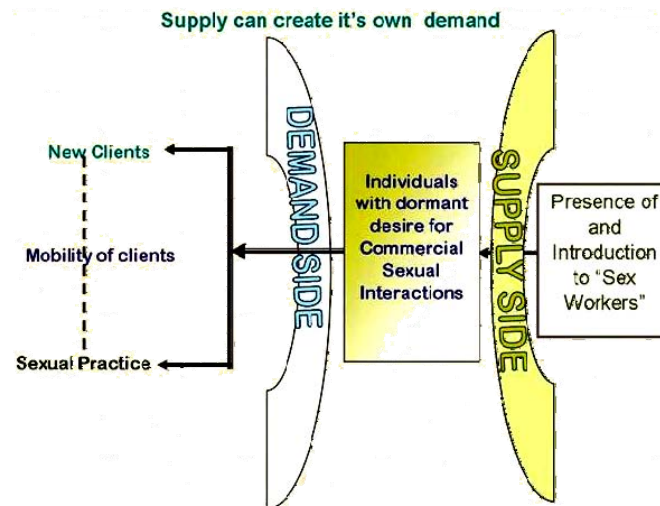
- ***Presence of sex workers may facilitate dormant desire to become “effective demand”:*** One of the clients explained, “*I observed that after evening some girls with lot of makeup moved around the locality of my office. I found them using a form of sign language to attract men. One day when I [was] returning home from my office, a teen-aged (16/17) girl followed me and asked me where I would go. I also asked her where she was going. She informed me that she would go to her house and asked me, if I would like to come with her. I accepted her proposal. I went to her house and had sex with her. I gave her BDT 100.* <sup>32</sup> In this way I discovered that it was possible to have sex with sex workers in privacy without much hassle. After that I turned into a regular client of the girl. Now I do it once a week. I go with girls who have their own rooms.”

It is important to note that the sex workers do not originate “desire” rather their

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<sup>32</sup> Taka (Tk.) is the Bangladeshi currency. Tk. 70 is roughly equivalent to one USD.

presence only facilitates a decision-making process for those who would like to act upon their already existing “desires” for commercial sexual services. As for example another of the clients recalled, “After the sexual experience with a neighbourhood girl, I felt like doing it again and again and I was unable to control myself. So when I was invited to a brothel by a friend, I finally found a way-out of my torments.”



- ***The sex workers influence market mobility of the clients:*** In general, the clients have displayed mobility towards localities where the sex workers are frequent. It is not only that the clients come to the brothels. The clients also go to localities in which the floating sex workers cruise. Moreover, there can be a client “attracted” toward a specific sex worker and thereby willing to move (often across the country) to avail of her “services”.
- ***Disempowered status of sex workers influences the nature of sexual activities:*** The clients have informed that the “provision of having sex with payment” provides the possibilities of pursuing sexual activities “which in any other condition would be kept concealed.” The clients have mentioned that they push for “*unconventional sex with sex workers as the sex workers are in a position of accepting those proposals for additional payment or pressure.*” Thus the disempowered status of the sex workers motivates the clients (with real authority) to transform many of their dormant sexual fantasies into realities.

It needs to be clarified that the supply of sex worker is not a spontaneous phenomenon; the sex workers in most cases are created through a coercive and deceptive process of trafficking. As such, the very existence of supply is a result of active interplay of demand-side actors and socio-economic factors that enhances vulnerability of women and children to sexual violence and exploitation. On the other hand, the clients of the sex workers are not a product of the supply-side actors. The supply-side actors mainly have a secondary role in influencing the behaviour of the individuals who appear as demand-side actors in the “sex market”.

### **3. Sexual behaviour of the clients and demand of trafficked children and women**

One of the women in sex work described, “Now the demands of clients have changed due to the “blue film”. Demand for oral, anal, group sex, etc. is increasing due to the X-rated movies. The clients want to have oral and anal sex, want us to take part in masturbation and want to have sexual-relief between our breasts.” The woman added that although she tried her best to resist, sometimes she had to give in to these demands. According to the pimps of the sexually exploited boys, there are MSMs who are violent and aggressive towards the sex workers. The pimps have informed that some “clients force the boys to accept the sexual activities. They threaten and physically assault the boys.” The pimps have experienced that a section of the clients is “not sexually aroused without being abusive”.<sup>33</sup>

The sexually exploited girls have noted that the clients are seeking “abnormal” or “perverted” sexual practice and pleasure. The girls have mentioned that the clients also identify these activities as “abnormal”. One of the clients explained, “*Our wives or no good women will ever accept what the prostitutes are willing to do to satisfy their clients*”. This indicates that the mainstream sexual judgments are very much retained by both the sex workers and their clients. These so called “abnormal” sexual practices

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<sup>33</sup> INCIDIN-ILO; 2005

include all forms of sexual interactions other than “vaginal sex”. The list of “abnormal or perverted” sexual activities includes oral sex, anal sex, thigh sex, breast sex, licking, body sucking, masturbation etc. These practices may or may not be considered “perversion” by all but the findings simply reflect that there are certain sexual practices and needs of the “clients in the sex-selling market” that demand a group of women and children who are not able to reject any form of sexual proposals even if it means falling out of the mainstream sexual practices.<sup>34</sup>

This element of demand is critical in facilitating entry of “trafficked women and children” who are unable to deny any form of sexual pressure and proposition. This is one of the important findings of the recent study on demand (INCIDIN-ILO, 2005). The study further reveals that the clients are not at all seeking “safe sex”; they are more interested in “maximizing sexual pleasure”. Although, the sex workers are found to be aware (to an extent) of STDs and HIV/AIDS, they in most cases are not found to be regular users of condoms. When enquired, the commercially children and women in commercial sex have repeatedly mentioned that the clients are usually forcing them to “have sex without condom”. This once again reveals a power-imbalance going against the sex workers. This also makes a case for entry of trafficked women and children into the sex work, as “obedient service providers” with little or no bargaining power,.

Within this demand driven market scenario, the sex workers are expected to be “submissive”, “non-judgmental” and “pleasing” (INCIDIN-ILO, 2005). The sex workers and their clients both agree that, beyond the framework of “prostitution” no woman or child may agree to accept all these sexual demands. This is exactly why the traffickers became essential to recruit and maintain groups of women and children within the network of commercial sexual exploitation. At the same time the preference of the majority of the clients towards sex workers who are not yet adults (i.e. the children) and who are submissive, reveals the following two implications:

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<sup>34</sup> INCIDIN-ILO; 2005

1. The clients hold preference for child sex workers who are illegal under the laws. It calls for a process of recruitment, retention and utilization of children for sex work beyond the realm of legality. This therefore provides a rationale for “trafficking in children” to the sector of commercial sex work.
2. The desire of having access to services of a submissive sex-partner within the context of commercial sex work also creates a case in favour of “trafficking in children” to the sector of commercial sex work.

Therefore, in general, the preferences of the clients (i.e. age and behaviour related preferences) create a “market demand” for having access to young girls who are extremely submissive to the clients. This in turn popularizes trafficking in children for prostitution as trafficking can assure recruitment of children (by means of force, deception or abuse of authority etc.) and their compliance to the every whim of their clients. This is because being captive, isolated and invisible from the law, trafficked children have least bargaining power and protection within sex work.<sup>35</sup>

On the other hand, the demand of the clients for younger girls has two specific impacts on the employers and pimps in the sector of sex work. Firstly, demand of the clients forces the pimps, recruiters and traffickers to always look for “fresher and younger girls”. Secondly, as the clients loose interest on an aged sex worker, she may turn into a pimp, recruiter or trafficker to supplement her income and livelihood. This helps to understand why many of the trafficked girls and women later have themselves turned into traffickers. In the Dauladia brothel all the *bariwalies* (i.e. the house owners and employers of sex workers in a brothel) were found to be ex-sex workers.

#### **4. Going away from the blame game**

Getting back to the issue of blame game over supply- and demand-side responsibilities in relation to prevalence of sex work and trafficking – we will try and assess two interlinked

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<sup>35</sup> INCIDIN-ILO; 2002



questions. First, let's deal with the question of whether it is the trafficked person who provokes demand for "sex work"? In this regard, the discussion so far does not provide any direct evidence that the trafficked individuals into sex work are directly contribution in construction or expansion of demand for sex work. However, the presence of sex workers, their extremely submissive and vulnerable status (specially in case of trafficked individuals) have been found to play a limited role in defining the effective demand, nature of sexual conducts and behaviours of clients in the sector of sex work.

The second question is related with whether it is the organizers and clients (i.e. the demand holders of sex work) who create and maintain sex workers and sex work. In this regard, the discussion so far doeses place adequate evidence to hold the demand-side actors directly responsible for creating both the context and actual presence of trafficked persons within the sector of sex work.

It should be noted that sex workers, being largely women, marginalized and socially stigmatized, have little voice in conveying their vulnerabilities. Moreover, trafficked women and children are largely invisible to the mainstream communities. On the other hand, the clients and to some extent the organizers of commercial sex enjoy a greater hegemony in the social, economic and political spheres. Often, it is the agenda of the clients that dominates the policy space when comes the question of sex work and governance. The HIV/AIDS interventions are one such area in which the sex workers are often targeted to ensure that the "diseases" do not spread among the "good women" and the men visiting the sex workers. Therefore, extreme caution should be observed, when discussing and analysing the roles of trafficked individuals and supply side actors in expansion of the demand and market of sex work so that the "victims" are not re-victimized.

In Bangladesh, the women and children of Rohingya communities (who were displaced from Myanmar) are exposed to a high risk of being trafficked into commercial sex. A recent study notes that the mainstream host communities generally hold a negative impression over the Rohingas (who are viewed as an opportunity-seeking community of

foreigners intruding Bangladesh for selfish gains). This negative mindset popularizes an opinion that it is the Rohingya women who “initiate prostitution voluntarily” in their efforts to survive and integrate in Bangladesh.<sup>36</sup> In this regard, their situation can be considered similar to the situation of any trafficked individual in sex work in a foreign land - the host communities are extremely quick in shifting the “blame” upon the “alien”. This aspect of racial discrimination should also be kept in mind while a demand analysis of sex work is carried out in relation to trafficking in persons (especially cross-border trafficking).

At this stage it is important to recall that the findings of the study on demand-side dynamics of trafficking, has indicated that there is an interrelationship between the demand and supply dynamics of trafficking for sex work (INCIDIN-ILO, 2005). One such interrelation is visible through the transformation of the “victims of trafficking” into traffickers. In other words, an action can move out of supply-side and join the demand-side of the market of “sex”. This blurs the distinction between the two sides and also indicates that the two sets of questions that we are attempting to answer are interlinked.

Considering the gender, ethnicity and social power-position of the different actors along with the inter-dependency and their capacity of moving from one side of the equation to the other – it is high time that the blame-game on trafficking demand and supply is abandoned. It is important to set research objectives beyond the persuasion of weighing and comparing the “guilt” of these two sides. Once we get out of the blame-game, it becomes clear that the challenge is to study the interface of demand and supply actors and factors in framing the realities of trafficking for sex work across the globe.

<sup>1</sup> INCIDIN Bangladesh; December, 2005; *The Dreaded Demand: Study on the Demand-Side of Trafficking of Women and Children in Bangladesh*; ILO-IPEC: The study had applied both quantitative and qualitative methods of data collection. It used the quantitative approach to create overview of sectors and benchmark for inter-sector comparison. The qualitative data are used for detailed description of different socio-economic contexts

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<sup>36</sup> Ali, AKM Masud; 2007; Situation Analysis of Human Trafficking in Cox’s Bazar District. IOM, Dhaka

and analysis of the motivations and functional roles of different stakeholders. This study on demand side of trafficked women and children was carried out in the following three sectors: commercial sexual exploitation, domestic labour and organized begging.

To have an understanding on geographical variance of demand, the study included Dhaka (a mega city) and Khulna (a port city). To cover the brothel based commercial sexual exploitation an additional area was included (i.e. Rajbari; Douladia). The study in total involved 1,165 respondents under the quantitative approach and around 474 participants (including the key informants). This paper is based on findings of the study regarding the sector of “commercial sexual exploitation” of women and children (both boys and girls). The sample of the “commercial sexual exploitation” included the following; 559 units of respondents from street-based “commercial sexual exploitation” and 80 units of respondents from brothel-based “commercial sexual exploitation”.

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## **Research on trafficking in persons in South East Asia: a comment on recent trends, along with remaining gaps and challenges.**

Fiona David<sup>37</sup>

### **Introduction:**

In the past decade, there has been an incredible growth in responses, programmes and projects that seek to address the issue of trafficking in persons in South East Asia. Numerous indications point to this growth. For example, in 1998, Cambodia and Thailand were possibly the only two countries in the region with laws that mentioned the word “trafficking”.<sup>38</sup> By 2008, nine of the ten ASEAN countries have laws that specifically criminalize aspects of “trafficking”.<sup>39</sup> Also in 1998, there were only a handful of projects operating in the region with a focus on trafficking. By 2008, it is fair to say that some parts of the anti-trafficking field in South East Asia have become positively crowded, with coordination turning into an important issue. For example, in the Greater Mekong Sub-region, the United Nations Inter-Agency Project on Human Trafficking has brought together representatives from six governments, thirteen UN agencies and eight international NGOs.<sup>40</sup>

While there has been an incredible growth in anti-trafficking responses and programmes, it remains to be seen whether there has been a similar growth in relevant *information* or *knowledge*

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<sup>37</sup> Australian Institute of Criminology. The author would like to thank Dr Anne Gallagher, Phil Marshall, Dr Nicola Piper and Maria McMahon for providing comments on an earlier draft of this paper.

<sup>38</sup> See for example, the *Measures in Prevention and Suppression of Trafficking in Women and Children Act 1997*, Thailand; and the *Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings, 1996*, Cambodia. In 1999, the Philippines introduced draft legislation into Parliament on this issue (see further, David. Monzini and Peruffo, 1999, 62). A 2004 report on the legislative response to trafficking in persons in Vietnam notes that Article 119 of the Vietnamese Penal Code 1999 created the offences of “trafficking in women”. It is not clear from the report whether this provision was introduced in 1999 or at an earlier point in time (Ministry of Justice, 2004, 11).

<sup>39</sup> As of January 2008, Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam all have laws that criminalize aspects of trafficking in persons. See further, ASEAN 2006; and ASEAN 2008 (forthcoming).

<sup>40</sup> [http://www.no-trafficking.org/uniap\\_frontend/Default.aspx](http://www.no-trafficking.org/uniap_frontend/Default.aspx)

about key issues. Given all this activity, do we actually *know more* in 2008 about trafficking in persons in South East Asia than we did in 1998? What are the key gaps in our knowledge that might be filled by further research, and what are the challenges that research on this issue needs to address?

In this article, I will make several comments about these issues, based on a review of research on trafficking in persons in South East Asia recently published (post-2005) in the English language. This review suggests that:

- Research on the typology of “trafficking in women for the purposes of sexual servitude” remains the dominant focus of research. Nonetheless, there are a small number of studies that are beginning to examine labour trafficking, and trafficking in sectors outside of the sex industry.
- The Mekong sub-region (and particularly Cambodia and Thailand) remains the geographic focus of most research on trafficking in South East Asia. However, there are a small number of studies beginning to examine the situation in Indonesia (and to a lesser extent, Malaysia and Singapore).
- There appears to be increasing numbers of studies that would probably withstand some of the more enduring criticisms that have been made about research on trafficking. These include studies that have used a mix of quantitative and qualitative methods, relied on primary data drawn from large sample sizes, and approaches that reflect a philosophy of participation in research.

Key gaps in information that remain to be filled by further research include:

- Information about how key components of the anti-trafficking response are actually operating in practice. The criminal justice sector and the victim support sector are two important sectors where there is information about theory (laws, policies, procedures) but very limited



or even no information about practice. This makes it very difficult to assess the impact or effectiveness of these responses.

Key challenges facing the broader production of information and knowledge on this issue (including through research) include the following:

- The lack of capacity within most national governments in the region to undertake basic data collection, compilation and analysis. This lack of capacity is not specific to trafficking in persons. However, it undermines capacity to make informed decisions on an issue that has attracted considerable resources.
- The need for a continued focus on the issue of *quality* and *approach* to research on trafficking in South East Asia, bearing in mind considerations of research method, data sources, sample size, quality of analysis and concepts of participation.

### **The politics of producing “knowledge” on trafficking in persons**

In any consideration of what we know or do not know about trafficking in persons, including in South East Asia, it is important to begin by acknowledging that this assessment is not simply a technical exercise. There are political considerations deeply embedded in any consideration of “knowledge” on “trafficking in persons”. This begins right from the apparently simple task of framing a research agenda – who gets to decide what it is that we might want to know, and how is this influenced by their perspective on the issues?

Considered from a government policy development perspective (for example, a government wanting to implement the UN Trafficking Protocol), or perhaps from the perspective of an international organization trying to develop programmatic responses to trafficking, key issues would seem to include:

- Understanding trafficking as a phenomenon – what does the problem look like, where does it happen, who does it affect and how, why does it happen?

- Developing and testing responses that address priority issues – what might actually work to prevent the problem occurring or to mitigate its impact?
- Ensuring we understand how these responses are actually working in practice – having developed our laws, policies and procedures, how are these being implemented (or not) in practice?
- Ensuring we have the capacity to assess the impact and effectiveness of these interventions – what is the impact (positive and negative) of our policies and procedures, and are they effective, when measured against the particular standards we have set?

Considered from a broader political perspective, the *choice* of questions (and the meaning or *content* of those questions) becomes far less clear. Many people are familiar with the debates around the meaning of “sexual exploitation” in the context of trafficking in persons. In short, one person’s “sexual exploitation” is another person’s “work”. To a certain extent, debates around terminology can be resolved by reference to the text of the UN Trafficking Protocol, which refers to the “exploitation of the prostitution of others or other forms of sexual exploitation” rather than equating “exploitation” with prostitution (Article 3(a)). However, many aspects of the Protocol remain deliberately open to interpretation. Accordingly, it is likely that these debates will continue to have a profound impact on practice in this area, including the practice of research.

Debates around priority – and debates around which research questions are the most important – can reflect broader debates about choice of paradigm. For example, debates remain over the value of using “trafficking in persons” as a paradigm to explain situations that could arguably be described more simply and clearly as abuse of migrant workers, labour exploitation or a failure to respect human rights.<sup>41</sup> Choice of paradigm fundamentally impacts on design and implementation of research, which then impacts on “what we know”. The production of

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<sup>41</sup> See for example: Doezema, 2000, 13; David, 1999 (both written prior to the formulation of the UN Trafficking Protocol); and more recently: Marshall, 2005, 153-154; GAATW, 2007, 12; Weitzer, 2007.

knowledge is not merely a theoretical issue, as this is one arena where knowledge (and political theory) is rapidly translated into practice.

It can also be difficult to know exactly which questions we should be seeking to answer, bearing in mind debates around “top down” and “bottom up” approaches to development. Is it possible to balance approaches that reflect *participation* in development practice (a concept that necessarily implies a level of local level engagement in problem definition and solution) with the reality that the concept of “trafficking in persons” is an international legal concept, defined and developed in an international setting? What if the international community is interested in trafficking in persons but the local community is not? The *Paris Declaration on Aid Effectiveness* talks about matching donor and national priority. However, even if these two sets of priorities can be matched (which remains to be seen), this may not always translate into local level interest.

In terms of research practice, there can also be a tension between wanting a degree of conceptual clarity (a need that is met to an extent by making use of the legal definition of “trafficking in persons”) while recognizing the limits of legal terminology to explain real-world situations that are messy and complex. Similarly, while we may want to use shorthand terminology such as “Thai women” or “victims and offenders”, decades of writing on development, post-colonialism and gender sensitive approaches to research suggest we should be very cautious about using generalizations that mask important differences.<sup>42</sup> This tradition would suggest that specificity, consideration of local context, and capacity to identify, describe and analyse complexity are key considerations in any research on trafficking, including in South East Asia.

### **Key questions and methodology:**

Bearing these and many other tensions in mind, it is nonetheless interesting to consider some of the recent trends in research on trafficking in South East Asia. What is research focusing on (and not focusing on)? What are some of the gaps in our information on this issue that might be

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<sup>42</sup> See for example, Mohanty, 1988; and Beetham and Demetriades, 2007.

filled by further research? What are some of the challenges that researchers may need to consider, in the design and implementation of research in this context?

To help find some answers to these questions, I have sought to locate and review research on trafficking in persons in South East Asia, with a publication date of 2005 or later.<sup>43</sup> For present purposes, this includes research (that is, writing that reflects data collection and analysis) that either:

- Focuses directly on the issue of trafficking in persons; or
- Focuses on a related issue (such as migration, labour migration or the sex industry) while also making observations about trafficking in persons; and
- That has a geographic focus on one or more parts of South East Asia.

This is not a perfect categorization. Any attempt to put boundaries around “research on trafficking in persons” comes hard up against many of the political considerations noted above. Also, information about trafficking in persons that involves people *from* South East Asia may be located in studies about other parts of the world. Finally, as a desk-based review, it is very likely that I will have failed to locate some studies.<sup>44</sup>

I have chosen the time period, 2005 or later, because Dr Nicola Piper considered the state of research on trafficking in an article first published in late 2005. Using her analysis as my starting point, I will consider whether there have been changes in recent research on trafficking in persons, in relation to the following fairly limited criteria:<sup>45</sup>

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<sup>43</sup> I have specifically excluded any studies that were considered by Dr Piper in 2005, as demonstrated by the bibliography for her article.

<sup>44</sup> To locate relevant studies, I have looked at several ‘trafficking specific’ online reading rooms, including UNIAP’s reading rooms, located at [www.no-trafficking.org](http://www.no-trafficking.org); and [www.humantrafficking.org](http://www.humantrafficking.org); along with the ILO, IOM and UNODC websites; weblinks from the Scarlet Alliance website in Australia to international sex worker organizations working in the region; and the GAATW website. I also looked at studies compiled by the Asia Regional Trafficking in Persons internal project library, which is maintained by a full time Information Officer; along with more generic internet searches by location and topic.

<sup>45</sup> For an example of far more comprehensive and systematic review of literature on ‘trafficking in persons’ in relation to one country in the region (Cambodia), see further Derks, 2006.

- Subject focus: which types of trafficking in persons are being studied?
- Geographic focus: which regions or countries are being studied?
- Issues relating to quality and approach to research, including research method, data source, sample size, analysis and concepts of participation.

In commenting on these issues, I recognize that I am limited by my capacity to access and understand information. In particular, I read and write in the English language only. I am also aware that knowledge is not only produced through formal research – it can just as equally be developed through practice that may or may not be documented.

### **Research on trafficking in persons in South East Asia in 2005:**

In an article that was published in 2005, Piper undertook a detailed review of the literature on trafficking in persons in South East Asia. She considered the state of research from several different perspectives, including the following:

- The research context: who is funding research and who is doing the research?
- Geographic focus: which regions or countries are being studied?
- Subject focus: which types of trafficking in persons are being studied?
- Gender.
- The influence of key political debates and choice of paradigm.
- The methodology applied in existing research and data sources.

Based on her analysis, Piper concluded that existing research on trafficking in persons in South East Asia was voluminous. Quantitatively speaking, there was a lot of research and writing on this issue, reflecting both heavy political and public interest. However, considered from the perspective of scope or coverage of the potential range of issues, existing research was fragmented, patchy and incomplete.

For example, when the state of research was considered from the perspective of typology, Piper noted that there was far more research on the limited issue of trafficking of women and children

for the purposes of sexual exploitation. In contrast, there was almost no research on the sectors or the issues that might affect men, or the broader issue of labour trafficking. At that time, research on the issue of trafficking in persons tended to operate in parallel or isolation to another world of research on labour, including labour exploitation (Piper, 2005: 211).

When the state of research was considered from the perspective of geographic focus, it was apparent that certain countries and sub-regions within South East Asia had received more and perhaps different attention in research than others. For example, the Mekong sub-region was particularly heavily researched, particularly from the perspective of trafficking. In contrast, there was far less research that considered the situation of Indonesia, Malaysia or Singapore. Research in that context tended to focus on the issue of labour migration or migrant workers (Piper, 2005: 209).

While Piper did not comment directly on the issue of research quality, she did comment on the related issues of research methodology and data sources. She noted that researchers were tending to rely on qualitative methods, including interviews with secondary sources. There was limited research that drew on primary sources. Also, research projects tended to be limited to a particular point in time, resulting in a “snap shot” of a particular issue, in a particular location at a particular moment in time. Finally, there was almost no research that draws on larger scale quantitative data – reflecting difficulties of access, definitional challenges and perhaps the hidden nature of trafficking itself (Piper, 2005: 216).

### **Research on trafficking in persons in South East Asia since 2005:**

A review of research on trafficking in persons in South East Asia published since Piper’s article suggests that it is still fair to say that research has focused overwhelmingly on the limited typology of “trafficking of women and children for the purposes of sexual exploitation”. Even the quickest review of any of the numerous trafficking bibliographies by country or by region will confirm this is the case<sup>46</sup>. This has also been confirmed by systematic reviews of the literature in both Cambodia and Thailand, two of the more heavily researched countries in the

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<sup>46</sup> See for example, reading rooms by country on the UNIAP website.

region (Derks, 2006; UNIAP, 2007). For example, in 2006, the United Nations Inter-Agency Project on Human Trafficking in Thailand initiated a research project to collect, collate and analyse existing reports on trafficking in Thailand. As part of this project, the researchers developed an inventory of more than 250 existing reports relating to human trafficking in Thailand. Of these, roughly 64% focus on women and children who have been sexually exploited. At the time of the research, no reports specifically focused on men or typically male occupations (UNIAP, 2007: 8). In this sense, the focus of existing research tends to both reflect and probably reinforce dominant stereotypes about trafficking in persons as a phenomenon that “predominantly affects women and children” (GAATW, 2007: 12-13).

While research on this one typology continues to be more heavily researched than others, research on other typologies is beginning to emerge. In 2006 and 2007, there were several large-scale research projects involving Thailand that explored the issues of labour exploitation in factory work, fishing (including fishing boats and fish processing), manufacturing and agriculture.<sup>47</sup> Significantly, these projects employed standardized survey methodology across several employment sectors, with large sample sizes.<sup>48</sup> Although the research was conducted as part of a larger project focused on women and children, in at least one of these studies, the samples included information about both young men and women<sup>49</sup>. While the research was primarily directed at understanding “labour exploitation” (reflecting terminology in key ILO treaties), the research also involved consideration of indicators of trafficking.

It is also important to recognize that key data and information is being generated in contexts other than through formal research. For example, the IOM Mission in Indonesia has collected standardized data from all trafficked persons assisted by the Mission since 2005. All screening is undertaken using a standardized interview guide, which was developed to be consistent with

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<sup>47</sup> Pearson, 2006; Federation of Trade Unions, 2006.

<sup>48</sup> Research on the situation of child migrant workers in Mae Sot in Thailand involved the conduct of interviews with 313 children working in that location: Federation of Trade Unions, 2006, 2. Research on the issue of the trafficking and labour exploitation of young workers in Thailand involved a survey of 376 migrants working in three sectors (agriculture, fishing and manufacturing), data from interviews with 360 migrant domestic workers, a survey of 316 employers, and in-depth interviews with 97 migrants, 44 employers and 10 recruiters: Pearson, 2006, xix.

<sup>49</sup> The Pearson study focused on females aged below 26 and males aged below 21. See further, Pearson, 2006, 12.

the UN definition of trafficking. While the Mission does not have the capacity to undertake research based on the data, it has sought to compile and publicly report key data. Some of the key programme data includes the following:

- In the time period March 2005 – April 2007, the programme has formally identified and assisted 2273 trafficked persons.
- This included 12 infants (aged 0-3), 631 children (aged 3 – 18) and 1630 adults (1499 women and 131 men).
- The dominant form of exploitation was domestic work (55%), followed by forced prostitution (16%). Other forms of exploitation including exploitation during transit (10%), plantation work (5%), waitressing (4%) and factory work (2.7%).<sup>50</sup>

At least in the South East Asian context, the publication of programme data is a relatively unusual step. There can be legitimate reasons for not sharing programme data, such as concerns about privacy or a need to ensure operational security. However, it is likely that these are not the only reasons why data is not more routinely shared. From my own limited experience, key issues would seem to include fear of criticism (particularly in the context of the US Trafficking in Persons report), the challenges of maintaining relationships with stakeholders in fairly difficult situations and a lack of attention to this issue. This lack of information sharing is unfortunate, as it would appear that there is frequently a mismatch between capacity to collect and compile information (generally, the domain of development projects and service providers) and capacity to undertake detailed analysis, including consideration of broader contextual factors (generally, the domain of researchers). In the South East Asian context, some of the larger development projects have funding and capacity to undertake research but many do not. For example, in the case of IOM Indonesia, the medical staff involved in the victim return and reintegration programme are generally too busy delivering health services to have the luxury of writing research reports.

### **Geographic coverage: what regions, countries or locations are being studied?**

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<sup>50</sup> IOM, Victims of Trafficking Assisted by IOM Indonesia, March 2005-April 2007, available at <http://www.iom.or.id/>.



In 2008, it appears that the Mekong sub-region, and particularly Cambodia and Thailand are a particular focus for research on trafficking in persons. On the basis of a simple literature review, it is not possible to say whether this focus reflects an objective assessment that trafficking in persons is more prevalent or more serious in these locations; or perhaps broader structural factors. Some of the more obvious structural factors that come to hand include the heavy presence of donor funded programmes and projects in Cambodia and Thailand, the situation of Bangkok as a regional hub for many international organizations and development agencies, and the complex historical and political factors that mean that some countries in the South East Asian region are more open to Western-funded development projects than others.

Issues arising in other parts of South East Asia, and particularly Indonesia, Malaysia and Singapore, appear to be receiving increased attention in recent years. Recent research includes a study by Anti-Slavery International on the situation of domestic workers in the Middle East (a destination for Indonesian workers), research by Human Rights Watch on the situation of domestic workers in Singapore and Indonesia, a report prepared by the American Solidarity Centre involving an assessment of the trafficking of women and girls, and responses to this issue, in 15 provinces of Indonesia; and research by ICMC on trafficking of women and girls in Papua<sup>51</sup>. To date, research has focused primarily on the situation of women and girls, and heavily on the issue of the abuse of domestic workers.

It is likely that these countries will become the subject of even greater focus in coming years. In 2007, Indonesia and Malaysia enacted specific anti-trafficking laws. These legislative reforms should introduce much needed conceptual clarity around key terminology, such as the meaning of “trafficking in persons”. Arguably, these legislative reforms also reflect an increased public focus on trafficking in persons as a phenomenon that affects both of these countries. Whether or

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<sup>51</sup> American Solidarity Centre, *When they were sold: Trafficking of Women and Girls in 15 Provinces of Indonesia*, 2006; Human Rights Watch, *Maid to Order: Ending Abuses against Migrant Domestic Workers in Singapore*, 2005; Human Rights Watch, *Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia*, 2005; International Catholic Migration Commission, *Behind Locked Gates: An Assessment Report on Trafficking of Women and Girls in Papua*, Indonesia, 2005; Anti-Slavery International, *Trafficking in women, forced labour and domestic work in the context of the Middle East and Gulf Region*, 2006.

not this leads to the production of more (or better) research on this issue will inevitably be determined by considerations of capacity and funding.

### **What are the gaps in terms of what is being studied?**

Despite the volume of research on “trafficking in persons” in the South East Asian context, it is not difficult to locate what would appear to be important gaps in the research. One of the critical gaps relates to the need to improve our level of understanding about how anti-trafficking responses are actually operating in practice. Without this information, it is impossible to move beyond merely describing what we say the responses are, to understanding what is actually happening in practice. This information is a crucial first step towards understanding impact and effectiveness.

Recent research through GAATW has highlighted the significance of this information gap. The 2007 report *Collateral Damage* involved examining how anti-trafficking responses were operating in practice in a selection of countries around the world, including in Thailand. The research sought to understand the impact that anti-trafficking responses were having on the human rights of intended “beneficiaries” and those at the sidelines. The research noted a lack of proportionality in responses, resulting in unacceptable and unnecessary abuses of human rights (or “collateral damage”) from anti-trafficking responses. The GAATW research has focused attention on the importance of understanding the impact and effectiveness of anti-trafficking responses, within a broader human rights framework. However, as noted by the editor of the GAATW report, there is still much more work that should be done on this issue (GAATW, 2007: 27).

There appears to be a particular need for further research on the practical operation of the criminal justice system in this context. Research has been relatively successful in documenting the key components of criminal justice responses to trafficking: laws, policies and procedures. Recent research has focused on compiling this information at the regional level, allowing a

degree of comparison.<sup>52</sup> However, this has not involved a consideration of effectiveness. Before this can occur, information is needed about how criminal justice systems are actually operating in practice. What happens when police or immigration officials identify a suspected victim of trafficking? What is the victim's experience of participating in a criminal justice process? What investigative techniques the police actually use to investigate trafficking offences? What actually happens in court when a defendant is charged and tried for a trafficking offence?

The results of even the smallest-scale observation of the criminal justice system in operation can be illuminating. For example, in 2005, a project officer from the Asia Regional Trafficking in Persons project observed the trial of an individual accused of "trafficking" in Lao PDR. Key observations included that:

- The accused was not represented even though he faced a considerable jail sentence as a result of the proceedings.
- The arresting officer was not present at the trial. In fact, no one involved in the investigation either attended or gave evidence at the trial.
- No witnesses gave evidence (none were present and none were called).
- No evidence was tendered to the court.
- The accused made admissions to having transported the victims. However, there was no discussion or evidence of how this transportation in any way related to the exploitation of the victims in Thailand.

The accused in this matter was found guilty of smuggling and trafficking and was sentenced to 15 years imprisonment. In addition, the court imposed fines and ordered seizure of property, to the value of approximately USD \$5000 (ARCPPT, Internal memo, 2005). In the absence of further research on this issue, it is difficult to know if this single experience is unique or reflective of standard practice in trafficking (or other criminal) prosecutions in Lao PDR or other countries within the region.

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<sup>52</sup> See for example, ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, Jakarta, 2006.

Detailed information is also required about operational practices regarding victim support and reintegration measures. In some locations, there will be significant challenges in simply documenting who is involved and in understanding what they do. For example, in a survey conducted by UNICEF in Cambodia in 2005, it was found there were around 80 government departments and non-governmental organizations in Cambodia that self-identified as working with victims of trafficking.<sup>53</sup> In addition to needing to understand which agencies work in the field and what their respective mandates are, we need to understand what services are being delivered and to whom. Have these services been developed in response to an assessment of need? Have clients been asked for their views on the appropriateness or quality of the services provided?

While it is likely that internal programme evaluations may have been undertaken, there is very little published research on this issue. One exception is research conducted through IOM in Cambodia about the situation of children who were identified as victims of trafficking and provided with support services through a network of NGOs (Chenda, 2006). The study sought to understand the experiences and views of a small sample of children who had received this sort of assistance. While initially hoping for a sample of 20 children, the researchers were ultimately only able to locate 17 children who met their criteria (Chenda, 2006: 8). The research found that:

- some of the children interviewed claimed to have experienced physical abuse either by shelter staff or by other children but none of the children claimed that they had been sexually abused;
- the children had divided opinions about whether they preferred to be at home or at the centres;
- most of the children found the services that they received to be useful: but some services were not useful (English language classes) and there were gaps in services (particularly the provision of medical support after return to families);
- the children did not experience discrimination in reintegration.

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<sup>53</sup> Cited in White, 2006.

While the research involved a fairly small-scale study, the author documented limitations inherent in the research process, and noted that these limitations impacted on capacity to make generalized claims (see further, Chenda, 2006: 8 and 33).

Other examples of recent research that have a focus on the practices of the victim support sector include research through GAATW, and also through the Asia Regional Trafficking in Persons project. This research has focused on the practice of some shelters of effectively detaining their clients, a practice that is difficult to justify on either legal or policy grounds.<sup>54</sup>

While it is important to move towards capacity for evaluation of impact and effectiveness, it is important to be realistic about how difficult this will be. It is very difficult to attribute cause and effect in a heavily crowded and complex field. For example, police in the region receive training not only from anti-trafficking projects but also from initiatives to combat terrorism, transnational organized crime and money laundering, to name a few. There are also factors that lie beyond the reach of anti-trafficking initiatives and projects that make the process of compiling and making sense of even the most basic information very difficult. For example, in Cambodia, there is no centralized system for recording the progress of court cases through the judicial system. This makes the process of tracking cases (including trafficking in persons cases) almost impossible. Also, given the criminal justice context for many anti-trafficking initiatives, the impact of corruption on capacity to access information has to be considered. Finally, as several practitioners working in this field have already noted, the task of evaluation is made particularly difficult if initiatives and projects are structured around poorly defined outcomes (such as “improve victim support”), or outcomes that may or may not have any relationship to real change (such as “improve awareness of trafficking”).<sup>55</sup>

As the recent GAATW report has highlighted, there are also significant differences of opinions on what “effectiveness” constitutes in this context. On one view, a simple increase in the number of “trafficking prosecutions” may be seen to indicate progress. On another view, simply increasing the number of prosecutions in situations where there is no capacity for a fair trial is

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<sup>54</sup> GAATW, *Collateral Damage*, 2007, 177; Asia Regional Trafficking in Persons Project, *Issues Paper 1: Detention of victims in shelters: a legal and policy analysis*, forthcoming 2008.

<sup>55</sup> Marshall, 2005, 148; US Government Accountability Office, 2007, 22.

simply perpetuating more injustice. This underscores the importance of ensuring that concepts of *effectiveness* in relation to anti-trafficking policies and practices draw heavily of broader human rights frameworks.

To this end, many international organizations and individual projects working in the region have sought to position the issue of trafficking in persons within a larger conceptual framework that takes account of international legal obligations drawn from treaties on human rights, labour and the rights of migrant workers. This is reflected in recent standard setting within the region, most notably through the Association of South East Asian Nations (ASEAN), that seeks to strike a balance between the legitimate role of the criminal justice agencies to investigate and prosecute crimes including trafficking in persons, with the need to respect the human rights of all persons, including those identified as victims and offenders.<sup>56</sup>

### **Issues relating to research quality and approach:**

While consideration of “what and where” is researched is important, it is equally important to consider “how” research was conducted. This necessitates consideration of a set of issues that can broadly be considered as ‘research quality’. The issue of research quality is highly sensitive, as it implies a critique of the work of individuals and organizations. Also, evaluating the quality of research can be difficult and subjective. For example, opinions vary on the purpose and value of research – is research about the production of “facts”, the pursuit of social justice or a mix of both? Some people argue that quantitative approaches are necessary to “prove” things, while others point to the impossibility of “counting” some important features (for example, empowerment or exploitation), while others note the gender biases that are inherent in some purely quantitative approaches.<sup>57</sup> While recognizing the debates inherent in any conceptualization of research quality, I would suggest that this is an important issue that has to be addressed if we are to have any insight into the value of the knowledge that is being produced.

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<sup>56</sup> See further, *ASEAN Criminal Justice Responses to Trafficking in Persons: ASEAN Practitioner Guidelines*: ASEAN, 2008, 34.

<sup>57</sup> See for example, Beetham and Demetriades, 2007, 203.

One way to consider the issue of research quality is to consider some of the criticisms that have been made about research on trafficking in persons over the years, and to consider recent research in light of these criticisms. There have been some very pointed critiques of the state of “research on trafficking in persons” over recent years. Some of these critiques focus on what might broadly be described as a lack of rigour in research. For example, commentators have noted the lack of reliance on primary data sources, a propensity to make generalizations on the basis of small, unrepresentative samples, and the repeated reproduction of questionable and unverifiable estimates of the size of the problem.<sup>58</sup>

Other critiques have related not so much to the conduct of research but to the conceptualization of key questions, and the use of the “trafficking in persons” paradigm.<sup>59</sup> In a recent article critiquing research on the sex industry, Jo Weldon stated:

I question the social basis that leads researchers to believe that the questions they’re asking are worth asking (Weldon, 2006).

Using a similar line of thought, we might ask why is research directed at “trafficking in persons” when there are far broader social justice issues at stake, such as the abuse and exploitation of migrant workers? These are not simply theoretical questions. As Mike Dotteridge notes in his editorial to the *Collateral Damage* report:

... the narrow focus on trafficking seems in many countries to act as a justification for not taking action to end all the abuse to which migrant workers in the informal sectors of the economy are subjected.<sup>60</sup>

Other criticisms of research on trafficking in persons relate to a group of issues that might broadly be described as *approach* to research. Research on trafficking, and particularly research involving the sex industry has also been criticized for its failure to understand, engage and

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<sup>58</sup> See for example, Weitzer, 2007, 455 - 456; Makkai, 2003.

<sup>59</sup> See for example, David, 1999; Doezema, 2000.

<sup>60</sup> GAATW, *Collateral Damage*, 2007, 12.

involve the “objects” of study in the entire research process.<sup>61</sup> Debates around the conduct of social science research as an *extractive* or more *interactive* process are closely linked to considerations of research quality. How can we seek to understand or interpret complex social realities without the participation of the people who live in those systems? Debates around participation in research are also linked to considerations of power and disempowerment. How can we credibly pursue research for social justice outcomes without engaging and involving the people we allegedly want to help?<sup>62</sup>

Would recent research on trafficking in persons in South East Asia be subject to criticism on these grounds? It is certainly possible to locate recent research that reproduces some of the grand generalizations of this discourse (for example, “trafficking predominantly affects women and children”, “trafficking in persons is increasing”, or “trafficking in persons is one of the most profitable forms of organized crime”). However, it is also possible to locate a number of examples of recent research that are far circumspect in their presentation of “fact”, that involve the use of mixed qualitative and quantitative research methods, that involve heavy or exclusive reliance on primary sources, and that demonstrate a degree of caution in their analysis that more clearly reflects their methodology and sample size. For example, recent research conducted through ILO on the situation of child migrant workers in Mae Sot in Thailand involved the conduct of interviews with 313 children working in that location.<sup>63</sup> Recent research also conducted through ILO on the issue of the trafficking and labour exploitation of young workers in Thailand involved a survey of 376 migrants working in three sectors (agriculture, fishing and manufacturing), data from interviews with 360 migrant domestic workers, a survey of 316 employers, and in-depth interviews with 97 migrants, 44 employers and 10 recruiters.<sup>64</sup>

There are also examples emerging in research literature of more participatory approaches to the conduct of research. For example, GAATW recently undertook research on the issue of mobility

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<sup>61</sup> See for example, Doezema, 2000, 7.

<sup>62</sup> For a discussion about the principles and practices of action research, see: Brydon-Miller, Greenwood and Maguire, 2003.

<sup>63</sup> ILO, *Mekong Challenge: Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand*, 2006.

<sup>64</sup> ILO, *The Mekong Challenge: Underpaid, overworked and overlooked: the realities of young migrant workers in Thailand, Volume 1*, 2006, xix.



and health of female migrant workers in Thailand.<sup>65</sup> Significantly, this study involved consideration of (rather than a focus on) the issue of trafficking, situated within the broader issues of health and mobility. The study explicitly sought to avoid stereotyping and generalizations about the condition of migrants by speaking about the multiple and contrasting occupational sectors and national groupings.<sup>66</sup> This was achieved by collecting information about the situation of female migrant workers across several sectors (factory work, domestic work and sex work) and by nationality and location. As a result, there are no broad findings about the situation of “female migrant workers” (which might suggest all female migrant workers were in the same situation). Instead, there are much more specific insights about how factors such as nationality and linguistic capacity impact on choice of occupation, which in turn impacts on health needs, experiences of violence and access to services.

Finally, the issue of data on trafficking is itself now a subject of study. In 2006, the United States Government Accountability Office published a report that highlighted a number of problems that were inherent in the existing estimates of incidence of trafficking in persons, along with the lack of reliable, comparable data at the country level (US GAO, 2006). While the report was not specific to South East Asia, its findings certainly resonated in the region. In recognition of the challenges involved in estimating incidence and the lack of progress on this issue, the UN Inter-Agency Project Against Trafficking in the Greater-Mekong Sub-Region (UNIAP) took the unusual step in 2007 of instituting a competition for local researchers to devise methodology for estimating incidence of trafficking in persons in their local area. The competition generated a lot of interest, with six winning entries being selected by a panel.<sup>67</sup> There are different views on the value of pursuing estimates (and particularly global estimates). However, it would appear to be difficult, if not impossible, to make any assessment about *proportionality* of responses, in the absence of any idea of how big the problem is.

Recent research has also sought to consider the state of data on trafficking in persons that was being collected, compiled and reported by four countries in the region (Cambodia, Indonesia, the

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<sup>65</sup> For a description of the research process, see GAATW, *Women, Mobility and Reproductive Health*, 2007 pp.13-32.

<sup>66</sup> GAATW, *Women, Mobility and Reproductive Health*, 2007, 28.

<sup>67</sup> See further [www.no-trafficking.org](http://www.no-trafficking.org) (the UNIAP website).

Philippines and Thailand) (David, 2007). While there were differences between the countries, common themes included the following:

- The data that is collected is not standardized within individual agencies, let alone across agencies. This means that data cannot be meaningfully compared across agencies, even within a single government structure (let alone across borders).
- There are issues with double counting and duplication of single cases, as well as under-recording.
- Data on “trafficking” tends to be equated with data on prostitution or the sexual abuse of women and children. Data on other forms of trafficking, including data on male victims, is not collected. This creates and reinforces the impression that women are more likely to become victims of trafficking, and that trafficking for the purposes of sexual exploitation is the dominant practice.
- Government agencies rely and report secondary data, with no processes in place for crosschecking the validity of data.
- In some instances, data is simply incorrectly transcribed, with the result that there are multiple versions of the same report (and no capacity to verify which is the correct version).
- In some agencies, particularly the criminal justice and social welfare agencies, a lot of data may be *collected* – but it is never compiled or collated, analysed, or reported.

While a lack of capacity to produce data may be related to a lack of clarity in legal frameworks, the research suggested that this is not necessarily the case. For example, the Philippines has a comprehensive law covering all forms of trafficking in persons. Nonetheless, all government data collection systems were directed toward collecting data on “women and children trafficked for the purposes of sexual exploitation”. Some of the factors that appeared to impact on the capacity of the various agencies and national governments to produce data included: a basic lack

of resources; the challenges of decentralization (where information from the regions is not shared with central agencies); lack of capacity with regard to information systems and information management; lack of clarity and precision in the use of terminology; and gaps in communication and coordination within and across agencies.<sup>68</sup>

While a lack of reliable data presents difficulties or inconvenient to researchers, ultimately, it is the lack of information to support informed decision-making by governments in South East Asia that is the critical issue. Governments need a variety of information to make informed decisions. Some of this information is trafficking specific, and perhaps difficult to access or even controversial (estimates of incidence of trafficking being one particularly contested example). However, governments also need access to far more routine and even mundane information - information about staffing levels, resource allocations, expenditure on programmes, numbers of work-hours spent on individual investigations and court data being just a few examples. In most countries in South East Asia, government agencies do not have the capacity to collect, compile, analyse or report even the most basic data to inform policy development on trafficking (and other criminal justice) issues. It remains to be seen whether donors will take up the challenge of assisting governments in the region to address this issue.

### **Conclusion:**

In 2008, there are important gaps in the information and knowledge that is available about trafficking in persons in South East Asia. Reliable estimates are still not available about the size of the problem which makes consideration of proportionality of responses difficult to assess. Surprisingly little primary data is available from the many projects that have been engaged in the anti-trafficking response in the region. Very limited information is available about how key components of the anti-trafficking response are actually operating in practice. In particular, the criminal justice and victim support sectors are two important areas of activity where there is information about theory (laws, policies, procedures) but very limited or even no information about practice. Without this information, it is difficult to assess impact or effectiveness of responses.

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<sup>68</sup> See further, David, 2007, 82-85.

One of the key challenges facing the broader production of information and knowledge on this issue (including through research) includes the lack of capacity within most national governments in the region to undertake basic data collection, compilation and analysis. This lack of capacity is not specific to trafficking in persons. However, it considerably undermines capacity to make informed decisions on this issue. For this reason, priority should be given to assisting individual agencies and national governments to build their capacity to design, implement and maintain appropriate *information systems*, as part of the larger anti-trafficking response.

It does appear that some researchers are very mindful of the criticisms that have been made of “research on trafficking” as a field. Recent research in the region seems to have moved well and truly beyond simple statements about “how difficult trafficking is to research”, to far more sophisticated efforts to collect relevant primary data on a larger scale, and to present perhaps more conservative analysis of results. Some of these studies have sought to give effect to concepts of participation in research, a development that arguably has important implications for quality of analysis, along with local ownership and sustainability of responses. I think these developments suggest both a level of progress but also the need to continue to focus on the important issues of *quality* and *approach* to research on trafficking in persons, including in South East Asia. Such a focus can only help to contribute to the quality of information that is available, to support the development of more informed, effective policy and practice on the issue of trafficking in persons.

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# **Knowledge Gaps and Priority Areas for Further Research in Europe**

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## **Introduction**

Trafficking in persons (TIP) has changed quite rapidly in Europe in the past 20 years. In this relatively long period, it has developed into different “markets”, the most significant of which are sexual and labour exploitation, begging and low-level crime, and illegal adoptions. Many studies have been conducted on these topics (more in particular on sexual exploitation), and some policies have been implemented. However, research does not seem to be up-to-date with the more recent methods and actions being taken by traffickers to carry out their criminal activities.

Moreover, policies for combating the phenomena are concentrated on the criminal side, quite often neglecting the “reduction of opportunity approach”. This paper outlines the most significant limitations of the research, and some possible priorities for an European research and policy agenda.

## **The different markets**

As mentioned above, trafficking in persons in Europe has branched out into different markets where there has been a demand for and a supply of trafficking victims. After the first phase, which began in the mid-1990s, in which forced prostitution dominated the entire trafficking market, available statistics now highlight its expansion into other areas of exploitation. Shortly presented below is the current state of research concerning the most important ones.

### *Sexual exploitation*

In the past few years research on TIP has focused mainly on sexual exploitation. This has led several studies to investigate many aspects of the phenomenon, such as: recruitment methods; routes employed to move Victims of Trafficking (VoTs) from origin to destination countries; methods employed to bring VoTs into destination countries; patterns of exploitation (forced prostitution, pornography, etc.); use of violence; and use of counterfeit documents.<sup>69</sup>

### *Labour exploitation*

Unlike sexual exploitation, research on this TIP “market” is more limited. In fact, only a few studies have been carried out in this field, and they focus on recruitment and transportation patterns and on the typical areas of exploitation: construction industry, domestic labour, agriculture and sweatshops.<sup>70</sup>

### *Begging and/or low-level crime*

Similar to the situation outlined above, research on TIP for exploitation through begging and/or low level crime remains at a very early stage. Existing literature has studied victims, in particular minor VoTs employed in these areas.<sup>71</sup>

### *Illegal adoptions*

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<sup>69</sup> For further information see e.g. Adepojou, 2005; Anderson and O’Connell Davidson, 2003; Brooks-Gordon, 2006; Bruckert and Parent, 2002; Brunovskis and Tyldum, 2004; Carchedi, Picciolini, Mottura and Campani, 2000; Carling, 2006; Ciconte, 2005; Di Nicola, 2004 and 2007; Di Nicola, Orfano, Cauduro and Conci, 2005; Experts Group on Trafficking in Human Beings, 2004; Gozdiak and Collett, 2005; Kelly 2002 and 2005; Kelly and Regan, 2000; Laczko and Gozdiak, 2005; Monzini, Pastore and Sciortino, 2004, Savona et al., 2003; Savona, Decarli and Di Nicola, 2002; Vandekerckhove et al. 2003.

<sup>70</sup> For further information see e.g. Andrees and Van der Linden, 2005; Belser, De Cock and Mehran, 2005; Bruckert and Paretn, 2002; Derks, Henke and Ly, 2006; Di Nicola, 2007; Dowling, Moreton and Wright, 2007; Experts Group on Trafficking in Human Beings, 2004; O’Neill, 2000; Regional Working Group on Child Labour in Asia (RWG-CL), 2002.

<sup>71</sup> For further information see e.g. Di Nicola, 2007; Experts Group on Trafficking in Human Beings, 2004; Kelly, 2005; Nevala and Aromaa, 2004; Surtees, 2005.

Finally, another neglected “market” for trafficking consists of illegal adoptions. This phenomenon started in Latin America in the 1970s and has recently moved to Europe as well. However, only little attention has been paid to this area of exploitation, mainly focusing on some case studies.<sup>72</sup>

### **Gaps in the research on trafficking in Europe**

As mentioned above, research on trafficking has some limitations in analyzing the phenomenon, and consequently, in providing tools with which to enact effective tackling policies. The most significant of these limitations are the following:

1. *Overemphasis of research and data on trafficking for sexual exploitation.* In this regard, one notes that policies and research in the EU states are too often focused on forced prostitution, neglecting other areas of exploitation that represent important “markets” for traffickers.

2. *Lack of reliable quantitative and qualitative data on the phenomenon.* For instance, available national estimates are often disparate, since they are generally calculated on the basis of secondary information obtained from individual experts or from humanitarian institutions or NGOs established for specific purposes. They are often based on judgmental considerations or simply derived by applying a fraction to a broader estimate, for example, assuming that forced prostitution concerns 10 per cent of the total number of prostitutes in the country;

Moreover, there is a lack of concise data on offender characteristics and offender structures as well as lack of data on the financial aspects of trafficking, including the where monetary profits end up.

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<sup>72</sup> For further reference see e.g. Di Nicola, 2007; Experts Group on Trafficking in Human Beings, 2004; Surtees, 2005; <http://www.tdh.ch>.

There is also lack of time series data and cross-nationally compatible data. Additional data do exist in the non-public domain, namely in the hands of customs and police, but these data are difficult to access (Di Nicola, 2007: 53).

Also, the hidden nature of the phenomenon makes it difficult to obtain reliable data and samples on trafficking. For this reason, a large amount of studies are not able to convey a realistic picture of trafficking.

These considerations apply to all the different markets of trafficking, in particular to the “underexposed” ones such as forced labour, begging and low-level crime and illegal adoptions.

3. *Absence of information on the demand for trafficking.* Several studies have been conducted on the supply, but we know almost nothing about demand. There is a lack of information on how it can affect supply, and there is no common definition on what demand is. Also this gap affects all the markets of trafficking, hampering a complete understanding of the phenomenon.

4. *Descriptive research.* As pointed out by Di Nicola (2007), “can we base interventions on research which is mainly descriptive and explanatory and which has not been able to test or falsify hypotheses, that is, obtain scientifically verified results? Why do researchers on human trafficking tend to forget the existence of explanatory research, with its endeavour to identify cause-effect relations and to foresee how a phenomenon will change in response to variation in another phenomenon?”

5. *Lack of evaluation.* The abovementioned limitations notwithstanding, in the past few years, several relevant policies have been put into practice. However, practically no research has been conducted to evaluate their impact on the phenomenon. This gap is even more evident as far as forced prostitution is concerned, in the wake of the considerable amount of studies and policies that have been implemented in the last few years.

## **Priorities for an European research and policy agenda<sup>73</sup>**

Filling the gaps outlined above could be the start of a long process that should go together with a change in the strategies to combat all the forms of TIP. The dynamic of this phenomenon is largely clear. It is a typical criminal intermediation that helps to meet two illegal demands: the growing demand for illegal migration from the less advantaged regions and countries of the world, and the growing demand for prostitutes, manual workers, etc. in those countries where there are no national supplies and/or economical prices.

The resulting underworld stems from these two demands and from the difficulty of regulating them. In other words, human smuggling and its violent appendix of trafficking in human beings, rather than being the result of perverse criminal minds, results from opportunities provided to criminals by the difficulty and incapacity to regulate the flow of migration from poor to rich countries.

Knowing this, it is necessary to go beyond the criminalization of the phenomenon in order to intervene in those parts of the system vulnerable to criminal exploitation. Intercepting vessels carrying illegal migrants and arresting traffickers is like trying to empty the sea of problems connected with illegal migration with a glass.

An effective strategy should be oriented toward the simultaneous actions of acting upon the problems and reducing opportunities for criminals. In order to do that, apart from the present policies of assisting deprived countries and agreeing with countries of origin, a major effort should be made by countries that want to reduce this phenomenon by working at the national level to reduce the benefits derived from the use of trafficked people. This means developing strict forms of control for those who, in different ways, take advantage of trafficked people (clients and retailers who “use” prostitutes, entrepreneurs who recruit irregular workers, etc). To regulate “the other side” is all very

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<sup>73</sup> This part mainly draws on the conclusions of E.U. Savona and S. Stefanizzi (2006)

well, but it would probably be more effective is to regulate “our side”, something that in the present debate on the phenomenon has not been adequately considered.

This perspective requires a knowledge-based approach and specific understanding of the trafficking in human beings phenomenon. As a form of the situational approach, it requires the accurate scanning and analysis of the problems. In this respect, the aggregate dimension of how many people are trafficked and what are the indicators of trafficking are not significant. More important is understanding and measure “for which purposes” (prostitution, drugs, work), i.e. in which specific market trafficked people are being exploited. The production of reliable estimates will allow the assessment of the dimension of the national demands and related opportunities and will also allow the design of more focused and effective interventions. This requires the implementation of policies oriented to detecting and deterring illegal demands for prostitution, drugs and labour, bringing where possible some of these black markets to a legal dimension.

In order to do that we need a comprehensive view of the problem, which should not only be restricted to trafficking in women and children for sexual exploitation. Additionally, we need better instruments to measure each segment of the markets in which criminal exploitation takes place. Furthermore, studies should take into account not only the international dimension but also of the national one, especially where trafficking occurs within a single country.

### **What are the possible steps of this perspective?**

First, one must understand the specific problems and their dynamics. Not all forms of exploitation are the same. For instance, the prostitution market is different from those for labour, begging, and adoption, and so are the mechanisms of exploitation.

Second, demand and supply in the different markets (prostitution, labour, etc.) must be assessed by separating the legal from the illegal ones.

Third, “criminal disincentives”, such as specific criminal sanctions, must be developed.

Fourth, when possible, “regulatory disincentives” for those who exploit illegal workers (in the labour market) must be developed.

Fifth, mechanisms that are able to create a conflict of interest between trafficked victims and exploiters must be created. This would facilitate the emersion of the phenomenon and its displacement to the legal dimension.

Many of these steps are already stated in several legislations, but they are not strongly implemented. Starting to control “our side” will help “the other side” take proper action to reduce problems connected with trafficking in human

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## “Are Contract Migrant Domestic Workers Trafficked?”

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### **Introduction**

In this paper questions are raised regarding the extent to which trafficking may be applied to migrant domestic workers in the Middle East, with specific reference to Lebanon. The situation of migrant domestic workers are important because not only are they significant in terms of the numbers of migrant workers in the Middle East, but also because they are probably the most numerous of those mentioned in reports on trafficking for labour exploitation in the region.

It may be estimated that there are over two million migrant domestic workers in the Middle East. The question is: do migrant domestic workers, who do not receive the wages, conditions and treatment as specified in their labour contracts, fall within the definition of trafficking in persons for labour? Is it possible that trafficking can be *ex post facto*, rather than *ex ante*? In other words, can the label of trafficking be attributed only after the worker has arrived in the receiving country and victimized according to the principles of trafficking protocols? In addition, must there be a proven intent to traffic by agents and/or employers?

In the face of increasing frustrations in the definition of trafficking and who counts as a trafficked person (Anderson and O’Connell-Davidson, 2003) as well as the implementation of trafficking legislation (Pattanaik, 2006), it is important to identify the extent to which migrant domestic workers, who have entered a country legally and with

contracts, can be considered as having been trafficked. It is also important to determine who are the traffickers involved. Recent surveys in Lebanon and Cairo have identified UN convention violations in terms of wages, conditions and treatment of migrant domestic workers (Jureidini, 2008, 2005) that suggest a significant proportion may be classified as trafficked persons (see also Huda, 2006a). However, the question arises whether the harm done to migrant workers on arrival at their place of work is better conceptualized and dealt with, not as victims of trafficking, but in some other way. Not all harms done to migrants can be classified as trafficking harms. At the same time, if one avoids the use of the term “trafficking” altogether, in favour of using civil and criminal laws to address exploitations and abuses is there a danger of ignoring the organized, systemic structures that exist [transnational organized crime] and which are of concern? Is there a risk that, at least in the case of migrant domestic workers, only the employer conditions and violations in the host countries will be attended to?

## **Definitions**

As Laczko (2005) has acknowledged, the amendment and adoption of a new and expanded definition of trafficking has created considerable discussion and disagreement on how trafficking is defined, or how it should be defined. An ever-expanding set of possibilities makes investigation and research into a confusingly disparate set of circumstances and relations difficult. In addition to a number of conditions that had to be simultaneously present, the 1994 definition required that an international border must be crossed illegally, but, curiously, voluntarily. Thus, Laczko (2005) argues that this definition looks more like “smuggling” than trafficking. That condition was not present in the definition adopted by the UN General Assembly in late 2000 and included in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (that came into force on 25 December 2003):

Article 3 (a)

Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of

force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The United Nations Office on Drugs and Crime (UNODC) (2006: 51) suggests that this definition can be split up into three parts:

- The act(ion) of: recruitment, transportation, transfer, harbouring or receipt of persons;
- By means of: threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim;
- For the purpose of exploitation, which includes, at a minimum, exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal or organs.

It is argued that at least one element from each of these three sections needs to be present in order for the definition of trafficking to be applied (ibid). Others do not include this stipulation (Piotrowicz, 2007).

More recently, in a report on abuses against migrant domestic workers in Saudi Arabia, Human Rights Watch (2008: 40), using the following definition, concluded that widespread trafficking was occurring:

Trafficking includes any act of recruitment, transport, transfer, receipt, sale, or purchase of human beings by force, fraud, deceit, or other coercive tactics for the purpose of placing them into conditions of forced labor or practices similar to slavery or servitude. Such conditions occur when labor

is extracted through physical or non-physical means of coercion, including blackmail, fraud, deceit, threat or use of physical force, or psychological pressure.

The inclusion of “psychological pressure” is appropriate, but very difficult to identify or prove. This is similar to the problem identified in the determination of trafficking in Indonesia, where the Presidential Decree on Trafficking in Women and Children requires:

...one or more of the following elements of recruiting, transporting between regions and countries, transferring, sending, receiving and temporary placement or placement at their destination of women and children. It includes using threats, verbal and physical abuse, abduction, fraud, deception, misuse of vulnerability (eg. If someone has no alternative, is isolated, addicted to drugs, trapped in debt), giving or receiving payments or profits in cases involving women and children who are used in prostitution and sexual exploitation (including paedophilia), legal or illegal migrant workers, child adoptions, fishing platform work, mail order brides, domestic helpers, begging, pornography, drug dealing, selling of body organs as well as other forms of exploitation. (in Hendytio, et. al., 2007: 33)

Hendytio et. al. (ibid) argue that the above definition is too broad to be meaningful because “many simple acts such as the act of ‘recruiting’ a person could be classified as trafficking or acts related to trafficking.” In the IOM Indonesia Screening Form used at recovery centers for victims of trafficking, question 3 asks the respondent “Did someone threaten or persuade you to leave your village/town?” (Annex 7 in David, 2007). In other words, recruitment by mere persuasion may be, in Indonesia, a sufficient trafficking condition. However, persuading, by various means, to gain the consent of an individual to accept work in another country is important to ascertain the extent of coercion, and that there is a possible trafficking agent involved in the first instance. On the other hand, where the prospective migrant worker did not need convincing or cajoling prior to embarkation, but human rights or criminal violations are present on arrival in the receiving country, is consent an important factor?

### **Consent and recruitment agents**

It is clear that trafficking has occurred when a person is taken against their will or under threat from one country to another, or from one part of a country to another for the purpose of some form of exploitation. Evidence of consent in these circumstances is not required in applying the current UNODC Protocol on Trafficking, where Paragraph (b) of Article 3 states:

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

The UNODC makes it clear that “[w]hat began as a voluntary activity on the part of the migrant ... will still qualify as a case of trafficking in persons if the initial consent of the victim was gained through the use of deception, coercion or any other means, and exploitation subsequently takes place” (UNODC, 2006: 51). In other words, it is the means of consent, rather than consent per se, that is important. The problem is how the means of consent can be determined other than by the sole testimony of an alleged victim of trafficking. Can we presume the “any other means” suggests that if the consent was entirely voluntary, subsequent exploitation nullifies the consent, because it is assumed that no one can rationally agree to the subsequent exploitation?

Although no research on this has been forthcoming, in the case of most migrant domestic workers it is normally accepted that they have willingly consented to the contracts they have signed to be placed in a household to do the domestic chores required. As De Hass (2006: 5) has noted:

...in practice it is often difficult to make a sharp distinction between what is voluntary and forced [migration] as, except in the case of slavery, migrant behaviour is simultaneously shaped by human agency and structural constraints to varying degrees.

It may be argued that migrants who are not “well informed” in making their decision to migrate cannot later claim they had false expectations and were thus a victim of trafficking. This makes some sense, but there is also a fine line between being given



enough information and correct information. As economists often argue, if one assumes a rational decision making process, then one assumes perfect market information. Whose responsibility is it, to provide all the information? Is it the recruitments agency's responsibility, or is the onus on the individual migrant who may be self-delusional or in denial of warnings of the risks involved? Or are the specifications as detailed in the contract sufficient? Even then, we know that many migrant workers do not understand and cannot recall the conditions in the contracts they have signed (Jureidini and Moukarbel, 2004).<sup>74</sup>

The standard contract introduced by the Sri Lankan government in 2000 [*Contract of Employment for Domestic Helpers from Sri Lanka in the Middle East Countries*] was only written in English and Arabic. In addition, it makes explicit what is normally left implicit in contracts, namely that:

The employee may terminate this contract without any notice to employer for any of the following just causes: maltreatment by the employer or any member of his household; violation of the terms and conditions of this contract; non-payment of salary; physical molestation and assault. (Clause 10b)

Under "Special Provisions" (Clause 12), the contract also stipulates:

The employer shall treat the employee in a just and humane manner. In no case shall physical violence be used upon the employee. (Clause 12b)

Such provisions are instructive because they are indicative not only that such practices actually occur, but their inclusion should also be a warning to the migrants themselves.

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<sup>74</sup> And if the contract specifies a 12-hour working day (as a maximum) does this breach international labour standards and thus render the contract invalid?

If migrant consent is not coerced in some way, perhaps the issue of “deception” in the means of recruitment of migrant domestic workers is the most likely element to be used in the charge of trafficking for labour exploitation.

## **Deception**

In the case of migrant domestic workers, who are the traffickers? If deception is the criteria in determining trafficking, do they include the recruitment agencies (and their sub-agents) in the sending country, the placement agencies in the receiving countries and the sponsor/employer, or *kafeel* in the case of the Arab Middle East?<sup>75</sup> Are all three parties assumed to be guilty or complicit in the deception? And can the deception be proven from the sole testimony of an alleged victim who says the expectations she received from, say, the recruitment agent was not fulfilled? Are the conditions as specified in the contract sufficient? Further research on the recruitment processes needs to specifically look at this issue that includes advertising, sub-agents in villages and so on, in the migrant sending countries.

Is it also reasonable to assume that one or more of these parties may be ignorant of deception that occurs? Deception without intent cannot be deception. It may be argued that in the Arab world, it is very common for service providers of all kinds to make promises or give advice based on their own perceptions and imaginations that may bear no resemblance to the reality. It is often done out of ignorance, desperation for a commission or just trying to please. Intent is not specified within the trafficking protocol, but it is assumed that any trafficker will be doing so intentionally. Intent may be proven

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<sup>75</sup> The *kafala* system of employment arrangements for foreign labour in the Arab world (see Longva, 1997) resembles the regulations of temporary contract migrant labour in most countries. The residency of migrant domestic workers relies upon foreigners to remain in the employment of their sponsor (*kafeel*) or leave the country. Those who leave their sponsor without permission from both the sponsor and the government (and for whatever reason) are immediately classified as illegal aliens and are thus subject to arrest, detention (imprisonment) and deportation.

with evidence that does not require admission by traffickers, but it may be complex, lengthy and costly for individual cases.

Human Rights Watch notes that if a recruitment agent in the sending country does not inform the migrant worker about the actual conditions that she will face at her destination, it is trafficking:

Migration and trafficking are interlinked, as traffickers often exploit the processes by which individuals migrate. For example, recruiters may deceive prospective domestic workers about their actual working conditions. (Human Rights Watch, 2008: 43)

The example of a domestic worker that the Human Rights Watch report on Saudi Arabia provides is clear, but perhaps an extreme case:

[17 year-old Filipina] Haima G.'s situation amounts to trafficking and conditions of slavery, as relatives deceived Haima G. about her promised job abroad, her agent sexually harassed her, and her employer threatened to return her to her abusive agent if she complained. Her employer sexually assaulted her, retained her passport, and locked her in the workplace so that she could not escape. (ibid)

This case does raise the issue of the method of consent prior to the formal involvement of a recruitment agent, namely by relatives where a fiduciary influence is present (notwithstanding the possibility that the agent might be pressuring parents or other relatives). The element of deception by relatives adds even more parties to the trafficking process. On the other hand, it is quite possible that the recruitment agent in the sending country does not know enough about the sponsor/employer that she will be going to in order to warn her. In this case, if deception is not present, can “trafficking” be applied?

Proving deception is not simple. Perhaps it is most easily determined in cases of replacement contracts where the contract signed before departure for the country of origin can be compared with the replacement contract on arrival at the country of destination. The extent to which the replacement contract is signed voluntarily also needs to be

resolved.<sup>76</sup> It cannot be assumed that once the migrant worker has arrived she will have little choice but to agree. Other than that, if asked if she has been deceived, or if her expectations on arrival were not met, is a victim statement sufficient for prosecution for it may assumed that, if an agent were asked if he or she had deceived the worker, the answer would be “no”. Family members and friends of the alleged victim could be interviewed for verification of original expectations, but would they be accepted as reliable or more reliable than the alleged victim?

Can we determine trafficking *ex post facto*, that is after a person has willingly signed an acceptable contract with an agent who arranged employment in another country in good faith? As we know, there are many thousands of cases where the treatment of the migrant worker by his or her employer includes exploitation and/or various forms of abuse. In these cases, would the recruitment agent be considered to have trafficked the migrant worker? If the agent is acting in good faith and does not know that the contractual arrangements will or have been breached, must we dismiss the charge of trafficking altogether and find other remedies (such as through national civil and criminal laws) to deal with the harm being done? Not all harms are trafficking harms where there is no organized trafficking syndicate operating, but a regular system of legitimate agencies facilitating the recruitment, transportation and placement of people across borders. The culpability of the harm will rest solely upon the abusive sponsor/employer. Did the sponsor/employer deceive the agencies involved? If so, can the sponsor/employer be considered as a trafficker?

It may be contended that any violation of civil rights by employers will also constitute a breach of contract between the migrant domestic worker and the employer and thus best dealt with under contract law. However, where the employment relationship between a domestic worker and her employer is not recognized as such (Lebanon and Egypt, for example, explicitly exclude it from labour law on the grounds that it is a “personal relationship”) there is little or no recourse to the law of contracts or labour law.

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<sup>76</sup> This practice began in Lebanon in 2006 following the Philippines government’s insistence on minimum contractual requirements before a migrant domestic worker can leave the country legally.

Deception may only be clear in extreme cases. In the questionnaire administered to migrant domestic workers in Lebanon (Jureidini, 2005), interviewees were asked if there were any differences between what they thought they were coming to and what they found when they arrived. Very few interviewees answered this question which suggested that they did not fully understand question itself, or they did not know or remember what was written in the contracts they signed in the first instance.

### **Placement agents and debt bondage**

Workers who have been assisted by agents to enter the host country without valid work permits may be considered as having been trafficked. When the case is more blurred, we need to probe further into the circumstances to ascertain the “legitimacy” of trafficking status. For example, pre-arranged work permits are not always required. In Lebanon, as in other Arab states, the work permit is only applied for after the first three months, which is the “cooling off” period before the employer and employee ratify the contract. During that period, the employer or employee may decide that the person or job is not suitable. The employer can return the migrant worker to the placement agency (or she may decide herself to go back) to be placed elsewhere. It is known, however, that in many cases (precise numbers are unknown) if the worker returns or is returned to the placement agency in Lebanon, she may be abused and threatened to return to the employer she was placed with because the agent does not want to lose whatever investment he has made to bring her into the country or the fee he has charged to the employer. There are also cases when an employer, reluctant to use physical violence, will take her to the agency for them to discipline her (Jureidini and Moukarbel, 2004). Can the category of trafficking be applied in such cases? Is this “demand driven trafficking” (Anderson and O’Connell-Davidson, 2003) or “demand determined trafficking”?

Let us also look at the possibility of migrant domestic workers being caught up in debt bondage, or bonded labour. The US State Department notes: “Many workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an

initial debt the worker assumed as part of the terms of employment or when workers inherit debt in more traditional systems of bonded labor” (US State Department, 2007).

Few studies of migrant domestic workers acknowledge the *ex-gratia* payments made by workers to agencies after they arrive in the host country. In a survey by this author conducted in Lebanon in 2005-6 of approximately 600 female migrant domestic workers it was found that 38 per cent had paid money from their initial wages to the Lebanese placement agencies. On average, each worker paid \$350 (2-3 months of their wages). Generalizing to a conservative estimation of the population of migrant domestic workers in Lebanon, this meant that agencies took around \$4 million from them each year.<sup>77</sup> The Lebanese agencies argued that they pay expenses and communication costs for those women who had no money – for passport fees, pre-departure medical examination, transportation and agency commissions in their home country – in return for up to the first four months of their salaries.<sup>78</sup> However, there is no regulation or transparency within the industry concerning these costs, charges and profits. Agencies withholding \$1,100-1,200 from the salaries of Ethiopian domestic workers as an insurance against their absconding enabled agencies to offer (and advertise) “guarantees” to employers against Ethiopians running away. The danger of these practices is that migrant workers become entrapped in vulnerable circumstances tantamount to (even if temporary) debt bondage and thus trafficking that have similarities with indentured labour (see Jureidini and Moukarbel, 2004). The 1998 ILO Private Employment Agency Law, Article 7 (1) states: “Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.” Yet, if migrant workers enter into such arrangements willingly, should they be prevented from doing so? Even though his discussion of trafficking focuses upon women for prostitution from African states to the

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<sup>77</sup> When I presented these figures to a joint ministerial committee on migrant domestic workers in Lebanon, the labour attaché of the Philippines embassy indicated that they had been accepting these payments by Filipina workers. The Philippines government has now placed a ban on salaries from workers as placements fees, both in Lebanon and the Philippines (personal communication, Steven Sarek, Philippines Consul, Beirut, 27/7/07).

<sup>78</sup> Personal communication, Mr Chaouki Saikali, Director, Middle East Trading and Recruitment Company and former secretary of the Lebanese Association of Recruitment Agencies.

Maghreb and the European Union, De Hass's comments are equally appropriate for migrant domestic workers to the Middle East. He noted that in the 1990s:

Increasing immigration restrictions made female migrants dependent on large loans in order to migrate. This provided an opportunity to traffickers... However... [t]he reciprocity between prostitutes and (equally female) traffickers and the prospect of upward mobility in the trafficking organization are strong incentives to adhere to the pact [debt bondage]. Therefore, even in the case of trafficking, migrants do often exert a certain degree of agency. (De Hass, 2006: 26)<sup>79</sup>

The regulation and monitoring of recruitment and placement agencies in Lebanon has been a problem since the civil war (1975-1990). It is not clear what criteria the government requires in order to issue an agency licence. There are no knowledge or character tests that are required as in other countries. Agents must place a \$33,500 non-interest bearing guarantee with the government's Housing Bank (Bank de l'Habitat). For this they are able to bring 150 migrants per year into the country. However, with some 310 licensed agents in Lebanon, only around 44 are operating as genuine agents with an office and staff. Thus 266 agents hold licences but do not deal directly in the procurement and placement of migrant domestic workers into households. Instead, they operate from a cellular phone selling their quota to agencies that are active. At \$150 per person, the passive agents can make around \$23,000 per year profit and still have their bank guarantee reimbursed if they do not renew their license. Some of these "agents" get approval from their friends to obtain a visa for a domestic worker who thus arrives in the country without a real sponsor/employer. Although the Ministry of Labour banned the practice in 2006, advertising of domestic workers in Lebanon continues with these "passive agents" using false names, or just a cellular phone, to avoid prosecution. If an employer is found they also charge a higher price for the transfer because there is no waiting period; the workers are available immediately. Such warehousing of domestic workers in the premises of placement agencies is illegal; however, it still occurs and women are effectively imprisoned by the agencies, sometimes abused, threatened or

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<sup>79</sup> Similar comments have been made in relation to the confusion of transit migration with trafficking and neglecting the agency of migrants (Duvell, 2006).

made to labour for friends and relatives until a sponsor is found. Again, is this demand determined trafficking, or something else?

In 2006-7 the Lebanese Ministry of Labor closed fifteen placement agencies on grounds of violations of workers' rights including physical abuse (TIP Report, 2007). It is not clear, however, how many of these were temporary closures, because previously banned agents have been reinstated in the past. There is also a continuing judicial reluctance to bring criminal charges against both employers and agents in Lebanon (see *ibid*; Jureidini, 2003; Huda, 2006b).

### **Employer-sponsors**

As Tyldum and Brunovskis (2005) point out, one of the main reasons for the difficulties in research on trafficking is that we are dealing with “hidden populations”. In the case of migrant domestic workers, they are not hidden because of the clandestine nature of their work as with prostitution, but because the workers remain within the sacred privacy of family households where the state is reluctant to intervene.

Most observers of migrant domestic workers in the Arab Middle East point to the restrictions on freedom of movement placed on them by their employers in the household. Reports of workers being locked in the house when the family is out (which also occurred during the Israeli invasion of Lebanon in July-August of 2006) has been an issue of great concern. Many have little or no leisure time and many are only allowed outside the home if they are accompanied by a family member, even if it is to go to a corner store. In addition, almost all migrant domestic workers have their passports held by the employer (and sometimes the placement agency), which generally means that she cannot leave the country at will.<sup>80</sup> More than that, if the migrant worker does go out and does not return – if she “runs away” – she must be reported by her employer to the

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<sup>80</sup> The UN Special Rapporteur on Trafficking, Sigma Huda, suggested in her report on Lebanon that “[w]ithout passports, women are liable to arrest, criminal conviction as an undocumented migrant, and deportation” (Huda, 2006b: 36). This is not entirely true. Women whose papers are valid and are allowed out alone, carry a photocopy of their passport and work residency card to avoid arrest.



authorities and is immediately classified as an illegal foreigner and can be arrested, detained and deported. Such conditions have been referred to as ‘slavery-like’ conditions.

It may be argued that these regulations under the *kefala* system create a structural set of circumstances whereby these women are continuously under threat of incarceration and potential violence against them. Migrant domestic workers who want to leave their employers, who normally should have a right to withdraw their labour, cannot do so without harsh penalties that are not articulated within the contracts they sign. Contracts generally make provision for penalties if a worker wants to leave before the expiry of the contract period (usually 2-3 years) which usually means she agrees to pay for her airfare home. In practice, employers will also demand that they are reimbursed for the procurement costs of bringing her into the country which can range from US\$1,000-3,000. Only if she pays this amount will the employer return her passport and there have been cases where women have worked, illegally freelancing, for over a year to buy their passports back. By then, however, the employer may have brought false charges of theft against her but she will also be arrested, detained and fined for the expiry of her visa and work permit, which the employer will not have renewed.<sup>81</sup>

The TIP Reports over the years identify these conditions as “involuntary servitude”, where the prevention of the freedom of movement of migrant domestic workers constitutes a sufficient criterion for trafficking even though the number of workers who abscond is unknown. Nor are the reasons for absconding known. In addition to non-payment of wages, abuse, restriction of freedom, overly long hours, arduous work, some women simply want to earn more money elsewhere. They may be offered more by another employer, or by freelancing in more than one household where they can earn up to double their previous salaries. This is another reason that employers say they do not want them to leave the house – so they will not talk to others who will entice them away with promises of higher wages.

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<sup>81</sup> There are cases in Lebanon where benevolent sponsors who no longer want to employ the worker continues to renew her papers to allow her to work freelance for others. However, General Security forces check up on this from time to time when the applications are lodged.

Could it be that neither the recruitment agencies nor placements agencies are responsible if they are acting in good faith and without knowledge of the intentions of the employer? What if it is neither of these parties to the migration who are intentionally deceiving or exploiting, but rather the structural procedures of the migration, the working conditions and exploitation by the employers that constitute the labour migration as trafficking? Further, is the treatment of domestic workers by employers (that includes long exploitative hours, low pay, restriction of freedom and abusive behaviour) so accepted in some countries that neither trafficking, nor criminal intent is present, but rather a cultural norm? This is not restricted to the Arab world. In Italy and Sweden, many employers also feel that domestic workers have “no right to paid holidays, fixed working hours, minimum wages, pension rights, their own room, trade union membership or a contract with their employer”(Anderson and O’Connell Davidson, 2003: 34).

Those employees who are not allowed to leave the house – i.e. those whose right to freedom of movement is violated - are not necessarily classified as caught up in involuntary servitude. Just as it is difficult to prove in some circumstances that the giving up of a passport to the employer is not voluntary, so it is also unclear to what extent the restriction of migrant domestic workers inside the household (even being locked in) is involuntary. It may be objectively against her interests, but there are cases where it is not seen as a problem by the worker, as long as they are treated decently otherwise. And even then, they may well prefer to endure the hardship for the money and future prospects, as De Hass (2006) has alluded to.

On the other hand, Piotrowicz (2007: 276) argues: “The essence of [trafficking in human beings] is that the victim is removed from their home environment, under the effective control of another, and exploited for the gain of others” If control is the key issue, then the large bulk of migrant domestic workers under the *kefala* system are trafficked. However, Piotrowicz also suggests that control is mainly maintained because of “some illegal activity of the victim such as breaking immigration laws, or local employment laws, that make them vulnerable to exploitation” (ibid: 277). In the Arab Middle East, the control over migrant domestic workers is not just by the employers but is facilitated by

the *kefala* system and therefore by the state. They are not allowed, for example to enter the local labour market. They must work for their sponsor (*kafeel*) and no one else without leaving the country. Lebanon has recently begun to relax this requirement, allowing the transfer of employers, but this is only with the permission of the original sponsor, so it will rarely include those domestic workers who have run away because of abuse and exploitation.

Those who argue that the issue of harm in itself is not applicable to trafficking and therefore limitations on the definition of trafficking need to be applied, may be concerned that far too many migrant workers will be brought under the one umbrella, making it far too unwieldy. In addition, a fear of revealing high numbers of trafficking victims that goes against the interests of donors may be misplaced. In the 2006 survey of 610 migrant domestic workers, a relatively small proportion of migrant domestic workers in Lebanon report serious human rights abuses. For example, 14 per cent reported being physically hit; 7 per cent experienced sexual harassment; 31 per cent were not allowed to leave the house; and 34 per cent did not have regular time off. However, on working time, 65 per cent of interviewees reported working 11 or more hours per day; 42 per cent worked 13 or more hours per day; 31 per cent worked 15 or more hours per day and many added that they were “on-call” 24 hours a day (see Jureidini, 2005).

## **Conclusion**

In this paper I have tried to briefly articulate some of the nuances in the questioning of the extent to which migrant domestic workers, particularly under the *kefala* sponsorship system. The structural conditions that include violence or the threat of violence, restriction of freedom of movement and exploitation (particularly hours of work per day) in a sense places all these migrant domestic workers under the umbrella of trafficking. To do so, however, seems impractical when trying to identify those who may be prosecuted as traffickers.

Standard remedies for the trafficking problem with migrant domestic workers include ratifying the anti-trafficking and migrant rights conventions (UN Convention on the protection of the Rights of All Migrant Workers and their Families, 2003),<sup>82</sup> bringing them into local labour law, improving state regulation of the industry, counteracting racism, xenophobia and prejudice against migrants and ethnic minority groups, allowing immigration/citizenship status, access to the local labour market as well as support networks that might also include unionization (Anderson & O'Connell Davidson, 2003); international cooperation by governments of receiving countries that include bilateral relations that stipulate minimum standards of employment and where local labour laws acknowledge the employment of domestic workers as a legitimate employment relationship, and to assist civil society organizations and individuals that include media campaigns to change the discriminatory attitudes towards migrant workers that contribute to their exploitation (Huda, 2006b).

Whether in most cases it is better to use anti-trafficking conventions and legislation is the critical conclusion that needs to be drawn. From the perspective of the migrant domestic workers, it is important to implement whatever it takes to alleviate the violations against them and bring the violators to justice, whether they be called trafficking, labour rights, human rights or criminal violations of persons. For those who are concerned to identify whether these violations are trafficking violations, it would seem safest to use the UNODC's (2006) suggestion that all three elements of the protocol definition of trafficking are present.

It may be argued that, over time, placement agents in the receiving country should be aware of the various violations that occur in the recruitment and placement of migrant workers. In a sense, both recruitment and placement agencies are responsible for the placement of the worker in the receiving country. The agency in the sending country may or may not be the same company or subsidiary of the agent in the receiving country. Nonetheless, there is business collaboration between them, so perhaps the agency in the

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<sup>82</sup> Arab countries that to date have signed are Egypt and Morocco, which signed early on, and more recently Libya and Syria.

sending country should be just as culpable in the charge of trafficking where violations either by an agent or employer are perpetrated against the migrant worker. Agencies in both sending and receiving countries should be required to be vetted, and entry or licensing requirements into the industry should be stringent. By professionalizing the occupation (for example, by introducing mandatory education and training, ethical codes of conduct, etc.) it could reduce the risks of trafficking violations.

Trafficking of migrant domestic workers and violations against them in the Middle East is largely the result of the exploitative and abusive conditions they face in the place of their employment as well as the ability of employers and agents to maintain a strict control over them in either legal, contractual or illegal means.<sup>83</sup> This is a systemic arrangement and as such is a human rights issue, or set of human rights issues (Piotrowicz, 2007) that should be the responsibility of the states to address – to regulate the industry, provide assistance to victims and to address these violations by first enacting local laws that specifically relate to procurement and the treatment of migrant domestic workers and prosecuting offenders. On the other hand, civil, labour and criminal laws already exist that should enable individual victims who are exploited and abused to seek legal remedies against the perpetrators (without fear of arrest for visa infringements or retribution). To date, however, there has been little evidence of a serious willingness on the part of Arab governments to do make such provisions.

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<sup>83</sup> Anderson and O’Connell Davidson (2003: 45) argue that there are three factors that explain “the exploitative conditions experienced by many migrant domestic and sex workers: (a) The unregulated nature of the labour market segments in which they work; (b) the abundant supply of exploitable labour and (c) the power and malleability of social norms regulating the behaviour of employers and clients.

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## **Human Trafficking in the United States: Knowledge gaps and research priorities**

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Despite the increased interest in human trafficking in the United States, little systematic research has been done on this issue. The US Government's resources for combating human trafficking have been earmarked almost exclusively for provision of services to trafficked persons and technical assistance to service providers assisting them. Media campaigns have also raised public awareness and concern for the trafficked victims. However, these activities have taken place without a clear idea of the extent of the problem or a uniformed methodology for determining the scope of the issue (Bump et al., 2005). Assistance to victims has been provided without the benefit of empirical research aimed to identify their service needs or to evaluate rehabilitation programmes implemented to integrate survivors of human trafficking into the wider society and prevent repeat victimization.

There are a lot of writings about human trafficking, but there is significantly less literature based on empirical research. A 2005 analysis of research on human trafficking in the United States indicated that the field had not moved beyond estimating the scale of the problem; mapping routes and relationships between countries of origin, transit, and destinations; and reviewing legal frameworks and policy responses (Goździak and Collett, 2005). The situation is not much different in 2008; there is still no reliable data on the number of trafficking cases and the characteristics of the victims and perpetrators. The methodologies used to produce estimates of the scope of trafficking, especially in North America, are not very transparent; therefore it is hard to evaluate the validity and reliability of the data.

A recent survey of research-based English language publications on human trafficking, supported by a grant from the National Institute of Justice (NIJ), identified 1,467 references, including 810 reports, 255 journal articles, 13 masters thesis or doctoral dissertations, and 389 books or book chapters. Interestingly, a high proportion of these publications are not based on empirical research. Most studies continue to rely on overviews, commentaries, and anecdotal information. The analysis of journal articles identified in the course of the survey focused on their empiricism to examine the extent to which the field has moved beyond stating that there is a problem to a more systematic and rigorous collection of empirical data and analysis of a wide range of human trafficking issues. Empirical research encompasses studies that base their findings on direct or indirect observations to analyze a problem or test a hypothesis and reach a conclusion. Unfortunately, the current knowledge base on human trafficking continues to rely on non-empirical research. Seventy seven percent of the 255 journal articles analyzed in the referenced project were based on non-empirical research

In addition to focusing on the empirical nature of the publications, the survey investigated whether a particular publication was peer reviewed. Peer review is the process of subjecting a work to the critical eye of experts in the same field and has the important function of promoting high standards and preventing poorly researched or unwarranted claims. For this reason, studies that are not subject to peer review are often considered to lack scientific rigor and to be of lesser quality. Scholars and editors deem peer review necessary because it allows for mistakes and oversights to be caught and provides an opportunity to improve the analysis or presentation of research results. While some have critiqued the peer review system as “biased, incomplete, and unaccountable,” it is one of the standard benchmarks of academic rigor and quality (Horton, 2000).

Interestingly, the majority of both empirical and non-empirical research-based articles were published in peer-reviewed journals. At 113 or 44.3%, the largest group consisted of articles that were non-empirical, but published in peer-reviewed journals. This challenges traditional notions of the type of research published in peer-reviewed journals, which hold that the peer review process tends to eliminate non-empirical research. It can

be argued that peer-reviewed journals have published non-empirical research on human trafficking because of the dynamic created by the sudden and intense political and academic interest in this issue following the debate and passage of the Trafficking Victims Protection Act of 2000 and the difficulty of conducting empirical research on human trafficking. Editors realized that their readership desired more information on trafficking, but little empirical research was available, thus, non-empirical studies, mostly in the form of literature and data reviews, description and analysis of anti-trafficking policies, and compilations of laws, have been published.

The dominant anti-trafficking discourse is not evidence-based but grounded in the construction of particular mythology of trafficking (Sanghera, 2005: 4). The body of empirical research on trafficked children is particularly limited. Child victims are often subsumed under the women and children heading without allowing for analysis of their special needs. It is interesting that women and children are lumped together in anti-trafficking legislations and the dominant trafficking paradigm when in all other instances, including labour laws, great care is being taken to separate child labour from adult labour. Many writers use the word ‘children’ but focus on young women—and research on trafficked boys is non-existent as is research on men trafficked both for sexual and labour exploitation. Notably absent are works written by trafficked persons themselves; Jean-Robert Cadet’s (1998) testimonial about his harrowing youth as a *restavec* in Haiti is a noteworthy exception. Limited knowledge impedes identification of trafficked victims, obstructs provision of culturally appropriate and effective services, and limits prevention of repeat victimization.

## **Scope**

The number of people trafficked worldwide is notoriously difficult to measure. Many scholars have discussed the challenges of estimating the scale of human trafficking and the production of reliable statistics and called for improved methodologies to describe the unobserved (Laczko and Gramegna, 2003; Tyldum and Brunovskis, 2005; Goździak and Collett, 2005). While the United States has allocated a significant amount of resources

and expanded considerable efforts to the anti-trafficking campaign and other counter-trafficking activities, the scope of the problem remains vague. A recent front page article in *The Washington Post* (Markon 2007) criticized the US Government's alarming statements about "tidal waves" of human trafficking victims entering the country, which are based on methodologically flawed estimates. The same criticism about worldwide estimates promulgated by the US Department of State has been expressed by UNESCO, the US Justice Department (2005), and most recently by the Government Accountability Office (GAO) which concluded in a major report in 2006 that statistics provided by the G/TIP office were problematic because of "methodological weaknesses, gaps in data, and numerical discrepancies" (GAO 2006). Other researchers found the national, regional, and international statistics problematic as well and criticized them for "lack of methodological transparency" and source documentation, for extrapolating from a few cases of identifies victims and for lack of standard definition of "victims" as a basis to estimate the magnitude of the problem.

*The Washington Post* article was also critical of the government's inability to identify victims. Since the passage of the Trafficking Victims Protection Act (TVPA) of 2000 through August 2006 (the last time the Office of Refugee Resettlement released the data), some 1,200 victims—including 102 children—have been identified and certified eligible for federally funded services. The small number of victims identified so far could be as much a result of the clandestine nature of the phenomenon as the inadequate and misplaced strategies used to identify trafficked persons or the fact that the estimates far exceed the reality and gravity of the situation. In a recently completed exploratory study of trafficked children in federal care, we found that the majority of trafficked children have been identified either through law enforcement raids of suspicious establishments or through tips from Good Samaritans (Goździak and Bump, 2008). Some experts suggest that the government should broaden their strategies to include an enhanced screening of children at US borders, particularly unaccompanied children. Each year, immigration officials apprehend approximately 100,000 unaccompanied children at US borders. Some return voluntarily, some are returned because of bilateral agreements. Mexican children, for example, are routinely returned because of existing agreements between Mexico and

the United States. Little is known about the children who return to their countries of origin. Additionally, many children remain undetected within the United States and their well-being is largely unknown. Numerous service providers suggest that these children are at risk for further victimization and re-trafficking. Approximately 8,000 children remain annually in the custody of the US Federal Government. Some 900 children are in the custody at any given time (US DHHS, 2006). Experts stress that there is a good possibility that both the larger population of children returned to their countries of origin as well as the smaller group of children in federal custody include many unidentified trafficked children (Bump and Duncan, 2003). To date, nobody has studied any of these children.

While some non-governmental organizations claim they are providing services to trafficked victims, both minors and adults, they keep these data confidential and in many cases do not refer their clients to the Office of Refugee Resettlement (ORR) for determination of service eligibility. One can only speculate about the reasons for not wanting these victims to have access to federally-funded services: perhaps service providers fear that some of the survivors in their care would not meet the criteria of the trafficking definition and/or deem them too traumatized to share their trafficking story with federal officials.

Significant number of child victims of trafficking had been referred to the Federal Government but were determined ineligible for federally funded services. Between 2004 and 2007, the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS) had referred to the Federal Government a total of 151 cases, including an estimated 808 to 2,308 child victims. Only 23 children (accounting for 14 of the 151 cases) received benefits. The remaining children, estimated at 787 to 2,287 victims, did not receive benefits. Based on the information USCCB and LIRS had at the time of the referrals, both agencies considered the children to be victims of child trafficking (Goździak and Bump, 2008).

The reasons why so many children did not receive benefits are numerous. In some cases federal law enforcement agents or US attorneys were not sympathetic to the children's plight and/or deemed them victims of smuggling rather than trafficking. In at least one case, under-age victims of arranged marriages were considered to have been kidnapped rather than trafficked. In other cases, the children were reluctant to disclose detailed information about their experiences that led to insufficient evidence of the crime of trafficking. In yet another case, a group of choir boys was brought to the United States by a convicted sex offender who promised to pay them for their singing. Since he did not pay, they went back to Zambia before the case could be thoroughly investigated. In several instances, the child's original story changed and federal law enforcement chose not to endorse benefits. In some cases lack of sufficient evidence to support the endorsement of trafficking benefits led to the children being placed in removal proceedings and receiving deportation orders. There is little systematic data on these children. Field coordinators and case managers at the US Conference of Catholic Bishops (USCCB) and the Lutheran Immigration and Refugee Services (LIRS) do keep notes, but there is no central database of these children. Even less information exists about adults who were referred to the federal government for eligibility determination but were not deemed to be victims of human trafficking or adults cared for by charitable organizations that have not been referred or did not want to be referred to federally funded programmes. There is an urgent need to understand better the victims' and the agencies' decision-making processes.

## **Theory**

*"In no area of the social sciences has ideology contaminated knowledge more pervasively than in writings on the sex industry,"* asserts Ronald Weitzer, a sociologist at the George Washington University. This claim certainly extends to trafficking for sexual exploitation, an area "where cannons of scientific inquiry are suspended and research deliberately skewed to serve a particular political [and moral] agenda" (Weitzer, 2005: 934; see also Weitzer, 2007; Rubin, 1984, 1993; Goode, 1997). Much of the US research on human trafficking for sexual exploitation has been conducted by activists involved in

anti-prostitution campaigns (e.g. Raymond 1998, 2004; Hughes 2004, 2005). These activists adopt an extreme (i.e., absolutists, doctrinaire, and unscientific) version of radical feminist theory, which does not distinguish between trafficking for forced prostitution and voluntary migration (legal or irregular) for sex work and claims that all sex workers are victims of trafficking. As Weitzer points out few of the radical feminist claims about sex trafficking are amenable to verification or falsification (Weitzer, 2005: 936).

Moral crusades propagated by activists and to a certain extent by service providers whose funding depends on maintaining the gravity of the trafficking problem “typically rely on horror stories” and “atrocious tales” about victims in which the most shocking exemplars of victimization are described and typified” (Weitzer, 2007: 448). In reality, limited numbers of victims have been identified and even fewer have been studied to be able to make such gross generalizations. The radical feminist theory conflates trafficking for sexual exploitation with prostitution and suggests, among others, that there is a causal link between legal prostitution and sex trafficking. Research does not support these claims. Both conceptually and empirically, it is inappropriate to fuse prostitution and sex trafficking (Weitzer, 2007). There is no evidence that the majority of prostitutes have been trafficked and the causal link between legal prostitution and sex trafficking has not been empirically established.

Research on trafficking for labour exploitation is disconnected from theory. There are virtually no attempts to analyze issues of cross-border trafficking for labour exploitation within existing international migration theories. There is also no attempt to develop a new theoretical framework in which to comprehensively analyze the phenomenon. “Poverty and the aspiration for a better way of life are by far the major ‘push factors’ and are also among the principal reasons why parents send their children away to work” (Williams and Masika, 2002: 5). Virtually all child victims of trafficking came to the United States intent on finding employment. Child labour is common and widely accepted in the countries of origin of many of the trafficked minors we studied (Goździak and Bump, 2008). The International Labor Organization (ILO) estimates that 250 million children

between the ages of five and 14 living in developing countries qualify as child labourer. At least 120 million children work full-time. Sixty one percent of child labourers are in Asia, 32 percent in Africa, and seven percent in Latin America. Their work varies, from helping with family farms to performing physically demanding tasks in manufacturing, construction, and extractive industries (Henne and Moseley 2005).

This situation also affected the circumstances of most of the children in our study. Not only did extended family members took advantage of the cultural norm of child labour and did not see it necessarily as exploitation, but the ethnic communities within which these children operated in the United States did not consider working children an anomaly. Quite a few children in our study performed valuable services for their families— worked on family farms, took care of younger siblings, etc.—but were not compensated for their labour. An opportunity to engage in waged employment in the United States was not to be missed. Poverty was a central factor in the decision of parents to send their children away to work. The prospect of good wages in a wealthier country made sending children away acceptable (Dottridge, 2002) and was reported to be attractive to the children themselves. After all, remittances from child labour could sustain entire families in some countries. With few exceptions, all survivors in this study sent remittances to their families of origin. In fact, much of the children’s initial dissatisfaction with placement in the Unaccompanied Refugee Minors (URM) programmes stemmed from the fact that they had to go to school instead of working and earning money to send back home. Being able to send money to relatives was extremely important to all of them.

## **Methodology**

Similarly to theoretical approaches, development of innovative methodologies to study human trafficking is also in its infancy. Reliance on unrepresentative samples is widespread. Most studies rely on interviews with “key stakeholders” who do have a stake in promoting certain view/s of human trafficking and its victims. Studies that do include interviews with victims are limited to very small samples (e.g.; Human Rights



Center and Free the Slaves, 2004; Human Rights Center, 2005; Caliber Associates, 2003). The well-known dangers of generalizing from small convenience samples and from anecdotal stories are routinely ignored in the writings about human trafficking. There is a need to emphasize the limitations of small samples for generalizations and extrapolations, while at the same time stressing the value of ethnographic investigations for formulating hypotheses for further studies, including preparation of survey questionnaires. So often in social sciences, questionnaires are developed without the benefit of exploratory ethnographic studies and do not include the range of experiences of the cohort/s under investigation, but rather reflect the scholars' research goals and objectives.

Predominant methodologies include interviews. As an anthropologist, I certainly value in-depth, open-ended and systematic ethnographic interviews, but am fully aware that interviews conducted by untrained researchers often amount to no more than an anecdote. Victims' and stakeholders' narratives are important but need to be augmented by participant observation. People do not necessarily do what they say. Participant observation is needed, but difficult. The main obstacle to conducting empirical qualitative research on human trafficking is related to gaining access to trafficked persons. For obvious reasons, to study them while they are still in the hands of traffickers is impossible and dangerous. But is it easier to engage trafficked persons in research once they have been rescued?

In order to conduct research on trafficking to the United States, particularly research that highlights the perspectives of the trafficked persons themselves, researchers have to work closely with service providers. Trafficked persons, particularly trafficked children, are considered an extremely vulnerable population and service providers are charged with protecting them from further exploitation as well as from the possible adverse effects of recounting their trafficking experiences in the course of a research project. Many social service providers do not see research as a way to empower trafficked persons by providing an opportunity to bring about justice and to affect policy-making and programme design from the ground-up. Researchers often lament how difficult it is to

convince practitioners—service providers, attorneys, law enforcement—about the value of research and gain their permission to recruit trafficked persons, both adults and children, to participate in empirical studies (Brennan, 2005; Goździak, forthcoming). Researchers who are successful in developing close working relationships with and gaining trust of service providers and their charges often meet with criticism from fellow-researchers who point out that precisely because of the close connection between the researchers and the practitioners the study would be less “objective” and the involvement of the practitioners in the study would be self-serving.

These criticisms remind me of the old discourse in anthropology which juxtaposed the theoretical and the applied side of the discipline and treated the latter with ambivalence or sometimes even contempt (Bennett, 1996). I wonder what has happened to the calls for “public anthropology” (Scheper-Hughes, 1995), “politically committed and morally engaged” research (Farmer 1999; 2003) and the apparent dissolution of the divide between pure and applied work (James, 2007). Having spent much of my professional life conducting applied research, I firmly believe in the value of practice-based action research.

Recently, my colleague and I had a rare opportunity to study children trafficked to the United States. In order to gain access to these children we had to collaborate with a group of service providers assisting these children in integration into the wider society. Practically speaking, given the choice between having no access to the trafficked children and having to rely solely on secondary data sources or worse sensationalistic media accounts and working hand-in-hand with the practitioners who valued research and wanted to turn the research findings into action, the decision was not difficult at all. More importantly, we were interested in conducting a study that would have the potential to affect the way services for trafficked children are provided and influence future policy-making and programme designs. At the time when our research first commenced, services for trafficked children were in their infancy and practitioners were very interested in exchanging experiences to enhance their ability to provide the best possible care. It was a rare opportunity for academic researchers to be able to facilitate this

process through sharing research findings. The opportunities this study provided far outweighed any initial dilemmas we might have had.

### **Agency and vulnerability**

Much of the literature on women trafficked for sexual exploitation presents them as lacking agency (e.g.; Hughes, 2001, 2005; Raymond, 2004). As Weitzer points out “the denial of agency” is evident in the very framing of the problem as one involving “prostituted women,” “trafficking,” and “sexual slavery” (Weitzer, 2007: 452). Many writers deem the notion of consent irrelevant when it comes to sex trafficking. Ironically, persons trafficked for other forms of labour exploitation are often deemed as smuggled on the basis that they consented to being taken across international borders without regard to the fact that they did not consent to be severely abused and exploited.

The issue of agency is also dismissed in relation to children. Both the Convention on the Rights of the Child (CRC) and the Trafficking Victims Protection Act (TVPA) consider all persons under the age of 18 as children and do not distinguish between four and 17 year olds. They do, however, make a clear distinction—ideological, strategic, and operational—between children and adults. “This distinction is based on the principle that the development of children as human beings is a process and is not complete as long as they are minors. Children are deemed ‘innocent’ and in need of special protection and assistance in making decisions. It is believed that minors cannot be expected to act in their own best interest as their ability to exercise full agency is not yet entirely developed” (Sanghera, 2005: 13). Accordingly, “all persons under the age of 18 constitute a homogenous category—children, devoid equally of sexual identity and sexual activity, bereft equally of the ability to exercise agency and hence in need of identical protective measures” (Sanghera, 2005: 6).

The children on our study, the majority of whom were between 14 and 17 years of age when they were trafficked, were adamant that they wanted to migrate to the United States. However, at the time of making the decision to migrate they had no idea about the

abuse and exploitation they would face once they crossed the border; i.e. could not or would not consent to being trafficked. For the researcher, the challenge is where “to draw a line between coercion and consent for young people under the age of 18 and how best to promote their rights and agency while still protecting them” (Kempadoo, 2005: xxv). Do we treat them as vulnerable victims—the way the US law that stipulates who is a victim and thus who is eligible for services does—or as survivors with a great deal of resilience on which to build in facilitating the young people integration into the wider society.

### **Victimhood and resiliency**

Understanding the children’s perception of their identity as victims plays an important role in post-trafficking adjustment. None of the children in our study were overtly happy but some did not see themselves as having been mistreated. Children who cooperated with the perpetrators or enjoyed aspects of their experiences (such as pretty clothes, freedom, boyfriends, drugs or alcohol) may have been more susceptible to trauma and more resistant to therapy. Thus, their self-identity, understanding of their situation and subsequent goals often conflicted with the goals of service providers and law enforcement officers. Clear identification of someone as a perpetrator correlated with less traumatic aftermath. In situations where the perpetrator was a relative or a boyfriend, there appeared to be a feeling of greater betrayal resulting in a higher likelihood of a traumatic response. The situation was even more complex in cases where the traffickers were family members. The survivors were hesitant to speak openly of the situation for fear of implicating their relatives or reprisals on family members left behind in the country of origin.

The children’s lack of identity as victims was closely related to their expectations about coming to the United States. Almost all of the children were highly motivated to migrate to the U.S. in the hope of earning money. Many of them had compelling reasons to send money home and had to repay smuggling fees. Typically, the children’s desire to earn money did not change once they were rescued. Obviously, URM programmes reflect US

laws requiring children to attend school, defining the age of employment and number of hours a minor child is allowed to work, and requiring a work permit. These restrictions may run counter to many children's goals and lead to a struggle as they adjust to their new lives. These issues have long-term consequences for the children's commitment to education and affect their desire to remain in care.

The children's reluctance to see themselves as victims stood in sharp contrast to the perceptions of service providers who referred to the children as victims, often because the law conceptualizes them as victims. However, many caseworkers emphasized the children's resilience and appreciated our deliberate use of the term "survivors". While we recognize the legal necessity to use the term "victim," therapeutically speaking the identity of a "victim" may be counter-productive.

### **Neglected issues and topics**

Research fulfills a number of roles, one of which is to offer an independent and critical assessment of current policy and practice. The list of issues that need to be explored in future research projects is long, but the most important arena which needs urgent exploration in the United States is the way the knowledge upon which the public debate about trafficking for sexual and labour exploitation is based is generated. Where does this knowledge come from and how is it used? The US government prides itself in leading the anti-trafficking movement and providing policy and programmatic guidance to other governments. The data and the knowledge the government uses must therefore be valid, reliable, and based on empirical research.

In order to acquire the broadest possible picture of the trafficking phenomenon, several different data collection methods, including quantitative and qualitative methods, need to be tested. Estimation methods that have been gaining currency in studies of hidden populations include rapid assessment, capture-recapture methodology and Respondent-Driven Sampling (RDS). These methods have been successfully used to study the homeless (Williams and Cheal, 2002), street children (Gurgel *et al.* 2004), and women in

street prostitution (Brunovskis and Tyldum, 2004). Researchers in Norway, for example, were quite successful in employing telephone surveys of sex workers operating through individual advertisements (Tyldum and Brunovskis, 2005).

Despite the fact that the US government requires all researchers conducting research project on sex trafficking, supported by federal grants, to sign an affidavit stating that they oppose prostitution, the researchers should not be deterred from collaborating with scholars who have had a long history of conducting research on prostitution and test if data collection methods developed and utilized within the sex work research arena are applicable to studies of trafficking in persons. Similar collaboration ought to occur with researchers studying illegal migration. I am yet to see anyone discussing the applicability or lack of such of methods utilized by Jeffrey Passel (2005, 2006) or George Borjas (1991, 2001) to estimate the number of undocumented immigrants in the U.S. to arrive at similar estimates of the number of persons trafficked into the United States.

The US government spent \$428.5 million in 2006 to fight human trafficking in the United States; this represents a 13 per cent increase over the previous year of 2005. The nation has been blanketed with 42 task forces to find the estimated hundreds of thousands of victims. The task forces spent more than \$150 million, but found only a few hundred of victims. There is a need to evaluate the domestic counter-trafficking initiatives, the same way the GAO report calls for the evaluation of the US anti-trafficking initiatives overseas.

Trafficking in persons (TIP) is often portrayed as the world's fastest growing criminal enterprise, with profits that rival the illegal drugs and arms trade. Reports repeatedly quote the number of seven billion dollars in profit to indicate the magnitude of the phenomenon (Spangenberg, 2002; Denisova, 2001; Scarpa, 2006; Roby, 2005). Reports also talk about networks of international organized crime which are attracted to the trade in human beings because of low risk and because the criminal penalties for human trafficking are light in most countries (Pochagina, 2007; Tiefenbrun, 2002; Sheldon, 2007). Different TIP reports produced by the US Department of State reiterate this

assertion, describing how traffickers enjoy virtually no risk of prosecution by using sophisticated modes of transportation and communication; avoid punishment by operating in places where there is little rule of law, lack of anti-trafficking laws, poor enforcement of such laws, and widespread corruption (DOS, 2003-2007). Media and international organizations also talk about the fact that the crime of trafficking in persons offers international organized crime syndicates a low-risk opportunity to make billions of profits by taking advantage of unlimited supply and unending demand for trafficked persons (Claramunt, 2002; Burke et al., 2005; ILO, 2002; Reuters, 2000).

Given the lack of research findings and statistical data, it is difficult to accurately assess the scope of organized crime's involvement in human trafficking (Bruckert and Parent, 2002: 13). The distinction between trafficking and smuggling is not always easy to make. According to John Salt (2000: 43) the notion that human trafficking and organized crime are closely related is widespread despite lack of evidence-based data to support this assertion. This alleged connection is based on the fact that people of different nationalities are part of the same group of trafficked victims; that trips over a long distance require a well-oiled organization; that substantial amounts of money are involved; that itineraries change quickly; that legal services are available very quickly; and that there is a strong reaction to counter-offensives by law enforcement agencies (Bruckert and Parent, 2002). These arguments developed by Europol (Salt, 2000) are also shared by others (e.g. Taibly, 2001; Juhasz, 2000). Some researchers point to a close connection between organized crime and trafficking for sexual exploitation indicating that the magnitude and geographic scope of the sex industry are phenomenal and organized crime is involved at various levels (Shanon, 1999; Caldwell et al, 1999).

Although many reports indicate involvement of large criminal networks in human trafficking, family involvement in trafficking should not be underestimated. These smaller operations based on kinship or friendship ties may, of course, be part of larger criminal networks. In the recently concluded study of 146 children trafficked to the United States, we did not find any direct evidence of such connections. Moreover, the trafficked children did not speak of criminal networks, but rather focused on the close

relationships between themselves and those who helped them cross the US border. Some were quite upset when law enforcement or service providers referred to their family members as traffickers; even the children who felt wronged by their loved ones had difficulty conceptualizing their actions as criminal.

There is a need for both quantitative and qualitative research that would provide both macro- and micro-level understanding of the trafficking phenomenon. Methodologically sound compilation of official statistics on the number of trafficked victims would enable quantitative analysis and inform appropriation of funds for counter-trafficking efforts and services to victims. Sadly, as of August 2006, the Office of Refugee Resettlement (ORR) in the US Department of Health and Services (DHHS) ceased to provide data on trafficked persons in their care. Prior to August 2006, researchers were able to get access to limited non-identifiable data on victims, including their ethnicity/nationality, date of birth and age at the time of rescue, gender, marital status, and number of children. Data related to prosecutions is also unavailable. According to *The Washington Post* article:

The D.C. officers are among thousands of law enforcement officers nationwide who have been trained to spot trafficking. In Montgomery County, police have investigated numerous brothels since the task force was trained in 2005 and last year. Officers have found a few trafficking victims, but here have been no prosecutions. (...) Arlington County Commonwealth's Attorney Richard E. Trodden, who studied trafficking for the Virginia Crime Commission, said he doesn't know of any local prosecutions in Northern Virginia (Markon, 2007: A9)

Rigorous ethnographic and sociological studies based on in-depth interviews with trafficking survivors would provide baseline data on trafficking victims and their characteristics. Too often victims of trafficking remain one-dimensional figures whose stories are condensed and simplified, which does not bode well for the development of culturally appropriate services. In order to develop appropriate assistance and treatment programmes for trafficking survivors, increased attention needs to be paid to the expertise and practical knowledge of non-governmental organizations (NGOs) and their experience



in working with different groups of trafficking survivors, including women, men, and children. In the already mentioned study of children trafficked to the United States, we found that most programmes followed a “cookie-cutter” approach. In theory, the children could choose from a menu of services; however, in reality they were encouraged to enroll in all available programmes, including mental health services, whether they felt they needed counseling or not.

Given the fact that services to trafficked persons are in their infancy, monitoring and evaluation studies should be an integral part of every assistance programme, public and private. Well-designed monitoring and evaluation studies, particularly external evaluations, can identify effective policies and “best practice” approaches as well as assess the success of different programmes. Particularly important are longitudinal studies of the effects of rehabilitation programmes on the ability of survivors to integrate into the new society or re-integrate into their native one. The U.S. has spent considerable amount of resources supporting “Rescue and Restore” initiatives around the world but no follow-up study has been conducted on any of the victims returned to their home countries. Have survivors of trafficking for sexual exploitation been accepted by their families and local communities? Are survivors of trafficking for labour exploitation at risk for re-victimization? How are the children who had been trafficked with the approval of their families doing?

There is also a need for effective cooperation and coordination of research within North America and between North America and other regions of the world, particularly source countries. In addition, there is a need to establish a forum where research results can be exchanged between different scholars as well as shared with policy makers and service providers; such a forum can take a form of a specialized publication or an international task force. This forum should be free of moral and political influences and devoted solely to scholarly pursuits. The need to fill in the gaps in our knowledge and share research results is urgent. As Liz Kelly observed, “Lack of research-based knowledge may inadvertently deepen, rather than loosen the factors that make trafficking both so profitable and difficult to address.” (Kelly, 2002: 60).

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**Politicized Knowledge: Knowledge Gaps and Priorities for Further Research in  
Latin American and Caribbean Trafficking**

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Trafficking in persons, a form of slavery, has been practiced for hundreds of years. In 1928, the League of Nations identified the trafficking of women and children for purposes of commercial sexual exploitation as a significant problem within Latin America (Harris, 1928), yet only since the beginning of the 1990s has the issue recaptured the imagination of the public and risen to the forefront of the international human rights agenda (Mattar, 2004; UN, 1999; TVPA, 2000, 2003, 2005). United States efforts, in particular, have proven extraordinarily successful in promoting discussion and governmental activity regarding trafficking. Yet problems remain in our understanding of the fundamental nature of the problem and our assessments of its reach.

In an ideal world, we would carefully assess and analyze the characteristics of a social problem and develop tailored responses. In contrast, trafficking has arisen as a political movement sparked by moral outrage, prompting a number of policy and practice responses, while assessment efforts have struggled to keep pace (Guinn, 2008).

Here, I want to raise questions regarding the conventional wisdom about trafficking. I suggest that failures in assessment reflect both tendencies towards overt or covert resistance to coercive outside pressures and willful ignorance in deference to other social interests and norms that results in a form of “politicized knowledge.”

I will start by reviewing the politicized nature of trafficking in persons and a variety of factors that inhibit or distort efforts to measure the problem. I will conclude by examining the interconnected dynamics of the sexual exploitation industry and trafficking. While this problem of assessment applies throughout the world, my analysis will primarily draw upon research conducted in Latin America, the Caribbean, and Brazil (Guinn and Steglich, 2003; Leal and Leal, 2003).

### **The Politicization of the Problem**

In reviewing the trafficking literature, one immediately notices the diversity of efforts to quantify the number of victims affected. They range from the hundreds of thousands to

millions per year. While all agree that the problem involves a significant number of individuals, all acknowledge that current assessments are, at best, rough “guesstimates” (Godzdiak and Collett, 2005).

Commentators offer a number of explanations for this problem. Most note that trafficking is an illegal enterprise (Langberg, 2005). Yet the assessment of other forms of organized crime have been measured with greater accuracy and confidence (*see* Transnational Institute, 2003; International Narcotics Control Board, 2004). Similarly, many suggest that scarce resources limit the capacity of local law enforcement to assess the problem. To refute this argument, one merely needs to look at the inability of the resource rich United States to establish reliable statistics. (Godzdiak and Collett, 2005).

Confusion over the definition of the crime represents a primary challenge to measurement. More than that, *how* one defines the problem also reflects one’s normative concerns shaping the resulting assessment. Two reports from 2005 are revealing. In a review of research, Laura Langberg (2005) of the Inter-American Commission of Women, of the Organization of American States asserted that while “trafficking for forced labor” represented a “pressing problem...trafficking for sexual exploitation was perceived as more widespread and oppressive.” In contrast, a report by the International Labor Organization (2005) asserted that sex trafficking victims represent only 20% (250,000) of the 1.3 million people in Latin America engaged in forced labour.

If we retrace the emergence of contemporary trafficking movement, it came to the forefront of public attention when evangelical Christians in the United States became aware of the sexual exploitation of trafficked children. The public outrage of this group led to the enactment of the Trafficking Victims Protection Act of 2000, undoubtedly the most important factor in advancing the fight (Shapiro, 2007; Buss and Herman, 2003).

Given the previous tolerance towards women’s prostitution, moreover, we may reasonably suggest that in the absence of this concern for children, the effort to protect women would never have emerged as a significant movement. However, when the

opportunity arose, women's rights advocates readily interpreted the ambit of trafficking to embrace not only female children but women who were being trafficked for similar purposes of sexual exploitation. Similarly, labour advocates who recognized the political power of this new trafficking movement also joined in, linking their concerns over labour abuse. Thus, the TVPA also criminalized the trafficking of women and trafficking for purposes of labour exploitation. Yet its origins in concerns over sexual abuse remain prominent. As noted by the United Nations Office on Drugs and Crime (2006), trafficking for purposes of sexual exploitation has dominated the trafficking discussion and it concluded that "most identified human trafficking victims have been women and children who seem to be particularly vulnerable to sexual exploitation."(33)

Hence, efforts to assess trafficking fall prey to efforts by advocates to take advantage of the political power of the trafficking issue. Other factors affect efforts at assessment as well.

### **Problems of Assessment**

At the national level a number of additional problems arise. These fall into three general categories: political/social factors; data bias; and definitional/legal ambiguity.

*Political/Social Factors:* The first problem arises from the fact that the impetus to combat trafficking did not originate within the region. Instead, these governments have been forced to respond to demands by the international community (particularly the United States). While indigenous NGOs have joined in supporting this effort, it principally remains a programme adopted because of external force or coercion. Evidence of this can be found in the practice of many governments to adopt anti-trafficking legislation modeled on the United States' TVPA as opposed to reflecting local concerns and needs (Ribando, 2005). They do so because the United States evaluates each country in accordance with how it complies with the standards in the TVPA. Conformity in form offers resistant governments a means of superficial compliance.

The United States role as advocate exacerbates this resistance and potential resentment. Memories of past U.S. interference in the domestic affairs of their countries exist throughout Latin America. Such memories militate against ready acceptance of the demands of the TVPA.

This sense of external coercion and resentment leads to a situation in which the country involved must act without the support of a native political constituency. Efforts by local leaders to cultivate political support must fight to overcome the resentments over how the issue has been forcefully advanced by the U.S. and international community.

This lack of a local political constituency not only results in a lack of interest, it also affects decisions regarding resource allocation. Clearly, not having enough governmental investigators (police officers, immigration officials, etc.) will limit the government's ability to identify and prosecute trafficking cases. However, equally significant, government enforcement officials have to make tough resource allocation decisions among a variety of deserving causes: whether to pursue drug smugglers or traffickers; violent crimes or brothel owners (in countries where prostitution is generally legal); or even whether to pursue trafficking or education for women and girls.

Adding to this resource concern, trafficking represents a significantly greater commitment of assets than other related crimes. For example, while undocumented aliens can simply be repatriated, if the police identify an undocumented alien as a trafficking victim and the state fully complies with the requirements of the TVPA and the Palermo Protocol (UN 1999), enforcement will require that the victim be offered: incentives to cooperate in the prosecution; living assistance and health care in the interim; and potentially, support for retraining and resettlement. These obligations offer government officials an incentive to avoid acknowledging the problem.

Complicating these judgments, governments may also be concerned that if they aggressively pursue accurate data about the problems, they risk having their ranking in the TIP Report lowered (Human Rights Watch, 2003; Laczko and Gramegna, 2003). For

many countries, this threat to their reputation raises significant concerns over tourism (e.g. Costa Rica, Jamaica). Others fear possible sanctions in foreign aid.

Finally, our understanding of the nature of the problem may be being distorted by the availability of outside resources. Intergovernmental organizations (such as the Inter-American Commission of Women and the Inter-American Children's Institute of the Organization of American States), charities and NGOs (such as Save the Children, and Casa Alianza) focusing upon children and women are among the most active in the region in monitoring the problem, acting as service providers for victims and as beneficiaries of international donor funds to underwrite programming. Insofar as they are the primary domestically based advocates for enforcement of trafficking prohibitions and conduits for international funding, enforcement agencies will favor their concerns.

*Data Bias:* A second major area of concern involves potential bias induced by the sources of data available to researchers. Given the inadequacy of official records on trafficking, most assessments of trafficking are based upon “‘open source data’ (i.e. data generally available to the public in government, NGO, academic, or media reports)”(US State Department, 2005). Each of these sources presents significant problems.

Media data often forms a disproportionately large part of the research database. Readily available, the media provides researchers with significant detail about the incidents, the victims and the perpetrators. However, the media naturally favours the more newsworthy forms of trafficking. Since, as the adage goes —“sex sells,” this favors reporting on trafficking involving sexual exploitation. Incidents of trafficking for labour exploitation may simply fail to make it into the news media on a similar frequency.

Complicating our analysis, the adage should probably be reframed as the *right type* of sex sells. Thus, while we find significant attention to exploitation involving women and female children, we find far less attention to male-child homosexual exploitation and practically no attention to male prostitution in service of female clients. These issues violate common social norms in Latin America against homosexuality and the

assumption that males (even underage males) servicing females cannot be exploitative. Similarly, one researcher with Save the Children reported that over 50% of the exploiters of children were women—a shocking fact that few media resources have addressed (Private conversation with author).

Public data sources will also be distorted where the nature of the crime has been obfuscated by the government in its releases of public information. This could be an innocent ancillary to government efforts to protect the identity of minors, ignorance about trafficking by the enforcement officials, or it could reflect a conscious effort to use alternative charges so as to avoid the high resource costs of a finding of trafficking.

Finally, NGOs represent an important source of information about trafficking, particularly those involved in services for victims. However, these NGOs often find themselves in a bind: in order to meet the needs of their clients, they are forced to adopt practices of strict confidentiality (Guinn and Steiglich, 2003: 62-63; Azaola, 2000). Like the International Committee for the Red Cross, which promises confidentiality in order to assure access to prisoners of war, NGOs often agree to maintain the confidences of bar owners and under-age victims to assure continued access to those victims to provide them with health care and other necessary services.

*Definitional/Legal Challenges:* Most researchers have noted the ambiguities and difficulties for assessment presented by the sometimes conflicting and confusing definitions of trafficking. Efforts have been made to address this through the adoption of the Palermo Protocol (18 out of the 23 countries adopted - 2 others having signed) and under the influence of the TVPA definition. Nonetheless, as applied to children, two significant problems remain.

First, most people assume that the sexual exploitation of children represents one of the principle objects of anti-trafficking efforts. Yet, the sexual exploitation of children may not actually fit under the rubric of trafficking. The Palermo protocol presumes movement across national borders or, under the more generous TVPA, at least movement within the

country. Yet, in the case of the sexual exploitation of children, most child victims are drawn from within the country where they are exploited. Indeed, in a number of studies, a majority of the victims continue to live at home while being exploited by their families or, in the case of many gay males, by themselves (Azaola, 2000).

Second, the Palermo Protocol targets trafficking by organized crime groups. While organized crime engages in trafficking, significant parts of the trafficking networks are the products of ad hoc activities of individuals and small groups (Feingold 2005). Indeed, in the case of juvenile male prostitution (gay and straight) it is often the victim that sells himself, in the absence of a trafficker, though corrupt police officers demanding payoffs often take the place of the trafficker as exploiter.

### **Interconnected Dynamics of Trafficking, Prostitution and Pornography**

A fundamental divide exists within the trafficking movement between those who seek to protect women and children from all forms of sexual exploitation and those who distinguish between trafficking and what they consider to be legitimate “sex work” (Godzdiak and Collett 2005: 103-4). However, any effort to address the problem of trafficking in isolation from other elements of the sex industry is problematic at best.

*Prostitution:* In most Latin American countries adult prostitution is legal and socially accepted. A number of arguments, however, suggest that legalized prostitution ultimately promotes trafficking and the sexual exploitation of women and children.

First, legalized prostitution normalizes commercialized sex—suggesting that the idea that paying for sex is either positive or value neutral. This can easily be relativized to include sex with minors and male prostitution. For example if it is okay to pay for sex with an 18 year-old woman, then why not 17 and a half? Sixteen? Moreover, since paedophiles often proclaim the belief that children want or need sex, why should they be excluded from this otherwise acceptable commercial practice?



Second, legal prostitution promotes demand. Throughout the world, red light districts attract customers bringing them together into a central location convenient for them and for those who would pander to their desires. In coming together, a certain group psychology arises where members of the group often encourage each other in their use of prostitutes. One often hears of men gathering for a “boys’ night out” at the bars that include visits to prostitutes. Moreover, brothels frequently use the “exotic” to attract customers which, given the shifting character of the exotic requiring every changing characteristics, may include youthful prostitutes and eventually minors.

Finally, legalized prostitution helps support a basic infrastructure that underwrites the market for trafficked individuals and children. Brothel owners, for example, buy and sell victims from those that move them through the trafficking network, host the market that establishes their value as a prostitute, and promote the corruption (bribing police and government officials) necessary to sustain their illicit business.

Advocates of legalized prostitution counter that making prostitution legal facilitates enforcement and health regulation of the prostitutes. However, in both the Netherlands and Australia, where it was argued that legalization would eliminate trafficking, legalized prostitution in fact resulted in greater trafficking (Leidholdt, 2007). Moreover, many researchers point out that if enforcement is attempted at all, health regulations are commonly ignored, documents are forged for underage women, and enforcement officers bought off (Azaola, 2000; Guinn and Steiglich, 2003).

*Pornography:* The making and distribution of adult pornography falls prey to the same conceptual argument as prostitution relating to whether it is inherently exploitative or represents a legitimate form of sex work. Moreover, the role of adult pornography in promoting trafficking track those made by prostitution. Child pornography, however, rouses no similar defenses and in fact presents specific concerns.

Most countries criminalize the use of children in the making of pornography. It represents a particularly vicious form of abuse. It harms the child not only the making of

the material, but also through the trauma inflicted every time the images are displayed or shown in the future (MackKinnon, 2007). It also promotes and encourages further abuse and sexual violence—even where the actual participants in making the pornography are adults portraying children.

Pornography starts the process of abuse by normalizing the demand for child sexual exploitation, conditioning abusers in two ways. First, pornography has always pursued the exotic, pushing the limits and norms. This has included age, where one finds an extensive and growing body of works that have progressively juvenilized – than infantilized females and males as objects of desire (Russell, 2007; TIP, 2007). Second, it conditions behaviour. Numerous studies report that the sexual practices of “johns” imitate pornography that they have seen (Sun, 2007; Kendall, 2007) and that the vast majority of those seeking sex with children do so after witnessing child-related pornography (Sher and Carey, 2007). Interviews with “johns” asking about their attitudes towards prostitutes often attribute their understanding of acceptable or desirable behavior to what they learned from pornography (Farley, 2007). This has resulted in a trend in child sexual abuse of an ever increasing number of victims with a decreasing average age.

In addition to normalizing child sexual abuse, pornography serves to advertise it. Pictures and videos are often readily available in the same bars and nightclubs where children can be found. The emergence of the internet as a distribution mechanism, extends the local market’s reach to encourage the growth of international sex tourism targeting children (Franzblau, 2007). Travellers go online to identify possible destinations and even to select potential victims.

### **Seeking Clarity**

The current anti-trafficking movement has successfully focused the world’s attention on a very serious problem. However, to advance this effort further, researchers need to clarify the social problem being addressed and develop rigorous research programmes to provide

the data necessary to effectively address trafficking. A number of approaches and tactics suggest themselves.

First, in an ideal situation, governments would fund comprehensive independent research to obtain original data on trafficking freed from the potential bias of open source data currently used. Since that appears unlikely, one strategy would be to conduct research on open source data to determine the nature and extent of bias induced by this data source. Those findings could then be quickly adapted and applied to other open source data studies to develop a rough corrective.

Second, the definition of trafficking needs to be clarified, especially in respect to its applicability to child sexual exploitation. While closely allied to trafficking, the absence of movement of the victim can lead to a failure in enforcement. Countries might expand their definition of trafficking from one associated with movement to simply one of exploitation and “trading in” children as sexual objects.

Third, greater attention needs to be paid to the linkages and interactions between pornography, prostitution and trafficking. Efforts that ignore any component of this multifaceted problem bear within themselves the seeds of their own failure.

Finally, research needs to be conducted on the economic impact of trafficking enforcement. Currently, enforcement appears to be being influenced by the perception of its high cost, relative to other types of enforcement. This conversation needs to be elevated to clearly establish both the actual costs and benefits of enforcement.

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