Raising Our Own Awareness: Getting to Grips with Trafficking in Persons and Related Problems in South-East Asia and Beyond

Although it is important not to forget how far we have come in a relatively short space of time, there is clearly much more that can be done to strengthen responses to human trafficking.

By Phil Marshall*

It is generally agreed that the problem of trafficking in persons is increasing, perhaps rapidly. This has not happened in a vacuum, however, but against the background of an unprecedented growth in programmes and policies to combat this problem.

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* Senior Adviser, United Nations Inter-Agency Project on Human Trafficking (UNIAP) and Team Leader, Asian Development Bank, Trafficking Prevention and Safe Migration Project, Phnom Penh, e-mail: phil@arcppt.or.

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

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

It would also be to disregard the reality that, though it has gathered pace in the last few years, the international response to the challenge of trafficking in persons is generally still at a relatively young stage. Lessons are being learned, programmes are being adapted accordingly and innovative responses are arising in response to emerging issues. In fact, for almost any gap that can be identified in the response, an intervention can be found which is seeking to address it. We need to get better at sharing such interventions and information on success and lessons learned. This is not as easy as it sounds, for it requires integrity about what is actually working and what is not, and it is challenging given issues such as the competition for funding resources among different agencies. However, the fate of those currently in situations of gross exploitation and abuse, and those who may be in the future, demands that this challenge be met.

This paper essentially suggests that there are several important problems in the anti-trafficking response, many of which emanate from the way that the issue is conceptualized and are reinforced by gaps in data and information available to inform anti-trafficking work, and a general lack of rigorous analysis of the impact of specific programmes and activities. Meanwhile, there are examples of how changes in the conceptualization and understanding of the issues (based on experience and new information) are leading to promising new approaches. Some of those new approaches are highlighted later in the paper.

While the paper focuses on South-East Asia, with particular reference to Mekong countries – Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam – lessons have also been drawn from South Asia.

Overview of trafficking in South-East Asia

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

Patterns and trends

There is no single pattern of trafficking in persons but rather a range of them. Examples of patterns in South-East Asia include:

- Trafficking into Thailand from neighbouring Lao People's Democratic Republic, Myanmar and Cambodia against a background of widespread irregular migration, owing to spatial differences in the supply of, and demand for, labour. Women and girls are more likely to be trafficked into forced prostitution or domestic servitude while men and boys are more likely to be held captive on fishing boats. Both male and female victims may end up in forced labour in sweatshops, on plantations or constructions sites;

- A similar pattern of trafficking to Malaysia and Singapore from Indonesia, the Philippines and, to a lesser extent, countries of the Mekong region;

- Trafficking of children from the Cambodian border to beg or sell flowers on the streets of Bangkok or Ho Chi Minh;

- Trafficking of Vietnamese boys and girls for sexual exploitation in Cambodia;

- Trafficking from several destinations in the region to China for forced marriage or sexual exploitation, and trafficking within (false) marriages to Taiwan Province of China in particular;

- Trafficking from Thailand, the Philippines and other places for sexual exploitation in Japan, and sexual and labour exploitation in various parts of the Western world and the Middle East. Importantly, much of this trafficking happens in the context of legal migration, rather than illegal migration;

- Internal trafficking in most South-East Asian countries, particularly for sexual exploitation, on which quite a bit is known, and domestic servitude, on which little is known;

- Kidnapping of young boys in China, Myanmar and Viet Nam for adoption in China.

The final example is one of the few types of trafficking where direct force is commonly used. Most traffickers use more subtle means of coercion and deceit. Depending on the level of organization required, those traffickers may be part of

small-scale "cottage industry" type networks, or large global networks capable of moving victims around the globe.

Smuggling versus trafficking

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

- Trafficking is a crime against an individual, whereas smuggling is a crime against the State;

- In a classic smuggling situation, the relationship between a migrant and a smuggler or smuggling ring is a short-term one, ending when the journey is completed, while in trafficking, the relationship is ongoing as the victim is kept in a situation from which he/she cannot escape, owing either to physical restrictions or other binding factors; and

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

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

Responding to trafficking – the four P's

One of the difficulties to date in collecting information on interventions against trafficking is that they are often classified in different ways. In particular, the term "protection" has been used to refer to law enforcement responses (notably in the fight against commercial sexual exploitation of children) and/or to the range of support services provided to victims. There is certainly a need to standardize such interventions. This paper uses the categorizations contained under the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) – a recent regional initiative by the six Mekong governments. Those categorizations can be summarized as the 4 P's:

1. Policy and Cooperation;

2. Prevention;

3. Legal Frameworks, Law Enforcement and Justice (Prosecution); and

4. Protection, Recovery and Reintegration – referring to interventions from the identification of the victim to their eventual (successful or unsuccessful) reintegration.

The types of interventions contained under each heading include:

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

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

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

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

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

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

Analysing prevention

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

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

Awareness-raising

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

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

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

Those are just two of many examples which suggest that the awareness of anti-trafficking practitioners also needs raising. This is discussed further in a later section entitled "Raising our own awareness". A final point to consider in the awareness-raising area is that much trafficking appears to be of an almost opportunistic nature. Could it be that efforts to raise awareness of the risks of being trafficked, are also serving to raise awareness of the money that can be gained by becoming a trafficker? Such a consequence is almost unthinkable but may be one that should not be immediately ruled out.

Vulnerability reduction

Vulnerability reduction strategies involve helping communities to protect themselves against trafficking by offering choices and alternatives, such as vocational training, microcredit and other forms of poverty alleviation, or by support for general development activities such as improved access to education. The theory is that providing communities with alternatives will reduce the need to migrate. Again, this approach has limitations, including the lack of suitability of many vocational training programmes and the fact that many communities see often with good reason migration as their best poverty alleviation strategy. A recent workshop hosted by the Asian Development Bank in the Laotian province of Savannakhet for example, suggested that remittances to the province from migration accounted for 80 per cent of the Province's income.

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

Controlling population movements

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

Push-down, pop-up

In addition to the limitations of each of the above approaches, it is important to acknowledge that trafficking is a dynamic phenomenon and traffickers can quickly adjust to changing environments. Research from several countries in the region has indicated that community-level trafficking interventions that appear successful on the surface may simply be shifting the problem from one community to another, a phenomenon known as the "push-down, pop-up" effect (see DAI, 2004).

A striking feature of all those approaches is that they almost exclusively focus on the movement aspects of trafficking, rather than the exploitative aspects, and overwhelmingly place the emphasis on preventing trafficking in the source communities and countries, often far away from where most of the exploitation takes place. To understand why this is, it is useful to review the way that trafficking is generally conceptualized, particularly in terms of its "root causes".

Conceptualizing trafficking – the root causes

In analysis of the root causes of trafficking, poverty, lack of economic opportunity and lack of awareness about trafficking almost invariably feature prominently. In fact this is so common that one could probably call it a consensus view. The majority of interventions to date, particularly in the area of prevention, have centred around addressing those issues.

But what if one was to drop the term "trafficking" and try and relate those "root causes" directly to what they are purported to cause? For example (actual cases):

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

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

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

Put in this way, the attribution of course can appear rather strange. Ultimately, trafficking involves gross abuses of human rights, including physical and mental abuse, rape, forced drug use, deprivation of liberties and sometimes even murder. To suggest that those acts are "caused" by factors such as poverty, lack of employment opportunities and lack of awareness is simply not correct.

Those factors, along with others such as lack of education, lack of legal status and problematic individual situations, certainly contribute to the vulnerability of individuals and groups to being trafficking, but they cannot be said to "cause" it.

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

But this dominant discourse on the causes of trafficking has had important implications for the anti-trafficking response to date. Indeed, throughout the region and beyond, prevention efforts have overwhelmingly been focused on the supply side of trafficking. Far less attention has been paid to the factors that create the "demand" for trafficking, and policy discordances and failures which create an enabling environment for traffickers.

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

In looking at how responses to trafficking can be improved, there appears to be a need to return to the beginning, in terms of how the issues are conceptualized, what data and information are needed and what is known about what is working so far.

Going back to basics

Reconceptualizing the causes of trafficking

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

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

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

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

Taken together, all those factors create a virtual impunity among those who benefit most from the crime. This is well illustrated by the case of a farmer from the Lao People's Democratic Republic who went to Thailand and managed to locate his daughter who had been trafficked into a brothel. Far from cowering and attempting to, for example, make a deal whereby the daughter was released and no charges laid for a crime in which he had been caught red-handed, the owner demanded payment of Baht 15,000 (1 US$ = 41.18 THB) from the father – a sum that the father could not meet.

If trafficking is indeed a business, then one of the most important responses would seem to be to go after the money. There are a number of strategies that can be

used here. Ultimately, the apprehension of perpetrators and punitive confiscation of their assets would almost certainly have the most effect. Other, less ambitious strategies include simple disruption and/or hassling by authorities of traffickers for less serious misdemeanours which are easier to investigate and punish. Law enforcement therefore needs to be seen not just as a way of bringing justice to victims and perpetrators but as a key strategy in making trafficking less profitable and therefore less common. In other words, and without wanting to once more re-arrange the way anti-trafficking interventions are conceptualized, better law enforcement needs to be seen as a form of prevention.

It is also important to acknowledge that human trafficking, and responses to it, do not occur in a vacuum but against a background of social tolerance grounded in discriminations against such groups as women, children, migrants and ethnic minorities (see ARCPPT, 2003 and 2005 for an excellent discussion of those issues). Increased efforts in the criminal justice field need to be complemented by measures to begin to address those equally challenging issues.

The point is not that work on what is currently termed "prevention" should be abandoned. But, like all aspects of the response, realism is needed about how much impact can be expected from such interventions, while a critical reflection is required about how they may be improved.

Whose reality counts?

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

Some of what those communities classify as an unlucky migrant would be classified as a trafficking victim but some would not. For example, a young woman is forced to work long hours in a domestic home for six months without pay and then deported as an illegal migrant. A second woman is forced to work under similar conditions but is paid. She leaves voluntarily only to be robbed of all her savings by guards at the border as she is returning home. The first would generally be regarded as a trafficking victim but the second would not. But from a villager's point of view, what is the difference? The lucky/unlucky migrant view also helps to

explain why there is so much of what we call "re-trafficking" in that a migrant with an unlucky experience might simply choose to try again.

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

That is unlikely to happen in the foreseeable future. Therefore, there is a need to work within this paradigm for the time being. A good first step would be to reach agreement that the exploitation of migrant women, men and children is not "caused" by their being poor but by the actions of perpetrators, acting against a background of general impunity and social tolerance, or at least indifference. The next few sections identify some of the other key outstanding issues and make some suggestions about what could be done about them.

Raising our own awareness

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

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

Even less information is available as to what trafficking victims knew or understood about trafficking beforehand. Had they heard of trafficking? Did they understand what it was? Did they perceive the risks as applying to them? If not, why not? If so, what factors led them to take the risk in any case? This information, much of which could be collected from victims, would be extremely valuable in better targeting interventions.

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

Other topics on which we currently have insufficient information include:

- Trafficking in men – while growing anecdotal evidence exists, research on trafficking in men is almost non-existent;

- Prevalence of, and community attitudes to, debt bondage arrangements, which are often grounded in traditional practices;

- Approaches developed independently by communities with a long history of migration to make this migration safer; and

- Knowledge and attitudes of clients of those forced into the sex trade. How many of those clients are aware that they are having sex with a victim of trafficking, foe example?

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

But a considerable number of information gaps could be addressed in other ways, often at low cost. The collection and collation of basic information from victims is the most obvious example of this. In addition to the information on awareness and knowledge mentioned above, this could shed additional light on who is involved in the trafficking, the main source areas of trafficking, and importantly, the point from which the victims lost control of their lives. This may not always be at the point of departure but at certain points along the journey, including border crossings, train, boat or bus stations at which traffickers prey on those appearing vulnerable, or recruitment spots for casual labour. It would surely make sense to ensure that interventions are targeted at the points of greatest vulnerability.

Much of this information is already collected by agencies working with victims, but is not shared and collated. Reasons for this include an unwillingness

among some agencies to share "their" information with others. A country in which this information collation has been done is Bangladesh where a database was established about four years ago by a non-governmental organization (NGO) coordination body, ATSEC, to collect and analyse non-confidential victim information. By the time the first 200 cases had been entered, ATSEC members already had enough information to cause them to review their assumptions about who was doing the trafficking. Previously it had been assumed that people were being trafficked by strangers but more than two thirds of the initial cases ran counter to this. The establishment of such a mechanism should be an immediate priority in countries where this has not already been done.

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

Starting from the beginning: the identification of victims

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

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

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

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

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

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

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

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

Encouragingly, victim identification is now being increasingly recognized as a crucial issue. Thailand, is taking the lead in developing operational guidelines

for the identification of victims, simplifying the comprehensive legal codes into more accessible working definitions. Screening of deportees at the border to identify those who have been trafficked is another area of growing attention. In addition, recognizing its importance, the Mekong countries have identified improved identification of victims as one of the main priority areas under the regional COMMIT process mentioned above.

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

Building on what we have learned

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

Three realities have gradually been recognized. The first, as explained earlier is that many people are trafficked by persons that they know. The second is that people will continue to migrate, legally or illegally, in an effort to improve their lives. The third, is that the vast majority of those who migrate do improve their lives by doing so.

This has long been known. As far back as 1983, the World Bank's first country report on China criticized the Government restricting the movement of its population and "locking them into poverty" (see Harris, 2002). Similarly, Rubens Ricupero, in his role as Secretary-General of UNCTAD, described international migration as "the missing link between globalization and development" (IOM, 2001). Yet it has taken some time for this understanding to filter into the anti-trafficking movement. Migration has tended to be seen as a symptom of the failure of poverty alleviation strategies, rather than as an important poverty alleviation strategy in its own right.

Slowly but increasingly, acknowledgement that migration is not only inevitable but generally beneficial to both sending and receiving areas, is being reflected in prevention approaches. Messages are moving towards the idea of "Be Smart, Be Safe …", combining information on the risks and realities of migration,

with advice on ways to make migration safer. Coupled with this, new bilateral agreements are being developed to attempt to regularize a lot of the migration which is currently illegal. Those include Memoranda of Understanding (MOU) on Employment Cooperation between Thailand and Cambodia, the Lao People's Democratic Republic and Myanmar, respectively.

Those are all positive steps forward. However, increasing the proportion of migration that is legal and ensuring that migrants are better informed are only part of the solution. Rights are only useful if they can be accessed. The next step is thus to ensure that more mechanisms are in place to support migrants in points of destination, where, as noted above, most of the exploitation and abuse is taking place. Currently few programmes exist to provide such assistance.

Hand-in-hand with increased protection for migrants, campaigns have to be conducted to reduce public tolerance for their abuse. While some fledgling efforts have been made in this area, it is clear that much more needs to be done.

Learning from others

This paper has identified a number of constraints and it is important to highlight that many of those are already being identified and acted upon. As a result, a number of interesting and promising new initiatives are being introduced, some of which may have scope for wider applicability. Apart from a general move towards safer migration initiatives, moves to strengthen victim identification among others, those initiatives include:

- Moves to identify job placements for target groups before vocational training takes place, leading to much higher success rates in job placements;

- Initiatives to identify and address specific or localized vulnerability factors such as lack of citizenship and birth registration, land insecurity and debt caused by unexpected shocks (such as a major illness to a family member);

- Provision of information to potential migrants prior to potential departure concerning which agencies might provide assistance should difficulties arise;

- Outreach programmes in strategic locations at destination points, such as boat and bus terminals, to identify potential vulnerable migrants and provide assistance as appropriate; and

- Nascent work on social attitudes and tolerance for exploitation and abuse of migrants and other vulnerable groups.

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

Moving ahead – Recommendations for the future

Although it is important not to forget how far we have come in a relatively short space of time, there is clearly much more that can be done to strengthen responses to human trafficking. The following are a number of recommendations for moving ahead in the response, most of which have been covered in this paper.

Policy framework

- Continuing moves to locate migration policies more centrally in the anti-trafficking response. This would include moving to bring immigration policies more into line with labour market and geographical realities, greater acknowledgement of the Convention of the Rights of Migrant Workers and Their Families as one of the international instruments relevant to trafficking, and including migration policy and practices in any criteria to assess national responses to trafficking;

- Strengthening monitoring and evaluation of the impact of anti-trafficking programmes. For each programme, this would begin with clearer articulation of the problem being addressed, the end objective and the assumptions underlying the proposed approach. Evaluations could also be undertaken of programmes that were completed two to three years ago; and

- *Addressing information gaps* through increased collation of existing data, more research and greater sharing of experiences.

"Prosecution"

- *Widespread measures to improve identification of trafficking victims,* including establishment of guidelines, training for front-line officials, increased mechanisms for identification, particularly self-identification;

- *Establishment and support of specialist anti-trafficking law enforcement units* to anchor the criminal justice response, mitigate the impact of corruption and act as a focal point for cooperation with other countries;

- *Increased targeting of bigger players* and moves towards confiscation of assets; and

- Explicit acknowledgement of, and measures to combat, the impact of corruption on the apprehension and successful prosecution of traffickers, including acknowledgement of the Anti-Corruption Convention as one of the international instruments relevant to trafficking, adjustment of laws, policies and practices to reduce opportunities for corruption, and institution of checks and balances throughout the legal process.

Protection of victims

- *Development and monitoring of standards of care for victims,* including on issues relating to detention of victims by law enforcement and victim support agencies;

- *Acknowledgement of the important role played by victims in strengthening law enforcement*, drawing on lessons from throughout the world indicating that victims who are treated first and foremost as victims of crime are more likely to testify than those treated primarily as potential witnesses (see Pearson, 2002);

- *Streamlining of repatriation procedures* to improve the welfare of victims and reduce disincentives to victims identifying as such and accessing available services; and

- *Finding meaningful ways for victims to contribute to the anti-trafficking response*, including through collecting information on their experiences and authentic participation in development of policies and practices relating to trafficking.

Prevention

- *Reassessing the analysis of the "root causes" of trafficking* to place more emphasis on the actions of the exploiters and abusers rather than the victims;

- *Reviewing the whole area of awareness-raising* including any assumptions that raised awareness will automatically lead to behaviour change;

- *Developing increased support mechanisms and structures for migrants at points of destination*; and

- *Commencing work in earnest on the attitudes and norms which provide an "enabling environment" for traffickers*, including discrimination based on sex, ethnicity, class, age and other factors.

Acknowledgement

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