Helpdesk Research Report: Combating human trafficking – approaches and lessons

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Query: Please provide an overview of the principal approaches used to combat trafficking by the major global actors, and the associated lessons learned and gaps in knowledge

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1. Overview

Human Trafficking is a global problem. International legal consensus on the issue was reached with the ratification of the Convention on Organised Crime in Palermo in 2000, ratified to date by 117 countries (146 Parties in total), and its associated Protocols (the Palermo Protocols), including the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2003, and the Protocol Against smuggling Migrants by Land, Sea and Air 2004. The ratification of the Convention has resulted in a common definition of human trafficking and a consensus around approaches to combat it.

Accordingly, international anti-trafficking policy has been dominated by the prevention, protection and prosecution paradigm as set out in the Palermo Protocols (IOM email communication; US Department of State 2011).

- **Prevention**: The Trafficking Protocols require States Parties to establish comprehensive policies to prevent trafficking and adopt or strengthen measures to reduce demand that fosters exploitation. Prevention measures also include greater efforts to regulate and monitor labour recruitment and other contributing practices; for non-state actors this includes public awareness campaigns and advocacy measures.

- **Protection**: Protection measures include specific measures for victim recovery and the adoption of measures to allow victims to remain in the country's territory in appropriate cases.
- **Prosecution**: States are required to criminalise trafficking, prohibit and punish human trafficking crimes, and enact adequate national legislation to criminalise trafficking.

Efforts to tackle the problem is taking place at different levels, ranging from the various UN Agencies and country-level initiatives. Key actors include:

- **UN organisations**, including the UN Office on Drug and Crime (UNDOC), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF) and the International Labour Organisation (ILO)
- **International and non-governmental organisations**, who often play a key role in advocacy and awareness-raising role, as well as provide support to traffic victims
- **Regional bodies**, such as the African Union and the Organisation of American States (OAS), who have signed regional treaties and conventions against trafficking
- **National governments** and their associated development agencies, such as the USA and USAID, and Sweden and the Swedish SIDA. Some developing and transition countries have also spearheaded initiatives

Over a decade of effort has produced numerous lessons. Despite huge efforts, however, human trafficking remains a big business, and a number of gaps have been identified, among them the fact that most strategies have focused on prevention and protection, with prosecutions lagging behind (Bernstrom, Jalakas and Jeffmar 2006). Further it has been difficult to gauge the effectiveness of programmes not least because statistics on the scale and range of the problem are largely based on insufficient data.

### 2. Key approaches (based on IOM email communication)

**Prevention**
Prevention interventions include various awareness-raising activities, microcredit, strengthened border controls, migrant hotlines, community protection networks, programmes to support increased school attendance, and migrant resource centres, which can provide information on legal migration options to aspiring migrants in countries of origin.

*Information campaigns* have been prominent anti-trafficking tools. Most often implemented in countries of origin for migration and trafficking, these campaigns generally seek to raise awareness of the risks of human trafficking among the general public, or they may be targeted specifically at communities or population groups perceived to be particularly vulnerable to trafficking, such as young women and children. More infrequently, information campaigns attempt to encourage potential whistleblowers to report suspicious activity, or warn exploiters or potential exploiters with threats of legal sanction if they are caught.

*Active law enforcement intervention* is a common prevention strategy that relies on the ability of law enforcement agencies to intercept trafficked persons in transit and hopefully before they have been subjected to exploitation. However, because of the difficulty in distinguishing a trafficked person from migrants in transit, interception risks disrupting the legitimate travel of large numbers of people with limited evidence as to their vulnerability to trafficking. Evidence linking tightened border control with a reduction in trafficking is limited to non-existent.
Other programmes and projects attempt to reduce vulnerability through poverty reduction activities such as employment opportunities and micro-credit. However, while there may be inherent value in poverty reduction, there may be only a limited correlation between the factors being addressed by these projects and the key determinants for vulnerability to trafficking. For example, a person may be more vulnerable to trafficking by virtue of living in close proximity to a national highway, than because s/he is poor. For this reason, some experts have argued that the limited funds available for counter-trafficking should be allocated in a more targeted manner, especially given that the potential supply of vulnerable migrants is too big for trafficking to be addressed in this manner and that there already exist numerous large-scale frameworks and programmes that aim to alleviate poverty.

Protection
The standard features of a national assistance framework typically include:

- provision of basic necessities, safe accommodation, medical and psychosocial support that, in order to comply with international standards, should be provided regardless of whether the victims cooperate with law enforcement services,
- legal assistance to resolve issues of residency and/or to participate in criminal or civil proceedings,
- the option of voluntary return to the victim’s home country, and
- additional re/integration assistance upon arrival to support rehabilitation.

It may also include vocational or skills training, micro-credit support, and/or monitoring, and, very occasionally, it has included third country resettlement for victims who are unable to return home or remain in the country to which they were trafficked because of risks to their safety. In addition, special measures to protect the victim from direct contact with the accused during a trial are also considered good practice.

Prosecution
This approach focuses directly on the criminal responsible. However, attempts to investigate, prosecute, and convict traffickers have resulted in only limited successes. Statistics collected by the US Department of State show that of the 6,017 prosecutions in 2010, only 3,619 resulted in conviction.

However, trafficking in persons is still a new crime in most countries, and while widespread ratification of the Protocol came quickly, it has taken longer for states to enact corresponding national legislation. The task of prosecuting trafficking offences is further complicated by the difficulty of identifying victims, the reality that few of those identified wish to support a prosecution, and the challenges of gathering evidence to prosecute traffickers in the absence of the victim’s testimony. Added to this are the complexities (and expense) of investigating and prosecuting a crime whose perpetrators and evidence are often scattered across countries, and the challenge of securing the cooperation of law enforcement officials in other jurisdictions.

3. Key actors

UN agencies
In addition to providing the overarching framework in the Conventions and Protocols a number of UN agencies are heavily involved in anti-trafficking efforts.

**International Labour Organisation**
ILO efforts mainly include prevention strategies, including data collection (such as global estimates of people held in forced labour); research and analysis on trafficking unrelated to the sex industry; the enactment and implementation of ILO Conventions; supporting the enactment and enforcement of regional and national laws (for instance that regulate work conditions and recruitment), and regulating and monitoring labour recruitment processes and business practices. ILO also supports vocational training for identified victims of trafficking (ILO 2008)

**United Nations Office on Drugs and Crime**
UNODC is the only United Nations body focusing on the criminal justice element of human trafficking crimes. It researches and publishes work on the role of organised crime in trafficking, reviews laws and polices countries enact, and produces training manuals on investigating and prosecuting crimes, and the implementation of anti-trafficking plans (UNODC website).

**UNICEF**
(http://www.unicef.org/protection/index_exploitation.html)
UNICEF’s activities, which focus on preventing the trafficking of children, include the production of training manuals to improve understanding of child trafficking and actions that can be taken at policy and outreach stages (UNICEF website).

**UNHCR**
(http://www.unhcr.org/pages/4a16aae76.html)
UNHCR has an established policy on trafficking that relates to ‘persons of concern’, including asylum-seekers, refugees, stateless persons, internally displaced persons and returnees. Activities include: advocacy to promote asylum-sensitive anti-trafficking legislation; specific advocacy interventions to prevent trafficking of persons of concern; resettlement as a solution to prevent trafficking of refugees; research addressing the risks of trafficking faced by refugees and others of concern; awareness-raising among refugee and IDP populations on the risks of trafficking; and, identification of persons of concern at risk of trafficking (Riiskjær and Gallagher 2008).

**International and Non-Governmental Organisations**
Many international and national non-governmental organisations are involved in the fight against human trafficking. Efforts are documented in the various US State Department Trafficking In Persons (TIP) reports, as well as a recent GSDRC report mapping organisations countering trafficking (http://www.gsdrc.org/docs/open/HD718.pdf) and elsewhere, so just three are highlighted here.

**Anti-Slavery International**
(www.antislavery.org)
The team’s advocacy work takes place through public awareness raising and campaigning, educational work with schools, engagement with the media and lobbying national governments
and inter-governmental fora (such as the United Nations, the European Union, the African Union and the International Labour Organization). Anti-slavery's advocacy work involves carrying out and publishing research on these different types of slavery and advocating for changes in policies and behaviour which will contribute to their eradication. Advocacy and programmes are closely linked, as we convey to key decision makers the messages of victims and partners in the field for an effective action against slavery.

**International Organization for Migration (http://www.iom.int)**

IOM takes a comprehensive approach to trafficking in persons within the wider context of managing migration. IOM's wide range of activities are implemented in partnership with governmental institutions, NGOs and international organisations. The approach is based on three principles that govern all counter trafficking activities: respect for human rights; physical, mental and social well-being of the individual and his or her community; sustainability through institutional capacity building of governments and civil society.

**Save the Children (http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6192517/k.9ECD/Protecting_Children_from_Exploitation.htm)**

SC undertakes advocacy campaigns, particularly among vulnerable communities, for instance in Mozambique; support the development of public policies and training to implement them – for instance supporting a municipality in El Salvador from which children are frequently trafficked; and implementing child protection programmes to help change behaviours of families and communities.

**Regional initiatives**

Most of the main regional and sub-regional bodies have developed their own framework documents aimed at combating human trafficking. The table below details some of these (US Department of State 2011). The main concern remains how to translate written commitments into action.
### Relevant Framework Documents

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<th>Organisation</th>
<th>Relevant Framework Documents</th>
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<tr>
<td>Organization of American States (OAS)</td>
<td>Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012</td>
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<tr>
<td>South Asian Association for Regional Cooperation (SAARC)</td>
<td>SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002)</td>
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**Source:** US State Department 2011

### National initiatives


Australia is a regional leader in combating trafficking in persons. Australia's anti-people trafficking strategy was established in 2003, with initial funding of $20 million over four years. A further $38.3 million over four years was allocated in the 2007-08 Budget, including $26.3 million for new initiatives.

Australian diplomats and consular personnel receive training on their obligations to report extraterritorial offenses of serious crimes, including child sex crimes and trafficking in persons. The Australian government educates troops and police officers on human trafficking prior to their deployments on international peacekeeping missions.
The government provides substantial funding for law enforcement training, victim assistance programmes, and prevention activities nationally and throughout Southeast Asia, including a communication awareness strategy; improving legislation and increased regional cooperation. Protection measures include return and reintegration support; prosecution measures include spending on investigating trafficking operations, support to public prosecutions.

The Australian Agency for International Development (AusAID), funds anti-trafficking activities in the Asia-Pacific Region, including efforts to improve criminal justice systems to address trafficking, conduct child protection workshops for hotel staff overseas, and anti-trafficking public awareness programmes.

Some observers believed that the Australian government’s engagement with governments in the region seemed to emphasise people smuggling (where people have, on some level, made a conscious decision to be transported across borders) at the expense of trafficking in persons. At times, this impression was deleterious to efforts to improve anti-trafficking responses in the region.

Sweden (source: www.sweden.se)
Swedish efforts focus on legislative and investigative measures. For instance, it passed a law in 1999 that prohibits the purchase of sexual services. The penalty is a fine or up to six months’ imprisonment. In 2002, a law was passed that specifically outlaws human trafficking for sexual purposes. Other programmes focus on joint international collaboration. Stockholm Gender Equality, which collaborates both with the Swedish police authority and with the Swedish International Development Cooperation Agency’s (Sida) Baltic Sea Unit, runs a regional project as part of the fight against organised crime. Another joint project specifically concerned with supporting victims of trafficking is the Nordic Baltic Pilot Project, which ran for three years, from 2006 to 2008. It was coordinated by the European Women’s Lobby (EWL), an umbrella organisation for some 4,000 women’s organizations in and outside the EU. Another Sida project collaborates with IOM Moscow to eradicate human trafficking in Russia, focusing on improving legislation and the effectiveness of relevant authorities.

USA (source: www.humantrafficking.org/, unless stated)
The Trafficking Victims Protection Act (TVPA) of 2000 enhances pre-existing criminal penalties, affords new protections to trafficking victims and makes available certain benefits and services to victims of severe forms of trafficking. The U.S. Department of State began monitoring trafficking in persons in 1994, The report coverage has broadened over the years, and U.S. embassies worldwide now routinely monitor and report on cases of trafficking in men, women, and children for all forms of forced labour, including agriculture, domestic service, construction work, and sweatshops, as well as trafficking for commercial sexual exploitation.

Internationally, the U.S. has initiated many anti-trafficking and development programs to assist countries to combat this ever-growing phenomenon. Mandated by the TVPA in 2000, the Office to Monitor and Combat Trafficking was created in the State Department (G/TIP Office). The G/TIP Office has provided millions of dollars in grants to organizations all over the world to implement programs in order to combat trafficking. According to one report, (Danailova-Trainor. and Laczko 2010) US$ 447 million in foreign assistance has been provided to nongovernmental organisations, international organisations, and foreign governments to combat and help eliminate.
human trafficking since 2001. These programmes include disseminating information on the dangers of trafficking, strengthening the capacity of non-governmental organisations to protect those groups from abuse and violence, and outreach and economic opportunity programs for those most at risk of being trafficked. The U.S. has assisted countries to enact anti-trafficking legislation, trained law enforcement officials, prosecutors, border guards and judicial officers on detecting, investigating, and prosecuting traffickers, and protecting victims and provided start-up equipment for new anti-trafficking police units.

A country that fails to make significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking in persons could suffer the withholding by the United States of non-humanitarian, non-trade-related foreign assistance (US Department of State 2008).

4. Lessons and gaps

Additional information about the impact of and lessons from anti-trafficking programmes can be found in the following GSDRC report on the impact of anti-trafficking programmes:
http://www.gsdrc.org/docs/open/HD717.pdf

**Gaps in the overall framework**
While the Trafficking Convention and associated protocols have contributed both to a common understanding and framing an approach, some argue that the protocols have set the problem in a criminal context, prioritising law enforcement perspectives and representing focus of governments (i.e. border security, transnational crime, illegal migrants), rather than individuals (Shelley 2010).

Further given the scope of the problem, many organisations and countries have begun to work on anti-trafficking initiatives, but this has resulted in numerous overlapping and uncoordinated initiatives. The 2011 TIP report advocates a fourth ‘P’, that of partnership, wherein task forces among law enforcement agencies cooperate to share intelligence, work across jurisdictions, and coordinate across borders; and alliances are formed between governments and business associations seek to craft protocols and establish compliance mechanisms for slavery-free supply chains. Regional partnerships and agreements have begun to do this, as has the United Nations Global Initiative to Fight Human Trafficking (UNGIFT), launched in March 2007 by the ILO, OHCHR, UNICEF, UNODC, IOM and the Organization for Security and Cooperation in Europe (OSCE) to work with all stakeholders – governments, business, academia, civil society and the media – and help them to support each other's work, create new partnerships and develop effective tools to fight human trafficking.

**Gaps in prevention measures**
An evaluation of USAID programmes in tackling prevention in Europe and Asia found that the breadth, pervasiveness, and in many cases deeply-rooted factors contributing to the existence of trafficking, present a serious test for all prevention activities, and that the design and implementation of TIP prevention initiatives rarely address this complexity (USAID 2009).

Further, because little empirical work has been done to examine these factors many assumptions have emerged to fill the void. Gaps that therefore need to be addressed include: 1) insufficient data on the root causes, contributing factors, vulnerabilities, and risks that may lead to trafficking
IOM argues that because of these difficulties inherent in preventing trafficking at the point of supply, there needs to be an increased focus on addressing the demand which results in the exploitation of victims. A recent IOM pilot project, for example, has attempted to reduce the demand by engaging the consumers of those products and services that result from the exploitation of trafficked persons. Other demand-oriented interventions could focus on the workplace, where research has shown that the demand for the labour or services of trafficked persons is absent or markedly lower where workers are organised and where labour standards for wages, working hours and conditions, and health and safety, are monitored and enforced.

Another gap in prevention relates to areas of focus (discussed also below). Certain areas of trafficking are less analysed, but represent significant aspects of trafficking, including organ trafficking and the traffic of babies (Shelley 2010). For instance, UNICEF estimates that 1,000 to 1,500 Guatemalan babies and children are trafficked each year for adoption by couples in North America and Europe (UNICEF 2011).

**Gaps in the protection approach**
Protection and assistance measures are constrained by the fact that states are only just beginning to accept minimal rights for victims. While states concur that trafficked persons should be protected and provided basic support because of their status as victims of crime, because they are especially vulnerable to reprisals, and because their cooperation is usually essential for prosecutions, there is less consensus about whether victims should be prosecuted for status-related offences and whether they should be repatriated with due regard to their safety and well-being (Gallagher and Holmes 2008).

In 2007, IOM published the *IOM Handbook on Direct Assistance for Victims of Trafficking* which summarises much of the Organization’s experience in working with trafficked persons in more than 85 countries around the world. As a general rule, it found that the most successful protection and assistance measures are those which account best for the individual character, experience, and circumstances of a trafficked person (IOM email communication).

**Gaps in the prosecution approach**
Human trafficking is essentially a new crime, often involving new and untested laws. Therefore, even in the most responsive countries, the number of investigations and prosecutions, although increasing, is still very low relative to the agreed size of the problem (Gallagher 2008; US Department of State 2011). The existence of laws do not ensure prosecution. While the aggregate number of prosecutions and convictions has been steadily rising over the last three years – from 5,212 prosecutions and 2,983 convictions obtained globally in 2008, to 6,017 prosecutions and 3,619 convictions in 2010, the number of prosecutions is still far outweighed by the number of arrests and investigations (US Department of State 2011), reflecting massive impunity, an absence of will, inadequate protection, and limited allocation of resources (Shelley 2010).

Further, successful prosecutions of sex trafficking offenses far outnumber successful forced labour prosecutions (US Department of State 2011). One significant gap in the prosecution is that
often laws often only criminalise trafficking to do with sexual exploitation, or only trafficking in women and children (e.g. Brazil, China, Luxembourg, Nicaragua, Rwanda, Saudi Arabia) (US Department of State 2011). There needs to be greater acknowledgement that men are also trafficked, and trafficking occurs, although less frequently, for reasons other than sexual exploitation, such as forced labour, forced marriage, illegal recruitment and debt bondage. A failure to address these forms will compromise the ability of national criminal justice agencies to deal with trafficking as a whole. However, combating such forms of trafficking can be more difficult, both politically and socially. For instance, unlike sex trafficking, labour trafficking crimes are often committed by persons perceived as respected members of society or accomplished business leaders, who are less likely to be investigated than ‘unsavoury characters involved in organised crime or living unlawfully off the proceeds of the commercial sex trade’ (US Department of State 2011).

Finally, a strong legal framework should criminalise crimes related to trafficking, such as involvement in organised crime and money laundering, as well as human rights abuses, including psychological harm and deprivation of liberty (Gallagher and Holmes 2008).

6. References

http://www.oecd.org/dataoecd/51/62/38120572

http://icj.sagepub.com/content/18/3/318.abstract

ILO, 2008, ILO Action Against Trafficking in Human Beings, ILO, Geneva


http://books.google.co.uk/books?hl=en&lr=&id=XY8uJoYkNBsC&oi=fnd&pg=PR2&dq=human+trafficking+and+development&ots=MBCr_b3L1y&sig=hElNKw9ap2G0CWr8QeVEfdYh_U#v=onepage&q=human%20trafficking%20and%20development&f=false

UNICEF, 2011, Child Trafficking web page, Child protection from violence, exploitation and abuse
http://www.unicef.org/protection/index_exploitation.html

http://www.state.gov/g/tip/rls/tiprpt/2011/index.htm

7. Additional information

Selected websites visited
International Centre for Migration Policy and Development http://www.anti-trafficking.net/
Anti-slavery international http://www.antislavery.org/
Global Alliance Against Traffic in Women http://www.gaatw.org/
humantrafficking.org http://humantrafficking.org/
Terrorism, Transnational Crime and Corruption Center http://policy-traccc.gmu.edu/

Experts consulted
Jonathan Todres, Georgia State University College of Law
Siddharth Kara, Carr Center for Human Rights Policy, Harvard University
Louise Shelley, Transnational Crime and Corruption Center (TraCCC), George Mason University
Jonathan Martens, Department of Migration Management, International Organization for Migration
Frank Laczko, IOM

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