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From 1997 to 2001 Ms. Bhabha directed the Human Rights Program at the University of Chicago. Prior to 1997, Ms. Bhabha was a practicing human rights lawyer in London and at the European Court of Human Rights in Strasbourg. Ms. Bhabha received a first class honors degree and an MSc from Oxford University and a JD from the College of Law in London. Ms. Bhabha has recently authored three reports entitled *Seeking Asylum Alone*, about unaccompanied child asylum seekers. Ms. Bhabha's writings on issues of migration and asylum in Europe and the United States include a coauthored book, *Women's Movement: Women Under Immigration, Nationality and Refugee Law*, an edited volume, *Asylum Law And Practice in Europe and North America*, and many articles, including *Internationalist Gatekeepers? The Tension Between Asylum Advocacy and Human Rights* and *The Citizenship Deficit: On Being a Citizen Child*. Ms. Bhabha is currently working on issues of child migration, smuggling and trafficking, and citizenship.

Injecting Human Rights into Anti-Trafficking Strategies

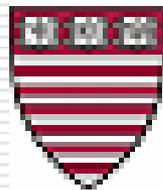
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- The frameworks we use to determine “how good our work is.”
- Much anti-trafficking work depends on an anti-slavery model:
 - Single supply and demand chain: supply from poor victims, demand from exploiters.
 - Melodrama model: innocent victims, evil exploiters, altruistic saviors.
- Many reasons why this model is convincing:
 - Enormous scale of abuse, coercion, exploitation and degradation.
 - ILO estimate: 2.5 million trafficking victims worldwide.
 - UN Office of Drugs and Crime [UNODC] estimate of global trafficking contracts: 79% sex, 19% labor.
 - Extraordinarily high profitability – Siddharth Kara’s calculations.



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- Slavery model has dominated public policy interventions.
- Some of its consequences:
 - Focus on criminalization—attacking the evil exploiters.
 - Assumption that deterrent measures will reduce incentives.
 - Development of an international consensus around the definition of “trafficking” as part of the Transnational Organized Crime Convention, through one of the Palermo Protocols.
 - Rescue and return as the preferred remedy for victims.



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- Its results have been very disappointing:
 - Despite unanimous condemnation of practice, increasing criminalization and nearly 10 years of global coordination: “We fear the problem is getting worse” – UNODC Exec. Dir.
 - V small proportion of victims are *identified*: US TIPs Report 2010: approx 30,000 in 2008, 49,000 in 2009.
 - But even the relatively encouraging growth in identification (by a factor of 50% over this 2 year period) is not matched by *convictions*: less than 15% of identified cases lead to convictions. V low rate of return on investment.
 - In 2010, number of secured convictions of labor traffickers = under 10% of numbers of identified victims of labor trafficking (already a tiny proportion of those trafficked).
 - 40% of countries surveyed by UNODC in 2009 had recorded *no trafficking convictions* during the 2003–2007 period.

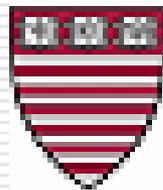


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- The rescue prong of the slavery model has not been demonstrably more successful.
- Identification of victims is seriously deficient:
 - US State Dept: estimates that between 14,500 and 17,500 foreign nationals are trafficked into the US every year.
 - US Dept of Health and Human Services: for 7 year period between 2000 and 2007, only 1,379 foreign victims of trafficking were identified.
 - So annual average identification of under 200 victims, less than 5% of those trafficked.



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- Attitude to victim protection is at best ambivalent:
 - Main preference for return, including in case of children without scrutiny of impact of return on “best interests of the child”.
 - Risks of re-trafficking for returnees very well established.
 - International law is weak: Palermo Protocol *requires* states parties to enable victims to participate in criminal prosecutions of their traffickers; but merely *advises* states to *consider* implementing measures to provide the physical, psychological and social recovery of victims of trafficking”. No binding obligations in law.

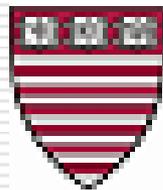


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- Even where protections exist, not adequately used:
 - US T visa scheme permits 5000 visas to be issued annually to protect victims.
 - Generous scheme which can lead to permanent residence and eventually citizenship.
 - So very desirable from perspective of victims.
 - In practice very under used: total of 729 T visas issued in 7 year period between 2000 and 2007.
 - So average of 121 T visas issued per year i.e. less than 1% of lower estimate of annual trafficked foreigners.
 - For last 3 years, issues slightly up but still under 300 per year.



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- Medical and other welfare benefits also very disappointing:
 - Very inadequate access to free medical services.
 - Lack of psychological and mental health facilities.
 - MGH study of 8 metropolitan cities paints very bleak picture.

- How can situation be improved? And what is wrong with current approach?

- Analytic model is defective. Inadequate framework hence inadequate results.



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- Instead of one supply and demand chain there are two:
 - First as described :
 - demand from exploiter
 - delivery from trafficker
 - supply of victim
 - Second:
 - demand from victims of structural inequality and impoverished would be migrants,
 - delivery by migration experts who exploit need for migration options
 - supply of funds fuelling migration comes from exploiters waiting for impoverished and exploitable migrants.
- So if two different sets of demands
 - Exploiters
 - Communities seeking solutions to poverty
- Then makes little sense just to target one. Instead need to target both, and especially second which is completely neglected.



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- Elements of a more effective human rights based anti-trafficking strategy:
 - Full allocation of quota of protective visas e.g. T visas as benchmark of success within agency.
 - Much closer approximation of numbers of identified victims to numbers of estimated victims i.e. radically improve identification.
 - Monitoring and evaluation of expenditure on and uptake of services for trafficked persons to close public statement / reality gap e.g. for medical services, psycho social counseling, job training, housing allocation.
 - Evaluation of effectiveness of measures to free trafficked persons from clutches of traffickers – e.g. secure status, alternative employment, protection measures.

- Most central : radical rethinking of “root causes” strategies. Monitored injection of anti-trafficking funds into targeted education, skill training and employment creation programs.

- These could start small scale, in known areas from which trafficking originates.



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