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.
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.
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.
- 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. Very 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.
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.
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.
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.
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.
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.
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.