

Introduction

Mike Dottridge

Since a new UN convention on the issue of human trafficking was adopted in 2000, many hundreds of millions of dollars have been spent on efforts to stop people being trafficked. While the intentions behind this spending appear good, the effects of the ways the money has been spent have, in many cases, been much less positive. Both human rights defenders and others have been concerned that some initiatives to stop trafficking have proved counter-productive for the very people they were supposed to benefit. Indeed, this concern was so strong that, as early as 2002, in a set of guidelines issued about human trafficking and human rights, the United Nations (UN) High Commissioner for Human Rights noted that a key principle for all anti-trafficking measures was that they “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”.¹

This anthology reviews the experience of eight specific countries and attempts to assess what the impact of anti-trafficking measures have been for a variety of people living and working there, or migrating into or out of these countries. The eight are: Australia, Bosnia and Herzegovina (BiH), Brazil, India, Nigeria, Thailand, the United Kingdom (UK) and the United States (US). The chapters look specifically at what the impact has been on people’s human rights. Have significant numbers of people been able to exercise their human rights better as a result of the initiatives that have been taken (and the money spent)? Or have anti-trafficking initiatives had a markedly negative impact on many individuals’ human rights – not just traffickers, but others, precisely the people who are generally supposed to be helped by anti-trafficking measures, rather than to suffer as a result of them?

It is five years since then UN High Commissioner, Mary Robinson, emphasised to governments that anti-trafficking measures should not “adversely affect” human rights. She started with the principle that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”.² Nevertheless, the priority for governments around the world in their efforts to stop human trafficking has been to arrest, prosecute and punish traffickers, rather than to protect the human rights of people who have been trafficked.

This approach is consistent with that adopted by governments over the past two centuries in the context of efforts to stamp out slavery, forced labour and slavery-like practices (of which trafficking is regarded as one): they have given higher priority, both in international agreements and national law, to declaring slavery and similar abuse illegal, than to spelling out how such forms of abuse are to be eradicated or how, when doing so, to safeguard the human rights of the individuals who have been subjected to abuse. Such individuals are victims of crime and of abuse of power, but their victim status routinely leads governments to treat them as powerless pawns. Rather than label them as ‘victims’ in this anthology, we consequently refer to them as ‘trafficked persons’.

COLLATERAL DAMAGE

Many government agencies doubtless assume that the two objectives – enforcing the law and upholding human rights – amount to the same thing. However, in the case of human trafficking there is now substantial evidence that they are not. The evidence available suggests that especially marginalised categories of people, such as migrants, internally-displaced persons, refugees and asylum-seekers, have suffered unacceptably negative consequences and that anti-trafficking measures have been counter-productive for some of the very people they are supposed to benefit most directly.

The methods used to compile this report

Nine different authors were commissioned by the Global Alliance Against Traffic in Women (GAATW) to prepare the eight chapters in this anthology about individual countries. They were asked to review the laws of the country concerned, both laws concerned with trafficking and also others which have an effect on people who have been or might be trafficked (such as laws concerning immigration, employment and, quite specifically, sex work). They were also asked to review any publications which might contain information about the impact of these laws or indicate what was happening to trafficked persons who ended up in the hands of the police or in shelters run by the authorities or by non-governmental organisations (NGOs). In a few cases (such as Australia and Brazil), the authors interviewed government officials and others responsible for providing assistance to trafficked persons. However, the authors were not asked to interview individuals who have personal experience of the effects of anti-trafficking initiatives.

Fortunately, the findings of other researchers who have interviewed specific groups to find out the effects on them of anti-trafficking initiatives have already been published. As early as 2002, for example, researchers in one West African country (Mali) told the UN children's agency, UNICEF, about a wide range of negative effects for Malian children resulting from government initiatives two years earlier to stop children being trafficked to neighbouring Côte d'Ivoire (Castle and Diarra, 2002). The authors explained how 'vigilance committees' at village level to prevent child trafficking had ended up trying to stop *all* young people from leaving their villages under any circumstances, violating their right to freedom of movement. These and similar findings were available to GAATW's authors as they set out to assess the human rights impact of anti-trafficking measures.

The authors of the eight chapters are individuals with professional experience of anti-trafficking work themselves, or of related human rights work. Their initial findings were the subject of peer review by authors writing other chapters.

Each of the chapters describing a particular country is structured along similar lines. They start by considering what constitutes 'human trafficking' in the country concerned. Section 2 sets out the current legal framework concerning all aspects of trafficking (in relation to protection and assistance, prevention of human trafficking and the prosecution of suspected traffickers). In most countries, government agencies and NGOs have focused their efforts on cases of trafficking involving women or girls forced into prostitution. However, the scope of the anthology is not limited to trafficking for the purpose of forced prostitution, but also considers cases of trafficking for other forms of exploitation, as well as cases involving men and boys.

Section 3 focuses on the specific laws and policies of the government of the country in question and comments on the adequacy and implications of these. Section 4 addresses laws, policies and practices surrounding immigration

INTRODUCTION

or emigration and efforts to prevent the abuse of migrant workers, focusing on measures which have an effect on trafficking and which make it more or less difficult to traffic people, or which have an impact on individuals who have been trafficked (for example, leading to their rapid deportation).

Section 5 discusses the human rights impact of these laws and policies on the persons affected. It looks specifically at the impact on people who have been trafficked. It also looks at the impact on migrant workers in general (both before and after they migrate) and more specifically at the impact on migrant sex workers and non-migrant sex workers. Wherever information is available, it also looks at the impact on child migrants. No effort is made to assess whether the benefits of anti-trafficking policies outweigh the negative consequences. In every case, our argument is that the negative consequences are unnecessary: they are not an essential by-product of anti-trafficking efforts, but rather the result of negligence on the part of government and other actors.

In some cases, the concluding section 6 recommends measures to remedy the negative or counter-productive effects of anti-trafficking measures that have been identified in the chapter. All in all, the chapters suggest that a huge amount needs to be done to remedy these negative effects.

Definition of the term ‘trafficking in persons’

In November 2000, the UN General Assembly adopted the *Convention against Transnational Organized Crime*, a treaty expected to improve international cooperation in fighting crime, and two additional protocols, one concerning human trafficking and the other about people smuggling – the practice of helping people cross borders illegally in exchange for remuneration. These were adopted at a time when industrialised countries, in particular, had become more worried about irregular migration, not just about immigrants using forged documents or entering a country without passing via a border post, but also about those who enter a country legally and either overstay or find work without having a work permit.

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* is referred to in this anthology as the UN Trafficking Protocol, although it is sometimes also known as the ‘Palermo Protocol’, after the place where the first signings took place at the end of 2000. It has been described as “the first clear definition of trafficking in international law” (Weissbrodt and Anti-Slavery International, 2002, 18). It entered into force in December 2003.

Article 3 of the Trafficking Protocol defined human trafficking as follows: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;

“(b) 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;

COLLATERAL DAMAGE

“(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;

“(d) ‘Child’ shall mean any person under eighteen years of age.”

The definition refers to three distinct elements:

1. a set of actions which involve recruiting or moving someone (“recruitment, transportation, transfer,” etc.);
2. the means by which those actions are carried out (“the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power”, etc.);
3. and a purpose, that is to say forms of exploitation for which people are recruited or moved.

In the case of people aged 18 and over, all three elements must be involved for a case to be considered one of trafficking. However, in the case of adolescents and children under 18, the coercive means mentioned in the definition (in 2 above) do not have to be involved: it is sufficient for an adolescent under 18 to be recruited (i.e. without being subjected to threats, deception, etc.) in order to be exploited for the case to be regarded as trafficking.

For most readers, the definition is not easy to navigate or understand. This is natural enough, as the wording was the result of long debates between the representatives of governments with quite different interests. However, the complexity of the definition has brought problems when it has been adopted word for word in national legislation and passed to law enforcement officials as an operational definition of a crime they are supposed to detect or prevent. In most contexts it does not function well as an operational definition for law enforcement agencies or others, such as immigration officials. They consequently resort to various shortcuts to enforce the law and, in doing so, often misapply or misinterpret the definition.

As the ‘purposes’ for which people are recruited are an intrinsic part of the definition of what trafficking involves, it is worth noting that they refer to a wide range of situations involving forced labour or slavery-like situations. They also involve the “exploitation of the prostitution of others or other forms of sexual exploitation”. There is no international definition of the term “sexual exploitation”, so countries can define and address this as they deem appropriate, leaving them a great deal of leeway. The term “exploitation of the prostitution of others” was defined in international law by the UN *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* (1949), known as the Suppression of Traffic Convention. It refers to cases in which a third person “exploits the prostitution of another person, even with the consent of that person” (Article 1.2),⁴ that is to say profits from the income of someone earning from commercial sex. The “exploitation of prostitution” refers to much more than cases of forced prostitution. However, as far as the UN Trafficking Protocol adopted in 2000 is concerned, when adults are recruited, the term “trafficking” refers to cases in which an individual who has already been subjected to one of the coercive means mentioned in point 2 above subsequently earns money from commercial sex for someone other than herself or himself, rather than to all cases in which a third person takes money from a sex worker.⁵

The official commentary on the significance of terms used in the UN Trafficking Protocol (known as the *travaux préparatoires*) explains that, “the Protocol addresses the exploitation of prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms ‘exploitation of the prostitution of others’ or ‘other forms of sexual exploitation’ are not defined in the [Trafficking] Protocol, which is therefore

INTRODUCTION

without prejudice to how States Parties address prostitution in their respective domestic laws.”⁶ In contrast, the earlier Suppression of Traffic Convention condemned prostitution explicitly, asserting in its preamble that, “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”. For this reason, many sex workers and the organisations that represent them consider the Suppression of Traffic Convention to be an anathema. So too do many women’s rights organisations, including GAATW, considering that women are entitled to make informed decisions about their choice of livelihood. Others, however, argue that governments have a right and duty to control women’s (and men’s) sexual behaviour and to ban commercial sex or to punish those who pay for it.

The prejudice encountered by sex workers around the world goes far beyond anything provoked by a UN convention. It is closely linked to social norms and questions of morality. Consequently, religion and ideology play an important role too and conservative governments which want to impose social norms on others (rather than giving priority to encouraging people to exercise their human rights) have been powerful agents in ensuring that sex workers continue to be treated in a discriminatory way, as if they are less entitled to exercise their human rights than other categories of people.

What ‘anti-trafficking measures’ consist of

Trafficking in persons is a multi-dimensional problem, analysed and discussed from social, economic, criminological and other perspectives – and linked to issues such as gender, health, migration, development and economics (particularly the informal economy). Each perspective suggests different strategies to tackle trafficking and introduces different criteria for assessing the success of the measures taken (UNICEF and Terre des Hommes, 2006, 15). For example, in 1997 two authors who were working closely with GAATW at the time identified a range of different approaches which underpinned markedly different strategies to stopping people from being trafficked, labelling these the ‘human rights approach’, the ‘law and order approach’, the ‘migration approach’, the ‘moral approach’ and the ‘labour approach’ (Wijers and Lap-Chew, 1999, 190–209).

The UN Trafficking Protocol, initially debated by UN bodies concerned with transnational crime rather than social or economic issues or human rights, focuses on encouraging states to adopt and enforce laws against trafficking. It specifies a series of anti-trafficking measures they can take. These fall broadly into three categories:

1. Law enforcement measures to detect, prosecute and punish traffickers (and deter others).
2. Preventive measures to reduce the likelihood that trafficking occurs in the first place.
3. Protection measures, along with various forms of assistance, for individuals who have been trafficked.

The first category of measures, those linked to law enforcement, is obligatory for all states ratifying the Protocol. However, when it came to measures to protect people who are trafficked and to uphold their human rights, it is exceedingly weak, introducing a series of provisos in section II concerned with ‘Protection of victims of trafficking in persons’, such as “*In appropriate cases and to the extent possible under its domestic law*” (each State Party shall protect the privacy and identity of victims of trafficking, Article 6.1) and, “Each State Party *shall consider* implementing measures” (to provide for the physical, psychological and social recovery of victims of trafficking in persons, Article 6.3). Virtually all the other provisions in Article 6, which is concerned with assistance, are optional for ratifying states to implement, rather than being presented as rights for individuals who have been trafficked.

Human rights standards that states are obliged to respect in their anti-trafficking initiatives

There is a substantial corpus of international law that guarantees specific rights for people who have been subjected to human rights abuse (such as trafficked persons), as well as other specific categories of people. A considerable number of international instruments and recommendations from UN treaty-monitoring bodies relate directly to people who have been trafficked or others who are affected in a negative way by anti-trafficking measures. The main instruments are listed in Annexe 3, showing which instruments have been ratified or signed by the eight countries under review.

Taking these existing internationally-recognised standards into account, GAATW has organised trainings for anti-trafficking activists on human rights in the context of anti-trafficking efforts since 1996. It published a handbook entitled *Human Rights Action in the Context of Trafficking in Women* in 1997. In 1999 it issued, together with two other NGOs, the Bangkok-based Foundation for Women and the Washington DC-based International Human Rights Law Group (now Global Rights), a set of ‘Human Rights Standards for the Treatment of Trafficked Persons’.⁷ In 2001, the handbook was revised and reissued, together with the human rights standards, as *Human Rights and Trafficking in Persons: a Handbook*. While the minimum standards were compiled by NGOs, they were grounded in existing international law and provided a reference point for those who, from 2000 onwards, were concerned that the new UN Trafficking Protocol did not contain sufficient provisions to uphold the internationally-recognised human rights of trafficked persons and consequently did not encourage governments to place the human rights of trafficked persons at the centre of their counter-trafficking efforts.

Since 2000, a series of guidelines have been issued by intergovernmental organisations in an attempt to clarify what these rights are and to influence government policies, as well as practices in the non-governmental sector. The first, issued in 2002, has already been alluded to – the UN High Commissioner for Human Rights’ *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. The High Commissioner’s Principle 3, 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...” is similar to the requirement that doctors and other health professionals should ‘do no harm’ to those they treat. Guideline 3 provides more detail on this point and urges governments, intergovernmental organisations and NGOs to monitor and evaluate “the relationship between the intention of anti-trafficking laws, policies and interventions, and their real impact” and to distinguish “between measures which actually reduce trafficking and measures which may have the effect of transferring the problem from one place or group to another”.⁸ The High Commissioner’s Guideline does not so far appear to have been heeded by many government agencies, nor indeed by many NGOs involved in anti-trafficking work.

Five of the UN High Commissioner’s 17 Principles concern protection for individuals who have already been trafficked. Other principles concern prevention, criminalisation (of acts which involved trafficking), punishment and redress. The High Commissioner’s 11 Guidelines go into more detail than the Principles, recommending, for example, that states (and where applicable, intergovernmental organisations and NGOs) ensure “that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons” (Guideline 6.6).

The UN High Commissioner’s Principles confirm that in cases involving children, their best interests “shall be considered paramount at all times” (Principle 10). The following year (2003) UNICEF issued guidelines of its

INTRODUCTION

own on how anyone under 18 suspected of having been trafficked should be protected and assisted. The *Guidelines for Protection of the Rights of Child Victims of Trafficking*⁹ cover 11 specific issues concerning children who have been trafficked, including the appointment of a guardian for each trafficked child, individual case assessment and identification of a durable solution that is in the child's best interests.

Other intergovernmental organisations have followed suit. In 2006, the UN refugee agency, the UN High Commissioner for Refugees (UNHCR), made its own contribution, *Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*.¹⁰ These guidelines point out that some people who have been (or may have been) trafficked have a well-founded fear of persecution and “may therefore be entitled to international refugee protection” (paragraph 12). The guidelines effectively instruct governments to examine “asylum claims lodged by victims of trafficking or potential victims of trafficking...in detail to establish whether the harm feared as a result of the trafficking experience, or as a result of its anticipation, amounts to persecution in the individual case” (paragraph 15). They go on to list a series of forms of abuse and severe exploitation which, the UNHCR maintains, “will generally amount to persecution” (*ibid.*) and consequently entitle the individual concerned to protection as a refugee.

It is doubtless significant that the adoption of the UN Trafficking Protocol was followed by the publication of numerous complementary guidelines by different UN organisations, mainly focusing on the rights of people who are believed to have been trafficked. In virtually all cases, these new standards have cited existing international law as their basis. Taken together, they comprise a significant new corpus of international ‘soft law’ standards. While states have not made explicit commitments to abide by these new standards, they have, in many cases, ratified the existing international instruments on which the new standards are based and can be held accountable for the efforts taken to respect them.

In some regions of the world, regional organisations have also adopted anti-trafficking instruments which go far beyond the UN Trafficking Protocol in seeking to uphold the rights of trafficked persons. The Council of Europe *Convention on action against trafficking in human beings*, adopted in May 2005, specifies in its preamble that, “all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach”. While the Convention puts particular emphasis on the rights of victims, in the context of prevention it also requires ratifying states to “promote a Human Rights-based approach and...use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes” to prevent trafficking (Article 5.3).¹¹

In the light of the actual actions by governments in the eight countries reviewed in this anthology, it is difficult to believe that most governments know what they are committing themselves to when they agree to use a ‘human rights approach’ or a ‘rights based approach’. Practically speaking, a human rights approach places people who have been or might be trafficked at centre-stage and assesses strategies on the basis of their impact on those individuals. The approach involves identifying which individuals or groups of people are disproportionately more likely to be trafficked than others (mainly on the basis of the information available about individuals who have already been trafficked), analysing who is accountable for protecting them and recommending what measures are required to ensure that their human rights will be upheld and protected more effectively (in whatever country they happen to be in). This amounts to a radically different approach to the strategies described in the following eight chapters – or those being pursued in virtually every other country.

COLLATERAL DAMAGE

Other regional standards and action plans explicitly commit governments to making it a priority to respect the rights of trafficked persons. Of course, there is also a specific UN convention dedicated to upholding the rights of migrant workers in general (the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, adopted by the UN General Assembly in 1990 and which entered into force in 2003), although this has been ratified mainly by states from which people migrate and not by a single industrialised country receiving large numbers of migrants. Among the eight countries considered in this anthology, only BiH has ratified this Convention.

Alongside standards based on existing international law, intergovernmental organisations have also issued guidelines on good practice. These are based on the experience of the specialised agency concerned and represent a form of advice to governments, intergovernmental organisations and NGOs. For example, in 2004 the International Organization for Migration (IOM) issued a set of minimum standards concerning mental health care for people who have been trafficked.¹² The IOM's *Minimum Standards* aim to ensure that comprehensive and coordinated psychosocial care is available for trafficked persons from the time of their rescue and throughout their reintegration process. They also aim to provide a guiding tool for the range of organisations which run programmes in the field of combating trafficking. In 2007, the IOM published *The IOM Handbook on Direct Assistance for Victims of Trafficking*, summarising its experience and lessons learnt over the previous 13 years in which it had been involved in implementing counter-trafficking activities.¹³

In 2003, the World Health Organization (WHO) published a set of *Ethical and Safety Recommendations for Interviewing Trafficked Women*, containing 10 Guiding Principles for the ethical and safe conduct of interviews with women who have been trafficked.¹⁴ Many are also applicable to girls, boys and even adult men who have been trafficked.

This is a long list of standards based on international law that states have an obligation to respect when adopting policies concerning trafficked persons or measures to stop trafficking. While much energy has gone into spelling them out, however, comparatively little has been invested into either upholding them or monitoring compliance with them. In effect, systems set up by the international community simply are not working.

Principles for limiting the unacceptable side effects of anti-trafficking measures

Some anti-trafficking measures involve forms of protection which place restrictions on individual rights, notably on freedom of movement, for example, when trafficked persons are confined to shelters or detention centres, ostensibly for their own good, or teenagers are instructed not to leave their own village to look for work elsewhere, for fear that they might be trafficked. When it comes to establishing an appropriate balance between 'protection' and human rights and freedoms and between the rights of individuals in general and the measures taken to protect specific individuals or groups, comments issued by UN treaty-monitoring bodies are particularly relevant. General Comment 27 on Freedom of Movement, issued in 1999 by the Human Rights Committee, the treaty-monitoring body established under the terms of the *International Covenant on Civil and Political Rights*, helps clarify a principle which must underlie this balance:

Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which

INTRODUCTION

might achieve the desired result; and they must be proportionate to the interest to be protected. . . The principle of proportionality has to be respected not only in the law that frames the restrictions, but also by the administrative and judicial authorities in applying the law.¹⁵

The chapters below cite countless examples that indicate that the principle of proportionality has neither been respected, nor, apparently, even taken into account when restrictions have been imposed by government authorities in the name of preventing trafficking or protecting people who have been trafficked. Similarly, little care seems to be taken to ensure in trafficking cases that the action taken is “the least intrusive” of the available options. It may take years before UN treaty-monitoring bodies get around to reviewing specific examples of the measures that have been taken and call on specific governments to amend anti-trafficking measures which appear excessively restrictive. In the meantime, however, these need to be identified so that action can be started at national level to modify them.

In the case of children and young people aged under 18, the situation is somewhat more complicated, for, under international law (the UN *Convention on the Rights of the Child*, ratified by all but two states in the world), states are required to take action to protect children from a wide range of abuse, including all forms of physical or mental violence, injury or abuse (Article 19), economic exploitation (Article 32), all forms of sexual exploitation and abuse (Article 34), and “the abduction of, the sale of or traffic in children for any purpose or in any form” (Article 35).¹⁶ The many forms of protection involved have the potential to limit the extent to which children can exercise the rights guaranteed by the Convention. The Convention itself indicates how a balance should be found, by stressing that all actions concerning children must make the “best interests” of the child a primary consideration (Article 3) and that a child has the right to have his/her views listened to and taken into account in accordance with his/her age and maturity in any matter affecting him/her (Article 12). Significantly, however, the Committee on the Rights of the Child (set up by the Convention) has expressed concern that governments do not do enough to treat adolescents as “rights holders”.¹⁷

In the cases of trafficked children mentioned in this anthology (e.g. in Nigeria), it is clear that government agencies have paid no attention at all to the fundamental principles established in Articles 3 and 12 of the *Convention on the Rights of the Child*. Efforts to prevent adolescents from being trafficked seem likewise to have resulted in a wide range of young people’s other rights being subordinated to anti-trafficking measures which made no effort to take the principle of proportionality into consideration. Numerous prevention programmes have been based on an assumption that keeping adolescents in their home communities is a justifiable objective in itself, on the grounds that it enables children to continue attending school (thus, in theory, avoiding economic exploitation while enjoying their right to education). In contrast, a child rights approach suggests that priority should be given to making it safe for adolescents who leave home, not keeping them at home in an environment which may not automatically promote either their ability to exercise their human rights or their general wellbeing. Of course, a child rights approach also means working to improve children’s access to education, health care and protection from domestic violence (Dottridge, 2007, 37).

The Committee on the Rights of the Child, the treaty-monitoring body which pays particular attention to children, has outlined the factors that decision-makers must take into account when considering whether a child who is alone in a foreign country should return to her or his country of origin. This is the situation in which most children who have been trafficked from their own country to be exploited in another country find themselves. The Committee has pointed out that children may not be repatriated if “there are substantial grounds for believing that there is a

COLLATERAL DAMAGE

real risk of irreparable harm to the child” in his or her own country. This, the Committee implies, means it is obligatory for the authorities of the country considering repatriating a child to carry out a risk assessment concerning the case of each individual child whose repatriation is under consideration and also to assess whether suitable care arrangements await the child in her or his country of origin, before going ahead with the repatriation.¹⁸ However, as any assessment carried out in a trafficked person’s home country has the potential to provoke prejudice against them or other problems, the agencies in both countries involved have a duty to ensure that an assessment is done in a way which does not cause further prejudice to the young person concerned.

It seems reasonable to suppose that a similar security assessment is vital for adults who have been trafficked. In the case of adults, the UN *Convention against Torture* (1984) requires states to ensure that no one is subjected to *refoulement* or repatriated to a country where they would face torture (by state officials or non-state actors, such as traffickers). The risk of trafficked people being tortured should, in principle, make it routine for government agencies to carry out risk and security assessments before anyone who has been trafficked is repatriated. In practice, as numerous chapters in this anthology make clear, repatriations take place in the absence of any risk and security assessments more often than not, leaving some people who have been trafficked in a vulnerable situation upon their arrival at an airport, station or port in their home country and at risk of being re-trafficked. It is clear too that when the law does stipulate that individuals who have been trafficked should be protected (and not summarily deported), law enforcement and immigration officials routinely get around this by categorising the individuals as ‘illegal immigrants’ rather than trafficked persons.

The challenge when working out what risks a trafficked person might face on return to their own country is to do so in a sufficiently sensitive manner to avoid causing any further prejudice to the person concerned. At the moment it is not clear that many countries have devised appropriate ways of doing this (indeed, perhaps not any). The lesson which trafficked persons undoubtedly drew early on from the way that government agencies reacted towards them, both abroad and at home, was that it was generally better to avoid having anything to do with government agencies, even if this meant that they had to organise their own journey home and face various potential dangers as a result. This alone is a major indictment of the way government agencies treat people who have been trafficked.

Assessing ‘human rights impact’

Establishing links of cause and effect is rarely an exact science. Looking for methods specifically to measure the impact of activities designed to enhance people’s ability to exercise their human rights, one author observed:

Understanding impact means not only finding numbers to quantify outcomes, but also understanding whether an approach is addressing the systemic causes of the abuse. A band-aid remedy may produce impressive numbers but never provide the cure; while the cure might not produce visible results immediately.¹⁹

While there are numerous international standards guaranteeing the rights of trafficked persons, as well as other international standards which assert that human rights may not be denied or curtailed inappropriately by anti-trafficking or other measures, few technical tools are available to help assess the impact of anti-trafficking measures (or related laws and policies) on people’s human rights.

INTRODUCTION

Some technical tools have been developed for assessing the ‘social impact’ of development projects. Some international human rights instruments require states to ensure that development initiatives do not impact in a discriminatory way on specific groups of people, such as indigenous peoples or minorities.

In the absence of any existing tools to help identify the impact of anti-trafficking measures or other similar government policies on individual human rights, the approach taken in this anthology has been to describe what the most obvious effects have been on a few key groups of people, particularly migrants, internally-displaced persons, refugees and asylum-seekers. The focus of this anthology is on people working (or seeking work) in the informal sector, often (but not always) away from home and in countries other than their own.

Consequently, the authors do not pay much attention to the prejudice caused by anti-trafficking measures to genuine criminals who harm migrants or put them into the hands of others who will do so. However, there is evidence from some regions that the label ‘trafficker’ has been used too loosely. In West Africa, for example, where people known as ‘landlords’ have traditionally helped both adults and children migrate to towns and find jobs, it is clear that denouncing such people as traffickers has contributed to reducing the protection they can give to their clients, rather than helping stop cases of exploitation. Similarly, in Brazil the patron-client relationships which govern many aspects of social life often provide protection to the ‘clients’ involved. Identifying traffickers therefore requires a more sophisticated process than denouncing the informal mechanisms that people around the world have put in place to help them migrate (legally or illegally) and get on in the world.

Some of the chapters in this anthology look in a general way at what the impact of anti-trafficking measures has been and try to assess whether they have contributed to reducing the number of people being trafficked. Some look in a quite theoretical way at what the obvious implications of current anti-trafficking laws or policies are, rather than focusing on individual cases. Yet others were able to obtain the nitty-gritty details about the effects on individuals and to assess specifically how anti-trafficking measures have affected the ability of a range of people to exercise their human rights. Of course, the most valuable source for finding out what these effects have been are the people concerned. In several countries GAATW’s researchers contacted organisations providing services to trafficked persons to obtain their views and those of their clients on the effects they thought anti-trafficking measures were having. Even this channel of information was closed to GAATW’s researchers in one country, Australia, where the authorities argued that the company providing services to trafficked persons (under contract to the government) could not answer questions. In this case, the very confidentiality with which the government cloaked some of its efforts to protect trafficked persons is being misused to prevent these efforts being open to scrutiny. In effect, they are a means of avoiding accountability.

The most obvious group of people who have been affected by anti-trafficking measures in every country are those who have been trafficked already and who have subsequently been affected by measures to protect or assist them (whether by a government or non-governmental agency) or by efforts to prosecute traffickers. However, the word ‘protect’ is used loosely here, for some measures which are supposed to protect trafficked persons have in fact exposed them to greater danger than would otherwise have been the case.

This group (of trafficked persons) includes both adults and children, recruited for a variety of forms of exploitation, some of whom have actually experienced exploitation and others who have been intercepted or who have sought help before being exploited. The very first way in which laws and policies have an impact on their right to protection, therefore, concerns the definition which the government of the country they are in has adopted or the

COLLATERAL DAMAGE

criteria it has decided to use to assess who should be categorised as ‘trafficked’ and who qualifies for protection and assistance. Although international standards seem clear about who is to be categorised as a “trafficked person”, in many countries either a *de jure* or *de facto* definition is in use which only recognises women and girls who have been forced into prostitution as ‘trafficked’, excluding individuals who have been exploited in other ways and depriving them of their right to protection. For a while in the United Kingdom (UK), the criteria were more exclusive than elsewhere and meant that the authorities refused to provide assistance to someone who had allowed more than 30 days to go by after being forced into prostitution before contacting the police, as well as to women who had managed to escape from the control of traffickers before being put into forced prostitution.

The second group of people directly affected by anti-trafficking measures comprises the much larger numbers of migrants who travel away from home in order to make a living, both the millions who seek a living in other countries and those who do so within their own borders. Several chapters make clear that the risks and abuse inflicted on people travelling within their own country can be just as serious, particularly in large countries such as Brazil and India, even though public opinion in many regions associates ‘trafficking’ with the abuse of people travelling abroad.

In effect, most people who are trafficked have deliberately left home in order to make a living elsewhere: they are economic migrants. However, the outcomes of migration differ in the cases of trafficked persons and other migrants. Those who are trafficked end up in a situation analogous to slavery. Other migrants seek opportunities mainly in the informal sector and may end up in poorly paid jobs, but without being subjected to the same levels of coercion, deprivation of liberty and other severe abuse which are the hallmarks of trafficking (and also of forced labour and slavery). Nevertheless, the predicaments they find themselves in are similar and, as several chapters explain, the criteria used by government agencies to distinguish between the different groups often appear inappropriate and even discriminatory, for while efforts are nominally made to protect people from being trafficked, the main emphasis of most governments when it comes to migrants is to ‘control’ and limit migration and does not involve assisting or protecting migrants. Indeed, 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.

A curious question, then, is why the governments who agreed to the UN Trafficking Protocol chose to put most of their focus on efforts to stop individuals being moved into situations in which they would be exploited, rather than putting more of their energy into stopping cases of exploitation from occurring at all. A message that comes across from many of the chapters in this anthology is that more efforts are being put into intercepting people who *may* be in the process of being trafficked (but may be just ordinary migrants), than into stamping out the various forms of exploitation listed in the UN Trafficking Protocol. Many anti-trafficking measures therefore prescribe penalties for intermediaries who recruit or move people from one place to another rather than penalising pimps or employers who exploit these same people once they have been trafficked, keeping them in some form of servitude or forced labour. It is chiefly migrant women and children who are seen to be affected most directly by anti-trafficking measures, for in many countries the very title of the UN Trafficking Protocol, which puts an emphasis on “women and children”, has persuaded the authorities that it is only women and children who risk being trafficked. In the crudest cases, in the name of preventing people from being trafficked, measures have been taken to stop them leaving their own communities or the area or country they live in. Depending on whether the prime targets of such measures are adult women or children, numerous women or children have been stopped from exercising their freedom of movement and their right to livelihood.

INTRODUCTION

It is adolescent girls and young women who have been the prime target for such measures, on the grounds that they are also the main target for traffickers who intend to deliver them into forced prostitution. Initially, in most cases, limitations have been placed on the freedom of movement of young women or other specific groups of people without any real thought being given to the implications. After almost a decade of such measures in Nepal, an evaluator called in to review the anti-trafficking programmes financed by a US NGO concluded that the measures taken to stop young women crossing Nepal's border into India were generally abusive (Hausner, 2005). She could see that there are a wide variety of legitimate reasons why girls and young women wanted to cross the border and why they should *not* be stopped from doing so. For example, a large number of Nepali women migrating to India were found to be moving to join their husbands, not for work, and, while rates of trafficking remained high, there was no evidence that women and girls migrating across the border were at greater risk of being trafficked than women who remained in their home villages.

Several chapters of this anthology make it clear that women migrants have been singled out in a discriminatory way. In some countries (Nepal and Nigeria), the discriminatory measure has been taken in their own country, before they leave. In others, it is upon their arrival in another country that young women are stereotyped as potential prostitutes or victims of traffickers (women arriving in Europe from Brazil and Nigeria). One other chapter (Australia) points out that men sometimes also lose out because they are rarely identified as having been trafficked, even when it is evident that they have been subjected to forced labour. Consequently, they are not entitled to the services which are made available to trafficked women. In addition to affecting women disproportionately to men, it is also clear that anti-trafficking measures cause more hardship to women who are poor than to women who are better off and better educated.

Besides trafficked persons and economic migrants, the third group affected severely by anti-trafficking measures are sex workers working in their own countries or abroad. In part, this is because some countries (such as India) still have a definition of trafficking which is based, not on the UN Trafficking Protocol adopted in 2000, but on the earlier UN Suppression of Traffic Convention. It is also because, even in countries which have ratified the UN Trafficking Protocol, either the law or instructions given to law enforcement officials imply that recruitment into sex work is generally tantamount to trafficking – even when it does not involve any acts of coercion or deception (such as Brazil). This is a legacy from the 1930s onwards, when many states adopted policies to punish anyone who recruited a woman or a girl into prostitution, even if this was with her consent, in line with international conventions adopted in 1933 and 1949.²⁰ As the UN Trafficking Protocol does not repeat the explicit condemnation of prostitution contained in the earlier UN Suppression of Traffic Convention, or suggest that prostitution should be stopped, it seems reasonable to suppose that sex workers should suffer less ill-effect from measures taken to implement the UN Trafficking Protocol than from measures taken under the terms of earlier international agreements. However, there is little evidence so far that this is the case. Indeed, the chapter on Brazil makes it clear that, even though the country has ratified the UN Trafficking Protocol, recent amendments to the law have nevertheless been based on the earlier UN Suppression of Traffic Convention, of which Brazil remains a state party.

The key findings of this report

Each chapter mentions numerous examples of laws or government policies which have negative consequences for some of the very people they are intended to benefit. It seems worth focusing here on three different types of

COLLATERAL DAMAGE

impact: first, of policies which make assistance and protection for trafficked persons conditional on cooperation with law enforcement officials; secondly, of anti-trafficking measures affecting migrants and others; and thirdly, the misuse of the concept of ‘trafficking’ to further the political agendas of governments. It then seems important to review the impact of a prevention campaign, which is mentioned in many of the individual chapters, conducted since 2001 in countries throughout the world by the United States government.

Making assistance for trafficked persons conditional on cooperation with law enforcement officials

In countries all around the world, access to assistance and protection for trafficked persons has been made conditional on their agreeing to cooperate with law enforcement officials, usually to provide them with statements which can potentially be used as evidence to prosecute suspected traffickers. Even in countries where a legal text guarantees that everyone suspected of having been trafficked will be protected (such as Bosnia and Herzegovina), law enforcement agencies have inveigled themselves into a position of deciding who gets access to their rights. This invidious approach is a negation of human rights. Furthermore, there is adequate evidence to show that, even if it delivers some short-term benefits for law enforcement, in the long term the practice of making assistance conditional on cooperation with law enforcement contributes to making trafficked persons suspicious of law enforcement agencies and unwilling to talk openly about their experiences, consequently hindering rather than helping with prosecutions.

Each of the industrialised countries mentioned in this anthology to which foreign nationals have been trafficked has made protection and assistance conditional in this way (i.e. Australia, UK and US). This means that demands are made on trafficked persons who, in many cases, are not physically, psychologically or emotionally equipped to provide assistance to investigation and prosecution. In Europe, recent research findings indicate that one-third of trafficked women experience memory difficulties for at least two weeks after leaving the control of traffickers, which affect their ability throughout this period to provide evidence about the most traumatic or hurtful events they had been involved in (Zimmerman, 2006, 21).

Cooperation with law enforcement officials potentially places the security of individuals who have been trafficked, or their close relatives, at risk, if their cooperation becomes known to their traffickers or their traffickers’ associates. Further, it means that decisions about whether and when to provide assistance to a trafficked person are based on factors that are not related to the rights of the person who has already been subjected to abuse, but on factors such as resource constraints or the best way to achieve a particular result in the courts. Indeed, it even makes a trafficked person’s rights and needs depend on the efficiency and personal inclinations of detectives and prosecutors: the chapter on the United States cites a case in which trafficked persons received no protection simply because prosecutors chose to prosecute the traffickers under state rather than federal law.

The thinking behind such conditionality is hard to understand from the points of view of either human rights or the administration of justice, for it appears to be completely at odds with all the other principles which underlie the ways that victims of crime and abuse are supposed to be treated, notably those set out in the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985),²¹ which states that, “Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means” (Article 14).

Some countries have tried to deal with objections to making assistance conditional by introducing short-term

INTRODUCTION

'reflection delays' for trafficked persons. These, it is felt, give individuals who have been duped, held captive, tortured, raped, brainwashed or conditioned in other ways to obey the people making money off them an adequate opportunity to regain control of their lives and make informed decisions about whether to put themselves or their loved ones at risk. However, the period of time for which trafficked persons are allowed to 'reflect' is generally shorter than the time which health professionals reckon their clients require to recover and to feel in control of their lives.²²

There are various reasons why this invidious form of pressure on people who have been abused is still tolerated by law enforcement officials and politicians. First, governments consider it a greater priority to stop illegal or irregular immigration than to provide essential assistance to victims of abuse; they argue that giving unconditional protection and assistance will open a new channel for false claimants to remain in their countries. This theme – that concerns about illegal immigration 'trump' any concerns which humanitarian politicians might be inclined to express about the way trafficked persons are treated – is one which comes up time and time again in different chapters.

Secondly, despite the definition of trafficking in persons adopted by the UN in 2000 and now incorporated into the law in many countries, law enforcement officials continue to equate 'trafficking' with prostitution, particularly sex work involving women from other countries. In the course of countless 'rescue' operations in red light districts, the 'victims' who are picked up by the police have not been trafficked, but turn out to be migrant sex workers who want to get back to earning money, rather than being protected from their employers, let alone repatriated. It is scarcely surprising that such people do not wish to testify against people who they regard as colleagues, rather than criminals.

Law enforcement officials evidently do face challenges in gathering the evidence they need to secure the conviction of traffickers. However, in practice, efforts to coerce people who have been trafficked and exploited into cooperating with them straightaway are almost bound *not* to generate evidence suitable for use in prosecutions. This is partly because many people who have been trafficked find themselves in a complicated predicament. They are not 'pure victims' who fit neatly into the UN Trafficking Protocol definition, but have agreed to cross borders illegally or to earn money illicitly; indeed, some are complicit in the trafficking of others. All this makes them wary of cooperating with law enforcement officials. Furthermore, some have been subjected to serious abuse and are suffering from post-traumatic stress syndrome at the very moment that they are asked to cooperate with the police or with prosecutors.

The solution to the challenge facing law enforcement officials, almost certainly, is to use alternative investigative methods to gather evidence and to guarantee trafficked persons an absolute right to protection and assistance and only to talk to them about providing evidence once they have recovered and feel safe.

The impact of anti-trafficking measures on other groups of people

The chapters in this anthology show that some efforts to prevent trafficking, along with numerous initiatives to secure the freedom of trafficked persons, have caused significant harm to others. The processes for identifying people who have been trafficked and for getting them out of the grips of those who are trafficking or exploiting them remain crude and often inflict unnecessary abuse on others. This is particularly the case as far as 'raids' on suspected brothels (or bars and other places acting as brothels) are concerned.

While some operations seem to be based on a government policy that 'the ends justify the means', the principles

COLLATERAL DAMAGE

emphasised by the Human Rights Committee in its General Comment 27 on Freedom of Movement imply that there is an urgent need for anti-trafficking measures to be reviewed to reduce their ‘collateral damage’. This is particularly the case when prevention programmes try to prevent people from leaving their home communities or to dissuade them from migrating. When it comes to raids to secure the freedom of individuals who are suspected of being trafficked, national human rights institutions (government appointed ombudsmen and commissions) have already taken the first steps to stopping abuse. A workshop on trafficking organised in 2005 by the Asia Pacific Forum of National Human Rights Institutions expressed concern about abuses committed in the course of raids and recommended the development of procedural guidelines for raids and rescues to ensure that the human rights of trafficking victims are protected.²³ The workshop suggested, for example, that raids should not occur without adequate planning in advance for the protection and support of trafficked people and that adults suspected of having been trafficked during the raid should only be removed from their situation if they wanted to be.

The misuse of the concept of ‘trafficking’ to further political agendas

Governments and others routinely refer to their anti-trafficking work as ‘rights based’ or based on a ‘human rights approach’ when, even allowing for the fact that these concepts are not defined in international law, it is clear that their policies and approaches do not place respect for the human rights of trafficked persons at the centre. In practice, however, governments around the world have been exploiting the issue of trafficking to reinforce their own political agendas, at the expense of the interests of those who are trafficked or at highest risk of being trafficked. Anti-trafficking efforts have consequently had a negative impact in three distinct areas of government policy, concerning the status of migrants, women and sex workers.

Immigration

When announcing that ‘victims of trafficking have been rescued’, governments have taken advantage of the term *trafficking* to imply that the individuals concerned have been brought to the country concerned against their wishes and consequently have no wish and no right to remain there. By using the word *trafficking*, government officials claim they are ‘rescuing’ and helping trafficked persons, while in fact they take no notice of their wishes and forcibly repatriate them. The chapter on Nigeria mentions examples of forcible repatriations from Italy and also reports on the forcible repatriation in 2003 from Nigeria of 26 young adults from the neighbouring Republic of Benin, along with 48 adolescents aged 16 or 17, none of whom were given an option to remain in Nigeria or to seek alternative work there – even though a regional treaty recognises their right to do so. They were bundled out of the country along with a group of younger children who had all been working in the same place. Similarly, by labelling certain cases as ‘trafficking’, government officials imply that these cases do not involve a violation of ordinary labour rights and that organisations which conventionally play an important role in defending labour rights, such as trade unions, have no role to play in supporting them. This, in turn, has the effect of reducing the number of potential advocates for a trafficked person whose rights have been violated, thereby reducing the likelihood that she or he will be compensated or get access to justice.

A preoccupation with immigration is doubtless a major reason why so many industrialised countries appear to put more emphasis on initiatives to prevent trafficking in the countries from which migrants come than they have given to efforts to stop exploitation from occurring within their own frontiers (e.g. Australia financing initiatives in South-East Asia and the United Kingdom supporting initiatives in South-East Europe). The result, however, is that the

INTRODUCTION

patterns of exploitation, including forced labour, in these countries receive relatively little attention, while the risk of being trafficked is used primarily to deter people in poorer countries from migrating. There is already evidence that much alarmist anti-trafficking propaganda goes largely ignored by potential migrants (Limanowska, 2005, 31).

Gender

The discrimination against women and girls by the immigration services of industrialised countries has already been mentioned. Immigration services have stereotyped young women travellers from certain countries, such as Brazil and Nigeria, as potential sex workers or victims of trafficking and to use this as an excuse to impede their entry (and their freedom of movement). The stereotyping of women as victims of traffickers is so great that the authorities of industrialised countries overlook the possibility that men might be trafficked, and consequently exclude them from the services and protection that all victims of forced labour require.

In some developing countries, women from poor backgrounds have been denied the right to emigrate to seek manual jobs, while better off women with professional qualifications are allowed to work abroad. More generally, anti-trafficking initiatives reproduce assumptions about women as passive, incapable of decision-making and in need of protection. They provide a façade to deter the entry of certain categories of migrants. While claiming to protect the rights of women, they undermine the status and equality of women.

Sex work

Although an agreement was reached in 2000 about a definition of 'trafficking in persons' in the UN Trafficking Protocol, some governments still choose to define the term in other ways. This is particularly noticeable in South Asia, where a regional convention adopted two years after the UN Trafficking Protocol (the South Asian Association for Regional Cooperation [SAARC] *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, 2002) contains a definition of trafficking based on the earlier UN Suppression of Traffic Convention and is at odds with the definition in the UN Trafficking Protocol.

Other states which have ratified the UN Trafficking Protocol also still choose to put the emphasis on one particular form of exploitation (usually exploitation of the prostitution of others) in their anti-trafficking work, meaning that trafficking for other forms of exploitation receives little or no attention and that individuals who have been trafficked into forms of forced labour other than forced prostitution usually receive inadequate protection and assistance. Despite the provisions of the UN Trafficking Protocol, anti-trafficking measures are also still being used to justify a raft of measures which are aimed at suppressing sex work in general, rather than at the specific situations in which people are forced into prostitution.

Although anti-trafficking activists (including the supporters of GAATW) have good intentions, they have not succeeded in detaching the framework they have set up for preventing trafficking and protecting trafficked persons from a series of other, secret or less overt agendas. As a result, as the chapters show, the anti-trafficking framework has done little good for the trafficked person and great harm to migrants and women in the sex industry. Nowhere is this clearer than in the case of the country which launched a worldwide anti-trafficking crusade in 2001, the United States, which has had an impact on many countries around the globe.

The US government's worldwide campaign to prevent trafficking

Shortly before the UN General Assembly adopted the Trafficking Protocol, in October 2000, the US adopted the *Trafficking Victims Protection Act of 2000* (TVPA). This increased penalties for trafficking-related offences committed in the US. It also contained important provisions intended to encourage action by other governments. The US justification for pressuring other governments is said to be based on human rights principles:

The US Constitution (13th Amendment) prohibits slavery or involuntary servitude in the United States. We seek to ensure this basic standard in our efforts to combat trafficking in persons internationally (US Department of State, 2006, 41).

Undoubtedly, many of the initiatives which the US has financed in other countries since this Act was adopted have promoted respect for human rights. Between 2001 and 2006, the US government's own accounts indicate that more than US\$447 million was spent on such efforts (US GAO, 2007, 1), involving about 100 countries in 2005 alone. Details of the impact of the TVPA in the US itself are presented in the chapter that focuses on the US.

Like other governments, the US claims to have "a victim-centered approach to address trafficking, combining anti-crime and human rights objectives" (US Department of State, 2006, 22). However, at a practical level the approaches which the US has insisted that other governments take seem often to inflict an unacceptable cost on human rights. One such measure has been the US government's decision in 2003 not to fund any organisation which fails to explicitly condemn prostitution. The measure was contained initially in a 2003 US law concerned with funding for programmes around the world against HIV/AIDS and other diseases. In 2005, this was renewed in a measure entitled *Prohibition on the Promotion or Advocacy of the Legalization or Practice of Prostitution or Sex Trafficking* (for details, see the chapter on the US). This policy prevents US government agencies, such as USAID, from funding an organisation set up by sex workers to defend themselves and also any work against HIV/AIDS or trafficking by an organisation which supports the legalisation of sex work. The measure was based on President Bush's policy of opposing commercial sex and disapproval of the legalisation of sex work anywhere in the world, a policy backed up by US claims that the legalisation of sex work encourages trafficking. This claim is disputed by many others. A US government office, the Government Accountability Office (GAO), has noted that the claim does not appear to be based on significant evidence:

For example, the 2005 Trafficking in Persons Report asserts that legalized or tolerated prostitution nearly always increases the number of women and children trafficked into commercial sex slavery, but does not cite any supporting evidence (US GAO, 2006, 25).

The US has also emphasised to other governments that priority should be given to prosecuting traffickers and presses them to inform US embassies each year of the number of such prosecutions. Although in theory the US approach towards the capture of traffickers and the release of their victims from captivity is supposed to make the "rights of victims paramount", in practice the approach tends to ignore the principle of proportionality and comes close to giving the message that the ends (freeing trafficking victims) justify the means.

The TVPA contains a set of minimum standards for the elimination of trafficking in persons (listed in the chapter about the US), which the US authorities regard as applicable to the governments of all countries believed to have more than about a hundred victims of what the Act calls "severe forms of trafficking". The Act lists 10 factors to

INTRODUCTION

be considered as “indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons”. These are assessed once a year in a Trafficking in Persons report published by the US Department of State (the US TIP Report): the most recent edition was published in June 2007. This categorises countries into four groupings, from Tier 1 (fully compliant with the US’ minimum standards) to Tier 3 (not compliant). Being categorised as Tier 3 can trigger the withholding of non-humanitarian, non-trade-related assistance from the US. Tier 2 is divided into two categories, with a ‘lower 2’ known as the “Tier 2 Watch List” threatened with demotion (and with the possible withholding of assistance).

The US Government Accountability Office has criticised the criteria used for allocating countries into particular tiers, commenting that, “. . .in justifying the tier rankings for these countries, [the Department of] State does not comprehensively describe foreign governments’ compliance with the standards, many of which are subjective” (US GAO, 2006, 26).

Critics of the annual ranking note that Tier 3 includes various countries which are well known to have poor relations with the US and suspect this is the reason for their ranking, rather than because they have a serious pattern of human trafficking. The US TIP report for 2006 placed 12 countries in Tier 3. They included one long-term US ally, Saudi Arabia. However, they also included numerous countries which were notorious on account of their government’s poor relations with the US rather than because large numbers of their citizens are reported to be trafficked: Cuba, Iran, North Korea, Sudan, Syria and Venezuela (US Department of State, 2007, 42). These countries all remained in Tier 3 in the 2007 report, while the total number of countries in Tier 3 increased to 16. Several of the newcomers are regarded as US allies, such as Bahrain, Kuwait, Oman and Qatar. The explanation given in the 2007 report was that, “As with the last two Reports, this Report places several countries on Tier 3 primarily as a result of their failure to address trafficking for forced labor among foreign migrant workers” (*op. cit.*, 30). Of the eight countries which are examined in this anthology, two were ranked in Tier 1 (Australia and the UK), four were in Tier 2 (Bosnia and Herzegovina, Brazil, Nigeria and Thailand) and one was in the Tier 2 Watch List (India). The US itself is not the subject of a tier ranking.

Other have criticised the US Department of State for failing to categorise in Tier 2 or 3 certain countries which have a poor record for taking meaningful action to prosecute traffickers or to stop trafficking. A close US ally, the UK, which the chapter shows as having adopted confused policies over a number of years that leave some trafficked persons without protection or assistance, has nevertheless been consistently placed in Tier 1 by the TIP reports. In considering the tier rankings of countries in South Asia, GAATW’s authors noted that the Kingdom of Nepal was placed in Tier 1 in the 2005 TIP report, but has been ranked in Tier 2 in other years. The 2005 report noted: “Despite setbacks in other areas, Nepal has over the years made steady progress in its efforts to combat trafficking” (US Department of State, 2005, 163). During the following year, no major policy change or legal reform was adopted by the government as far as trafficking was concerned to lead to the country’s demotion in the 2006 report. The main change was political, for a civil war in Nepal came to an end, the dictatorial powers of a hereditary monarch were curbed and a multi-party government was appointed, which included Maoists. The only explanation for the change in ranking offered in the 2006 TIP report was that the Government of Nepal was failing to improve its anti-corruption efforts (US Department of State, 2006, 186).

The reactions of governments which are criticised in the TIP report evidently vary. From the US point of view, it appears positive that governments which were doing little to stop trafficking have been prodded into action. The US Government Accountability Office review of the TIP report’s impact observes that the governments of both

COLLATERAL DAMAGE

Jamaica and Japan had initiated action as a result of criticisms voiced in the TIP report, noting that, "...the Japanese government responded to the report's criticisms by tightening the issuance of entertainer visas and ceasing the criminal treatment of trafficking victims" (US GAO, 2006, 28). However, it made no comment on whether migrant workers had experienced hardships as a result of the reduction in entertainer visas.

It is precisely these sorts of side effects which consistently go unreported and apparently unnoticed by all but the individuals whose lives are affected directly. As a result, neither the US nor any international body is currently engaged in monitoring whether such anti-trafficking measures are indeed proportionate to the abuse they are ostensibly trying to prevent. Equally relevant are the various efforts to stop either trafficking or various forms of exploitation at national level which have been dropped simply because they do not conform to the criteria proposed by US diplomats on the basis of the TVPA's requirements.

It seems that within the US administration there is inadequate awareness of what the real impact has been of either the annual TIP report or other anti-trafficking measures supported by the US. This concerns both the possible contribution they make to reducing the number of people trafficked and their other, more counter-productive effects. The US Government Accountability Office noted that the TVPA 2000 called for a US government task force "to measure and evaluate the progress of the United States and other countries in preventing trafficking, protecting and providing assistance to victims, and prosecuting traffickers" (*op. cit.*, 25). However, the GAO report in 2006 notes that no evaluation plan or government-wide performance measures had yet been developed to allow the US government to evaluate the overall impact of its anti-trafficking efforts abroad. It comments that,

...according to agency officials in Washington, D.C. and in the field, there is little or no evidence to indicate the extent to which different types of efforts—such as prosecuting traffickers, abolishing prostitution, increasing viable economic opportunities, or sheltering and reintegrating victims—impact the level of trafficking or the extent to which rescued victims are being re trafficked (*ibid.*).

In the US, the need for systematic evaluation of anti-trafficking measures has been recognised, albeit not by the main government department responsible for implementing the government's anti-trafficking policy. A report issued in July 2007 by the US Government Accountability Office was headlined, "Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements" (US GAO, 2007). This constitutes a first step, perhaps, towards appreciating that anti-trafficking efforts have unintended effects and that action is needed to reduce 'collateral damage'.

Conclusions

This anthology indicates that a huge number of changes in anti-trafficking policies are needed around the world, to prevent them causing harm and to ensure that they contribute directly to the very people who are supposed to benefit – trafficked persons – being able to exercise their human rights fully. Until some of these changes are made, people who have been trafficked will continue to try and avoid being identified as victims of trafficking, suspecting that this may not be in their own best interests.

Of course, the conclusion mentioned already – that the anti-trafficking framework has done little good for the trafficked person and great harm to migrants and women in the sex industry – raises the question for human rights

INTRODUCTION

campaigners about whether it is even appropriate to try and reform government anti-trafficking strategies by seeking specific changes. Enabling the very people who are at highest risk of being trafficked to exercise their human rights fully requires an altogether different approach, one which shifts the emphasis to empowerment and participation.

However, to focus solely on an empowerment agenda would potentially mean allowing serious violations of human rights to continue unabated. It consequently seems vital to take a two-track approach, one which combines advocacy for positive change and empowerment with calls for reform and specific changes in government anti-trafficking measures, which would reduce the harm that these currently cause both to trafficked persons and other people.

The individual chapters of this anthology identify a large number of changes that are needed, so many that it is difficult to summarise them all. Here are ten steps which the chapters imply need to be taken in **every** country in order to identify the shortcomings and remedy them.

- 1. Use an evidence-based approach.** The chapters in this anthology demonstrate that it is important to take an evidence-based approach when adopting anti-trafficking measures and to ensure that the measures taken are both proportionate and appropriate to address the patterns of abuse known to be occurring. The corollary is that a ‘one size fits all’ approach (along the lines advocated by the US government) is not likely to work. In particular, in all the countries mentioned in this anthology, it would be appropriate to have a greater focus on detecting and stopping cases of forced labour and slavery-like practices, rather than focusing primarily on the *recruitment* of people into such forms of abuse, as this has led to measures being adopted that have a negative impact on a wide range of migrants.
- 2. Base policies on evidence collected from trafficked persons and other migrants who have experienced abuse** and also from others who have first-hand experience of the counter-productive effects of anti-trafficking and anti-immigration measures. In particular, involve workers in the sectors where forced labour and slavery-like practices are known to be common in identifying the measures likely to help stop these abuses (rather than treating them as objects who are neither consulted, nor considered to be part of any potential ‘solution’). In general, this means moving such people from being the object (and often victim) of government policies to being the subject of them, partners with those in government agencies, who can help form policies which have, for too long, been developed by well-intentioned individuals who have little real understanding of the realities experienced by people living in poverty in general and migrant women in particular.
- 3. National human rights institutions should collect information in a proactive way about the impact of anti-trafficking measures and assess whether they conform to the principle of proportionality.** Alongside their role in monitoring respect for human rights by law enforcement agencies and other public officials, they should also assess whether specific guidelines are required to reduce the harmful effects of anti-trafficking measures on specific groups of people, such as the sex workers who are affected by raids on brothels carried out ostensibly to find people who have been forced into prostitution.
- 4. End the practice of making assistance to trafficked persons conditional on their agreeing to cooperate with law enforcement officials.** In every country mentioned in this anthology, people who have been trafficked and subjected to severe abuse are being prevented from getting access to the services and protection to which they have a right, on account of either laws or law enforcement agency

COLLATERAL DAMAGE

practices which make assistance conditional on their agreeing to cooperate with law enforcement officials. This conditionality is incompatible with a human rights approach and steps should be taken to end it everywhere. Law enforcement agencies whose prime interest is to secure convictions of traffickers surely have an interest in ensuring that victims of crime and witnesses have their safety guaranteed and are offered the services they need as a first priority and could monitor whether adopting this approach increases or decreases the availability of evidence to prosecute traffickers.

5. **Monitor the implementation by law enforcement agencies and immigration services of laws concerning temporary or permanent rights to remain in a country for foreigners who have been trafficked.** Such monitoring is needed everywhere, whatever the provisions of the law concerning rights to remain in the country are. Remedial action should be taken by the government whenever there is evidence that law enforcement officials are systematically failing to correctly identify people who have been trafficked or are categorising them in such a way that they can be deported or given less protection or assistance. There seems to be a need in many countries to redesign the referral system for foreign men, women and children in such a way that all victims of abuse – regardless of whether they are willing to cooperate with a prosecution or not – have access to the assistance to which they are entitled.
6. **Repeal all legislation or regulations which allow for the detention of people who have been trafficked,** whether this is *de jure* detention by a law enforcement agency or *de facto* detention by an NGO, as described in the chapter about BiH or by the social welfare authorities as in Thailand. In the case of Nigeria, the referral system needs to ensure, as a matter of priority, that people who have been trafficked are not kept in detention (or in anything called ‘safe custody’ which is effectively a form of detention) in the same building as the people suspected of trafficking them.
7. **Governments should ensure that there are no obstacles to trafficked persons applying for asylum** and that people who have been trafficked from one country to another are informed of this option and the procedures to follow.
8. **Hold governments accountable and require them to review their procedures both for carrying out risk and security assessments prior to repatriation and for repatriating individuals** who may have been trafficked. This should help eliminate the likelihood that these individuals will be subjected to further harm (or stigmatised) upon their return home, or will be less able to exercise their human rights than would otherwise be the case.
9. **Inform foreign citizens who are believed to have been trafficked and who are put into shelters on a temporary basis in the country to which they have been trafficked systematically about the possibilities of getting assistance once they return to their home country.** They should be offered advice on how to contact NGOs in their home country that provide suitable assistance before they embark on their journey home. At the same time, they should not be coerced into making contact with organisations in their home country if they do not wish to do so. Whenever there is a clear pattern of individuals being trafficked between two specific countries, efforts should be made to coordinate the assistance provided in the two countries. This does not automatically depend on the two governments cooperating closely; it can also be brought about when NGOs in the two countries cooperate closely, whatever the state of relations between their two governments.
10. **Governments should eliminate any obstacles which inhibit migrant workers from exercising their right to freedom of association and to join or form trade unions.** They should take steps to

INTRODUCTION

ensure that migrant workers have a voice and can submit complaints about exploitation without having to fear reprisals from either their employer or from government agencies seeking to deport them. This in turn implies that governments should resolve the evident conflict in priorities between immigration policies that seek to exclude irregular migrants and anti-trafficking or anti-forced labour policies which seek to stop violations of human rights from occurring. Labour rights defenders should ensure that they too play a more proactive role in detecting cases of forced labour and slavery-like situations, whatever sector they occur in, and in supporting the efforts to obtain redress of the individuals who have been subjected to abuse. Removing obstacles to marginalised groups such as migrant workers and sex workers exercising their right to freedom of association is just one step on the road to empowerment, to creating an enabling environment in which people are helped by their governments to exercise their rights, rather than being the object of oppressive measures to stop trafficking, to stop exploitation or to stop irregular migration – in short, a series of bans which, in the name of protecting people, ultimately do not enable them to exercise their rights.

In the US, where more government money has been poured into anti-trafficking efforts than anywhere else, one key need has already been identified by the US Government Accountability Office: more and better evaluations and proper assessment of the impact of anti-trafficking programmes and projects, so that lessons are learnt and programmes are improved.

In the US and elsewhere, however, there are clearly ideological obstructions to adopting an evidence-based approach, as well as an unwillingness at government level to give due consideration to the negative impact that some anti-trafficking measures have on sex workers and others working in the informal sector. The campaign against the decriminalisation or legalisation of sex work has a strong voice in the US and claims that this is central to efforts to stop trafficking in women. It is consequently not sufficient to wait for human rights institutions or other government agencies to review the impact of anti-trafficking measures and to propose reforms. Everyone who has played a role in calling for action to stop human trafficking (and thousands of NGOs have jumped on this bandwagon in recent years) has a responsibility to contribute to this review and to press their government to act more responsibly.

Seven years after the UN adopted its Trafficking Protocol, it is high time that all levels of anti-trafficking work were evaluated and their impact assessed. Some commentators may argue that this anthology concentrates too much on the negative impacts of anti-trafficking measures and fails to sing the praises of what has been done well. By sifting through evidence in an objective way, independent evaluations and impact assessment can identify both positive and negative effects. Still, identifying the negative effects requires a special effort, particularly from organisations which are adept at putting a public relations ‘spin’ on their own achievements. A handbook for evaluation specialists (*Impact Assessment for Development Agencies, Learning to Value Change*, Oxfam GB with Novib, 1999) recommends that those responsible for monitoring and evaluation 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 service officials, NGO staff and others involved in administering programmes intended to help them. They are consequently frightened of criticising anything. The handbook advises:

COLLATERAL DAMAGE

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 (Roche, 1999, 52).

This anthology represents only a first step in the process now needed to collect and analyse evidence about the negative changes brought about by anti-trafficking initiatives. However, the evidence presented in the chapters is already sufficient to justify making numerous changes to existing anti-trafficking measures.

INTRODUCTION

ENDNOTES

- ¹ Principle 3 of the UN 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 were accessed on 1 May 2007 at www.ohchr.org/english/about/publications/docs/trafficking.doc.
- ² *Ibid.* Principle 1.
- ³ The full text of the UN Trafficking Protocol was available in April 2007 at <http://www.ohchr.org/english/law/pdf/protocoltraff.pdf>.
- ⁴ *The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* was accessed on 25 February 2005 at <http://www.unhcr.ch/html/menu3/b/33.htm>.
- ⁵ This is in contrast to cases involving children under 18, for in their case, whenever intermediaries or pimps recruit children to earn money for them from commercial sex, the case comes under the definition of trafficking in the Trafficking Protocol, whether their recruitment and subsequent employment involves any coercion or not.
- ⁶ Report of the *Ad Hoc* Committee on the Elaboration of the *Convention against Transnational Organized Crime* on the work of its first to eleventh sessions. Interpretative notes for the official records (*travaux préparatoires*) of the negotiation of the United Nations *Convention against Transnational Organized Crime* and the Protocols thereto, UN document A/55/383/Add.1, 3 November 2000, page 12, paragraph 64.
- ⁷ Accessed on 26 April 2007 at www.globalrights.org/site/DocServer/IHRLGTraffickingStandards.pdf?docID=204.
- ⁸ Guideline 3 of the UN High Commissioner's *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, op. cit.
- ⁹ UNICEF's *Guidelines for Protection of the Rights of Child Victims of Trafficking* were initially designed especially for South-Eastern Europe (2003). The original version was accessed at www.seerights.org. In 2006, a set of revised Guidelines were issued to be applicable to the entire world. These were accessed at www.unicef.org/ceecis/media_1231.html.
- ¹⁰ UNHCR document HCR/GIP/06/07, 7 April 2006, accessed on 9 May 2007 at www.unhcr.org/doclist/publ/3d4a53ad4.html.
- ¹¹ The Council of Europe Convention was accessed on 10 May 2007 at www.coe.int/t/dg2/trafficking/campaign/Source/PDFConv197TraffickingE.pdf.
- ¹² IOM, *The Mental Health Aspects of Trafficking in Human Beings. A Set of Minimum Standards*, compiled by Árpád Baráth, Anjali Da Victoria Lobo, Ruhija Hoxha-Beganovic, Philip D. Jaffé, Nnette Motus, István Szilárd, Diana Tudorache, Rossanka Venelinova, and Jacqueline Weekers, Budapest, 2004. The minimum standards are supported by a training guide: IOM, *The Mental Health Aspects of Trafficking in Human Beings. Training Manual*, compiled by Árpád Baráth, Edvard Hauff, Philip D. Jaffé, Gyöngyvér Jakab, Nnette Motus, István Szilárd, Diana Tudorache, Rossanka Venelinova, and Jacqueline Weekers, Budapest, 2004.
- ¹³ The IOM Handbook was accessed on 28 March 2007 at http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/CT%20handbook.pdf.
- ¹⁴ The WHO Recommendations were accessed on 9 May 2007 at www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf.
- ¹⁵ Paragraphs 14 and 15 of the Human Rights Committee's General Comment 27 (Freedom of movement, Article 12 of the *International Covenant on Civil and Political Rights*), UN Document CCPR/C/21/Rev.1/Add.9 (1999).
- ¹⁶ UN *Convention on the Rights of the Child*. Adopted by UN General Assembly Resolution 44/25 of 20 November 1989, entry into force 2 September 1990. The text of the Convention was accessed on 20 June 2003 at www.unhcr.org/refugees/info.

COLLATERAL DAMAGE

- ¹⁷ Committee on the Rights of the Child, General Comment No. 4 (2003), Adolescent health and development in the context of the *Convention on the Rights of the Child*, UN Document CRC/GC/2003/4, 1 July 2003.
- ¹⁸ Paragraph 27, Committee on the Rights of the Child, General Comment No. 6 (2005), ‘Treatment of unaccompanied and separated children outside their country of origin,’ adopted during the Committee’s 39th session, 17 May to 3 June 2005. General Comment No. 6 was accessed at www.ohchr.org/english/bodies/crc/docs/GC6.pdf.
- ¹⁹ Workshop on Measurement and Human Rights, July 6–8, 2006, Carr Center for Human Rights Policy, in collaboration with the Program in Criminal Justice Policy and Management Kennedy School of Government, Harvard University. Accessed on 15 May 2007 at www.ksg.harvard.edu/cchrp/programareas/impact.php.
- ²⁰ *The International Convention for the Suppression of the Traffic of Women of Full Age*, adopted by the League of Nations in 1933, required all states ratifying the Convention to prohibit, prevent and punish the trafficking of women for the purposes of prostitution, even when done with their consent. Earlier, in 1910, the *International Convention for the Suppression of White Slave Traffic* had imposed an obligation on ratifying states to punish anyone who recruited a girl who was below the age of majority into prostitution, whether it was with her consent or not (Weissbrodt and Anti-Slavery International, 2002, 19).
- ²¹ Adopted by UN General Assembly resolution 40/34 of 29 November 1985. Accessed on 16 May 2007 at www.ohchr.org/english/law/victims.htm.
- ²² An IOM Training Manual notes that, “Even when relatively ‘safe’ and out of the traffickers’ clutches, trafficked persons are generally observed to be anxious, frightened, and in a confused state. They are also often suspicious of any assistance initially provided, and worry about what awaits them from the time of their escape/rescue, during their stay at the transit centre up to their return home. . . . Additionally from a mental health angle, an almost exclusive contact with the authorities (e.g. arrest, evidence giving, testifying in a criminal proceeding) may have negative psychological effects on a trafficked person. S/he may experience memory lapses, fear of law enforcement officials and deep insecurity about the future” (*The Mental Health Aspects of Trafficking in Human Beings, Training Manual*, compiled by Árpád Baráth et al, Budapest, 2004, page 39).
- ²³ Asia Pacific Forum of National Human Rights Institutions, Regional Workshop on Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People, Sydney, Australia, 20–23 November 2005.

INTRODUCTION

BIBLIOGRAPHY

Castle, Sarah, and Aisse Diarra. *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage?* London School of Hygiene and Tropical Medicine, 2003.

Dottridge, Mike. *A handbook on planning projects to prevent child trafficking*. International Federation Terre des hommes. Lausanne, January 2007.

Hausner, Sondra L. *The Movement of Women. Migration, Trafficking and Prostitution in the Context of Nepal's Armed Conflict*. Save the Children USA. Kathmandu, 2005. Accessed on 20 June 2005 at www.ain.org.np/html/publications.html.

Limanowska, Barbara. *Trafficking in Human Beings in South Eastern Europe. 2004 Focus on Prevention in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Republic of Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*. UNICEF, UNOHCHR and OSCE/ODIHR. UNDP, March 2005.

Roche, Chris. *Impact Assessment for Development Agencies, Learning to Value Change*. Oxfam GB with Novib. Oxfam Publishing, Oxford, 1999.

UNICEF and Terre des Hommes. *Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment*. Geneva, 2006. Accessed on 10 October 2006 at http://www.unicef.org/ceecis/media_4857.html.

US Department of State. *Trafficking in Persons Report*, 2005. Accessed on 4 June 2005 at www.state.gov.

US Department of State. *Trafficking in Persons Report*, 2006. Accessed on 6 June 2006 at www.state.gov/g/tip.

US Department of State. *Trafficking in Persons Report*, 2007. Accessed on 14 June 2007 at www.state.gov/g/tip.

US Government Accountability Office (US GAO). *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-trafficking Efforts Abroad*. Report No. GAO-06-825 to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives. Washington DC, July 2006. Accessed on 12 October 2006 at www.gao.gov/new.items/d06825.pdf.

US GAO. *Human Trafficking: Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements*. Report No. GAO-07-1034 to Congressional Requesters. Washington DC, July 2007. Accessed on 6 August 2007 at www.gao.gov/highlights/d071034high.pdf.

Weissbrodt, David, and Anti-Slavery International. *Abolishing Slavery and its Contemporary Forms*. Office of the United Nations High Commissioner for Human Rights. HR/PUB/02/4. UN, New York and Geneva, 2002.

Wijers, Marjan, and Lin Lap-Chew. *Trafficking in Women: Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution*. Foundation against Trafficking in Women. Utrecht, 1999.

Zimmerman, Cathy, Mazed Hossain, Kate Yun, Brenda Roche, Linda Morison, and Charlotte Watts. *Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe*. The London School of Hygiene and Tropical Medicine, 2006. Accessed on 24 June 2006 at www.lshtm.ac.uk/genderviolence/.