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by **Julia Muraszkwicz, PhD** (researcher at Vrije Universiteit Brussel), **Dr. Hayley Watson** (senior research analyst at Trilateral Research & Consulting), **Kush Wadhwa** (senior partner at Trilateral Research & Consulting) and **Dr. Paul De Hert** (Professor at Vrije Universiteit Brussel and Head of the Department Interdisciplinary Legal Studies)

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Trafficking in Human Beings as an Enterprise: Highlighting Key Questions About Data Shortage on the Business Side

by Julia Muraszkwicz¹, Hayley Watson², Kush Wadhwa³ and Paul De Hert^{4,5}

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Abstract

Researchers and policymakers face a shortage of data on the business side of human trafficking. This inevitably leads to problems when trying to combat this crime. Questions such as: who is involved in trafficking, how do they operate, what is their relationship with organised crime groups (or other traffickers and third parties) remain unanswered. The purpose of this article is to harvest the knowledge on what we know about trafficking as a criminal enterprise and, in turn, encourage further research. The article also aims to show that the challenges encountered by researchers.

1. Introduction

Difficulties with obtaining reliable and accurate data on the prevalence of trafficking in human beings (THB) in Europe results in a lack of understanding about the true extent of the crime, which can lead to an inaccurate knowledge on the nature of the problem, and accordingly, how best to respond to it. Consequently, the European Commission (EC) is pursuing a research agenda that

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seeks to further recognise the various dimensions relating to the extent and nature of THB, including a greater understanding of those responsible.

This article draws attention to the need to widen our understanding of the business element of human trafficking. Analysing this crime from the perspective of a business enterprise is valuable as it can help stakeholders determine better preventive solutions. It is hypothesised in this article, that using a model to understand human trafficking from a business perspective can allow us to complement traditional criminological models. In brief, the hypothesis assumes that those engaging in human trafficking exhibit rationality, will power and self-interest and thus operate with the realms of the rational choice theory. In addition they commit the crimes under the principles of an economic theory, where the perceived benefits offset the perceived risks such as prosecutions. Lastly, it is assumed that by ascertaining the market the perpetrators determine the methods within which their business will operate. Of course the article acknowledges that some human trafficking is committed with the realm of “crime of opportunity” where the actor commits the crime without planning but simply acts on an instinct aroused by opportunity. This assumption complicates any study and development of a model of trafficking as a criminal enterprise, for the players are not as predictable. Nevertheless the dominant framework, within which the authors think about this issue, is that human trafficking is to a far extent an organised enterprise and thus it is possible to deduce patterns and trends.

As such, the authors argue that in order to enhance policies aimed at disrupting and preventing THB, it is necessary for researchers to explore key questions, which this article aims to consider: first, what is the business structure of the trafficking organisation, and who are they? Second, how do the traffickers operate? The value of these questions is emphasised by the Organization for Security and Co-operation in Europe (OSCE) who argue that: ‘To fully understand the mechanisms of human trafficking, it is necessary to focus not only on the environment or situations which make potential victims more vulnerable to trafficking, but also on those factors that facilitate the traffickers and those who participate or aid in the crime of trafficking’ (Aronowitz, Theuermann and Tyurykanova 2010, 15).

This article will focus on THB in relation to the different types of exploitation: labour, sexual, forced begging, organ removal and for the purpose of crime. It will begin by defining what we mean by the terms the ‘business side’ of human trafficking and the ‘trafficker’ and asking what is the value in studying human trafficking as a business enterprise (subsection two). The article will then (in subsection three) go on to explore the different business models that are known to exist in THB. This analysis will also include a review of literature on the typologies of the traffickers. Subsection four will provide a scrutiny of the business

operations - the methodologies used to run the business. By focusing on these elements, we will highlight further areas of research, including the need for statistical data and detailed typologies of traffickers. Before concluding the authors will pay attention to challenges in research.

This article is primarily based on a review of existing literature. It does not aim to be a theoretical paper but instead highlight some key questions that are urgently in need of answering in order to enhance our capacities to respond to this growing crime. The authors acknowledge that a complete and close scrutiny of these issues is beyond the scope of this paper and the analysis is therefore limited to a selection of examples. However, by doing so, the authors believe that this article provides a foundation for further research and discussion. One such instance of further research, and indeed the genesis of this article, is the recently funded project by the European Commission; “*Trafficking as a Criminal Enterprise*” (TRACE).⁶ By considering trafficking as a “criminal enterprise” TRACE aims, in part, to consider how THB operates as a form of organised crime

2. The business of human trafficking and traffickers: definitions

At the outset, it is necessary to clarify what we mean by the “business side of human trafficking”. A business is regarded as an occupation and a trade, which supplies goods to the market in order to generate profit. Those participating in the business of THB make rational choices to make profits, through calculating opportunities, risks, costs and then engaging in the selling and/or exploitation of humans (EUROPOL 2007, 2). The business may be local or global and may involve one or more of the following activities: recruitment, transportation, harbouring, obtaining, and exploiting persons, often using force, threats, lies, or other physical and psychological methods of control over a person.

Trafficking of human beings is defined as:

“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

⁶ TRACE (Grant agreement no: 607669) has started 1st May 2014. It is made up of an inter-disciplinary consortium made up of national commissions working towards combatting THB, law enforcements, SME’s, academic institutions and civil society organisations. TRACE aims to support stakeholders in combatting and disrupting human trafficking, one of the largest criminal enterprises in the world, by assessing and consolidating information surrounding the perpetrators and the wider trafficking enterprise. All authors participate in TRACE.

of exploitation” (The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).

It thus follows that a trafficker or a trafficking group is a party responsible for one or more of the actions (as described in the Protocol) for the purpose of exploitation. However, in reality the question of “who do we consider to be traffickers?” has a broader and more theoretical spectrum and poses some difficulty. For instance, any understanding of the trafficking business model must acknowledge that those involved in the crime will often have to rely on others and thus be part of some sort of network. They will be abetted and aided because the barriers to entry for traffickers have created a need for a vast amount of facilitators who will help with various aspects, such as transportation or illegal entry along the journey (Shelley 2014, 1).

What is the value in studying human trafficking as a business enterprise? Human trafficking is composed of a multiple of factors that combined allow the industry to function and flourish. The crime will not occur without elements that are found within the business side of the process; these include for example but are not limited to successful recruitment techniques, ability and ease of transfer and aptitude of controlling trafficked persons. In order to eliminate the ease of running such business it is necessary to acquire the knowledge of these fundamentals and more broadly how human trafficking operates as a criminal enterprise and where and when it can be disrupted. As argued by authors like Schelling analysing the business side of the criminal world can help in identifying the incentives and disincentives to organise crime and other factors that can ease disruption (Schelling, 2001, p.62). Iselin (2004) also notes the value of understanding human trafficking as a commodity chain of human trafficking.

In this article we thus consider the visualisation of the processes involved in human trafficking coupled with a conception of the actual human behaviours involved – it is assumed that traffickers like other criminals act rationally in order to maximise their profits. Such an analysis is a valid and valuable approach in achieving the aim of disrupting human trafficking and also fits within the framework of behavioural economics.⁷ However, scholars analysing behaviours and trends in crime have predominantly focused on more known forms of criminality such as homicide, theft or drug related crimes (for example of drug businesses as a criminal enterprise see Ruggiero and Khan, 2007). Less common is

⁷ The recognition of the relationship between criminal behavior and economics can be said to have begun with Gary Becker’s article “Crime and Punishment: an Economic Approach” (Becker, 1968) and since literature has include a wide range of debates on the topic (see Sullivan, 1973. Findlay, 1999.). In brief, it can be ascertained that organised crime follows similar patterns that govern the legal market. As such it is rational that noting the amount of studies focused on understating various sectors of the legal market from a perspective of analyzing the business operation we also study the illegal ones such as human trafficking.

research on the subject of human trafficking – Of course there are exceptions such as the work undertaken by authors such Lutya and Lanier (2012) or Aronwitz.

3. Analysis of the business model and the players within

A. Structure of the trafficking businesses

There is no set business model that those involved in trafficking follow. A human trafficking business can be made up of: one or few individuals, a loose network of individuals or a highly structured and large organised network (Aronowitz, Theuermann and Tyurykanova 2010, 21). Within these three models there will also be variations. For instance, single individuals can comprise a small family group or just one person acting as a freelance criminal, whilst the highly structured network can be international or national.⁸ Much will depend on barriers to entry, economics of scale required, competition or even a unit's own attitude.

Busch-Armendariz et al. tried to broaden our understanding of the business by aiming to find a pattern between the business model and the type of trafficking (Busch-Armendariz et al. 2009, 15). They analysed 46 cases and distinguished between: domestic servitude, forced labour, domestic sex trafficking and international trafficking. In brief, they found that:

- (i) Traffickers for domestic servitude were often a couple or a family.
- (ii) Traffickers for forced labour varied from small family businesses to larger organised crime syndicates.
- (iii) Traffickers for domestic sex were typically males with an emerging generation of young traffickers, including minors.
- (iv) Traffickers for international sex trafficking were often part of a larger organised crime ring and were both male and female.

Studying the business model requires an understanding what roles do players play. A human trafficking business may specialize in one aspect of human trafficking such as transportation or on the other end of a spectrum a large criminal organisation may control all stages of THB and even engage in other crimes such as the trafficking of drugs. An example of this can be found primarily in Asia (Shelley 2010, 114-118). Whether the entire process of human trafficking engages one organised criminal organisation or is made possible by various separate individuals/groups, does not deter from the fact that the business will only operate

⁸ Of interest is Allum's and Sands' (2004) detailed explanation of the nature of organised crime groups in Europe

where there is coordination, either internally or with other units. However, conversely to Shelley's Asia model, we are noting de-centralised and smaller units involved in the business, which allows for specialisation and prompt re-organisation. Aronowitz argues that we are moving away from the traditional large organised groups controlling THB to smaller more flexible horizontal structures, these however can still take the form of organised crime syndicates. (Aronowitz, 2001. P. 176). For stakeholders this means that there is a need to disturb this coordination and co-operation between the various groups. To do this however we need to move away from generalisation and unverifiable data and create a knowledge base of the inter-relationships that exist within the chain of business.

B. The trafficker

There is also a need to develop an understanding of the personal characteristics of the individuals involved in trafficking, e.g., nationality, age, education and qualifications, language skills, work/life prior to becoming involved in trafficking, and previous criminal behaviour/convictions (Dowling et al. 2007, 6). Iselin (2004) highlights the need to develop knowledge of the traffickers, including their perception of the market, arguing that:

'In order to explore the minds of those running the businesses, it is helpful simply to turn to business management theory. While in all business models the consumer is sovereign, it is not individual demand that of itself causes the nature and volume of production. It is the seller's perceptions of consumer decisions that determine what services will be provided, in what quantities, and how resources will be allocated'

As it stands, existing literature suggests there is little in the way of a single profile of traffickers, it is therefore necessary for researchers to continue to take efforts to understand the wider demography of those involved in trafficking.

Some countries, such as Germany, deliver annual numbers on traffickers that are arrested; they provide statistics on nationality, age and sex (Bundeskriminalamt website). Similarly the Dutch National Rapporteur on THB provides details on traffickers who are charged, and this includes their age, sex and country of birth (National Rapporteur on Trafficking in Human Beings 2010). Such statistics are useful and contribute to our understanding of the business, however not all countries make such publications available. Consequently, police and court authorities should collect as much detail about traffickers and make them available through national rapporteurs on human trafficking or similar bodies. Moreover, as identified by Steve Harvey (2014) the collection of information should not be

restricted to law enforcement bodies, as other groups, such as medical professionals, may also encounter trafficked persons who can at times be accompanied by either traffickers or persons associated with trafficking.

When it comes to understanding the trafficker, those individuals involved in research need to supplement the study scope to include data on education, family, skills, wages, psychology etc. For instance, with regard to the trafficked persons there is some literature, albeit still limited, about their psychology (Hughes et al. 2002). There have been very few studies of this focus in relation to the trafficker, with the exception of a study conducted in the Netherlands (Hoozeboom 2009). This study concerned a limited sample of nine traffickers and focused on the characteristics of their personalities. The traffickers were described as 'bossy, dictatorial, egocentric, authoritarian personalities' who conquered, controlled and used people for their own purpose (Hoozeboom 2009, 21). The link between the psychological characteristics and the action is of extreme interest, as a greater understanding of the relationship between the two would be useful to establish a means by which actual traffickers operate which could contribute to preventing individuals from participating in trafficking. Moreover, the value of undertaking sociological or psychological analysis has been established by similar research with regard to other crimes. Janowska (1974) did this already 40 years ago in relation to homicide offenders.⁹

Lastly, when considering the profile of the trafficker, we can also consider their sex. The International Organisation for Migration (IOM) found cases in the former Soviet Union where trafficked women became recruiters. A large proportion of these women previously worked in the sex industry and as such it is a business they knew best and was almost a natural route for them (United Nations Office on Drugs and Crime. 2006, 7). This is also the case for Nigerian madams who have been trafficked and afterwards become traffickers (Kleemans 2007, 184). Evidence suggests that women are more active in the crime of THB than in any other transnational crime (Siegel et al. 2010), however, they still account for less than half of the traffickers, and according to the UN, an analysis of the offenders in Europe revealed that women rarely compose more than one-third of identified suspects (United Nations Office on Drugs and Crime 2009, 56). Rather, it would appear that many of the women involved are former victims themselves. Understanding why this is the case is a key area of further research. Needed is empirical research in the form of interviews, to understand the inter-relationship between victims of trafficking and their role in the wider trafficking chain.

⁹ Janowska concerned herself with the characteristics of the socio-demographic and socio-psychological features of offenders and the motives of their action.

Whilst our background knowledge of traffickers is expanding, such an effort must continue in a comparative fashion across Europe in order to continue to widen our understanding of those involved in trafficking. Some, such as Troshynski et al. (2008) have attempted to develop a wider understanding of the profile of the trafficker, yet it is evident that traffickers as offenders are less understood than other criminals. In contrast, research on the typology of sex offenders includes detailed and sophisticated works (e.g. Meloy 2000; McCabe and Wauchope 2005). In this context our understanding of who the trafficker is and how he/she operates remains incomplete and in need of on-going examination. There are a number of data sources that researcher could utilise to gather this information, and indeed this is applicable to the remaining areas of research analysed in this article. Firstly, even ‘without investigating substantial new resources, more could be done to fully exploit existing information and make it more widely available’ (Laczko, 2007. 43). Interviews with perpetrators, victims and those who have come into contact with the business of THB could provide for first hand knowledge, but of course this method is limited by bias and barriers to access (more in section five). In addition study of secondary sources can also provide an insight (again this will be discussed in the last section of this article). Further knowledge could be developed using surveillance and infiltration of the business; this however is not always an option for a regular researcher but instead is a matter for police or other specialised authority bodies.

4. The business operations: overview of methodologies and trends

In this next section of the article we aim to understand the human trafficking business management whilst also showing that there are variations within. The criminal groups, involved in one or more of the phases in THB, will rely on specific methodologies that they deem successful and most profitable, whilst being ‘extremely sensitive to emerging or changing demand...’ (Siegel 2010, 446). In addition as noted by Iselin (2004) most of the methods adopted will be made in light of factors such as price, time, perceived cost and perceived risk. The understanding of the data on the business operation will allow stakeholders to assess the dimensions of the business and where/how it can be disrupted, including how to develop possible “market disincentives” for the businesses.

A. Recruitment

Traffickers target people seeking to better their life and/or vulnerable individuals whereby their vulnerability can spur from lack of education, economic conditions, migration status, family situations, discrimination, circumstances such

as natural/political disasters and other conditions (Tran 2007). Despite the images portrayed in popular culture, seldom ‘is violence perpetrated against the victim during the recruitment phase – except in the case of kidnapping, which rarely occurs.’¹⁰ Victims are generally recruited through deception and promises of a better life, an education, job skills training, a viable or good job’ (Aronowitz, Theuermann and Tyurykanova 2010, 19). In some countries and cultures where marriage is the only way a woman can secure her life, false marriage offers are an effective recruitment method. Siddharth Kara, who met with many trafficked persons as part of his research, found that Albania was one such country (Kara, 2008). Recruitment within one’s own group – national, ethnic or cultural – is also prevalent as it removes any language or cultural barriers and through proximity allows a relationship of trust to be developed. Outside of these factors it is difficult to provide a consistent pattern of recruitment, as it will differ for each region and trafficking type; in Eastern Europe for instance it is common to use technology and the media for recruitment. ‘The widely used techniques in Eastern Europe and the former Soviet Union- advertisements and websites are utilized less frequently in the poorer countries of Asia, Africa and Latin America. In regions with poorly educated victims, recruitment most frequently occurs on a personal basis’ (Shelley 2010, 96).

Furthering our understanding of the recruitment process within the trafficking of human beings is crucial to successfully preventing THB, however, many questions remain. Do traffickers “screen” potential individuals, how often do they change their methods, what impact will technological developments have on future recruitment? Will refugee camps, such as those resulting from the Syrian conflict, become breeding grounds for recruiters?

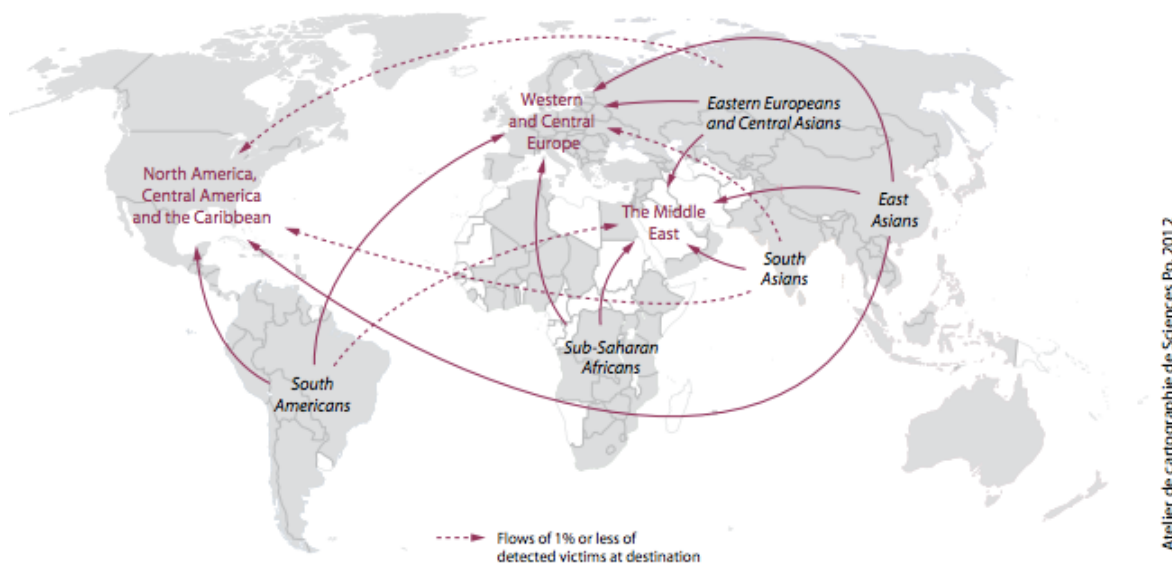
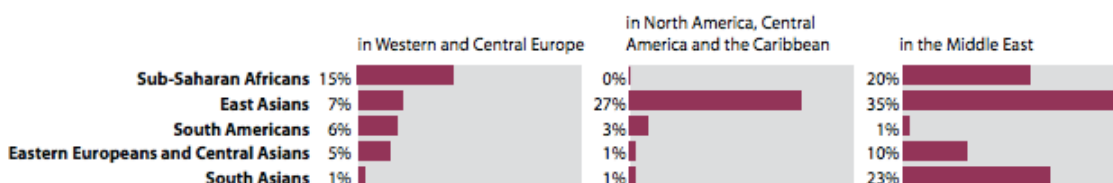
B. Transportation, harbouring and entry

The movement of trafficked people is so vast and through such a wide geographical area that it is difficult to fully understand the diffusion of trafficking. The act of transportation, like recruitment, varies amongst regions and depends on whether the entry into the country is licit. Where there is no legal entry and no visas, traffickers may turn to smugglers. Equally, traffickers can rely on legal loopholes to gain entry into a country. For instance, in Austria and the United Kingdom, research shows that traffickers used visas for dancers or dance training to bring girls into the country (Aronowitz, Theuermann and Tyurykanova 2010, 47). Another technique that is known to be used to gain entry is the abuse of the asylum system: ‘trafficked minors enter a country, apply for asylum and, while

¹⁰ Kidnapping makes transportation challenging, as kidnapped individuals are unwilling to travel and seek to escape.

awaiting a decision, are taken by the traffickers’ (Aronowitz, Theuermann and Tyurykanova 2010, 48). Other methods include: the use of forged documents or relying on the freedom of movement within the Schengen zone.

The routes used by criminals also vary, within Europe evidence from the Not for Sale NGO suggests that traffickers rely on a variety of routes that will include entry through Italy, Spain and Greece. Shelley (2014, 1) adds that ‘the primary transit routes are across the Mediterranean, and through the Balkans, Eastern Europe, and Turkey. Many of these are the same routes that are used for traded goods.’ It has been observed that these routes will change over time as traffickers adapt to changes in political, legal and geographical factors. For example, the accession of the Czech Republic and Poland into the European Union reduced transfer across these countries. On the other hand with the accession of Romania and Bulgaria to the European Union in 2007 we have not observed the shutting off of the Balkan route (Shelley 2014, 6). It is interesting to question why.



Source: UNODC.

Atelier de cartographie de Sciences Po, 2012

Transnational flows: Nationalities of victims detected in some major destination regions, shares of the total number of victims detected there, 2007-2010

As with recruitment, there is some research that informs us of the means of transportation and entry, however, as acknowledged by the Home Office report (Marsh, Kevin, Sarmah, Rashmi and Davies, Phil 2012, 12), traffickers change their transfer paths. The changes are needed to reflect trends in demand and supply and to avoid interception by immigration control, police or FRONTEX.¹¹ As such, further research is required to, put in most basic terms, know where to invest policy efforts (e.g., airports, low cost airlines, borders, closing loopholes etc.)

C. Control

This sub-section describes how trafficked persons are controlled by violence, psychology, money, threats and other practices. The magnitude of control is illustrated in literature that tells the victims' stories (Yen 2008, 653. Gupta, 2007). The methods of control are not all uniform, in some instances traffickers may rely on drugs, in others they may form a bond with the victims and others may use black magic. 'Black magic is used in many cases of women trafficking from African countries, especially Nigeria. The rituals vary from making a 'voodoo-doll' ...to rituals exercised by African doctors' (Siegel et al. 2010, 445). Shelley (2010, 107) also references the seizure of passports and documents so as to deprive the trafficked persons of their legal status and identity. For other traffickers the central element of control is fear, which they embed in the victim by physical abuse and threats. The threats can include the loss of life or harm to the trafficked person or their family members.

As with other aspects of trafficking, control also has its trends. Many women trafficked into prostitution are now (contrasted to the past) earning a minor income which provides hope for paying off their debts (Aranowitz et al. 2010, 51). This can ensure that a victim is more relaxed and has less reason to try and escape, equally this weakens the line drawn between trafficked persons and freelance sex workers and makes it more difficult from the perspective of the law.

Research has highlighted the wide methods of control and has shown that different traffickers have their own modus operandi for control, at the same time we recognise that the patterns are changing. Surtees (2007) notes that the use of overt violence is decreasing while psychological abuse/manipulation is on the rise - this exploitation is more subtle and harder to identify. In light of this, and in order to increase the opportunity to disrupt the crime, future research needs to identify current and future trends in relation to the use of control by traffickers. Research in

¹¹ FRONTEX is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

this field could be compiled by interviews with victims, which is less risky to the researcher and interviews with perpetrators.

D. Infrastructure

Interwoven through the crime of THB is the infrastructure of technology; a two-edged sword that helps to both facilitate and combat trafficking, forcing us to question the relationship between THB and technology. In 2001, Aronowitz argued that advances in new technologies would contribute to the expanding market of the smuggling and THB, and consequently, law enforcement and intelligence agencies would have no choice but to stay alert to the impact that new technologies, specifically the Internet, would have on the recruitment phases of trafficking (Aronowitz 2001, 175). Maltzahn argues that the traffic on the internet refers to people as well as the internet and ponders if traffickers use technology as we all do, to make communication easier (Maltzahn, 2006). Elsewhere, Hughes (2002) examined the impact of new technologies, including the development of the Digital Video Disk (DVD) and the Internet (including newsgroups, chat rooms etc.) on the sexual exploitation of women and children, where she claimed that:

'The use of new communications and information technologies in the sexual exploitation of women and children continues to grow with the increased number of users on the internet.'

Since 2001, via an EU funded project, 'Misuse of the Internet for the recruitment of victims of trafficking in human beings', efforts have been made to provide European Member States with appropriate legal, administrative, technical and awareness raising measures in order to respond to the growing use of the Internet to recruit those vulnerable to being trafficked (Sykiotou 2007). The project offered insights into the various options available on the Internet (e.g., search engines, public channels such as chat rooms, Internet dating and spam e-mail) that traffickers could use for the recruitment of individuals and provided a series of recommendations on the various legal and technical measures that could be taken to fight trafficking in human beings via the Internet.

Further efforts to disrupt the use of information and communication technologies (ICT) on facilitating THB can be seen via the 2008 United Nations Office on Drugs and Crime (UNODC) workshop on "Technology and Human Trafficking" (Anti-human Trafficking Unit 2008). Prior to the workshop, a background paper was supplied to participants identifying the various ways in which technology was both part of the problem (e.g., being part of the modus operandi used by traffickers as well as being used for recruitment and exploitation

purposes), and a solution to combatting trafficking (e.g., for investigative purposes as well as for supporting those that had been trafficked). However, this information was based on dated research stemming from 2001 through to that by Sykiotou in 2007. Consequently, due to the period in which the study was conducted, very little research has been carried out regarding the role of new media applications, particularly social media (e.g., Facebook, Skype and Twitter) within the trafficking industry, as well as by those working to combat THB. Writing in 2006 Maltzahn noted that there was limited information about how – of indeed if – traffickers are going beyond the ‘obvious use of ICTs for communication and if ICTs are shaping the experience of trafficked women.’ She further argues that ‘much more is known about the ways ICTs are used in child pornography and in other exploitations of children than in human trafficking (Maltzahn, 2006. p.4).

Of those that have begun to expand our understanding of the role of new and emerging ICTs on THB is work that has been conducted in the US by Latonero et al. who have explored the role of mobile technologies (Latonero et al 2012), as well as the role of social networking websites and online classifieds. This research provide a series of recommendations on tools and methods including data mining, mapping, and advanced analytics, to be used within law enforcement to help combat THB online (Latonero et al 2011). Key findings from this research point to developments in digital technology providing traffickers with an “unprecedented ability to exploit a greater number of victims and advertise their services across geographic boundaries”, thereby enhancing the globalised impact of THB (Latonero et al 2011, IV). Their findings point to an urgent need to further understand the impact of the web, particularly social networking sites, on facilitating trafficking, and that efforts are therefore needed to enhance online monitoring and prevention measures.

In an effort to drive research into this area, in early 2012, Boyd and Johnson, in collaboration with Microsoft Research and the Microsoft Digital Crimes Unit, announced the results of a call for further research in understanding the use of technology in THB (Boyd et al. 2012). The proposed research would need to understand the various ways in which technology could influence THB. As identified by Boyd et al. attention would (for instance) need to be placed on: the recruitment and abduction of individuals, the transit and control of individuals, the retention of individuals, the advertising and selling of individuals and perpetrator’s activities in money exchange and laundering (Boyd et al 2011). However, this research by Boyd et al. was limited to the context of the United States, and in addition, was also limited to focusing on one aspect of human trafficking: sexual exploitation of those under 18 in the US (Boyd et al 2011, 2). Accordingly, further research, such as the activities planned for TRACE, is required to identify, assess and understand how technology and its associated applications facilitate different

types of THB in Europe, and how, in turn, authorities can effectively mitigate the consequences of advances in technology and enhance their guidance on preventing THB.

5. Data challenges in the area of human trafficking

This section aims to provide an introduction to the discourse on the practical and ethical difficulties associated with more data collection.

Although efforts have been taken to expand our understanding of the operation of THB from a business perspective, further research is required. It is acknowledged that within the domain of THB gaining useful data can be risky and requires resources and logistical preparation, in particular when we consider the ethical requirements that researchers need to satisfy. However in order to better dismantle the business of THB the data can potentially be worth the effort and maybe even risk. The UNODC Executive Director Antonio Maria Costa deems it a “knowledge crisis” and goes onto explain the probative value of such data:

‘Only by understanding the depth, breadth and scope of the problem can we address [...] how to counter it. So far we have not attained much knowledge and therefore initiatives have been inadequate and disjointed’ (UNODC, 2009.)

Scholarship in THB continues to be hindered by the clandestine nature of the crime and so access to primary information is difficult to obtain (Busch-Armendariz et al. 2009, 9). For example in the fields of criminology and criminal justice survey research usually dominates – this however is not a practicable option with regard to THB. The relatively small population size that a researcher will have access to, coupled with the uniqueness of each case render this method impractical. Likewise, relying on archival data is not a feasible option as THB in terms of prosecution is still a relatively new crime. From this the authors draw the implication that a best research methodology would entail convenience sampling (the sample consists of individuals that are either convenient or readily available to the researcher) and snowball sampling (the sample consists of individuals who are referred to the researcher individually by previous research subjects). Information in the proposed methodology is obtained from subjects through interviews, which follows a verbally administered questionnaire with several key questions that help to define the areas to be explored, but there is also room for the researcher or participant to diverge in order to pursue an idea or response in more detail. Although this would appear as an optimal methodology there are numerous challenges within. Firstly, a researcher’s ability to gain direct access to those

responsible for trafficking is problematic, to the extent that even law enforcement officers have been only vaguely successful in locating and prosecuting the perpetrator. For instance, in the US, during 2001-2006 the Department of Justice succeeded in convicting an annual average of 40 defendants charged with human trafficking crimes (United States Department of Justice 2007). Even when the trafficker can be located, he/she may not wish to engage in dialogues or they may be in places, such as prisons or remote locations, which are not easily reachable for researchers. Equally access to victims is hard to obtain, as they are not always willing to speak about their story and as stated by Gallagher many fear the risks from their traffickers, such as harm to them or their families and may also be ashamed of their experience (Gallagher, 2006).

Gaining ethical approval to carry out an interview can act as a further obstruction. Various institutional boards require rigorous ethical requirements, which researchers do not always meet. Those working on the TRACE project found that gaining access to prisons and thus contacting convicted traffickers proved, understandably, particularly challenging. It is predominantly with regard to data protection and privacy that questions about obtaining information have been raised. Data protection and privacy are important, with regard to the victim and the perpetrator, however they can introduce novel challenges and exacerbate the practical difficulties in accessing and disseminating the needed knowledge. Moreover, regulations or guidelines can be out-dated or conflicting among States making the work of a researcher problematic. There are however, some common standards with regard to data protection (see for detail: United Nations Inter-Agency Project on human trafficking, 2008).¹²

Unfortunately due to limitations of this article the authors cannot reflect in depth on the safety of researchers and the risks they undertake – this too acts as a challenge. The risks associated with researching THB are real and it is important to balance safety and privacy of a researcher with the political need to discover data, however the question remains how far should researchers go in the pursuit of data? The United Nations Inter-Agency Project on human trafficking (2008) report states as one of its key recommendations that researchers should minimise risk. Following this guidance should research demand that individuals do not try and infiltrate THB organisations or even interview traffickers due to fears or repercussion is data not worth the risk?

With extensive difficulties in gaining primary data, it is necessary to consider the various secondary sources of information that researchers can utilise to enhance their research into the business side of THB. Some secondary sources,

¹² The question of human trafficking and data protection is also well raised and discussed by the datACT project and the authors encourage a review of the literature contained on the website.

which have proved successful, include; official police court documents and materials such as the *Forced Labour and Human Trafficking: Casebook of Court Decisions* or the Legislationonline database run by the OSCE and ODIHR (provides links to national cases on THB). Although these sources are useful, they are also limited, for they fail to provide any indication of the activities of those who have not been prosecuted. Moreover they do not always include personal information such as educational background of the criminal, but instead focus on the crime committed or basic details such as age. Other sources of information, such as facts on traffickers from trafficked persons, may also provide researchers with supplementary information; yet, this may not necessarily be detailed on the life histories and the operation of trafficking as a business, and further they can be biased.

6. Conclusion

This article has shown that there is currently a lack of detailed and comprehensive data concerning the way the human trafficking business is organised and run, as such, policy makers still do not entirely know who the traffickers are, how they operate, or which externalities influence their actions. Conversely, there is added value in studying human trafficking as a criminal enterprise; by understanding the parameters of the business the crime can be better anticipated, investigated and prevented. This however has to be done against the backdrop of the various research challenges such as data protection and lack of access to research subjects.

It is a distinguishing feature of human trafficking that it is an underground crime, however, the need for up-to-date grounded research is becoming ‘increasingly important in governmental and nongovernmental circles... In the absence of robust data, there is a real risk that policy responses are developed which do not reflect realities on the ground, which in turn can mean that initiatives are misdirected and their positive impact is limited’ (Goodey 2011, 39-40). The pressing need for research in this field also stems from international law whereby the UN Protocol, in Article 10, provides that law enforcement, immigration, and other relevant authorities of different states shall cooperate with one another to identify ‘the means and methods used by organised criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.’

It is necessary for future research efforts to take steps to broaden our understanding of how THB functions as a form of organised crime. As identified throughout this article, one such study is the TRACE project, a multidisciplinary

study that will use both primary and secondary research methods to: 1) develop a theory-driven understanding of trafficking as a criminal enterprise; 2) acquire a part-theory, part-evidence based understanding of the specific characteristics of the traffickers and the victims; their interactions with one another and other parties to trafficking; 3) develop a framework of the factors influencing the trends in THB; and 4) develop a theory-driven understanding of the policies in place and provide a framework of what further options are available for stakeholders. Efforts such as TRACE aim to contribute to law enforcement agencies, policy makers and civil society organisations' understanding of how THB operates, which in turn has the ability to assist their efforts in disrupting THB.

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Rise, Unite, Support: Doing “No Harm” in the Anti-Trafficking Movement

by Karen Countryman-Roswurm, LMSW, PhD

ABSTRACT

Awareness regarding domestic sex trafficking has increased rapidly over the last decade. However, as general awareness increases so too does the interest of multidisciplinary professionals and concerned citizens who, while well intended, cause significant strain on the anti-trafficking movement. Drawing upon personal, professional, and academic research expertise in the areas of runaway, homeless, and street youth, as well as domestic sex trafficking, this article provides insight into the current struggles within the anti-trafficking movement. It serves as a cry for those who wish to join the anti-trafficking movement to create contexts in which survivor-leaders are recognized and treated as competent leaders and in which current efforts are intentionally supported. Furthermore, it serves as a call of encouragement for survivors to unite; to stand up for themselves as individuals and as a collective group, and to recognize and utilize the full potential of their malleability, strength, knowledge, and passion.

Representing the decade’s largest social-justice movement, public attention to the issue of domestic sex trafficking (DST) has risen significantly over the last ten years. With this, there has been a marked increase of those who have joined, or who wish to join, the anti-trafficking movement. However, while such multidisciplinary and citizen involvement has been somewhat beneficial – at times assisting in the awareness of DST and positive political and/or direct practice change – it has also caused struggles and unintended harmful consequences to DST victims, survivors, leaders, and to the anti-trafficking movement as a whole (Countryman-Roswurm & DiLollo, 2015; Countryman-Roswurm, 2014; Lloyd, 2013; Sex Trafficking Survivors United/STSU, 2013). Therefore, it is urgent that those involved, or interested, in the anti-trafficking movement pause, listen, reflect, and consider a plan of change. It is imperative that together *WE* - professionals, concerned citizens, and survivor-leaders – consider an intentional plan to rise, unite, and support one another in a manner that not only does “no harm,” but empowers resilience, recovery, and vitality for all.

Who am I to Say?

Although I am merely one voice declaring this call to action, I do so boldly, for great reason, and with significant thought. I do so as a social worker - a street outreach worker, a case manager, an advocate, a community organizer, a human-rights activist, and an educator - who, expanding over nearly two decades, has spent more than half of my life dedicated to serving in the anti-trafficking movement. I have served and walked alongside hundreds of victims, survivors, and survivor-leaders. I have provided thousands of awareness, training, and keynote presentations; developed research-based assessment and direct-service intervention programs, organized multi-disciplinary community action groups, and advanced public policy.

Even more credentialing compared to that of my academic or professional expertise, I pronounce this change of action in the anti-trafficking movement as a woman who, while appearing to have the life of an average middle-class Caucasian, am a descendent of the Blackfoot Tribe and a product of generational demoralization. Conceived, born, and bred, in a life of trauma caused by addiction, neglect, abuse, abandonment, suicide, and life on the streets; I closely know and understand what it means to live life from a place of loss, abandonment, loneliness, isolation, hopelessness, and desperation. Yet, as a survivor, a thriver, an overcomer, a leader - I also deeply know and understand what it means to live life from a place of hope, peace, community, and prosperity.

Collectively, my diverse professional and personal life experiences serve as the foundation for my commitment to serving some of the most marginalized women and children in our society; and to creating contexts in which all men, women, and children can live holistically healthy lives. It is from this social location that I cry out for potential "allies" in the anti-trafficking movement to co-create contexts in which survivor-leaders are recognized and respected as competent leaders; and in which current anti-trafficking efforts are intentionally supported. Furthermore, it is with this integrated life script that I encourage survivors to unit in solidarity; to stand up for themselves as individuals and as a collective group, and to recognize and utilize the full potential of their malleability, resilience, strength, knowledge, and passion.

What's Holding *US* Back?

While not exhaustive, within the current climate of our country's anti-trafficking movement there are seven primary issues at-play that are preventing forward movement and sustainable systemic change towards this cause of humanitarianism and justice:

1. Pride, privilege, and power.
2. The manner in which sex trafficking is defined and depicted.
3. A disconnect between human trafficking and other social justice issues.
4. A broad exploitation of the issue of human trafficking as a whole.
5. Continual exploitation of survivor-leaders.
6. An increasing strain on time and monetary resources.
7. Ineffective “awareness” and “rescue” efforts.

Pride, Privilege, and Power

Much of the unintentional harm in the anti-trafficking movement is caused by individual and structural pride, privilege, and power (Countryman-Roswurm & DiLollo, 2015; Countryman-Roswurm, 2014; Lloyd, 2013; STSU, 2013). If one is not carefully reflective in order to intentionally adjust practices regularly, justice and social services work - that which often includes “being needed” in order to “rescue” those who are vulnerable or marginalized - does nothing more than fuel such detrimental “ego”. Never have I seen this more true than in the anti-trafficking movement where, operating from a place of some sort of omnipotent “allied savior,” those with a “rescue complex” act haphazardly, proclaim each “rescue” or service act, compete for recognition of their efforts, and are unable to receive input or criticism from survivors (Countryman-Roswurm, 2014; Lloyd, 2013; Salvation Army, 2014; Sangalis, 2011; STSU, 2013; Soderlund, 2005). Thus, as humorously articulated by David Thaler (2013) in his analogical article “*Being an ally and being called out on your privilege,*” it is important to understand that “being an ally is not something you are” but rather, “something you do.” And “how you respond to...criticism is what makes the difference between self-identifying as an ally, and actually being an ally.”

The Manner in which Human Trafficking is Defined and Depicted

The way in which DST is often defined and depicted by media outlets and uninformed social groups creates categories of worthy versus unworthy victims. Language, and the definitions regarding DST, shape mental paradigms that influence the treatment of victims and survivors. Thus, obtaining a broad and rich understanding of DST lies at the foundation of engaging in effective anti-trafficking efforts.

DST contains elements of psychological, physical, and sexual violence and is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (Trafficking Victims Protection Act/TVPA, 2000). This includes survival-sex/rape – the “exchange” or the

"acceptance" of sex acts in order to meet one's own basic needs (e.g. food, clothing, hygiene, shelter, etc.) or for other survival purposes (Countryman-Roswurm, 2014; Countryman-Roswurm & Bolin, 2014; Lloyd & Orman, 2007). It involves the most horrendous, unimaginable acts of abuse including tactical and repeated exposure to drug intoxication, beatings, physical mutilations, and rape (Boxill & Richardson, 2007; Countryman-Roswurm & Bolin, 2014; Countryman-Roswurm, 2012; Lloyd & Orman, 2007). And in the name of sexually gratifying another who, by day, often holds a respectable role in society, DST reduces a person to a commodity that can be stolen, exchanged, sold, or purchased (Malarek, 2009; Raymond & Hughes, 2001). Regardless of one's criminal background or age, this is abuse. DST is exploitation.

While terminology around the issue of DST of minors has continuously shifted over the last decade, from terms such as teen prostitution to domestic minor sex trafficking (DMST) and/or the commercial sexual exploitation of children (CSEC), the DST of juvenile offenders and/or adults is rarely addressed. These populations, seldom reflected in the majority of sensationalized "human trafficking awareness" campaigns that far too frequently include images of physically restrained blond-haired blue-eyed little girls, are seen as delinquents, criminals, or promiscuous sex workers. The truth is that the abuse of one's status, resources, and power to exploit and sexually perpetrate against these populations remains the same. Thus, it is critical to understand that while not all sexual exploitation is "prostitution," "prostitution" is sexual exploitation (STSU, 2013). Even in cases where it appears the woman or child "choose" to engage in DST, one must examine the accessibility of viable options and ask, "*What is choice if there are no sustainable alternatives?*" In the answer to this question lies the truth that DST is never a victimless crime and there are no unworthy victims.

A Disconnect between Domestic Sex Trafficking and other Social Justice Issues

The issue of human trafficking does not occur in isolation - separate from other social concerns. Rather, DST is a societal human rights injustice - one with strong roots that have been and are developed, influenced, reinforced, and entrenched throughout our country's history with slavery and the continuance of racial, gender, sex, age, and class inequality (Boxill & Richardson, 2007; Dworkin, 1997; Marr, 2013; Wilberforce, 2007). One small snapshot of this discrimination and disparity can be seen through the way in which our society has legalized businesses of the commercial sex industry, often making profitable the selling and purchasing of sex for Caucasian business men, while demonizing the African American street pimp (Countryman-Roswurm, 2006; Farley, 2007; Stark & Whisnant, 2004). Illuminating this further is the way in which survivors of sex

trafficking are often arrested for “prostitution,” while those, primarily men, exploiting the survivor through the purchasing of sex, is mildly fined or released altogether (Malarek, 2009; Raymond and Hughes, 2001). An additional example is the way in which the DST of women over the age of eighteen is merely deemed as prostitution and is rarely considered as trafficking (HB 2034, 2013; TVPA, 2000).

“Isms” such as these aforementioned create a context ripe for the misuse of power and control for the purposes of human trafficking. Thus, if our country is to ever eradicate the horrendous human rights violations that exist through DST, it is essential that we are willing to face the uncomfortable and heart-wrenching truths about trafficking and the unpleasant extent of the exploitive culture in which we live (Boxill & Richardson, 2007; Hardy, Compton, and McPhatter, 2013). We must examine, and address, the complex and multi-faceted environment in which trafficking exists – one which includes racism, classism, ageism, sexism, and heterosexism. We must examine, and address, issues that are connected to the exploitation of women including, but not limited to, issues of pornography, addiction, education, vocational training, and access to equal employment opportunities (Countryman-Roswurm & DiLoll, 2015; Countryman-Roswurm, 2012; Dworkin, 1997; Williamson et al., 2012). We must dissect and examine the full nature of the abuse included in DST. We must assess the very complex and specific ways in which human commoditization and exploitation occurs. Then, we must evaluate our individual and collective roles in the continuance of such abuse.

While this connection of human trafficking to other social issues may cause some to feel overwhelmed, the recognition of multifaceted complexity should serve as an invitation for all multidisciplinary professionals and concerned citizens to explore and apply their personal gifts, skills, talents and passions in unique and diverse methods. If you are interested in combating DST, it is not necessary that you haphazardly take to the streets like vigilantly law enforcement or street outreach personnel. Rather, you can do so by speaking out against injustices in a variety of contexts, committing to serve as a court advocate or long-term mentor, training high-risk populations a life-skill or trade, organizing a collection of diapers for teen mothers, acting as a respite family for someone who has adopted from the foster care system, etc.

Broad Exploitation of Human Trafficking as a Social and/or Political Issue

We live in a culture that is inundated with messages of beauty, sex, and power. In the context of such climate, the issue of human trafficking has become a titillating topic of curiosity for a larger public. Thus, as a topic that “sells”, DST has been commoditized, commercialized, exploited, and used as propaganda through various forms of social media, faith-movements, political campaigns, new

not-for-profit developments, and short-term business ventures (Countryman-Roswurm, 2014; STSU, 2013).

With this, often those who crave the attention of others magnify and sensationalize the issue of DST in order to promote themselves, be rewarded for, or somehow profit from their "abolitionary efforts." Groups are organized to purchase trendy anti-trafficking t-shirts and run races in the name of "freeing slaves." Yet, while positive results of awareness may come from activities such as these, such efforts often only further feed into the stereotypes and misrepresentations of trafficking survivors, does not directly impact victims and/or survivors who are in need of holistic health and/or recovery services, and rarely improves the political or legislative system. Rather than mobilizing people to address the systemic injustices that create a breeding ground for human trafficking, exploitive activities such as these often only further glamorize and normalize the issue of DST (Countryman-Roswurm, 2014; Lloyd, 2013; STSU, 2013). Therefore, before engaging in anti-trafficking efforts *WE* must ask ourselves (Countryman-Roswurm & Patton, 2013):

How does this action or inaction impact the individuals who have been victimized or who have survived trafficking?

Does this effort mobilize people to address the systemic injustices that create a breeding ground for human trafficking?

Exploitation of Survivor-Leaders in the Anti-Trafficking Movement

Despite having experienced traumatic life challenges (i.e. military combat, sexual assault, suicide, homelessness, addiction, gang-life, domestic violence, labor trafficking, various forms of sexual exploitation, etc.), survivor-leaders are those who survive, thrive, overcome, and prosper to a degree in which they are able to lend a helping hand to others like themselves (Countryman-Roswurm, 2012; Lloyd, 2011; Marr, 2013). With an understanding that this process from victim to survivor to leader is often cyclical, and not a straight-line trajectory, survivor-leaders often partner with others in an effort to assist those facing similar experiences to achieve a life of recovery and health. All the while, regardless of a cycling of restoration, survivor-leaders are critical to the success of the anti-trafficking movement. They offer experiential insight and widespread guidance (Countryman-Roswurm & DiLollo, 2015); and enable multidisciplinary professionals and concerned citizens to more effectively engage in prevention and intervention efforts.

Unfortunately, and particularly within the anti-trafficking movement, the invaluable role of the survivor-leader is habitually discredited, taken-for-granted, and/or exploited (Countryman-Roswurm, 2014; Lloyd, 2013; STSU, 2013). Often “rescued” as a result of justice, social service, and/or faith-community first responders and providers, survivors feel an indebted commitment to those who acted from this place of elevated power. Thus, survivor-leaders serve as easy targets for further exploitation by well-intended advocates, first responders, treatment providers, and researchers. While in a state of vulnerability, they are often manipulated, misled, bullied, shunned, isolated, and further exploited for the benefit of others (Countryman-Roswurm, 2014; Lloyd, 2013; STSU, 2013). As multidisciplinary professionals and concerned citizen groups struggle and compete to secure the name-recognition, status, and finances that will support their continued efforts, they look to and encourage survivor-leaders to tell their “stories” to local and national media outlets; to community donors at large fundraiser events; and in the name of (re) election during political campaigning.

In the name of offering the public an inspiring story that will assist in the garnering of resources to support continued “rescue” efforts, survivor-leaders are utilized as “stars.” However, they are rarely genuinely lifted up, respected, treated as equal partners, or supported and followed as competent leaders (STSU, 2013). Rather, the voices of survivor-leaders are guided and directed in a manner that impassions others but, while praised one minute for courageously sharing their personal experiences, are ignored and even stifled if used to speak out against the unethical practices being used in identifying or serving those at-risk of subjugated to DST. Furthermore, such survivor-leaders are frequently manipulated and guilted into doing their work for free or without appropriate compensation.

While providing a “face” to the issue of human trafficking may secure or elevate an organization’s funding stream or propel a rising politician’s career, without the appropriate relational support and/or health and wellness resources, the survivor-leader is often left further wounded and isolated. Thus, in the name of good works, those who do not understand or appreciate the full and true nature of sex trafficking abuse, or the contexts that allow for the true empowerment of healing, end up doing more harm than good. Even worse, those who call themselves the “rescuers,” the “abolitionists,” and “advocates” become just another face of the perpetrator, pimp, john, trafficker (Countryman-Roswurm, 2014).

With this in mind, I ask multidisciplinary professionals and concerned citizens active in the anti-human trafficking movement to reflect upon their personal and/or agency conduct and consider the following questions (Countryman-Roswurm & Patton, 2013):

How long should a survivor-leader work solely for the mere gift of knowing they assisted fellow victims and/or survivors on the road to recovery, health, and prosperity?

When has a survivor-leader, who has committed their life to anti-trafficking efforts from multiple perspectives, and who has done so to a degree in which every aspect of their life is engulfed in human trafficking, earned the “privilege” to be paid with more than a mere donut, coffee, or perhaps, on a good day, a gift certificate that will in no way come close to allowing them to provide for their own family?

When are the “dues paid” to the degree in which a survivor does not have to live from a place of victimization and indebtedness?

What actions or credentials are necessary for survivor-leaders to not only be used as storytellers, but also followed for their expertise and leadership capabilities?

And before engaging in specific interventions or anti-trafficking efforts ask yourselves:

Who benefits more from these actions - me, my agency, or the victim/survivor/survivor-leader? What are the costs?

Does this further promote the prosperity of this victim/survivor/survivor-leader?

In what ways might it cause them harm?

Consider that in the same way that any minority population must be in the forefront of leading a movement towards their own civil rights, so too should survivor-leaders be at the head of the anti-trafficking movement (STSU, 2013). They must not be left to feel isolated once rescued. They must not be used as propaganda (Countryman-Roswurm & Patton, 2013). They must not be steamrolled in their efforts.

Increasing Strain on the Anti-Trafficking Movement’s Time and Monetary Resources

The strain on time and monetary resources of those who serve in the anti-trafficking movement is closely connected to the aforementioned issues of exploitation of both the anti-trafficking movement as a whole, as well as, individual survivor-leaders. For example, while it is encouraging that multidisciplinary professionals and concerned citizen groups (including that of the faith community) show concern about the issue of DST, such groups frequently act as though they are no more than fascinated, voyeuristic parties, who unintentionally drain limited resources of time and money from those committed to serving in anti-trafficking efforts (Countryman-Roswurm, 2014; Lloyd, 2013; STSU, 2013).

Consistent adamant and demanding requests for information or consultation from survivor-leaders and those engaged in direct-practice are at-times unfeasible. After all, such requests are rarely made with a commitment for resource exchange. Rather, they typically come in the form of a new group or organization that unintentionally moves from being “simply interested in learning about the subject” to starting their own new mission or social media activism network. Thus, instead of obtaining support after providing free “consultation,” survivor-leaders are often steam-rolled by the very start-up organizations they inspired. In the name of addressing the social injustice of DST, such requests and new developments do no more than take away and compete with the limited resources available to support the anti-trafficking movement. More so, while public awareness, training, and education is necessary and at-times even critical, it is important to acknowledge that for every hour spent providing “awareness” to just another “interested group,” is one hour not spent providing a prevention group to children and youth, engaging in a therapeutic-relationship with a survivor of DST, providing trauma-informed identification and intervention services who are currently serving those at-risk or subjugated to DST, developing and proposing more effective anti-trafficking legislation, etc. If we are to increase the impact of the anti-trafficking movement and truly create societal contexts that reduce the demand and empower the resilience and prosperity of all who are at-risk of and/or subjugated to DST, we must build upon and combine efforts and resources.

Ineffective “Awareness” and “Rescue” Efforts rather than Prosperity Promotion

Mainstream anti-trafficking “awareness” and “rescue” efforts not only appear unsuccessful, but at times, even harmful (Arnold et al, 2000; DOJ, 2012; Countryman-Roswurm, 2014; Fong & Cardoso, 2008; Salvation Army, 2014;

Sangalis, 2011; STSU, 2013). Thus, with the acknowledgement that the anti-trafficking movement will soon be replaced with a new hot-button social justice issue, it is timely that *WE* utilize the energy mounting around the issue of DST and consider efforts that will more systemically improve our world. *WE* must work to create a large societal paradigm shift – one that reduces the demand and prevents demoralization and traumatization among our societies most vulnerable (Countryman-Roswurm & Patton-Brackin, 2014). And *WE* must work to create contexts that promote resilience and prosperity for all people (Countryman-Roswurm & DiLollo, 2015; Countryman-Roswurm & Patton-Brackin, 2014; Countryman-Roswurm & Bolin, 2014).

What Can *YOU* Do?

Although addressing the aforementioned issues within the anti-trafficking movement may seem complex and insurmountable, change is achievable with purposeful personal and collaborative efforts led by multidisciplinary professionals and concerned citizens, as well as, survivor-leaders. Thus, respectfully, I present this cry and a call to rise, unite, support and do “no harm.”

A Cry to Multidisciplinary Professionals and Concerned Citizens

As a potential ally in the anti-trafficking movement, I thank *YOU* for your desire and/or commitment to combating the sex trafficking of *OUR* country’s women and children. *YOU* - whether a multidisciplinary professional (e.g. social worker, law enforcement officer, nurse practitioner, educator, etc.) or member of a concerned citizen group or faith community – and whether or not you are a survivor yourself - have an essential role to play in addressing the societal inequities and power imbalances that encompass the issue of DST (Countryman-Roswurm & Patton-Brackin, 2014; NASW, 2003). After all, it is only with the involvement of a larger majority that *OUR* children, youth, men and women can live in a culture in which humanitarianism and justice prevails. *YOU* are needed. *YOU* are appreciated.

With this in mind, as more individuals, agencies, faith groups, and other initiatives become involved in the movement against trafficking, I have recognized a great deal of counteractive action in the fight towards freedom for all. Far too frequently those who are well intended, unintentionally perpetuate trafficking by directly or indirectly creating contexts of un-equal treatment and exploitation against women who are survivor-leaders. Thus, in order that *WE* might discontinue such destruction, I ask that you consider your own actions with an open, honest, and truly transparent heart. In doing so, I ask that you step outside of yourself - the

areas of privilege and/or power that you obtain - and consider this from the lens of someone who has faced extreme and repeated trauma. If you can reflect upon and integrate the following concerns and recommendations into your practice - you are a heroic partner - one who lifts up others, even when it means submitting to personal humility:

1) Look inside yourself. Explore the interplay between your personal and professional values and beliefs. Effective engagement in the anti-trafficking movement demands an honest, transparent analysis, and possible readjustment, of one's personal values, beliefs, stereotypes, and life paradigms. If done in an honest and purposeful manner, such self-reflection and self-modification can form a strong foundation for intentional trauma-informed direct-practice, advocacy, and research efforts. Furthermore, it can lead to anti-trafficking efforts that support and empower equal access to the contexts and resources that allow for trafficking survivors to live, contribute, and even flourish within their own communities. Thus, in order that you might be more intentional in your anti-trafficking efforts, ask yourself the following questions:

Are all people, regardless of sex, race, religion, age, socio-economic status, sexual orientation, or educational attainment created equal?

Are all people, regardless of their life situation, deserving of respectful and just treatment?

Are all people, despite their specific obstacle, malleable to health and recovery?

Dig a little deeper and ask yourself:

What are you willing to do to ensure that all children, youth, men, and women are treated as with justice and equality?

What are you willing to give up to ensure such treatment?

What are you not willing to give up to ensure the equal and just treatment of others?

Would you confront the exploitive perpetrators even if it meant losing your own position of privilege or power?

Would you be willing to risk losing your professional position or your own pay in the name of justice? If a victim became a survivor, would you put your practices into play to the extent that the survivor might actually thrive... possibly becoming more “successful” than you?

Would you join with survivors as equal partners in the fight against trafficking?

Would you readjust your positions or roles in order to make room for a survivor to lead the way - respecting and valuing their knowledge, gifts, and skills beyond their lived experience?

2) Put aside your pride. Recognize your own power and privilege. Address areas of blindness. Explore. Learn. Engage survivors as equal partners. And follow the personal and professional expertise of survivor-leaders.

Admittedly a strange source to acquire wisdom regarding one’s conduct and efforts in the anti-trafficking movement, Dr. Ian Malcolm, a character from the memorable film *Jurassic Park* (Universal Pictures, 1993) offers a succinct and brilliant summary regarding this piece of advice. Thus, I ask that you consider your level of sensitivity and/or respect for the unforeseen consequences of your actions as you reflect upon the following quotes:

“I’ll tell you the problem with the power that you’re using here, it didn’t require any discipline to attain it. You read what others had done and you took the next step. You didn’t earn the knowledge for yourselves, so you don’t take any responsibility for it. You stood on the shoulders of geniuses to accomplish something as fast as you could, and before you even knew what you had, you patented it, and packaged it, and slapped it on a plastic lunchbox, and now...you’re selling it.”;

“Don’t you see the danger...? ...You wield it like a kid that found his dad’s gun.”

While it is easy to get swept away by passion and/or a potential life “calling”, it is critical that those interested in joining in the anti-trafficking movement consider the fact that just because they “can” does not mean they “should.” Take the time to consider your motives, put in the time and effort required to more fully comprehend the complexities surrounding the issues of DST, and then follow the guidance of survivor-leaders who have experience in the anti-trafficking movement. Commit to earning the trust of survivor-leaders over time by actively

supporting their efforts, engaging in back-of-the-room leadership; and by giving of your time, resources, and skills in a manner that is guided by the survivor-leaders

3) First, “do no harm.” Surely, do not further exploit! In our voyeuristic sex and violence-obsessed society, the issue of human trafficking has become quite “the buzz.” On one hand, this has allowed for those genuinely committed to combating the issue of human trafficking to become a part of the movement in various capacities (e.g. demand reduction, prevention education, advocacy). However, it has also created the perfect platform of exploitation for those looking to artificially promote themselves and/or their careers (Marr, 2013; STSU, 2013). It has provided a stage in which in the name of “good works,” those who pose as partners in anti-trafficking movement inadvertently begin to resemble that of an abusive “boyfriend,” “pimp,” or “trick” (Countryman-Roswurm, 2014).

With this in mind, while it is tempting to start new efforts that will bring about praise and recognition, it is important that you do not act as a drain on the limited anti-trafficking resources. Join with others who have demonstrated long-term commitment to preventing and intervening in situations of DST and do not pull away from or duplicate services. Quietly support efforts that provide physical, sexual, emotional, mental, and spiritual treatment to survivors. Partner with others to convene, organize, mobilize, and educate multidisciplinary professionals and concerned citizen groups who wish to join in the anti-trafficking movement. Advocate for laws that more effectively prevent and intervene in cases of DST. And if you are ever gifted with the opportunity, engage in consistent no-matter-what kind of relationships with those who are at-risk of or who have been subjugated to trafficking in its various forms.

Loosen your position of power or status to partner and follow the leadership of survivor-leaders; compensate them appropriately, and respect their use of personal stories in a manner that is empowering – never provoking guilt or self-doubt.

If you are wearing an “abolitionist” shirt, but have not studied the abolitionary movement - take it off. Seek to understand the multi-faceted and complex historical nature of abolitionism. Consider the reason, cause, and un-intended consequences of your “abolitionary” action. Seek the input of minority populations and survivor-leaders alike in order to ensure that the messages you portray are not inaccurate or harmful.

If you are wearing an “abolitionist” shirt but see no survivor-leaders in front or even beside you - take it off. You may be well intended, but somewhere you lost your way. Invest more, seek to understand the issue deeper, engage the leadership of someone who has endured the atrocities of exploitation first hand. Please, I beg you, do not wear your shirt as a cheap badge of honor in a wave of our cultures

sex-obsessed anti-trafficking trend. This does not help.

4) Be the safe place and/or person who makes THE difference. Respond to the biopsychosocial AND spiritual being of survivors in a manner that promotes holistic health, recovery, peace, prosperity, and life-long wellness.

As social service, justice, and/or faith providers, there is a great need to move beyond the discussion of "rescuing" to that of empowerment, healing, and growth. After all, when the "rescuing" is done, what then? Will the "rescuers" allow for or empower further healing and growth? Will the survivor be able to thrive and prosper in a context that supports them to live their lives from a place of grace, mercy, energy, redemption, and love? Or, will they be merely sent back to the horrendous environments in which they originated? Even worse, will they be controlled and corralled in a manner that requires them to live from a place of emptiness and trauma - reminding them of "their place" and never letting them forget "where they came from?"

In order to reduce the likelihood of the later, it is critical that social service, justice, and faith providers within the anti-trafficking movement collaborate and intentionally organize and provide services in a manner that allows for biopsychosocial and spiritual wellness. This includes providing services that recognize and utilize individual strengths, resilience factors, and resources. It means providing services that are not only survivor-centered, but survivor-led. Furthermore, it means ensuring that, beyond professional services, survivors have the ability to be a part of a consistent life-long community, have access to job training and/or higher education, safe and affordable housing, etc. It means offering opportunities for survivors to thrive and prosper.

Much like recovery from a major physical injury, healing from the traumatic victimization of DST is a process that can require significant durations of time. Early in the recovery process intensive therapeutic intervention (Countryman-Roswurm & DiLollo, 2015) is often required but as progress is made, the need for formalized treatment changes. Thus, as multidisciplinary professionals it is important to realize that although we can wrap a myriad of services and supports to aid in the beginning of the healing process, the professional nature of our services and supports are limited and cannot provide the life-long setting for the healing process to continue and reach its culmination.

For this purpose, social workers in particular must work to engage outside supports that can connect with survivors in a very personal way. Local faith communities are an existing and natural resource that, if appropriately trained and equipped, can offer this support to survivors. Faith communities offer not only a natural fit for an environment in which survivors can explore and develop their spiritual selves that are central to holistic health and wellness (Zapf, 2005) but also

where survivors might develop meaningful, ongoing relationships that can create the context in which victory over trauma can progress. The faith community can offer opportunities for survivors to explore their spiritual beliefs, resolve questions that present throughout the lifetime, create a network of friends and pseudo-family that hold similar values and beliefs and even more so, obtain life-long opportunities to cyclically recover, develop, flourish, thrive, and lead.

Bearing this in mind, there are special considerations within the faith community. After all, as the spiritual component holds a space for great healing - so too is it a source of great pain. An untrained and uninformed group of well-meaning faith leaders can quickly harm a healing process and inflict deep wounds. I have far too frequently heard the words, "Please pray for her safety, for her to be returned unharmed," from the same individuals and entities who, without consideration, exploit the "rescued" DST survivor in the media for the benefit of their own organization or efforts; kick a survivor out of their "program" because she can't sit through an hour-long church service without smoking a cigarette; or over-ride the efforts of survivor-leaders rather than assist, support, join, and build up their efforts.

For many DST survivors, exposures to faith and spiritual practices have come in the form of a judgmental and controlling higher power - one who's authority manipulated them into submission much like their abusive "boyfriend," pimp, or trafficker (Countryman-Roswurm, 2014). Thus, when faith community leaders attempt to engage in authoritative, power-imbalanced relationships, it can contribute to additional pain and trauma. However, when faith community leaders intentionally engage in trained and informed practices with survivors - offering faith and spiritual practices that allow a sense of acceptance, forgiveness, peace, renewal, and love - a powerful transformation can occur. A victim can overcome. A victim can become a survivor-leader.

In sum, to care about those at-risk of or subjugated to DST means creating broader contexts in which survivors can explore their own thoughts, beliefs, morals, and values; realize, develop, and utilize their own gifts, talents, and skills; where they can speak up and speak out without fear of retribution; and where, rather than meekly follow the orders of others or step to the side only speaking when spoken to, be genuinely treated as leaders in their own communities (Countryman-Roswurm & DiLollo, 2015). If you disregard the importance of following survivor-leaders, than perhaps you should reconsider your intention in serving marginalized populations or engaging in social justice issues. However, if you value the true uplifting of those who have overcome, then as a non-survivor leader, I thank you for standing up for what is right and just. Thank you for acting in a compassionate and understanding manner for the least of these. Thank you for your commitment to partner and support in the anti-trafficking movement.

Lastly, if you yourself are a survivor in hiding, may you rise up.

A Call to Survivors and Survivor-Leaders

As a fellow survivor, whether silent or outspoken, I thank you for your courage to fight against your own personal experiences of abuse, exploitation, and sex trafficking. I appreciate your bravery to not only survive, but also thrive and prosper, despite the horrendous acts of violence you have endured. Whatever your level of direct involvement in the anti-trafficking movement - your experiential knowledge is greatly needed in this world in order to combat the cultural norms which fuel the continuance of this mistreatment of our country's women and children. Do not be afraid. Do not remain silent. Rise up. Ask yourself:

Should a little girl, abused by her father, stay on the ground when he slaps her there?

Should a little girl, molested by her grandfather, embrace that the only way to receive love is through providing sex?

Should a little girl, a casualty of behavioral health, abandonment, loss, succumb to a life of misery and shame?

Should a young girl, exposed to street life, give up on a dream to sleep in a bed of her own?

Should a young girl, sold as a commodity, fade into her life history that what can be stolen, may as well be bought?

Should a young girl, who has been raped, beaten, and choked until near death, wed the man who has done this to her?

No! This child - this woman - she represents you and me but more importantly, she represents all of those who remain ensnared in trafficking and other forms of exploitation. And we need you!

Do not feel overwhelmed - *YOU* are not alone! Join in loyal alliance with others who have survived atrocities. Be open to call upon others who may offer their assistance. All people are needed and in fact, critical in the anti-trafficking movement. There is no other way to address the many complexities which create the contexts in which trafficking continues in isolation from one another. Rather, in order to address any multifaceted social justice and human rights issues, such as

trafficking, people from all walks of life must join together and work in a like-minded manner.

Visualize a community - your city, your state, *OUR* country, *OUR* world - in which all people are treated with value, purpose, dignity, justice, and respect.

Envision citizen groups and multidisciplinary professionals intentionally collaborating for a greater good - effectively preventing and intervening in cases of homelessness, abuse, exploitation, racism, sexism, addiction, and trafficking (Wenzl, 2013; Wenzl & Wistrom, 2013).

Imagine a place where, in the name of humanitarianism, peace, and justice, people work tirelessly to equal the playing field between the most privileged and those who are at-risk for, or who have survived, the most unspeakable tragedies, including that of DST. Now, lead this possibility.

Wherever *YOU* are - no matter your role in combating human trafficking - *YOU* are a valued part of the solution.

Know who *YOU* are...who *YOU* are truly created to be. But, never forget where you come from. Although this may include tragic mistreatment - this does not reflect your significance. *YOU* are strong. *YOU* are capable. *YOU* are a great instrument for change. Some will judge you. Others will attempt to exploit you. And more will simply be deeply intimidated by the way you threaten their elevated sense of power through your fervent promotion of social justice. Be patient. Do not crumble. Do not cave. Connect with other people who see you as whole and healthy (Countryman-Roswurm & DiLollo, 2015; Countryman-Roswurm, 2014; Countryman-Roswurm & Bolin, 2014). Stay committed to the struggle.

As a survivor, may you be empowered to serve as a leader only in a manner in which you are comfortable. Never do anything that feels exploitative or traumatic to you (Countryman-Roswurm & Patton, 2013). Embrace and respect your feelings and internal guide. Feel the freedom and support to say, "no" - without justification. It makes you no less of a survivor-leader to take care of yourself and those close to you. It is only in your own healing that you can help to take care of those around you. Thus, in this breath, in response to your strenuous efforts and revisiting of traumatic stress, do not allow your own friends and family to become casualties in this war against trafficking. Furthermore, tread lightly in your own walk of empowerment so that you are sensitive not to exploit other survivors with whom you are blessed and privileged to travel beside in their own personal journeys of health and restoration.

Remember that the details of your courage - your recovery and redemption along with how you share your unique skills, talents, efforts, qualifications, and interests - are far more important than the details of your specific story of tragedy.

May you not ever allow anyone to keep you in "your place." May *YOU* become hopeful and impassioned - reflecting back to *OUR* world your true value

and purpose. May *YOU* stand up for yourself and others who are marginalized. May *YOU* join in unison and authenticity with other survivor-leaders in efforts of combating social injustices beyond direct instances of DST. And may *YOU* serve as a leader in mobilizing your own movement towards justice, peace, and freedom for all.

I hold you in a place of deep appreciation, connectedness, and love.

Now Rise, Unite, Support!

WE all have our own stories. *WE* have our own identities. *WE* have our own gifts, talents, and skills. As *WE* rise, unite, and support one another in the anti-trafficking movement, it is critical that *WE* hold these unique characteristics and experiences close. *YOU* - whoever *YOU* are - never forget these things. Remember what it was that broke your heart and lifted your spirit in a manner that impassioned you to being a social worker or other multidisciplinary professional, concerned community member, or survivor-leader desirous of joining the anti-trafficking movement. On the days you feel overwhelmed, frustrated, or as though you are drowning in darkness and sorrow, consider these things that have led you to where you are today. Allow these things to sustain your intentional work to not only "do no harm," but also do good, promote recovery, and empower prosperity. *YOU* are an ally. *YOU* are a survivor-leader.

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Toward Assessment of Child Survivors of *Restavèk* in Haiti: Development and Evaluation of a Locally Adapted Psychosocial Assessment Instrument

by Cara L. Kennedy

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Abstract

Restavèk is a form of child domestic slavery in Haiti that affects an estimated 300,000 children. This article describes the development and evaluation of an instrument to assess mental health and psychosocial problems among survivors of *restavèk* living in Port au Prince, Haiti. The Youth Self-Report was adapted to reflect the mental health problems that emerged in a previous qualitative study among the same target population. Internal consistency reliability scores were acceptable to good for all scales. Test-retest reliability scores were adequate for all scales, and good for the internalizing and total problems scales. Criterion validity could not be assessed.

INTRODUCTION

The *restavèk* system in Haiti is a system of child trafficking and forced labor that meets criteria for slavery (Bales 1999): *restavèk* children are completely controlled through violence and exploited by the heads of the households for whom they work. Often far from home, isolated and excluded within their own environments, *restavèk* children have no viable options. They are under physical control, and thus cannot walk away. *Restavèk* children are abused physically, verbally, emotionally, and sexually. They are forced to do chores that are inappropriate for their age, often not sent to school, and treated as inferior to the children of the family. Drivers of the *restavèk* practice (“push factors”) include social and economic disparities, social exclusion, lack of educational access and

the illusion of opportunity for education and social mobility, loss of parents, and the perception that the “employer” is extended family and a protected environment. “Pull factors” include low-resource environments where daily demands for household work exceed household members’ capacity and cultural norms allow that a child is an appropriate choice to carry this labor. In the largest field survey of human rights violations in Haiti, the Pan American Development Foundation (PADF) defined *restavèk* as “an unpaid child servant living and working away from home. . . [who is] treated in a manner distinctly different from children born to the household” (Pierre, Smucker, and Tardieu 2009). Though there remains some controversy regarding the definition of *restavèk*, the PADF definition guides our understanding of *restavèk*, in which the “distinctly different treatment” involves some form(s) of abuse, exploitation, neglect, and/or humiliation.

In 2007-2008, more than 225,000 children, of whom an estimated two-thirds were girls, were living in urban *restavèk* slavery (Pierre, Smucker, and Tardieu 2009). More than one-third of households in Port-au-Prince reported housing *restavèk* children with percentages as high as 44 percent in the urban slum of Cité Soleil. As *restavèk* is not an exclusively urban phenomenon, the total prevalence of *restavèk* in Haiti at the time of that survey was likely closer to 300,000 children nationwide. In 2012, the US Department of Labor conducted a qualitative study including current and former *restavèk* children and the sending and receiving families to understand the root causes and factors that maintain the *restavèk* system, the sending and receiving families’ participation and relationship to one another, and the programs and policies that exist to address the root causes (Cooper, Diego-Rosell and Gogue 2012). Most relevant to the current study were the findings that the living and working conditions of the children were “unrelentingly bleak” with children deprived of food, sleep, education, and time for study and play. They were also subjected to excessive labor and physical and sexual abuse.

Mental Health and *Restavèk*

Mirroring the global response to child slavery and trafficking, there have been few examples of intervention that have attended to the mental health needs of children coming out of *restavèk*; those that exist are often limited to basic interventions that create the conditions for healing (e.g., providing shelter, safety, opportunity for play and distraction), but do not address the chronic traumas of abuse, humiliation, exploitation, neglect, and abandonment. Despite the lack of response, anecdotal evidence from service organizations working with *restavèk* in Haiti suggests that the scale and consequences of *restavèk* are significant, with

social costs to subsequent generations stemming from abuse and absence of affection among an entire class of citizens.

Fueling this lack of response, until recently no systematically gathered data existed on the psychological, social, economic, or educational consequences of *restavèk* on the children who are forced to live in these conditions, or on their families in cases where they return home. Prior to the current study we conducted two linked qualitative studies with children who had been in *restavèk* and their caregivers (Kennedy 2014) to systematically understand the consequences of *restavèk*. Studies were designed to understand the range of challenges facing children who have been in *restavèk* and to probe more deeply into those challenges that relate to children's mental health. Children who had been in *restavèk* exhibited a diverse range of signs and symptoms of mental health problems that are consistent with other findings of children in high stress and abusive family environments (Moynan et al. 2010) and in other abusive forms of trafficking (Flowers 2001; Raymond and Hughes 2001), and included both internalizing (crying, sadness, rumination, remembering the bad moments) and externalizing (stealing, fighting, being unruly or disobedient) symptoms, several of which may be markers of trauma in children and youth.

In addition to mental health symptoms, qualitative study findings indicated a number of social and environmental experiences children face after leaving *restavèk* that further complicate their risk of mental health problems (Kennedy 2014). While both children and adults consistently reported that families are happy to have their children return, and children are more comfortable and happy back at home, the extremely challenging economic situation of families, in addition to the stigma the child carries home from the experience of *restavèk*, were cited as causes for the child to experience a range of serious mental health symptoms as well as social challenges. The interlocking stigma of poverty and *restavèk* combine forcefully to place the children at risk for mental health problems as well as to be placed in a position where they are not accepted and are humiliated by peers and other adults.

Mental Health Assessment with Former *Restavèk* Children

Given the evidence for mental health problems among children who have been in *restavèk*, it is important that local service providers and organizations begin to address these needs. However, a substantial challenge to mental health intervention in child slavery globally and in Haiti in particular is the lack of local, valid measures for the assessment of mental health symptomatology (Betancourt et al. 2010, 2008), and for the measurement of intervention outcomes. Translated measures developed in other, Western contexts to assess mental health syndromes

or disorders are often utilized; however, they are typically not validated for use in the context or with the population of interest (Hollifield et al. 2002; Mollica et al. 2004), and the use of such measures can lead to erroneous conclusions about the mental health of a community or population of interest (Hobfoll et al. 2011). For numerous reasons, psychometric properties of reliability and validity cannot be assumed to be maintained in translated measures used in other contexts, and must be evaluated locally (Hall et al 2014): instruments may not adequately capture what they are intended to measure, they may include irrelevant items, and/or exclude the local cultural idioms and expressions of psychological distress and resilience that will serve as the most refined indicators of the construct of interest. The reliability and validity of measures developed for one population and used in another continues to be a central issue in cross-cultural mental health research (Betancourt et al. 2009; Hall et al. 2014). Reliability refers to the degree to which empirical measures result in reproducible results across different assessments or with different interviewers (Shrout 1998). Validity refers to the degree to which an empirical tool measures the construct it was designed to measure (Goldstein and Simpson 1995).

One of the most challenging and most important psychometric properties to evaluate in cross-cultural mental health research is criterion validity – the degree to which the instrument measures what it was intended to measure. Criterion validity is measured by comparing its performance with that of a “gold standard,” or another method of assessing mental health problems that is known to be accurate (Bolton 2001). For studies of mental health across cultures, the gold standards for criterion validity are typically assessment by a psychiatrist or psychologist or comparison with another instrument known to have high validity among the local population (Bolton 2001). In Haiti, however, an existing valid instrument or a psychiatrist or psychologist familiar with the local culture (or any psychiatrist or psychologist) are not available. Without a method of known accuracy for comparison, an alternative standard that involves comparing data from the instruments with self-assessments by the survivors and adults close to them has been developed and used in other non-Western mental health validation studies (Bass et al. 2008; Betancourt et al. 2009; Bolton 2001). While this is not a standard of known accuracy, and both the survivor and other adult may be incorrect in many cases, the assumption is that a survivor is more likely to have or not have each of these problems if the survivor and the other adult agree. Those said to have such problems should therefore have higher scores than those said not to have such problems, if both the instrument and the opinions of survivors and other adults are accurate assessment of the presence and severity of these syndromes.

The current study aimed to develop a local instrument for the assessment of mental health problems among child survivors of *restavèk*, and to evaluate its reliability and validity for this population.

METHODS

The instrument development and evaluation methods described here are part of a promising methodology developed by the Applied Mental Health Research (AMHR) group of Johns Hopkins University (JHU) in their work in several different non-Western contexts worldwide (Bass et al. 2008; AMHR 2011). To ensure that instrument development adequately captures the local understanding and expressions of psychological distress, the methodology relies on an initial rapid, comprehensive qualitative research phase in which children and parents/caregivers participate in semi-structured interviews to understand the problems they identify, the types of distress children are experiencing, and the ways their distress is expressed. This preliminary step was the focus of the qualitative studies described previously (Kennedy 2014) and serves as the basis for the current study. In the current study, the AMHR methodology builds upon those findings to develop quantitative assessment instruments, drawing upon published measures for assessing the phenomenon of interest and adapting them based on local concepts and descriptions that emerged in the qualitative research. The instruments are then validated to ensure not only that they are understandable and acceptable, but also that they are reliable (give the same results with repeated use) and valid (measure what they are supposed to measure).

Developing the Draft Instrument for Field Testing

Instrument Selection

In developing a quantitative instrument for use with a new population, one important consideration is whether to adapt an existing instrument already used in other populations, or produce an entirely new instrument for local use. Using an existing instrument is preferable if there is one that adequately reflects the local situation, since use of an existing instrument allows for comparison with other populations. In reviewing existing instruments, we based our choice on whether the instrument reflected those important mental health and psychosocial problems that emerged from the previous qualitative study and were amenable to interventions that are within the resources of the institutions and service providers involved in this collaborative research.

The qualitative study (Kennedy 2014) revealed that child survivors of *restavèk* in the Port au Prince metropolitan area experience a wide range of mental health and psychosocial challenges, which we refer to as “problems” in this report. These problems closely map onto Western concepts of internalizing symptoms, such as sadness, crying, rumination, remembering the bad moments, and being uncomfortable or nervous; externalizing symptoms, such as insulting others, fighting, aggression, or being unruly; and relationship problems such as staying alone, being subjected to insults or humiliation by others, and problems related to adaptation after being in *restavèk*. Because the qualitative study was designed to elicit the range of problems facing children without restricting responses to those related to mental health, a number of other social, economic, and community-level problems for children who have been in *restavèk* were reported. Those problems are not addressed directly by the current study; however, the emotional and behavioral symptoms that result from them are. The qualitative results suggested that no one particular problem was more prominent than the others, and that most children had multiple problems. Therefore, it was decided that any appropriate instrument would have to be a broadly-based measure that spanned the range of these problems, rather than one that focused on a particular symptom or group of symptoms, in order to assess the wide range of problems and symptoms reported by children.

The Youth Self-Report (YSR, Achenbach 1991) was selected. The YSR assesses a broad range of psychosocial problems that closely matches those emerging from the qualitative studies. The YSR is part of a set of instruments developed by the Achenbach System of Empirically Based Assessment (ASEBA)™, and is designed to obtain standardized data on a broad range of problems from multiple sources. Parents, teachers, and youth ASEBA instruments have been translated into more than 90 languages, and studied in over 80 societies (Berube and Achenbach 2012). An entire supplemental manual now exists on the multi-cultural use of ASEBA instruments, including variations in norms across different countries (Ivanova et al. 2007). The YSR is self-administered by youths. The first two pages include demographic and competency questions on the child’s interests, chores, social interactions, performance in academics, and open-ended questions about illness, disabilities, problems and concerns. The following two pages contain 105 symptom and behavior specific items, plus 14 positive qualities items, with responses rated on a 0-2 scale (0=not true, 1=somewhat or sometimes true, and 2 very true or often true).

Instrument Adaptation

Through communication with the developers of the YSR, we obtained a license agreement to translate the YSR and underwent an iterative translation and back-translation process to generate the approved translation of the YSR. After examining the items from the YSR in relation to the problems described in the qualitative study, all of the original YSR items were retained for the validation study in order to maintain the empirical base of the instrument and retain future comparability with results from children in other countries. In addition, several items (34 symptom items and 14 function items) were added to the YSR based on frequently mentioned issues in the qualitative studies that were not already well captured in the YSR.

The result was a draft version of the Youth Self-Report – Haiti (YSR-H). The team of Haitian staff conducting the validation study reviewed each item of the draft instrument to ensure clarity, comprehensibility, and tolerability of the items. Suggested changes to improve clarity or comprehension of the translation of the YSR items were made without changing the meaning of the item or its back-translation, so as to maintain fidelity to the approved translation.

In addition to the adapted instrument, study staff and the interviewers drafted an informed consent procedure to be read to children prior to administering the instrument. A pilot study of the YSR-H was conducted in order to detect any problems with the interview procedure, the informed consent procedure and the instrument from the point of view of both the interviewers and the interviewees, and to ensure that the instrument was acceptable and understandable to our target population. Based on feedback from interviewers and interviewees in the pilot study, minor changes to the wording of some items and a more extensive protocol for responding to participants who endorsed items related to self-harm and/or suicidal ideation were required.

Instrument Validation

The purpose of the reliability and validity study was to determine if the YSR-H could accurately assess the presence and severity of the relevant mental health and psychosocial problems reported in the qualitative study. All data analyses were conducted using STATA statistical software. Internal consistency reliability was assessed using Cronbach's alpha (Cronbach 1951). Test-retest reliability was assessed using the Pearson correlation coefficient and was evaluated by re-interview of approximately 39% (n=27) of the participants 2-12 days (mean = 5.7 days) after their first interview. Criterion validity was assessed by comparing scale scores for the survivors said by themselves and an adult to have affective/

behavioral problems with scores of survivors said by themselves and others to not have them.

Study Team and Preparation

The study team consisted of the study author, a Haitian co-investigator, and five interviewers who were local staff of local Haitian non-governmental organizations working with children. In addition, Dr. Paul Bolton, Associate Scientist at JHU, trained the study author in the quantitative methodology and provided distance supervision periodically throughout data collection and analysis. Interviewers took part in a two-day training on instrument administration and consent procedures, involving didactic training and role-play, and a two-day pilot study to increase interviewer's ease and efficiency in administration.

Study Sites

This study took place in four institutions in the Port au Prince metropolitan area. All four institutions provide transitional, residential care to children at risk, providing housing and education for children for a period of months to years. Two of them work exclusively with children who have been in *restavèk*, one of which is for girls only. The remaining two work with children in difficulty for a variety of reasons, including children who have been in *restavèk*.

RESULTS

Sample Characteristics

Interviewers assessed 75 children/youth and the institution staff with closest relationships to them across the four study sites. Of the 75 children/youth, one child left the center prior to the time of the validity study, one refused the assessment, three refused less than halfway through the instrument, and the data for an additional three were deemed invalid based on the response patterns. The characteristics of the remaining 67 participants are provided in Table 1.

Scale Characteristics

Although the complete YSR-H was administered, the reliability and validity analyses are reported only for the symptom subscales and totals. The developers of YSR at ASEBATM recognize the culture-specific nature of the YSR competence items, and have authorized cross-cultural use of the YSR excluding the competence

items. Thus, the reliability and validity analyses are based on seven scales. These include the original YSR Scales (Internalizing Problems, Externalizing Problems, and Total Problems), the Haiti Symptoms Scale, and the YSR-H Scales (Internalizing Problems, Externalizing Problems, and Total Problems). The descriptive statistics for the seven scales are provided in Table 2.

Internal Consistency Reliability

Internal consistency reliability refers to how well questions measuring the same underlying concept on the same occasion agree with each other. Agreement is measured quantitatively by correlations, and Cronbach's alpha is a statistical measure that provides this. It is a single figure that summarizes the average correlation between all pairs of questions in a questionnaire. Cronbach's alphas should be above 0.7 and ideally between 0.8-0.9. If questions believed to be measuring the same concept disagree this suggests that either the questions themselves are unreliable, or they are not really measuring the same concept. Table 3 shows the Cronbach's alpha scores on each of the scales for males, females, and the total sample. Alpha scores for all scales are in the acceptable ($>.7$) to good ($>.8$) range.

Test-Retest Reliability

Table 4 shows test-retest reliability results, based on the 27 (39%) interviews that were repeated 2-12 days (mean=5.7 days) after the preliminary interview. In ten (37%) of the 27 cases, the instrument was administered by a different interviewer at retest. Test-retest reliability is assessed using the Pearson correlation coefficient, which provides a measure of how similar each scale score is on the first and second interviews. This provides an indicator of the extent to which respondents tend to give the same answer to the questions constituting the scale when asked on different occasions. For each comparison, a scatterplot of the scale scores on the first interview was compared with those on the second interview in order to determine whether there was a linear relationship and therefore whether the Pearson correlation coefficient was an appropriate measure. For all comparisons the scatterplot suggested a linear relationship, confirming that the Pearson correlation coefficient was an appropriate measure of test-retest reliability.

When assessing test-retest reliability, Pearson correlation coefficient scores of .7 are considered to be desirable, .6 adequate. On that basis, all scales demonstrated adequate test-retest reliability. Internalizing scales and total problems

scales, for both YSR and YSR-H demonstrated higher test-retest reliabilities ($>.8$) than externalizing scales ($>.6$).

Criterion Validity

One major focus of validity testing was to explore criterion validity. We attempted to sort participants into those who have mental health problems (“cases”) and those who don’t (“non-cases”) based on conversations with children and the staff who know them well. However, in the majority of cases, there was no agreement between the child report and the adult report in the sorting assessments. Conventionally, all cases in which there is no agreement between child and caregiver would be excluded from the study, so that only those where both parties agreed would be used. Thus, due to the nature of our methods and the low agreement between children and caregivers in this study regarding emotional and behavioral problems, we were unable to proceed with a test of criterion validity.

DISCUSSION

On this study’s measures of reliability and validity, we found that the YSR and YSR-H symptom-based scales have solid psychometric properties in this population. Internal consistency reliability results were good for YSR externalizing, YSR total problems, Haiti symptoms, and the three YSR-H scales (internalizing, externalizing, and total problems), and adequate for YSR internalizing problems, indicating that these items on these scales perform well in terms of measuring the same underlying concept.

Test-retest reliability results ranged from good (for the YSR internalizing, YSR total problems, YSR-H internalizing, and YSR-H total problems scales), to adequate (for the YSR externalizing, and YSR-H externalizing scales). It is important to point out that while the YSR is a self-administered scale, for our purposes interviewers read the items aloud and completed the forms based on the participants’ verbal responses. We were unable to ensure that the same interviewer was present for each re-interview, and thus the test-retest results may be confounded by inter-interviewer differences as well. Analyses of distributions indicated very low frequencies on a number of the rule-breaking behavior items, and it is possible that the externalizing scales were more affected by social desirability as a function of their content, and/or that the strong cultural norms prohibiting certain behaviors influenced responses when in the presence of different interviewers.

Study Limitations

Though we attempted to assess criterion validity, the low agreement between the children and the staff who know them well in the sorting process precluded our proceeding with this test. There are a number of reasons why this may have occurred. First, research on the use of multiple informants, including meta-analyses of studies using the Achenbach scales for self, parent/caregiver, and teacher report have indicated low to modest levels of agreements between pairs of informants, especially between self ratings and ratings of others, the case in our study (Achenbach, McConaughy and Howell 1987; Renk and Phares 2003). These results vary based role of the informants and situation in which they observe the child (self, mother, father, teacher, etc.), the age of the child and type of behavioral/emotional problem. This may result from differences in informants' observations as well as differences in children's behavior in different contexts. The low to modest correlations across reporters have provided a strong basis for the use of data that combines multiple informants, and/or assesses children on multiple axes that are designed to reflect and capture the variations that surface across multiple informants. A sorting of cases and non-cases in our current study could neither capture these variations nor capitalize on the different perspectives of multiple informants.

Second, a good test of criterion validity using the approach in the current study is dependent upon respondents being willing to provide a definite answer to the question being asked, and that the question being asked is fairly highly correlated with the underlying concept being assessed by the instrument. In our case, because there was no commonly known and used term for either internalizing or externalizing problems, nor for mental health or psychosocial problems more generally, we had to use a phrase that described problems related to behavior and affect, without being more specific about the nature of the problems. This is a limitation to our ability to assess criterion validity, as an unclear criterion for comparison, or a criterion open to a wide range of interpretation, would be unlikely to yield to a strong test of criterion validity.

Third, situational and cultural factors also may have influenced both child and adult responses to the criterion validity sorting process. In particular, interviewers noticed reluctance on the part of some staff to categorize children in what they perceived to be negative terms, even when children themselves reported they had the problems being asked about. In some cases, caregivers wished to place children in an intermediate category, rather than selecting one of the two response options, which interviewers interpreted as a means of politely categorizing the child as one with problems. When forced to choose between two options, those caregivers frequently chose to categorize the child as a non-case.

Recommendations

The results of this study suggest that the YSR-H has adequate reliability for use with former *restavèk* children in Haiti, and that criterion validity of the instrument remains to be established. A reassessment of criterion validity that addresses the limitations of the current approach is needed. These may include a more thorough process to define in common terms the criterion of interest, a more in-depth orientation and explanation of the purpose of the sorting to reach a common understanding of the criterion terms used, and/or extra care to ensure that the sorting process is not perceived as stigmatizing. Finally, if local professionals are available and espouse an understanding of the criterion of interest based on local symptoms and expressions, rather than Western concepts learned in academic settings, the judgments of such professionals could be used a “gold standard” in future studies.

Future work on the YSR-H should also move to establish standardized scores and norms for the instrument to provide a basis for interpreting raw scores. ASEBA has a wide base of research support that establishes clinical cutoffs for subscales and syndromes in US samples; however, these may not be used as comparison or for interpretation of the scores of children in Haiti.

In the interim, the YSR-H may be used as a screener to help identify children who need attention, based on the YSR and/or YSR-H Total problems scale. The internalizing and externalizing scales may be used to explore the nature and severity of the problems affecting each child, and therefore help to tailor interventions to the child’s needs and to assess impact of interventions provided within the centers where children are residing. Because there were few differences in the reliability estimates between the YSR and the YSR-H, the shorter, standardized version may be used. However, because the local items may contribute to criterion validity, we recommend that all symptom-based items be retained pending an assessment of criterion validity.

CONCLUSION

The availability of culturally-adapted, reliable and valid instruments for the assessment of mental health among survivors of *restavèk* in Haiti, and for survivors of child slavery and trafficking globally, is an important area for continued study and development. Without such measures, service providers and families are ill-equipped to understand the range of needs of children in their care. In many contexts where modern slavery pervades, attention to mental health in general is a luxury afforded only to the most elite. As this study indicates, children who emerge

from harsh conditions of slavery and/or trafficking are likely to exhibit behavioral and psychological symptoms that may create subsequent difficulties in their reintegration into their families and other contexts.

Equipping service providers and families with access to instruments that accurately and responsively assess children's mental health creates an opportunity for the development and enhancement of interventions designed to improve or stabilize children's mental health post-slavery. The use of such instruments to understand children's baseline levels of functioning, and to assess the impact of existing interventions or contexts on functioning will create the possibility both for redesign of ineffective interventions, and for the promotion and dissemination of interventions found to be effective in improving mental health and well-being. Ultimately, such tools hold promise for shaping the quality and impact of services provided.

Table 1: Study Sample Characteristics

Total N=67	N (%)
Gender	
Male	20 (30%)
Female	47 (70%)
Ages*	
9-11	16 (24%)
12-14	34 (51%)
15-17	15 (22%)
Sites	
#1. Mixed sex, residential, <i>restavèk</i> only	29 (43%)
#2. Girls only, residential, <i>restavèk</i> only	6 (9%)
#3. Mixed sex, residential	23 (34%)
#4. Mixed sex, residential	9(13%)

*Missing age data for two participants

Table 2: Scale Descriptive Statistics

	# of Items	Mean	SD	Min	Max
YSR Scales					
YSR Internalizing Problems	31	23.76	8.21	8	44
YSR Externalizing Problems	32	13.83	7.59	0	31
YSR Total Problems	105	68.90	24.42	22	133
Haiti Scales					
Haiti Symptoms Scale*	34	21.14	8.77	2	41
YSR-H Scales					
YSR-H Internalizing Problems*	48	35.45	12.81	10	63
YSR-H Externalizing Problems*	40	17.23	9.65	0	39
YSR-H Total Problems*	139	89.85	31.30	28	165

*Not all respondents have complete data. Data presented for only those with complete data.

Table 3: Internal Consistency Reliability

	Total Sample (N=67)	Males (N=20)	Females (N=47)
YSR Scales			
YSR Internalizing Problems	.753	.740	.776
YSR Externalizing Problems	.802	.777	.802
YSR Total Problems	.834	.866	.853
Haiti Scales			
Haiti Symptoms Scale*	.817	.801	.830
YSR-H Scales			
YSR-H Internalizing Problems*	.844	.830	.871
YSR-H Externalizing Problems*	.846	.816	.844
YSR-H Total Problems*	.882	.902	.897

*Not all respondents have complete data. Data presented for only those with complete data.

Table 4: Test-Retest Comparison

	Mean (sd) First Interview	Mean (sd) Repeat Interview	Correlation
YSR Scales			
YSR Internalizing Problems	24.15 (9.29)	19.67 (9.76)	.835
YSR Externalizing Problems	13.33 (6.78)	11.78 (8.93)	.628
YSR Total Problems	70.48(23.86)	53.19 (27.40)	.834
Haiti Scales			
Haiti Symptom Scale	20.52 (8.38)	20.15 (10.15)	.689
YSR-H Scales			
YSR-H Internalizing Problems	35.22(14.10)	29.74(15.60)	.827
YSR-H Externalizing Problems	17.15 (8.84)	16.00 (12.13)	.617
YSR-H Total Problems	91.70(30.51)	78.85 (39.47)	.834

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Considering a Regional Approach to Combating Human Trafficking in the Caribbean: The ECOWAS Example

Jill St. George and Tom Durbin

ABSTRACT

This paper seeks to explore the current practices employed in two regional organisations with regards combating human trafficking. Both West Africa, through ECOWAS, and the Caribbean, through CARICOM, have established regional agreements with neighbouring states to achieve regional cooperation where possible. However CARICOM policies are in their infancy with regards human trafficking, while ECOWAS has a vast network of agreements in place. This paper will consider the successes of the ECOWAS agreements and their possible assistance and relevance to the Caribbean to assist in CARICOM's fight against human trafficking.

INTRODUCTION

*"I believe the trafficking of persons, particularly women and children, for forced and exploitative labour, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts. It is widespread and growing. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide. The fate of these most vulnerable people in our world is an affront to human dignity and a challenge to every State, every people and every community."*¹³ Kofi Annan, 2004

Using the United Nations Convention against Transnational Organised Crime and the Palermo Protocol, the definition of trafficking in persons is:

"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

¹³ K Anan, *The Secretary-General Address At The Opening Of The Signing Conference For The United Nations Convention Against Transnational Organized Crime*, Palermo, 12 December 2000.

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...”¹⁴

Simply put, the process of human trafficking consists of the act, the means and purpose:

1. Act - Recruiting, transporting, harbouring, receiving and individual(s) by...
2. Means - Threatening, forcing, defrauding, coercing, deceiving, abducting, abusing your power, abusing their vulnerability or using money to ‘buy’ them in order to exploit them through....
3. Purpose - prostitution, sexual exploitation, forced labour, forced services, slavery or similar practices to slavery, servitude or the removal of organs.

Human trafficking occurs both within states as well as across international borders. Individuals need not move from one state to another to be a victim of human trafficking, and can be trafficked domestically. As domestic trafficking is dealt with internally by a state, the focus of this paper is on international trafficking.

REGIONAL STANDARDS

Justification for Regional Cooperation

Although accurate statistics are hard to obtain, the Polaris Project estimated in 2007 that 800,000 persons were trafficked across international borders every year¹⁵. 80%¹⁶ of internationally trafficked persons are estimated to be women and 50%¹⁷ children. The UN Global Report on Trafficking in Persons (2012)¹⁸

¹⁴ Article 3, paragraph (a), *Protocol to Prevent, Suppress and Punish Trafficking in Persons*.

¹⁵ U.S. Department of State, *Trafficking in Persons Report*, June 2007, 8.

¹⁶ *Ibid*, 8.

¹⁷ *Ibid*, 8.

¹⁸ UNODC, *Global Report on Trafficking in Persons 2012* United Nations publication, Sales No. E.13.IV.1.

estimates that 27%¹⁹ of all detected victims were trafficked within the country where they were exploited. This leaves an estimated 73% of victims who are trafficked internationally.

Using the same UN report, of those 73% trafficked internationally, and according to the regional aggregation, 45%²⁰ of the victims detected were trafficked from other countries within the same sub-region while 4%²¹ originated in a nearby sub-region (South America to North America for example). Therefore, relying on the above statistics, almost half of all human trafficking flows occur across borders, with the source and destination countries being within a short or medium range of each other.

The report reasons:

“The data show that victims tend to be trafficked within the same region — domestically or across a border — much more frequently than to other regions. This may be explained largely in terms of convenience and risk minimization for the trafficker (...) migrants are generally more vulnerable to exploitation than local citizens. At the same time, exploiting foreign nationals from a nearby country reduces the costs and risks associated with the transportation of the person to be exploited. Long-distance trafficking flows need to be supported by a well-structured organization that can take care of air travel and false documents and that sometimes also exercises long-distance control over the families of the victims in the origin country. This form of trafficking cannot be sustained over time unless a structured trafficking network is in place. Exploiting a foreign national from a nearby country appears to be much easier than exploiting a local resident or a person trafficked from another continent.”²²

It is for this reason that this paper seeks to address the measures which have been implemented in West Africa to prevent and suppress the trafficking of human beings on a regional level and relate such information to the Caribbean.

¹⁹ Ibid, 1.

²⁰ Ibid, 13.

²¹ Ibid, 13.

²² Ibid, 41.

In 2012, the UNDP Human Development in the Caribbean Report²³ noted:

“Given the international nature of trafficking in persons and the limited human, economic and technical resources of most Dutch-speaking and English-speaking Caribbean countries for tackling the issue, regional cooperation needs to be enhanced to strengthen national and regional capacities to protect and assist trafficking victims, prevent trafficking activities and prosecute traffickers.”²⁴

Further, the UN Global Report on Trafficking 2012 stated:

“If the international community is to achieve long-term successes in combating trafficking in persons, we need reliable information on the offenders, the victims, and the trafficking flows throughout the regions.”²⁵

The vast majority of the data collected for this 2012 UN Global Report on Trafficking in Persons came from national institutions (88 per cent of the data series collected). Other sources of information were international governmental organizations (5 per cent of the data) and non-governmental organizations (7 per cent).

In September 2013 the Assistant Commissioner of Police with Responsibility for Crime, Mark Thompson stated:

“(…) the stark reality is that any sustained effective action to prevent and combat trafficking in persons and crimes against children require a comprehensive international approach in the countries of origin, transit and destination. In other words, the prevention, protection, prosecution and punishment cannot be achieved without a fifth p, namely partnerships.”²⁶

²³ UNDP, *Human Development in the Caribbean Report, Human Development and the Shift to Better Citizen Security* 2012.

²⁴ *Ibid*, 33.

²⁵ *Ibid*, 1.

²⁶ M Thompson, *34th Annual Crime Stoppers International Conference*, September 2013.

Nature of Human Trafficking in West Africa and the Caribbean and Latin America

The nature of human trafficking in both the Caribbean and West Africa conform to the above findings, where the majority of victims are persons moved within the region. The UNODC Report on the Global Patterns of Trafficking in Person²⁷ notes:

“These findings match the high degree of reported intra-regional human trafficking within Africa, and in particular, Western Africa”²⁸. Further, “(f)or the Caribbean and Latin America, human trafficking into the region is predominantly reported to be intra-regional with the majority of sources collected in the Trafficking Database reporting trafficking in persons originating in Central America, the Caribbean and South America.”²⁹

In 2007, the U.N. General Assembly Human Rights Committee travelled to Barbados to discuss human trafficking and reported that they found the region to be “very susceptible” to human trafficking.³⁰

REGIONAL ORGANISATIONS

The Economic Community of West African States

The Economic Community of West African States (ECOWAS) consists of fifteen West African States. The regional group was founded in 1975, with a mission to promote economic integration in "all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters"³¹. The fifteen member States are Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

²⁷ Anti-Human Trafficking Unit (AHTU) of the United Nations Office on Drugs and Crime (UNODC), Global Programme against Trafficking in Human Beings (GPAT) *Global Patterns of Trafficking in Person*, April 2006.

²⁸ Ibid, 87.

²⁹ Ibid, 87.

³⁰ The Protection Project The Paul H. Nitze School of Advanced International Studies (SAIS) *A Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2012.

³¹“African Union, outline on ECOWAS”, accessed January 2015 , <http://www.au.int/en/recs/ecowas>.

The legal framework for ECOWAS is found in the Treaty of ECOWAS, signed in 1975. Article 3 details the aims and objectives of the Treaty which are “to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.”³²

The populations of the above states range in size from the smallest being Cape Verde with 513,000 (2012 estimate) to Nigeria being the largest with 170,123,000. Gross Domestic Product ranges are equally diverse, with Nigeria ranked 37th by the IMF in 2012 for nominal GDP while Guinea-Bissau were ranked 173rd out of 187 States.

Geographically, all states are located on one landmass, with land borders linking each.

CARICOM

The first example of regional agreements in the Caribbean came with the formation of CARIFTA (the Caribbean Free Trade Association). CARIFTA was founded in 1965 by Antigua and Barbuda, Barbados, Guyana and Trinidad and Tobago following independence from Great Britain. The aim of CARIFTA was to “unite economies and give them a joint presence on the international scene”³³ Later members included Dominica, St Kitts and Nevis, Grenada, St Lucia, St Vincent and the Grenadines, Belize, Montserrat and Jamaica.

Whilst CARIFTA represented a step towards regional integration, it did not contain provision for the movement of persons, labour, goods or the coordination of agricultural, industrial or foreign policies. Therefore, 1972, Commonwealth Caribbean leaders decided to transform the CARIFTA into a Common Market and establish the Caribbean Community.

The legal framework for the Caribbean Community was established through the Treaty establishing the Caribbean Community, Chaguaramas³⁴.

Article 6 of the Treaty details the aims and objectives as “to improve standards of living and work; the full employment of labour and other factors of production; accelerated, coordinated and sustained economic development and convergence; expansion of trade and economic relations with third States; enhanced levels of international competitiveness; organisation for increased production and productivity; achievement of a greater measure of economic

³² Treaty of the Economic Community of West African States, 28 May 1975, Article 3.

³³ “About CARIFTA”, accessed January 2015, <http://www.caricom.org/jsp/community/carifta.jsp?menu=community>.

³⁴ Treaty Establishing the Caribbean Community, Chaguaramas, 4th July 1973.

leverage and effectiveness of Member States in dealing with third States, groups of States and entities of any description and the enhanced co-ordination of Member States' foreign and foreign economic policies and enhanced functional co-operation."³⁵

Further, following revisions to the Treaty, the CARICOM Single Market and Economy was established. The formal title of the Treaty is now "The Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy."

The CSME is a single economic space which provides for the free movement of goods, services, persons, capital and the right to establish a business.

The fifteen member states of CARICOM are Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

While the population and GDP disparity is less in the Commonwealth Caribbean, populations (based on 2012 estimates) range from Jamaica with 2.713 million as the largest to St Kitts and Nevis being the smallest with 53,584 (Although Montserrat has a smaller population, 5,900, they remain a British Overseas Dependent Territory). Gross Domestic Product ranges range from the highest being Trinidad and Tobago ranked 95th by the IMF in 2012 for nominal GDP while Dominica were ranked 179th out of 187 States.

A notable difference between the aspirations of ECOWAS in comparison to CARICOM is the lack of an economic union. While the Organisation of Eastern Caribbean States (OECS) creates an economic union between seven of the fifteen CARICOM states, this is not replicated throughout CARICOM.³⁶

Data on Human Trafficking

A combination of the recent nature of many legislative provisions, migration requirements, low reporting and prosecution rates and lack of readily available statistics makes quantifying the extent of human trafficking globally very difficult. A number of sources seek to provide detailed information, but accurate statistics are rare. Common sources include the Global Slavery Index (2013)³⁷, the Trafficking In Persons Report (US Department of State 2014)³⁸, UN Office on

³⁵ Ibid, Article 6.

³⁶ OECS states are Antigua and Barbuda, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

³⁷ Walk Free Foundation, *The Global Slavery Index*, 2013.

³⁸ U.S. Department of State, *Trafficking in Persons Report*, June 2014.

Drugs and Crime publications (including case law database, toolkits and handbooks) and the Global Handbook on Trafficking in Persons 2012.³⁹

Human Trafficking in ECOWAS states

Trafficking in Persons Report 2014 – Department of State

In 2014, all fifteen ECOWAS states submitted data to the US Department of State for assessment on their activities in the fight against human trafficking through the TIP report.

Eleven out of the fifteen ECOWAS states⁴⁰ are placed in Tier 2, “Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.”⁴¹ Mali and Guinea are placed on the Tier 2 Watch List, meaning they do not comply fully as with those in Tier 2 and either; the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. Guinea-Bissau and Gambia are ranked in Tier 3, “Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.”⁴²

Out of the fifteen states, fourteen have both signed and ratified or acceded to TIPP. Sierra Leone is the only state to have signed but not incorporated the Protocol. This demonstrates a very strong commitment on the part of the West African states to combat human trafficking.

Though accurate figures are hard to come by, the prevalence of human trafficking in West Africa is widely acknowledged. Fourteen of the fifteen ECOWAS are designated as both source and transit countries by the TIP report, with only Guinea Bissau designated as a source and destination only. Twelve are reported as source, transit and destination countries. The levels of domestic trafficking differ by state.

³⁹ UNODC, *Global Report on Trafficking in Persons 2012* United Nations publication, Sales No. E.13.IV.1.

⁴⁰ Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Ghana, Niger, Nigeria, Senegal, Sierra Leone and Togo.

⁴¹ U.S. Department of State, *Trafficking in Persons Report*, June 2014, 44.

⁴² *Ibid*, 44.

Global Slavery Index 2013

All fifteen ECOWAS states submitted data to be analysed by the Global Slavery Index 2013.

In the overall classification of “Countries ranking by prevalence of population in modern slavery”⁴³, Benin, Cote d’Ivoire and Gambia all feature in the top 10. Out of the fifteen states, Nigeria is best placed at 48th.

In detailed analysis, all of the ECOWAS states are classified as ‘Sub-Saharan Africa’, along with 29 other states in the designated region. The Index estimates that 16.36% of the total persons in modern slavery are in this region.

The regional figures produce a mean number and ranking based on five risk factors;

1. Extent of policies adopted by the state to fight modern slavery;
2. Extent of guarantees of human rights that are given to the citizens of the state;
3. Level of human and economic development of the state;
4. Stability or instability of the state, reflecting factors such as unrest and corruption;
5. Level of discrimination faced by women.

Using the mean figure of all 5 risk factors, ten of the fifteen ECOWAS states are in the top twenty as presenting the highest risk.

The report details ongoing conflicts, extremes of poverty, high level corruption and the impact of resource exploitation as increasing the risk factors detailed above.

Looking specifically at risk factor one, the extent of policies adopted by the state to fight modern slavery, the average score of all ECOWAS states is 71.04. The mean score for individual states in this area vary widely, with Guinea-Bissau having a particularly poor score of 85.9, while Gambia scores very well with 50.5.

⁴³Walk Free Foundation, *The Global Slavery Index*, 2013, 6.

Human Trafficking in CARICOM states

Trafficking in Persons Report 2013 – Department of State⁴⁴

First to note is that only eleven out of the fifteen CARICOM countries submit data to the US Department of State for inclusion in the 2013 TIP report. Those states who do not submit data are Dominica, Grenada, Montserrat⁴⁵ and St Kitts and Nevis. Of the eleven states who submitted data, all were classified as a destination state. Eight of the eleven were also classified as source states, with only Antigua and Barbuda, St Lucia and Trinidad and Tobago not classified as such. Surprisingly, considering the geography of all except Belize and Guyana, eight of the states were also classified as transit states, with only Barbados, Guyana and St Lucia not classified as such. St Lucia was the only state classified solely as a destination state. Again, the level of domestic trafficking differs by state. Seven of the eleven states which submitted data were on the Tier 2 Watch list, with the remaining four in Tier 2, an improvement from 2013 for both St Lucia and Barbados.

Global Slavery Index 2013⁴⁶

The Global Slavery Index contains data from only six of the fifteen CARICOM states. This is largely due to the report not including data from States where the population is less than 100,000.

States who are included in the Index are Barbados, Jamaica, Haiti, Suriname, Guyana and Trinidad and Tobago.

While Haiti is ranked 2nd in the overall ranking of “Countries with by prevalence of population in modern slavery”⁴⁷, Barbados, Trinidad and Tobago and Jamaica perform very well, with rankings of 135th, 133rd and 124th respectively.

Regionally, the Caribbean states included in the Index are classified as ‘The Americas’. The Index estimates that 3.78% of the total persons in modern slavery are in this region.

Using the mean figures established using the five risk factors detailed above the Caribbean states are noted as showing a lower risk of enslavement and other

⁴⁴ U.S. Department of State, *Trafficking in Persons Report*, June 2014.

⁴⁵ Montserrat is a British Overseas Territory, so while permitted to join CARICOM, they are not an independent State.

⁴⁶ Walk Free Foundation, *The Global Slavery Index*, 2013, 6.

⁴⁷ *Ibid*, 6.

rights violations than Latin American states, with Haiti identified as a special case with the highest risk.

Worthy of note is that Barbados and Trinidad and Tobago have some of the worst ranking in the region on the first risk factor of ‘extent of policies adopted to fight modern slavery’. Barbados and Trinidad and Tobago both received a mean score of 71.7, which is above the average scored by all ECOWAS states.

This in comparison to Jamaica who scored remarkably well with a mean score of 32.8, Haiti and Guyana who both scored 61.1 and Suriname with an impressive 44.9.

UNDP Caribbean Development Report 2012⁴⁸

The report indicates that:

“there is evidence of criminal networks in Antigua and Barbuda, Barbados and Jamaica becoming increasingly involved in human trafficking. Corruption, in the form of bribe taking by immigration and senior officials was also highlighted as an ongoing challenge. Work permit abuses were most evident in Antigua and Barbuda and Barbados, where, lured by offers to work as hotel workers, bartenders or dancers, women were forced into sex work by owners of nightclubs”.

The report further highlights that “CARICOM nationals from Guyana, St Lucia and Jamaica were being forced to serve as sex workers in other Member States”⁴⁹.

CARICOM Regional Initiatives

Through numerous statements, inclusion in strategy documents and conferences, CARICOM states have acknowledged that a problem currently exists with the lack of a regional approach to human trafficking and have, on numerous occasions, spoken of amending the status quo. In 2010, based on 2006 academic papers, an IOM Background Paper by Ms Thomas-Hope entitled “The Future of Migration Policies in the Caribbean”⁵⁰ reported:

⁴⁸ UNDP, Human Development in the Caribbean Report, Human Development and the Shift to Better Citizen Security 2012.

⁴⁹ Ibid, 46.

⁵⁰ E Thomas-Hope, “*The Future of Migration Policies in the Caribbean*” International Organization for Migration Workshop, Cairo, Egypt, December 1-2, 2009.

“In the Caribbean, as in many other parts of the world, there has been an increase recently in the organized movement of people by third parties in ways that constitute trafficking.”⁵¹

The paper noted:

“Based on the polices of the RTC, a trend of Increased trafficking in persons can be noted”⁵²

In 2011, a brief given by the Brief by CITS Security Leadership Fellows from the University of Georgia noted:

“Open borders, lax enforcement of entertainment visas and work permits, and legalized prostitution in the Caribbean contribute to its growing sex tourism industry. As a major transit point for forced laborers destined for Europe and North America, the Caribbean has attracted a number of transnational crime syndicates that disrupt regional stability, and there is increasing concern that terrorist groups will become attracted to the lucrative Caribbean slave trade just as they have been attracted towards the drug trade in Colombia and Tri-Border area (Brazil, Argentina and Paraguay). Human trafficking, like drug and arms trafficking, promotes underground economy and violence. The networks and pathways used for trafficking humans are the same as those used for illicit arms and drug trafficking. Efforts to stem the increasing flow of forced laborers from southern Asia and Latin America to the Caribbean should cause these other underground industries to suffer. As many Caribbean states are tied in this network of source, transit, and destination countries, regional cooperation is imperative to resolve the issue.”⁵³

In a National Training Workshop in 2012 entitled “Labour Migration in the Context of the CARICOM Single Market and Economy (CSME)” one of the

⁵¹ Ibid, 3.

⁵² Ibid, 18.

⁵³David A. Heenan, Jared Borocz-Cohen, Austin Lotz, Caitlin McKibben, Christian Conroy, Helen Kalla, William A. Spencer, James Dulebohn, Roxanne DeMarco, Taylor Sapp, Jack Slagle, Gunnar Kenney, “*CARICOM: Working Together Toward Security A Brief by CITS Security Leadership Fellows – 2011*” <http://cits.uga.edu/pdf/caricom-securityoutlook.pdf> accessed January 2015.

challenges acknowledged by the presentation with regards the free movement of persons is the facilitation of human trafficking under the guise of the CSME.⁵⁴

At the 2013 Conference of Heads of Government of the Caribbean Community (CARICOM), the Honourable Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago, and Chairman of the Conference of Heads of Government of the Caribbean Community stated:

“As Conference Chairperson, I also remain hopeful that our continued dialogue and collaboration on regional security would bring fresh initiatives and perspectives in fighting crime and the drug trade. Security threats in this region include, but are not limited to:

1. the penetration of our porous borders by organized criminals
2. the proliferation of small arms
3. the increase in drug and human trafficking, money laundering and corruption at ports of entry (emphasis added)”⁵⁵

At the same conference in 2013, the St. Kitts and Nevis’ Prime Minister, Dr. Denzil L. Douglas noted:

“We wanted to zero in, in particular on a coordinated approach of the Caribbean leader in dealing with serious crimes and drug trafficking, trafficking in human beings, terrorism.”⁵⁶

The CARICOM Implementation Agency for Crime and Security (IMPACS) released a Security Review examining migration practices in six Caribbean Small Island Developing States (Antigua and Barbuda, Barbados, Guyana, Suriname, Trinidad and Tobago and St Vincent and the Grenadines). The review sought to “review correlations with human trafficking, illegal migration and personal security” with a “critique of standardised policies in CARICOM”.⁵⁷ Through its conclusions and recommendations, the following were noted:

⁵⁴ Trinidad and Tobago Ministry of Foreign Affairs and Communications “*Labour Migration in the Context of the CARICOM Single Market and Economy (CSME)*”, accessed January 2015, www.acpmigration-obs.org/sites/default/files/7-Lynn%20Mohammed-LabourMigration-Context%20of%20CSME.pdf

⁵⁵ ABS Staff, “*Caribbean Leaders Explore New Crime and Security Strategies*”, accessed January 2015 <http://atlantablackstar.com/2013/02/26/caricom-exploring-new-crime-and-security-strategy-for-the-caribbean/>.

⁵⁶ Ibid.

⁵⁷ Kizzann, Lee Sam, CARICOM Implementation Agency for Crime and Security (IMPACS), “*Migration Management for Small Island Developing States-A Security Review of the CARICOM Free Movement Policy*” http://sidsgg.webs.com/2012/proceedings/Lee%20Sam_SIDS%20Migration%20Review.pdf accessed January 2015.

1. Victim and Justice Programmes

Firstly, States are recommended to develop and coordinate national policies which provide both support and protection for victims of human trafficking. Such support should then be reinforced and strengthened by the creation of regional network. Finally, intelligence, information and data sharing would assist law enforcement and prosecutors in the building of cases against suspected traffickers.

2. Research, Visibility and Policy Development

CARICOM states are urged to develop a database of regional data, both qualitative and quantitative in nature. Definitions of human trafficking should be consistent to allow for the accurate analysis of such data and permit comparisons and regional policy objectives. CARICOM are urged to create a Crime Research Unit to facilitate the data collection and analysis.

3. Monitoring and Analysis

Once a Crime Research Unit is established, CARICOM should encourage ongoing monitoring and evaluation of such data. National data should be submitted to the Unit annually and detail the status of regional crimes in general with a particular focus on human trafficking.

The above statements, research findings and security review all demonstrate an immense need for movement towards a regional, integrated approach, through the structure CARICOM, in the fight against human trafficking. Plainly, the above shows that human trafficking is often regional, it is increasing in the CARICOM region, and that regional policies are needed to address the situation.

IMPACS again raised the prevalence on human trafficking in the region in August 2014, where Francis Forbes, the Executive Director of IMPACS stated:

“There is a significant trafficking problem in the region and we see persons trafficked into the region. Recently, some five nationals were picked up and charged within the context of illegal trafficking. Of course there have been denials since then. But we understand what is happening and illegal trafficking in persons is a very very serious issue in Caricom.”

However, despite IMPACS repeatedly acknowledging that work must be done, little progress appears to have been made.

In addition, in 2013 five CARICOM states, (Antigua and Barbuda, Aruba, Jamaica, St. Vincent and the Grenadines, and Trinidad and Tobago) participated in a meeting hosted by the IOM with the aim of “gaining of knowledge and capacity

building in the area of screening methodology, data collection, sharing methodology and the acquisition of desired data.”⁵⁸

Individual states are also acknowledging their lack of information and data on the topic of regional human trafficking. In November 2013, the Home Affairs Minister for Barbados, Adriel Braithwaite, was quoted in a number of regional newspapers, as stating:

“I don’t have a sense as to the extent of the problem in Jamaica, Trinidad, Barbados or CARICOM (...) We don’t live in isolation, and we recognise that what is happening in the world must also be happening at our doorsteps.”⁵⁹

The article goes on to state:

“He warned that it would be “foolish” not to accept that Barbados and the Caribbean would have the same issues that were occurring across the world and was of the view that they needed to be addressed from inception.”⁶⁰

Overview of CARICOM States current status quo from an international law perspective.

CARICOM called on all member states to sign and ratify the United Nations Convention on Transnational Organised Crime and the Palermo Protocol in 2004. At this point, only Antigua and Barbuda had signed and ratified the UNTOC and no states had signed and ratified the Palermo Protocol. In 2013, all States⁶¹ had signed both the UNTOC and the Palermo Protocol, with only Barbados who are yet to ratify either. Therefore, 13 out of the 14 CARICOM states being considered have both signed and ratified both the UNTOC and the Palermo Protocol.

⁵⁸ Ministry of Justice, Jamaica. <http://moj.gov.jm/stophumantrafficking> for the full report, accessed January 2015.

⁵⁹ http://www.jamaicaobserver.com/news/-Not-everyone-involved-in-transactional-sex-doing-it-willingly-_15463745 accessed January 2015.

⁶⁰ See Caribbean News Now (<http://www.caribbeannewsnow.com/headline-Caribbean-statistics-on-human-trafficking-needed,-says-Barbados-minister-18731.html>) accessed January 2015.

⁶¹ With the exception of Montserrat, which is a British Overseas Dependent Territory and requested the British Government extend the Palermo Protocol.

Regional approaches to Human Trafficking through ECOWAS

ECOWAS has been chosen as a comparative regional organisation for a variety of reasons. First and foremost, ECOWAS have been progressive, decisive and active in both the national and regional fight against human trafficking. They have implemented numerous human trafficking specific plans of action since 2002, along with a number of multilateral and African Union agreements. Agreements and Plans of Action cover activities at both a regional and national level, and aim to harmonise legal definitions, protect victims, and assist prosecutions.

Organisational Structure

ECOWAS is a large organisation, with a number of dedicated directorates, offices, departments and committees. Under the ECOWAS Commission (previously the Secretariat), a number of departments exist, each with a specific remit. Such remits include trade, humanitarian and social affairs, the environment, security, agriculture and infrastructure.

The Trafficking in Persons Unit was established under the Department of Humanitarian and Social Affairs through the 2002-2003 Plan of Action Against Trafficking in Persons. The unit is “involved in counter trafficking activities within the sub region and provides Member States with technical support to fight the trafficking phenomenon, mobilizes resources for Member States and monitors overall implementation of related activities of the Region. It also implements the Joint ECOWAS/ECCAS Plan of Action on Trafficking in Persons”.⁶²

Specifically, the unit coordinates all anti-trafficking in persons activities in the region and sets the standard for protection of victims.

Many of the regional agreements call for national task forces within the state to implement regional policies which will then be overseen by the Trafficking in Persons Unit.

ECOWAS Agreements and Initiatives

The original ECOWAS regional agreements focused on the movement of person, specifically the ECOWAS Convention relating to the free movement of persons and -goods (1975), the West African States Convention on Extradition (1994) and the ECOWAS Community Treaty revised in 1993, and the Protocol relating to the free movement of persons and goods.

⁶² Human Development and Gender Department, Humanitarian & Social Affairs Directorate, ECOWAS Commission, http://www.comm.ecowas.int/dept/stand.php?id=e_e3_brief accessed January 2015.

In December 2001, all fifteen state representatives met in Dakar to adopt a Political Declaration and an Action Plan against trafficking in human beings in the West Africa region. The documents adopted were the ECOWAS Declaration on the Fight against Trafficking in Persons (2001) and the ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003).

ECOWAS Declaration on the Fight against Trafficking in Persons

The political declaration highlights the commitment of the Heads of State and Government to the elimination of trafficking in persons, with particular focus on the eradication of trafficking in women and children. The declaration also stated the following as mandatory measures:

1. Adoption of the ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003;
2. Declaring to undertake all necessary efforts to fully implement the ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003;
3. Directing the ECOWAS Secretariat to monitor and report to the Ordinary Summits of Heads of State in 2002 and 2003 respectively, on the progress made in the implementation of this Declaration and the Initial Plan of Action.

The ECOWAS Initial Plan of Action against Trafficking in Persons 2002-2003

The Plan of Action commits ECOWAS countries to critical action against trafficking in, setting goals and objectives. It requires states to ratify key international instruments of ECOWAS and the United Nations that strengthen laws against human trafficking and protect victims of trafficking, especially women and children.

The Action Plan also calls for states to establish specialist human trafficking police units, training for police, customs, immigration officials, prosecutors and judges and cooperation with NGOs. Further, ECOWAS states are to set up communication between border control agencies and gather and share data on human trafficking.⁶³

⁶³UN Press release, <http://www.unis.unvienna.org/unis/en/pressrels/2001/cp401.html>, accessed January 2015.

The Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa (2005)

In 2005, the Governments of Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo entered into an agreement with respect to the trafficking of children. The agreement drew upon existing bilateral agreements and international and regional instruments. The agreement emphasizes the protection of child victims as its key priority, and calls for, amongst other things, creation of plans of action and their implementation, establish relevant agencies and preservation of the identity and confidentiality of all information pertaining to victims.

Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa⁶⁴

The Multilateral Cooperation Agreement came into force in July 2006. Its aims are stated in article 2 as:

1. To develop a common front to prevent, fight, suppress and punish trafficking in persons by mutual cooperation at the international level;
2. To protect, rehabilitate and reintegrate victims of trafficking;
3. To give assistance to each other in the investigation, arrest and prosecution of traffickers through the respective competent authorities of the parties and;
4. To promote friendly cooperation between the parties with a view to attaining these objectives.

Article 14⁶⁵ of the Agreement covers measures for mutual assistance and article 16 lays down the required contents of requests for such assistance.

⁶⁴ UNHCR, 2006 Findings on the Worst Forms of Child Labor- Burkina Faso (2006), <http://www.unhcr.org/refworld/country,,USDOL,,BFA,,48d7492615,0.html>. accessed January 2015.

⁶⁵ Ibid, 14.

The African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially women and children, adopted in Tripoli in November (2006)⁶⁶

All fifteen ECOWAS states are members of the African Union. The Ouagadougou Action Plan is a cooperative agreement between the African Union and European Union to prevent human trafficking. The Plan calls upon states to raise awareness, establish a legislative framework, develop policy and improve law enforcement procedures. Further, the Plan calls upon states to enhance multi-disciplinary co-ordination and co-operation at the regional level, to enhance bilateral and multilateral co-operation between European and African countries and to develop collaborative efforts between governments, international and inter-governmental and non-governmental organisations to mobilise resources to combat trafficking in human beings.⁶⁷

The Joint ECOWAS/ECCAS Plan of Action on Trafficking in Persons, especially women and children in West and Central Africa (2006-2009)⁶⁸

The regional Plan of Action, in cooperation with the Economic Community of Central African States, seeks to guarantee the benefit of all protective measures against trafficking in both West and Central Africa. It seeks the optimal benefit for women and children from all protective measures against trafficking in persons in West and Central Africa.

The plan incorporates legal framework and policy development, the protection and support to victims of trafficking in persons, prevention and awareness-raising strategies, collection, exchange and publication of data and training.

The ECOWAS Plan of Action against Trafficking in Persons (2008-2011)⁶⁹

The 2008-2011 Plan of Action “outlines the most urgent actions against trafficking in persons to be taken by ECOWAS Member States within the years 2008–2011”. The Plan of Action complements the Regional plan of action above.

⁶⁶ Mr. Olatunde Olayemi, “*Support for the Euro-African Process on Migration and Development*”, Rabat, 27-29 July 2010.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

Amongst others, the Plan of Action called upon states to partner with NGOs, to use the media to raise awareness, to create specialised units in all states with a mandate to “develop and effectively target operational activities to combat trafficking in persons”⁷⁰ and to monitor and evaluate success, with reports to be filed on a bi-annual basis. Further, the Plan called for member states to establish direct channels of communication with their border control agencies to prevent the movement of trafficked persons between states.

Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa

Through the scope, the aim of the policy is to provide protection to trafficked person through:

“Assistance that provides appropriate and relevant services that will empower them for effective integration into their various communities. The components of the scope include: reception, identification, sheltering, health, counselling, family tracing, return/ repatriation, integration, empowerment, follow-up, after care and disengagement.”⁷¹

Running alongside the Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa are Regional Guidelines on Protection, Support and Assistance to Witnesses, which puts in place measures, designed to protect both witnesses and whistle-blowers. Protections include immunity from prosecution, travelling and sustenance allowances, security protection and medical treatment where required.

The success of the West African regional approach

From a regional perspective: The experience of West Africa and elsewhere clearly demonstrates that human trafficking can only be successfully resisted when those concerned work together; hence the necessity of the creation of appropriate cooperation mechanisms at the national, regional, and international levels to tackle this deadly phenomenon. West African efforts to combat transnational human trafficking have been accompanied by the efforts of diverse NGOs and inter-

⁷⁰ ECOWAS, “*Plan of Action Against Trafficking in Persons*”, August 2011.

⁷¹ http://www.ohchr.org/Documents/Issues/Trafficking/Dakar_draft_compendium_en.pdf accessed January 2015.

governmental organizations, whose contributions have helped lead to a West African strategy to set up a regional security framework.⁷²

In the joint Swiss and Austrian book entitled “Strategies Against Human Trafficking: The Role of the Security Sector”, the authors note:

“Another regional organisation which has placed a considerable emphasis on trafficking is the Economic Community of West African States (ECOWAS). In 2001, ECOWAS issued a Declaration of Action Against Trafficking and a Plan of Action to ensure that this declaration was translated into reality. This Plan of Action focused on the formulation and implementation of legislation, protective and preventive measures, cooperation, training and capacity building, as well as creating a structure for monitoring and evaluation. Moreover, ECOWAS’ commitment to the creation of a zone of free movement similar to the EU’s suggests that the interregional approach to migration management could also be an effective model for the future, 37 and indeed the ECOWAS-ECCAS (Economic Community of Central African States) Joint Plan of Action Against Trafficking in Persons suggests that such processes are underway.”⁷³

In 2013, the ILO reported:

“National governments and ECOWAS, with support from international and local partners, have developed a Plan of Action against trafficking for West Africa as well as a Multilateral Cooperation Agreement with Central African countries. The existence of such bodies have been key in developing national plans of action to address trafficking, while the adoption of legislation has resulted in a gradual increase in detections, investigations, prosecutions and convictions. An increasing number of victims have also been rescued and assisted.”⁷⁴

Finally, the UNODC published “Toolkit to Combat Trafficking in Persons”⁷⁵, the ECOWAS regional policy approach is detailed under “Promising

⁷² Wilfried R. Sawadogo, “*The Challenges of Transnational Human Trafficking in West Africa*” African Studies Quarterly | Volume 13, Issues 1 & 2 | Spring 2012.

⁷³ Strategies Against Human Trafficking: The Role of the Security Sector published by the National Defence Academy and Austrian Ministry of Defence.

⁷⁴ http://www.ilo.org/dyn/migpractice/migmmain.showPractice?p_lang=en&p_practice_id=40 accessed January 2015.

⁷⁵ UNODC, “*Toolkit to Combat Trafficking in Persons*” E.08.V.14.

Practice”⁷⁶ to be considered by other states and regions when considering approaches to combat human trafficking.

From an individual state perspective: In 2011, the ECOWAS Commission published a synthesis report on the status of ECOWAS’ fight against human trafficking. In brief, the synthesis revealed that:

1. All 15 states have legislation in place in line with the Palermo Protocol requirements;
2. All 15 states have legislation in place which criminalises associated offences, such as rape, forced labour, forced marriage and sexual relations with a minor.
3. 13 states have legislation in place which protects the victim prior to, during and post trial⁷⁷;
4. 13 states have set up national task forces against human trafficking⁷⁸;
5. A number of states have successfully prosecuted and convicted traffickers. Of those states, Burkina Faso and Togo were particularly successful; Burkina Faso with 89 prosecutions resulting in 60 convictions and Togo with 51 prosecutions resulting in 40 convictions;

In 2011, Ghana reported that 6 trafficking cases were prosecuted, leading to 4 convictions. This represented a marked reduction in Human Trafficking activities compared to previous years. In the local press, the success was stated as being partly “attributable to the implementation of the ECOWAS Project on countering human trafficking within the sub-region”;⁷⁹

Recommendations for CARICOM

In 2013, at the Regional Consultation for Latin America and the Caribbean on the Right to an Effective Remedy for the Victims of Trafficking in Persons, the UN Special Rapporteur on human trafficking, Joy Ngozi Ezeilo stated:

⁷⁶ Ibid, 164.

⁷⁷ Niger and Liberia did not provide responses.

⁷⁸ Ibid.

⁷⁹ <http://ghanaweb.com/mobile/wap.small/news.article.php?ID=224065> accessed January 2015.

“Trafficking knows no borders and affects all regions of the world (...) In Latin America and the Caribbean there are countries of source, transit and destination of trafficked persons. And although the political will is there, the adoption of a comprehensive and collective approach to address this problem remains a challenge.”⁸⁰

The ECOWAS structure is by no means perfect, and human trafficking still exists to a disturbing level in West African states. However what ECOWAS does demonstrate are the methods and means available for a regional organisation which act not only to spur states into action but also to assist in the process. Important to note is the infancy of many of the ECOWAS agreements. While the 2002-2003 Initial Plan of Action against Trafficking in Persons mandate appears to have been successful, namely the ratification of key international agreements by all 15 members states, the later, more recent plans remain in their early stages. Despite this, the successes detailed above show the tangible effect of such action plans, most notably in the areas of victim support and the establishment of human trafficking units, now in 13 of the 15 ECOWAS states.

States in CARICOM have taken great strides recently to improve their domestic legislative provisions. The majority now have specific human trafficking units or task forces and legislation has been amended to prevent prosecution and/or deportation of victims in the majority of states.⁸¹ Further, and most importantly, domestic legislation is acknowledging the existence of human trafficking as a crime itself, rather than relying on separate offences of rape, kidnapping etc.

In 2005 the CARICOM drafting committee suggested developing a victim protection programmes for the various jurisdictions involving all the islands. Unfortunately, such a programme did not materialise. Looking specifically to ECOWAS, using the Regional policy on the Protection and Assistance to Victims of Trafficking in Persons in West Africa (2011), CARICOM can develop, adjust, amend and adopt from the model.

What is still lacking in the Caribbean is a regional, joint, targeted approach. As evidenced time and time again, a significant volume human trafficking is conducted within a region, and as such a collaborative approach must be the first step in combating this heinous crime. With CARICOM already in place, which is supported, championed and widely encouraged by leaders in the region, the logical

⁸⁰ <http://www.latinamericapress.org/articles.asp?art=6866> accessed January 2015.

⁸¹ This is with the exception of Barbados, Suriname and Haiti who do not have adequate measures in place to prevent deportation according to the US Department of State TIP report.

next step must be to utilise such an organ. Pooling resources, sharing data, encouraging harmony in policies and legislation, assisting criminal justice systems to work together and reporting on progress are all options available to a region which already has the network in place. Using ECOWAS as an example, establishing regional task forces, harmonising border control measures, establishing information sharing protocols, the monitoring of returned victims through information sharing to prevent re-trafficking, the harmonisation of legislation, victim protection measures and immigration policies are all options which can be considered and modified from ECOWAS practices to suit the needs of the region.