Revisiting the Human Trafficking Paradigm:

The Bangladesh Experience

Part I: Trafficking of Adults

IOM International Organization for Migration

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by

The Bangladesh Thematic Group on Trafficking

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IOM International Organization for Migration

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FOREWORD

The mobility of people has undergone fundamental changes in the twenty-first century, raising hopes and expectations for many, and adding to the frustrations and agonies for many others. Trafficking in persons, the "dark side" of population mobility has been a cause of deep anxiety and concern for individuals, societies and economies alike. Despite many initiatives undertaken over the last two decades to tackle the problem, trafficking in persons remained a little explored area in terms of research with many inconsistencies, confusions and ambiguities that remain to be addressed.

The concept of human trafficking is being used to refer to a wide range of crimes and human rights abuses associated with the recruitment, movement and sale of people into exploitative or slave-like situations. The focus remained on the movement and sale of a person. It did not take into account the "outcome" of the trafficking process which is referred to as the "trafficking harm". Most trafficking-related concepts are limited in their scope and fail to apprehend the totality of the problem. Human Trafficking should be viewed in the context of a wide range of actions and outcomes that involve several stages, the important ones being those associated with the organization of the supply of people vulnerable to exploitation and harm; the process of movement and the demand for the service or labour of trafficked person.

Hence, there was a need for some conceptual clarity to gain a comprehensive view of the trafficking in persons phenomenon. To do this, a group of motivated development activists in Bangladesh decided to revisit the existing counter-trafficking interventions, laws, procedures and institutions. The Group's recurring informal dialogue quickly culminated in a "Thematic Group" which engaged in an intensive, exciting and productive discourse regarding the various aspects of trafficking. The Group attempted to initiate a regular and sustained dialogue, involving all stakeholders, to develop a conceptual blueprint mapping out different elements of the counter-trafficking paradigm and achieve conceptual clarity and build consensus on the counter-trafficking phenomenon.

This publication is the fruit of the labour of all 30 representatives from various embassies, development partners, ministries, NGOs, research organizations and civil society, who made up the Group known as the "Bangladesh Counter-Trafficking Thematic Group". It is the contributions of these enthusiastic and dedicated representatives that are being shared today. It was a pleasure for IOM to accommodate the group and support it in this creative process. As coordinator of this group we are happy to see our combined efforts being shared worldwide through this publication with the aim to reduce the harm done to millions of people and to ensure that migration remains a development process.

We would like to take this opportunity to thank all Thematic Group members for their continuous support to the process. We would also like to thank all those who participated in the various consultations and provided their valuable time and contributions to the work of the Thematic

Group. We extend our gratitude to Matt Friedman, or rather “Matt”, as he is known in the Thematic Group, for being one of the spearheads of this initiative.

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1. HUMAN TRAFFICKING: SOME INCONSISTENCIES WITH THE SECTOR'S PRESENT DEFINITIONS AND PARADIGM

1.1 OVERVIEW

For the past ten years, the phrase "human trafficking"[1] has been used to address a wide variety of crimes and human rights abuses associated with the recruitment, movement and sale of people into a range of "exploitative" or "slavery-like" conditions. The problem with the present human trafficking paradigm is that many of the definitions used to define this social phenomenon are often limited in their scope and do not adequately reflect the totality of the problem. Likewise, few attempts have been made to develop usable conceptual frameworks that would allow the many variables to be encompassed under a single umbrella.

To illustrate this point, ask most people who are directly associated with the human trafficking phenomenon what the phrase really means to them and you will get a wide variety of different definitions and descriptions. Because the concept of "human trafficking" is a social phenomenon that is made up of many dimensions and many discrete steps, it is very difficult to encapsulate all of the variables into one agreed definition or framework. For example, depending on the person questioned, trafficking might be defined any number of ways – as a legal problem; a human rights problem; a gender problem; a child labour problem; a health problem; a migration issue or a combination of these. Likewise, depending on how a given person defines the problem, this will dictate the solutions proposed – legal problems require legal solutions, gender problems require gender solutions, and so on. In summary, even after nearly ten years the sector still lacks consistent conceptual clarity among those who are working to remedy the problem.

The purpose of this analytical document is to provide a brief overview of some of the inconsistencies in the existing "human trafficking" paradigm. Once outlined, the text will then begin an analysis of the present "trafficking framework" as it relates to the Bangladesh context, breaking the problem down into its basic components.

The paper will also challenge some of the present human trafficking assumptions and concepts, along with the overall scope of the problem, to ensure that as the response to this sector expands, the frameworks used to describe it are able to keep pace. For example, over the past 20 years, the HIV/AIDS sector has "reinvented" itself many times to keep pace with new information and insights into this problem that continually arise. The same process is needed in the human trafficking sector at this time.

Note that this document will focus on human trafficking as it relates to adults (those over the age of 18). Another report on the issue as it relates to children (1-12 years of age) will follow.

1.2 SOME DEFINITIONS OF HUMAN TRAFFICKING

Many definitions used to articulate the human trafficking problem include statements that focus on what "occurs" as part of the process of moving and placing a person into a particular "slavery-like condition". For example, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines trafficking as follows:

> "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In many ways, this definition is very similar to some others used by different organizations. To illustrate this point, the US Government has defined human trafficking as follows:

> "All acts involved in the recruitment, transport, harbouring and sale of persons within and across international borders through deception or fraud, coercion or force, or debt bondage, for the purpose of placing a person in a situation of forced labour or services, such as forced prostitution or sexual services, domestic servitude or other forms of slavery-like practices."

Deficiencies in Existing Definitions

These particular definitions, along with many others, tend to focus on three basic elements:

- The movement and trade/sale of a person;
- The techniques used to bring about a condition for this movement (e.g. deception, fraud, violence and the like); and
- A listing that relates to the "purpose" of the above-mentioned actions (e.g. forced labour, prostitution, slavery-like practices and the like).

The definitions do **not** clearly address:

- The actual "outcome" of the trafficking event (e.g. the situation a person is placed into);
- The various incidences of torture, rape, intimidation and threats used to ensure that the victims comply with their new situation;
- The "slavery-like" conditions they must endure over time; and
- The evolution or temporal nature of the event.

Note that the definitions above state that these actions will be done "for the purpose of placing" a person into a situation of forced labour or services or "for the purpose of exploitation". Thus, the definition does not directly "include" or focus on the outcome of this placement, i.e. the

"slavery-like condition" itself. While the "outcome" is often implied in most trafficking paradigms, technically it is not there in many definitions.

What is the point being made about these definitions? The answer is that most anti-trafficking definitions focus on the recruitment, movement and transport of people "into something". In the absence of the "outcome" being included in the definition (in the receiving location/country), only a portion of the "real" issue is being dealt with. In other words, many definitions only address a part of the essential elements of the overall problem or "harm".[2] As an analogy, it is like focusing on everything that leads up to a rape, without including the rape itself as part of the problem.

As our research, understanding and interventions revolving around the "human trafficking" sector expand, there may need to be a change in the present conceptual frameworks and definitions to better articulate the "outcome" of what we call "human trafficking", e.g. commercial sexual exploitation, domestic servitude and other slavery-like practices. For example, the US Government definition could be greatly strengthened by adding two words: "for the purpose of placing **and maintaining** a person…."

The Word "Trafficking" Itself

Over the past few years many new terms and phrases have begun to surface to address a variety of different situations that are considered to be somehow associated with human trafficking. For example, the term "reverse trafficking" is used in Sri Lanka to describe the phenomenon of paedophiles coming to the country to molest children. In another context (Nepal) the term "reverse trafficking" is sometimes used to describe the situation of a person who had once been trafficked to another place is then forced to return to her country of origin (repatriate) against her will. In other words, following a raid she is obliged to return home even though she may have accepted her lot in life and wanted to stay where she was. Another phrase, "virtual trafficking", refers to the use of children in pornographic videos that are exported throughout the world.

The problem with these new phrases is that they do not have any real relationship with the accepted definitions of trafficking; they do not denote the process of moving or transporting people into exploitative work situations. Likewise, the phrases themselves provide no clarity without a detailed explanation being offered.

As more elements of the human trafficking sector begin to surface and if the trend of creating new phrases around the word "trafficking" persists, instead of introducing clarity, they will probably further confuse the issue for those who are not well aware of the problem. Likewise, if the definition of this problem continues to expand under the overall heading of "trafficking", which will always have a strong association with the "movement of something" (e.g. drugs, weapons, people, etc.) one wonders whether the framework might some day face major limitations. For example, assuming an attempt is made to eventually expand all the various definitions to encompass the "outcome", the present phrase (human trafficking) might need to be replaced with another set of words to better articulate the essence of the problem.

1.3 OTHER INCONSISTENCIES IN THE TRAFFICKING PARADIGM

Human Trafficking and the Sex Industry

Another basic weakness with the present "human trafficking" paradigm is that while most definitions imply that the process is open to a range of different exploitative outcomes, there seems to be a disproportionate emphasis on human trafficking into the sex trade. A number of reasons are offered to explain this tendency:

- The sex industry is more visible than other "slavery-like" conditions (domestic servitude, underground factories, camel jockeys, etc.);
- Because of the strong "moral" implications surrounding the whole concept of "forced" prostitution, many groups feel a need to aggressively address this problem;
- Some groups feel that all forms of prostitution are inherently exploitative and therefore all migrant sex workers/prostitutes are trafficking victims;
- Because it is easier for activists and NGO representatives to elicit funding for "forced prostitution" than it is for other sectors (e.g. it is considered more shocking than most other outcomes, especially if underage girls are involved); and
- Because so little is known about the circumstances surrounding domestic servitude, abusive factory conditions, organized begging and the like, it is less easy to put an "action plan" into place to combat these other problems.

In the absence of more research and programming regarding some of these other "slavery-like" conditions, the emphasis on "sex work/prostitution" will continue to grow at the expense of these other exploitative work/work-like circumstances. Thus, it is imperative that the "human trafficking" framework put emphasis on addressing all the inherent abuses, not just the trafficking of women and girls into the sex industry.

Human Trafficking and HIV/AIDS

On another issue related to the sex industry, until now the trafficking sector and the HIV/AIDS prevention sector have followed very different tracks. The HIV/AIDS development workers argue that if anti-trafficking efforts take place in brothels (e.g. raids, arrests, etc.), the madams and the pimps will blame them for these problems and their programmes will be disrupted or stopped. As a result, protection efforts (e.g. awareness of HIV/AIDS, negotiation skills training, condom promotion, etc.) would be lost and HIV/AIDS infection rates would undoubtedly increase.

On the other hand, many people feel that women who have been trafficked are more vulnerable to HIV/AIDS because they have fewer choices. With this in mind, there are those in the anti-trafficking sector who feel that HIV/AIDS prevention groups that work with madams and pimps (the people who are often those buying and selling the trafficked persons) are indirectly supporting the trafficking process.

While there may be good reasons for keeping these sectors separate, many representatives from both sides are beginning to question whether it might be worthwhile to look for common ground between these two developmental goals, whereby both HIV/AIDS prevention and anti-traffick-

ing objectives can somehow be achieved. This is just one example to illustrate that there are many potential linkages between the "human trafficking" sector and other developmental sectors that have not been well explored. Note that this subject will be addressed further elsewhere in this document.

Trafficking and Migration

Another curious element of the present "human trafficking" paradigm is that it nearly always relates to women and children, never to men. While many women and children are trafficked into exploitative circumstances, there are also many men who go abroad and suffer a similar fate (abusive and exploitative labour conditions). Thus, when women or children go overseas and are exploited they fall into the category of "human trafficking". On the other hand, the same term is almost never used to describe what happens to men. When a man goes overseas and is abused and exploited, it continues to be called "migration".

Illegal migration is often confused with trafficking. In some ways, many trafficking events are defined by the outcome of a migratory process – if the process goes well, it is migration; if it does not, it is trafficking. While most trafficking involves an element of migration (at least for adults), there are many migration stories that have endings that are described by the migrant as satisfactory, e.g. the person is content with the outcome.

The complexity of distinguishing trafficking from irregular migration makes the analysis of trafficking difficult. The demarcation between the two phenomena is often a question of perception. Attempts to draw a clear line between migration and trafficking have been described as working in "terminological minefields". The generalizations in identifying the differences between the two concepts can be misleading. Likewise, attempts by some to "ring-fence" trafficking as an isolated and peculiar phenomenon unconnected to migration has made it increasingly difficult to locate and understand trafficking.

Our present traditional, theoretical understanding can no longer resolve the ambiguities and uncertainties concerning migration and trafficking. It warrants a new theoretical framework to provide a clear picture and analytical understanding of the issue. This broader conceptual sense is required to analyse trafficking in its totality. To understand the violation of human rights, prevention, rescue, rehabilitation and integration interventions for survivors of trafficking, the sector must be explored in the context of migration, migratory trends, patterns and outcomes. Thus, in some respects policy guidelines to address trafficking for adults must have provisions for subverting trafficking by enabling access to affordable and safe migration channels (note that the same statement is not applicable for children).

Human Trafficking and Age

Another problem in the "human trafficking" sector is the regular association of women and children within the same category as though they shared the same level of dependence and inability to exert their own free will or agency. When women and children are combined under the same heading like this, it implies that women are unable to chose for themselves and that they are totally dependent on others for their life decisions. This does a disservice to women and tends to underestimate their ability to make major life choices.

Likewise, entirely different interventions are required when addressing the needs of different age groups. For example, there is a big difference in the services and the manner in which a child and an adult need to be addressed after having been the object of an exploitative situation.

Trafficking and the Element of Time

For many persons who are trafficked the situation they face changes over time from being initially highly exploitative, to perhaps less so as time passes. This is so because the steps involved in the trafficking process are generally set up to bring about a transition – from the rejection of a particular situation or condition forced on the individual involved, to the eventual acceptance or accommodation over time through a process of subjugation. This transition often occurs with sex workers/prostitutes who are forced into the industry against their will. At some point, after concluding that this is their "lot in life", they may choose to stay in the brothel setting as they come to realize that they have nothing to go back to after having been "spoiled". Many also begin to piece together a life that includes relationships with co-workers and regular clients (e.g. in some cases, lovers). The sustainability of such extended trafficking episodes apparently depends and builds on a continuing societal stigma that excludes the trafficked person from mainstream society, rather than on force or other direct compulsion exercised by the trafficker.

Thus, the entry points at which organizations can effectively intervene under the heading of "anti-trafficking" are somewhat time-bound; that is, from the point of recruitment, transport, placement into a slavery-like condition (the trafficking outcome) and throughout the period during which the individual is unwilling but made to do the work forced on him or her. Once the victims of trafficking cross the threshold to "accepting" their situation, any attempt to impose a change on their life might in itself be felt as a violation of their rights.[3] It would seem that rather than trying to impose a change on such a person it might be more appropriate to seek to bring about a change in those whose values and norms construct the social exclusion that helps to constrain the trafficked person in such an environment.

The conceptualization that trafficking events have a certain time-bound element is seldom addressed in most "human trafficking" programmes.

Confusion over Voluntarism and Trafficking

In some parts of the world, people are trafficked into situations without their being aware that they will eventually be exploited. In such cases, the person is looked at as a "true victim" for whom something needs to be done to "right" a "wrong". However, if there is even a hint of "voluntarism" associated with a person's employment/work-like situation, it is somehow looked at much differently. For example, if a Nepalese girl is tricked into leaving her community, taken to a brothel, sold and forced to offer sex against her will, this is considered a clear case of trafficking. However, if a young Thai woman voluntarily leaves her village knowing that she might end up in the sex trade, but once there decides that this was not what she wanted but cannot leave out of fear of reprisals, for some this is not considered as trafficking. Why? Because she somehow "got what she deserved"?

The intent of the human trafficking paradigm is to help *all* who find themselves in a situation where they lose their freedom to control what they want to do because they fall under the influ-

ence of dept bondage, coercion, force or threats. However, the question of voluntarism often remains confused because it has not been well defined in most “human trafficking” programmes.

The issue of “agency” and “choice” in the complicated circumstances in which many people live demonstrates that institutional and structural factors often seriously constrain any “freedom” and “choice” they may have. Consideration of the intentions and informed choices within such set limitations might offer a better approach to analyse such matters. It is vitally important that people from constrained communities be allowed the dignity of presumed agency and that proper and comparative consideration is given to their reasons for action within the actual constraints they experience.

1.4 CONCLUDING STATEMENT

The purpose of this first chapter was to point out a number of inconsistencies in the present definitions and frameworks used to address the “human trafficking” paradigm. This was done to provide a foundation for exploring this sector in more detail throughout this document.

2. THEMATIC WORKING GROUP OVERVIEW

2.1 THE FORMATION OF THE BANGLADESH THEMATIC GROUP

On 26 September 2001, the International Organization for Migration (IOM) organized a round table discussion entitled "*Anti-Trafficking Initiatives: Bangladesh and Regional Perspectives*". The meeting included representatives from the Ministry of Women and Children Affairs, Home Affairs, Police Headquarters, ADB, CIDA, PSU-CIDA, NORAD, Sussex Centre for Migration Studies, USAID, UNIFEM, Care Bangladesh, Save the Children Denmark, Focal Point Save the Children Alliance, ATSEC Bangladesh Chapter, Rights Jessore, INCIDIN Bangladesh, Ain-O-Salish Kendra, News Network and RAMRU (Dhaka University). The main objective of this event was "to discuss various conceptual and definitional aspects of human trafficking in Bangladesh and South Asia".

Following a series of presentations, the group discussed and debated problems that existed in the trafficking sector. As one participant stated, "*I sometimes feel like we have the same meeting over and over again when we talk about trafficking. Within the first 15 minutes, we end up arguing about the same things that have come up in past meetings. This is why I think we need to really sit down and sort what we mean by trafficking once and for all.*" Another person urged that "*it is time that we look at what trafficking is after ten years. We need to be thinking about a 'second generation' understanding of the trafficking problem.*"

Following an in-depth discussion, the representatives concluded the following:

- Many trafficking definitions being used tend to be limited in their scope and do not reflect the totality of the problem;
- There are many inconsistencies in the existing human trafficking paradigm that have yet to be resolved here in Bangladesh;
- The sector still lacks conceptual clarity among even those who are working to reduce the problem, and
- There is a need to "rethink" some of our previous assumptions to restructure and revise/ expand our understanding of the problem.

To address these concerns, it was recommended that a systematic process be adopted to formally "*come to terms*" with the trafficking paradigm in Bangladesh. As an outcome of this suggestion, a series of thematic subgroups were formed, which would meet monthly to review various elements of the trafficking paradigm. The subgroups were to address the following: (1) definition; (2) prevention; (3) rehabilitation, and (4) prosecution.

IOM was selected as the coordinator for these meetings. To help manage the process, the Canadian International Development Agency (CIDA) provided a small grant to IOM to hire a pro-

gramme officer to help with the logistical support. It was decided that the programme would last between 12 and 16 months. USAID agreed to provide facilitation for the overall process. This included chairing all of the meetings and pulling together all of the suggestions made during each session.

2.2 THEMATIC GROUP MEETINGS

The first set of meetings of each of the four subgroups took place in October 2001. Each subsequent meeting was convened at intervals of three to four weeks. To begin the first session, a conceptual diagram was created for the specific subgroups to initiate the discussion. The review of this presentation and the suggestions made resulted in a complete revision. Each subsequent meeting further refined the diagrams.

After four meetings of each of the subgroups, the "definition", "prevention" and "rehabilitation" representatives decided that these three groups should be combined as it was felt that there were too many overlapping issues that needed to be addressed for the groups to be holding separate meetings. The "prosecution" subgroup, however, remained separate since this subject was considered more technical and required more detailed discussions to better understand the dynamics of the legal system.

From the beginning, the new "combined" thematic group set the following "guiding principles" for each session:

- The process itself is as important as the outcome;
- The outcome of the process has no ownership (e.g. diagrams, text, matrixes, etc.); anyone can use the materials for whatever purpose;
- Anyone is welcome to attend the meetings;
- The conceptualization process should be based on what the group felt to be important and relevant, not necessarily what exists in the literature;
- Anything and everything should be questioned and debated until a consensus is reached;
- There is no limit to what element of the problem can be introduced;
- All views are welcome and will be given due consideration, and
- Three different paradigms will be produced over time: one for adults, one for adolescents (13-18) and one for children (1-12).[4]

To date, the participants attending these meetings have included representatives from governments, donors, IOs, NGOs, universities and law enforcement agencies. The numbers have variously ranged from 20 to 50. Each meeting lasted for approximately two hours. On occasion, guest speakers have been asked to make short presentations related to a specific trafficking subject. Up until March 2003, a total of 38 meetings have been held.

2.3 THE "MATRIX" FOR THE ADULT PARADIGM

By the fourth set of meetings, what had started off as a series of single-sheet conceptual diagrams began to change into a large matrix of ten pages, taped together. This had the advantage that it allowed all of the elements to be brought together in one place. This change helped the representatives to better understand the linkages existing throughout the entire trafficking process. As one participant commented, "*I can now see the relationships between prevention and rehabilitation when I look at the matrix. I am also able to better understand the elements that make up the problem."* Another person stated, "*After seeing the various elements that motivate a person to migrate, I can now see that poverty is just one contributing factor; this will help us to come up with information campaigns that allow us to really tailor our messages*."

During each meeting the thematic group revisits the matrix. If there are elements that are unclear or need to be changed, the participants make suggestions. This has helped to ensure that the matrix truly reflects Bangladesh's trafficking realities.

2.4 PROCESS VERSUS OUTCOME

There are two basic outcomes of this project: the "process" itself and the outcome of this process, i.e. the matrix (refer to Figure A for an overview of the matrix). For many, the discussions during these meetings had turned out to be invaluable. As one participant stated, "*I really enjoy attending these meetings. They help me to understand things that I was confused about*." Another person added, "*This is the first forum I have sat in that has people, who used to argue all the time, agreeing with each other. Since the elements of the problem are discussed from a logical and rational perspective, it is easier to get a consensus*." Thus, in developing such frameworks, the process itself helped those working in this area to recognize inconsistencies inherent in the present working definitions.

The matrix itself also turned out to be a useful tool. For instance, a woman working in Canada with persons who have been exploited has taught them to use the chart to teach others about exploitation. She stated in an e-mail, "*The chart (matrix) helps these women to organize their thoughts and also provides them with some credibility – to show that they have a brain and know how to use it."* Several women from this group travelled to a UN sponsored youth conference at The Hague (January 2002). There, they presented it to 500 high school students who spent several hours discussing and debating the elements of the chart to help them to understand the trafficking problem. The programme was considered a great success. The UN High Commission for Human Rights also used the matrix as a reference while developing the "United Nations Principles on Human Rights and Human Trafficking" document. These are only two among many examples of the outcomes of this process.

2.5 WHY ARE MATRIXES IMPORTANT?

Even after nearly ten years, there is still a dearth of conceptual frameworks that provide a good overview of the "human trafficking" field. Such frameworks are needed to help those who are not well-versed in the subject to better understand the relationships that exist between various factors within the "human trafficking" paradigm. Unlike reports that describe a problem using

text (often in an abstract way), a framework (matrix) can help a person to instantly visualize the interrelated elements of a problem. This allows a group of people to be brought "up to speed" very quickly.

Another important difference between this framework and most others is that it is "person-centred". In other words, the various boxes and arrows are used to depict the particular process from the point at which a person is recruited to the point at which that person is integrated back into society. This makes it easier for people to understand the overall trafficking experience and its numerous steps.

Finally, since most trafficking frameworks try to adopt a macro-level perspective they tend to over-generalize the problem, thus creating confusion. Such an approach makes it more difficult to clearly define the many factors that make up a trafficking event, and also make it difficult to integrate "human rights" principles (many of which are person-centred) into the conceptualization. An attempt was made to avoid this problem during the matrix development process.

2.6 STATUS OF THE MATRIX (FLOWCHART)

In November 2002, a two-day Expert Meeting was convened to bring together nine professionals from within the region to further refine and conceptualize the elements presented in the flowchart. Following this event, the adult paradigm went through another round of revisions.

In January 2003, the Adult version of the matrix was developed into an "interim flowchart" (poster size) which is being circulated in Bangladesh and throughout South Asia. This flowchart is in both English and Bengali. The purpose of this step is to begin using the matrix as a tool to help professionals to better understand the complexity of the trafficking phenomenon.

In February 2003, the flowchart was used for the first time in a regional workshop as a tool to orient representatives throughout South Asia.

This detailed and comprehensive report has been prepared to help explain the rationale and justification for the various boxes/arrows that make up the flowchart. In addition, a "PowerPoint" version is also being developed as a tool to train managers working in the trafficking field.

Since this first flowchart focused on the trafficking paradigm for adults, a second "child trafficking paradigm" was initiated in June 2002 and completed in May 2004.

2.7 OTHER ISSUES TREATED IN THIS DOCUMENT

The remainder of this document will attempt to provide a description of the "matrix", the assumptions used and the rationale for the location of each element. It is important to have a copy of this available when reading through this document.[5]

It is also important to note that the matrix described in this document addresses *adult trafficking* only. Since the issues related to children who are victims of trafficking are quite different, the paradigm for that age group is not the same.

Throughout the document,the remaining chapters will refer to specific alphabetized sections of the matrix. Each section is also colour coded for clarity. The purpose of the remainder of this document is to “guide” a person through the matrix, describing the rationale and logic outlined in each section.

3. THE ADULT FLOWCHART: AN OVERVIEW

3.1 INTRODUCTION TO THE FLOWCHART

As noted above, one of the major outcomes of the work of the Bangladesh Thematic Group was an elaborate flowchart entitled *Dynamics and Strategies forAddressing Trafficking in Persons: A New Paradigm – Adult Scenario*. This flowchart has been produced as a poster (60 x 90 centimetres) and is available free of charge by sending an e-mail to the following address cttem@dhaka.net.

To fully understand the use of the flowchart, it is best to attend a presentation on the subject by someone from within the Thematic Group, or to read this document. Like many conceptual tools, the flowchart itself is not meant to be self-explanatory.

The layout of the flowchart includes 20 major components identified from A to R (e.g. Chart A, Chart B, etc.). Each of these components is linked with different coloured arrows that allow one to track a trafficking case from the point at which a person is recruited to the point of reintegration into society. While this report includes individual breakdowns of each of the components (as figures in the text), it is best to use the actual flowchart itself to see how all of the elements link together.

When reviewing the flowchart, note that it is colour coded as follows:

- Red: Trafficking harm/Exploitation
- Blue: Non-harm/Migration outcome
- Orange: Post-harm elements
- Green: Recovery/Social integration
- Purple: Intervention efforts
- Brown: Human rights and legal elements

3.2 LAYOUT OF THE FLOWCHART

The flowchart addresses the following major components:

- The migratory process;
- The trafficking “harm/exploitation”;
- A list of the means in which a person transcends the trafficking harm/exploitation;
- Geographical outcome of the post-trafficking period;
- Recovery;
- Socio-economic integration (rebuilding of a person’s life), and
- Successful or unsuccessful social reintegration criteria.

Additional components are also present on the flowchart to provide a context to better understand the underlying assumptions and related elements. These include:

- A description of safe migration;
- A listing of factors that can either maintain safe migration, or the trafficking harm;
- Demand dynamics related to trafficking and migration, and
- Access to legal and judicial action.

3.3 INTERVENTIONS

Many of the components are accompanied by a series of purple boxes that offer a list of interventions that can be used to address the problem. Note that these lists represent only a sample of possible interventions and are not exhaustive.

4. DEFINING AND ADDRESSING THE TRAFFICKING "HARM/EXPLOITATION"

4.1 INTRODUCTION

This chapter begins by describing what the Bangladesh Thematic Group defined as the human trafficking "harm/exploitation". In doing this, it will provide an alternative way of looking at the "outcome" of a trafficking episode. It will also provide insights into what factors allow a trafficking "harm environment" to exist in a given society and how "demand dynamics" can play an active role in the overall process.

4.2 THE ESSENCE OF THE HUMAN TRAFFICKING PROBLEM

Trafficking "Harm/Exploitation"

To begin the process of analysing the existing human trafficking paradigm, it is essential that basic elements of the problem be broken down into their component parts. To do this, one of the first steps that the Bangladesh Thematic Group focused on was a discussion/debate dealing with the following questions:

- What is the **primary** "harm"[6] or "problem" that we are trying to address in what has been termed the human trafficking sector?
- In other words, what brings all of us "anti-trafficking types" together?
- What are the most relevant factors to make this a legal, human rights or developmental issue?

After discussing this topic in great detail, the Bangladesh Thematic Group came to a consensus that the basic "harm/problem" associated with the trafficking sector is as follows:

> TRAFFICKING HARM/EXPLOITATION
>
> A situation where a person no longer has control over the following elements for a given period of time:
>
> - The type of work they do (their livelihood);
> - The work environment and the working conditions;
> - Freedom of movement in the context of this work situation.
>
> Outcome: Situation of forced labour, servitude and slavery-like practices (sex work/prostitution, domestic servitude, hard labour, etc.).

Since the above statement could conceivably encompass a vast array of possible exploitative social, cultural and institutional situations, the Bangladesh Thematic Group participants felt that it was important to make further distinctions between what was considered the "harm/exploitation" within the human trafficking sector, versus what might be considered something else (e.g. exploitative work in general, exploitation within the family, etc.). With this in mind, six additional elements were added to the "harm/exploitation" definition outlined above to further delineate and clarify the context of the problem as it relates to the trafficking paradigm. (Please refer to *Chart A* on the Flowchart or *Figure A* in this report[7] for a summary of these elements.)

Factors that Further Define the Trafficking "Harm/Exploitation"

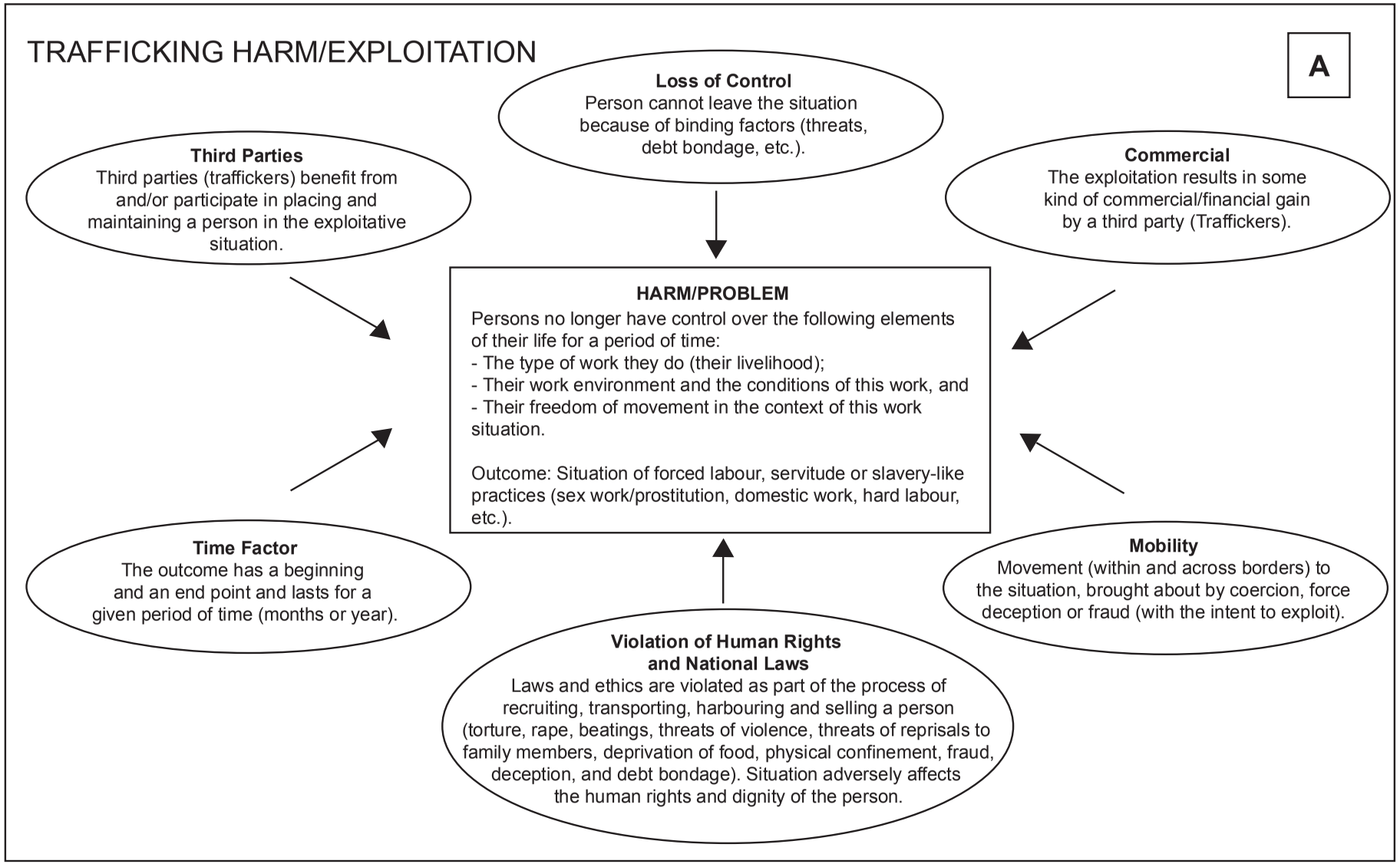
1) **Loss of Control**. "Loss of control" represents one of the basic defining elements of this "trafficking harm". In this case, a lack of control refers to whether or not a person can physically leave (in principle) a work or "work-like" situation if he/she wanted to. In other words, is there something to compel the person to stay? This might include debt bondage, physical confinement, violence, threats of violence, dependence, intimidation and the like. If the answer to this is "yes", it represents the first distinguishing factor of the "trafficking harm".

> **Example**: Sushma has been trafficked from Jessore to a brothel in India. While she desperately wants to return home, she is repeatedly told that she must pay back a sum of 25,000 taka before she can regain her freedom. She is told that if she tries to leave before paying off her debt, she will be severely beaten or worse. She is watched by the *goondas* (guards) and seldom given any privileges.
>
> This example illustrates the "lack of control" in being able to leave this situation if she wanted to.

Although many people in exploitative situations may feel that they do not really have choices (e.g. because of the limitations imposed by their poverty, family obligations and the like), if they can (in principle) nevertheless get up and leave the situation without any reprisals or consequences, they do not fall within the trafficking "harm/exploitation".

> **Example**: Zareen's husband died. To support her two young children, she has turned to the sex industry to survive. Although she doesn't like this situation, at this time in her life, she feels she has no other means of earning money.
>
> While she may not feel that she has any other options, in principle, she could leave this life if she chose to do so. Thus, this case would fall outside of the "trafficking harm/exploitation" described above.

2) **Third-party Involvement**. A second dimension regarding the "harm/exploitation" relates to the participation of others (e.g. family members, brokers, pimps, madams, employers, etc.) in making and influencing the decisions of a person that results in an exploitative outcome. The terminology used by the Bangladesh Thematic Group to describe such a person is a "Third Party". If a Third Party benefits and/or participates in placing and/or maintaining a person in an exploitative "slavery-like situation" where the victim is unable to control his/her work-related options for a given period of time, then this represents another distinguishing factor of the "trafficking harm".


TRAFFICKING HARM/EXPLOITATION
A
Loss of Control
Person cannot leave the situation because of binding factors (threats, debt bondage, etc.).
Third Parties
Third parties (traffickers) benefit from and/or participate in placing and maintaining a person in the exploitative situation.
Commercial
The exploitation results in some kind of commercial/financial gain by a third party (Traffickers).
HARM/PROBLEM
Persons no longer have control over the following elements of their life for a period of time:
- The type of work they do (their livelihood);
- Their work environment and the conditions of this work, and
- Their freedom of movement in the context of this work situation.
Outcome: Situation of forced labour, servitude or slavery-like practices (sex work/prostitution, domestic work, hard labour, etc.).
Time Factor
The outcome has a beginning and an end point and lasts for a given period of time (months or year).
Mobility
Movement (within and across borders) to the situation, brought about by coercion, force deception or fraud (with the intent to exploit).
Violation of Human Rights and National Laws
Laws and ethics are violated as part of the process of recruiting, transporting, harbouring and selling a person (torture, rape, beatings, threats of violence, threats of reprisals to family members, deprivation of food, physical confinement, fraud, deception, and debt bondage). Situation adversely affects the human rights and dignity of the person.

Example: Ramesh, a local businessman, approaches a family stating that he has a friend in India who would marry Fiona, their 18-year-old daughter. He explains that this can be done without a dowry if she leaves with him on that day. Upon arriving in India, Fiona is placed into a "slavery-like situation."

In this case, Ramesh acts as the recruiter for this trafficking event. Along the way, there may be others who also benefit from this process – transporters, smugglers, border police, pimps, madams, etc. All of these individuals fall into the category of "third parties".

3) **Commercial Nature**. To further define the trafficking "harm/exploitation" the work-related "exploitation" must result in some kind of "commercial/financial gains" by a third party or parties. By making this distinction, it helps to separate *all* potentially exploitative situations, including those that might happen within a family situation (e.g. forced work within a family setting) from those that might fall under the human trafficking paradigm. In this case, commercial refers to activities in both the formal and informal sectors. The third party involved might be a family member, a neighbour someone from the community, or a stranger.

Example: An uncle sells his 20-year-old niece from Bangladesh to a trafficker who plans to place her into a bangle-making factory in India. The woman is sent to Rajastan to work seven days a week for nearly no pay. The uncle was paid 23,000 taka for his assistance.

4) **Element of Time**. The "element of time" as it relates to a trafficking outcome is another factor that needs to be taken into account. Unlike "slavery" which is often open-ended, the outcome of human trafficking generally has a point of beginning and an end point and lasts for a given period of time (sometimes months or years). In other words, the trafficking "harm/exploitation" is often a transition period in a person's life.

Example: Sushma, an 18-year-old girl from Bangladesh, elopes with Pranob. After taking her to Bombay, he sells her to a brothel. After working at the brothel for two years, she is allowed to leave – perhaps to make room for a fresh recruit.

5) **Violation of Human Rights and National Laws**. The fifth element of the "trafficking harm" relates to the fact that local laws are often broken by "third parties" as part of the process of recruiting, transporting, harbouring, selling and maintaining the person. In other words, there is a criminal element attached to the problem. This might include torture, rape, beatings, threats of violence, threats of reprisals to family members, deprivation of food, physical confinement, fraud, deception, and/or debt bondage. Each of these elements contributes to placing and maintaining the person in an exploitative situation. The situation adversely affects the human rights and dignity of the person also.

Example: Meena is *sold* to a trafficker. During her journey to Pakistan, she is *threatened and beaten*. Upon arriving at the border, she is *smuggled* across. When she arrives at the brothel, she is *gang raped* by several men. When she refuses to prostitute herself, she is *tortured*.

This example demonstrates the type of crimes that are often committed leading up to and during the "trafficking harm". The fact that she is being held against her will is also a crime.

6) **Mobility**. As the final element, the movement (within or across borders) to the "trafficking harm" often results from coercion, force, deception or fraud (with the intent to exploit). For many people working in the anti-trafficking sector, this element is usually the major focus. In this conceptual framework, however, while it is a relevant factor, it is not the main one.

Example: Amita is taken by bus from her home in Dhaka to Jessore. There, she and four other women are *smuggled across the border* late at night. Upon arriving in India, they board a *train* that takes them to Mumbai. At every step along the way, Amita is told that she is being taken to India to work as a domestic servant in someone's house (*deception*).

Bringing the Pieces Together

The example below shows how all of the various factors come together to clarify and define the trafficking "harm/exploitation". Note that this "harm" does not come about from a single activity or event; instead a number of activities/events converge to constitute the trafficking phenomenon.

Example: Sangita, an 18-year-old garment factory worker based in Dhaka, is befriended by Ramesh, her *supervisor* in the factory (*third-party involvement*). He tells her that if she goes with him, she can get a much better job in India that pays three times as much money (*deception – criminal offence).* Feeling that this might be a good opportunity to earn more money for her family, she agrees to travel to India with him by *bus and train* to their destination (*cross-border mobility*). Upon arrival, she is sold to a brothel for 25,000 rupees (*commercial transaction*). To break her in, she is tortured, raped and beaten *(criminal offenc*e). For the first 14 months, Sangita is unable to leave the brothel (*sequestration, no control over her life*). She is also forced to have sex with up to five men a day (*no control over the work she has to do or the working conditions).* In time, she begins to acquire more and more privileges. After two years, the brothel offers her an option to leave. But, after hearing what her life would be like in Bangladesh if her community found out that she was "spoiled", she eventually decides not to fight anymore and she chooses to stay (*time limited*).

4.3 BASIC FACTORS THAT MAINTAIN THE "HARM ENVIRONMENT"

Since many "harm environments" (brothels, exploitative workplaces, and homes that use trafficked labour) are able to flourish unhindered in countless locations throughout South Asia, the "demand" for trafficked persons becomes a major root cause of the problem. There are three generalized factors that help to sustain such "harm environments". They include personal factors; family/societal factors, and official policies (both in the source and destination countries).

Like many other variables outlined in this document, these factors influence the extent to which the trafficking "harm/exploitation" is able to exist and thrive in a given location. Below is a listing of some of the more relevant factors. Refer to *Chart E* on the flowchart or *Figure E* in this report for a visual presentation.

Personal Factors

One of the most important "personal factors" that maintains a person in a trafficking "harm environment" is a perceived lack of options by the victim. In this case, the person feels that there are no choices available, which may indeed often be the case. There may also be the feeling that the situation is controlled by others (e.g. determined by the family, guardians, employer, fate, God, etc.). Threats of reprisals if the person were to try to leave also act as a compelling personal factor. Whether real or perceived as such, fear of physical or emotional consequences often holds a person in place. Finally, geographical isolation and differences in languages allows the exploiters to maintain a person within the "harm environment".

Example: Ismail has been trafficked to Kuwait to work as a sweeper in a hotel. Upon arrival, he is taken to a place where he is forced to work 14 hours a day, seven days a week. He is not paid. When he complains, he is told that if he does not do as he is told, he will be beaten and then deported with no compensation. Because he does not speak the language and is isolated from anyone from his country, he is unable to do anything to help himself.

Family/Societal Factors

Family involvement can play a major role in maintaining a person in the "harm environment". For many, the obligation of a family member to contribute money to the family unit, irrespective of how this money is earned, can be a major factor in keeping a person in the trafficking "harm/exploitation". Throughout South Asia, there are also well established cultural practices such as debt bondage or *chukri*, which obligate a person to work for a given period of time to pay back a loan provided to a family. These mechanisms allow madams and factory owners to justify holding a person in place, e.g. the victim is not a slave, they are merely working to pay back money that is owed.

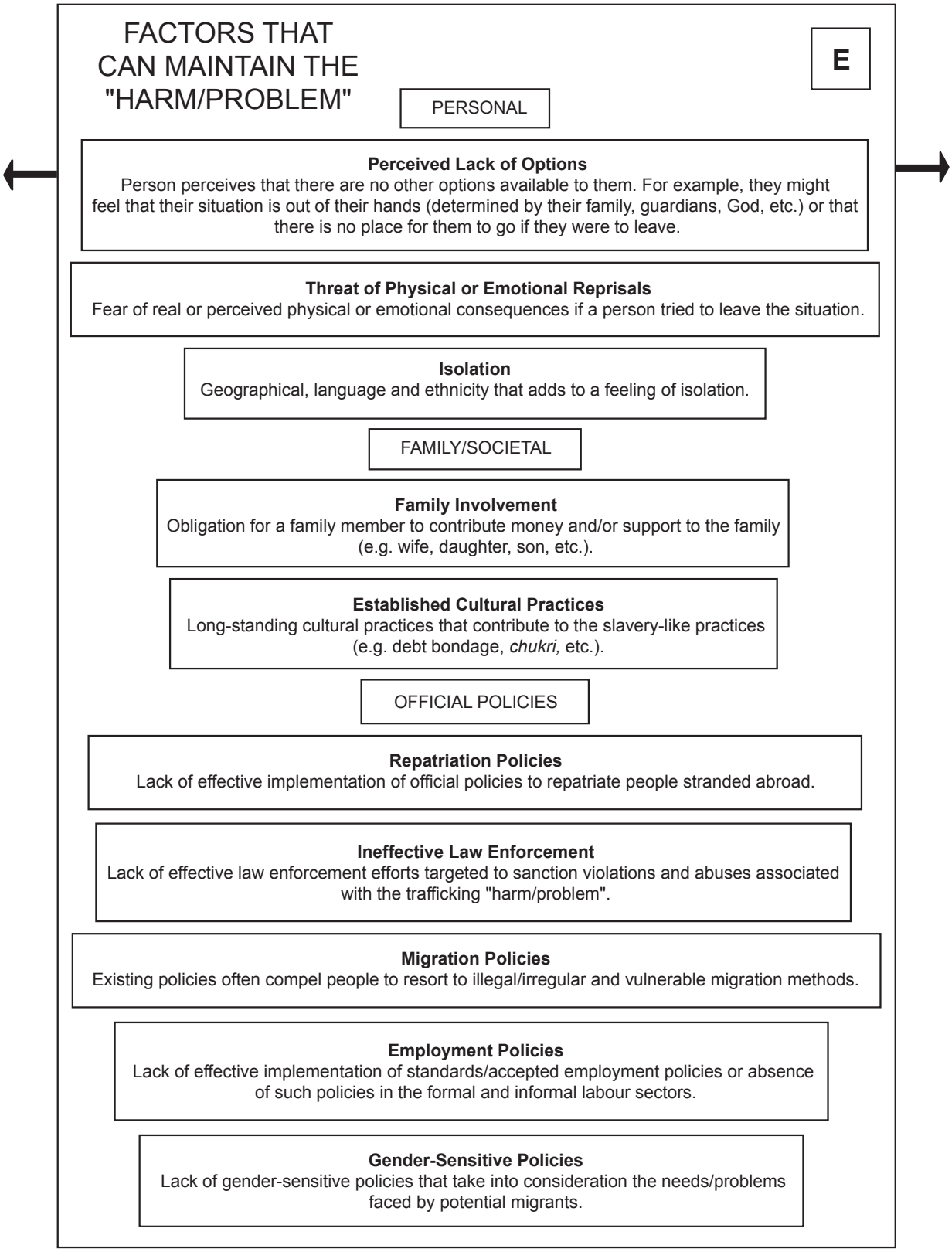
Example: Parveen is trafficked into a brothel after being promised a job in a garment factory. Since the person who trafficked her provided a substantial advance (loan) to her family, if she tried to leave her family would be held accountable to pay this money back. Thus, she is compelled to stay to avoid this outcome for her family.

Absence of State Policies to Protect Citizens

Lack of effective law enforcement to target the exploitative situations often allows the "harm environment" to flourish. In addition, stringent migratory policies often compel people to resort to irregular and/or vulnerable migration methods that makes it easier for them to fall into the trafficking "harm/exploitation". A lack of effective implementation of standard/accepted employment policies or absence of such policies in the formal or informal sectors allows exploitative work-related activities to exist unchecked. Finally, lack of effective implementation

of official policies to repatriate people can contribute to a person's being stranded abroad in a vulnerable situation.

Example: Nasir, an 18-year-old man from Bihar, is trafficked to a factory that makes small batteries in New Delhi. He is forced to do hazardous work for 11 hours a day, with very little pay. Since there is no regulatory body in place to inspect such work places, this operation is allowed to flourish.


FACTORS THAT CAN MAINTAIN THE "HARM/PROBLEM"
E
PERSONAL
Perceived Lack of Options
Person perceives that there are no other options available to them. For example, they might feel that their situation is out of their hands (determined by their family, guardians, God, etc.) or that there is no place for them to go if they were to leave.
Threat of Physical or Emotional Reprisals
Fear of real or perceived physical or emotional consequences if a person tried to leave the situation.
Isolation
Geographical, language and ethnicity that adds to a feeling of isolation.
FAMILY/SOCIETAL
Family Involvement
Obligation for a family member to contribute money and/or support to the family (e.g. wife, daughter, son, etc.).
Established Cultural Practices
Long-standing cultural practices that contribute to the slavery-like practices (e.g. debt bondage, chukri, etc.).
OFFICIAL POLICIES
Repatriation Policies
Lack of effective implementation of official policies to repatriate people stranded abroad.
Ineffective Law Enforcement
Lack of effective law enforcement efforts targeted to sanction violations and abuses associated with the trafficking "harm/problem".
Migration Policies
Existing policies often compel people to resort to illegal/irregular and vulnerable migration methods.
Employment Policies
Lack of effective implementation of standards/accepted employment policies or absence of such policies in the formal and informal labour sectors.
Gender-Sensitive Policies
Lack of gender-sensitive policies that take into consideration the needs/problems faced by potential migrants.

4.4 FACTORS THAT AFFECT DEMAND FOR TRAFFICKED PERSONS

Human trafficking is driven by two basic factors (1) the available supply of people who are susceptible to being tricked, manipulated and/or forced into "slavery-like situations", and (2) the demand created by those who use these people to fill a need for cheap, vulnerable and highly exploitative commercial sexual services and/or exploitative labour.

Until recently, most reports related to the human trafficking sector focused only on the supply side – the trafficked persons, their experiences, what happens to them, etc. In contrast to this, only a handful of studies have tried to address the question of "demand dynamics". In this case, demand is created by those people/organizations/syndicates that create or influence an environment susceptible to exploitative commercial sexual services or exploitative labour. The limited amount of information available also differs depending on the area of exploitation (e.g. factory work, sex work, etc.). For example, there is much more information on the sex industry than on domestic servitude and "sweat shop" situations, which appear to be inadequately researched.

To fully respond to the trafficking problem, more and better understanding is needed to address *demand factors* as a root cause of trafficking. Without this information, those who are motivated to "exploit and use" trafficked persons (e.g. the traffickers, the recruiters, the madams, the customers for trafficked women, etc.) will continue to remain a mystery to many of us working in this sector.

In Bangladesh, the various sectors that adults are often trafficked into include: the sex industry, domestic servitude, industrial work, hard labour; bonded labour, organized begging, bar girls, the fishing industry, and more. To begin the discussion of demand dynamics, the Bangladesh Thematic Group identified that there were three general categories of persons who benefited from using "trafficked persons":

- Third parties who recruit and traffic persons (traffickers);
- Employers who use trafficked labour, and
- Consumers of trafficked labour.

Below is a summary of each of these groups along with a description of what motivates them to seek trafficked labour. Refer to *Chart G* on the flowchart or *Figure G* in this report for an overview of the trafficking demand dynamics.

- **Third Parties Who Recruit and Transport Trafficked Persons**. The recruiters, smugglers and traffickers fall into this category. They are varied, often including family members, friends, neighbours, community representatives, gang members, and strangers. Their motives to seek trafficking victims include the following: to make a quick profit; it is easy to recruit and transport persons with little or not resistance (using deception, fraud and coercion); in Bangladesh, there is little chance of their being caught and punished, and the existence of a good market for trafficked persons both within and outside Bangladesh. There are also a number of people who assist irregular migration and are unaware of the exploitative outcomes of the mobility they facilitate. Also, irregular migration routes used particularly by the poor, often share organizational resources with trafficking networks.

Example: Ali is Sushma's cousin. During a visit to India, he learns that there are people looking for young women to work in brothels. He is told that if a person can bring a pretty young woman to a particular location, they can make a lot of money very easily. Upon returning to Bangladesh, Ali decides to see if he can get his 18-year-old cousin to go with him to India for a short visit. Since he needs some money to purchase land, he decides to use this strategy. Feeling that he can get away with it, he approaches Sushma and talks her into going with him. To avoid getting into trouble with the family, he tells her that he received her father's permission to travel with her. She believes him. They both travel to India together without anyone knowing what is going on. Upon arrival, Sushma is sold to the brothel and Ali walks away with a large sum of money.

This example shows the opportunistic nature of many traffickers. Not all traffickers do this for a living. Some just use it as an opportunity to make some quick money.

- **Employers who use Trafficked Persons**. This category represents the brothel owners, madams, factory owners, and household owners. Their motives for using trafficking victims include the following: excessive profit/less money to be paid to those offering a service; these people are often easy to control (compliance through abuse); they fill a need for "hard to recruit" workers (e.g. sex workers, people needed to work in hazardous conditions, etc.); they require low maintenance costs, and, since they are kept away from the public eye, it is hard for authorities to regulate what these people do and how they are treated (the victims are invisible to society).

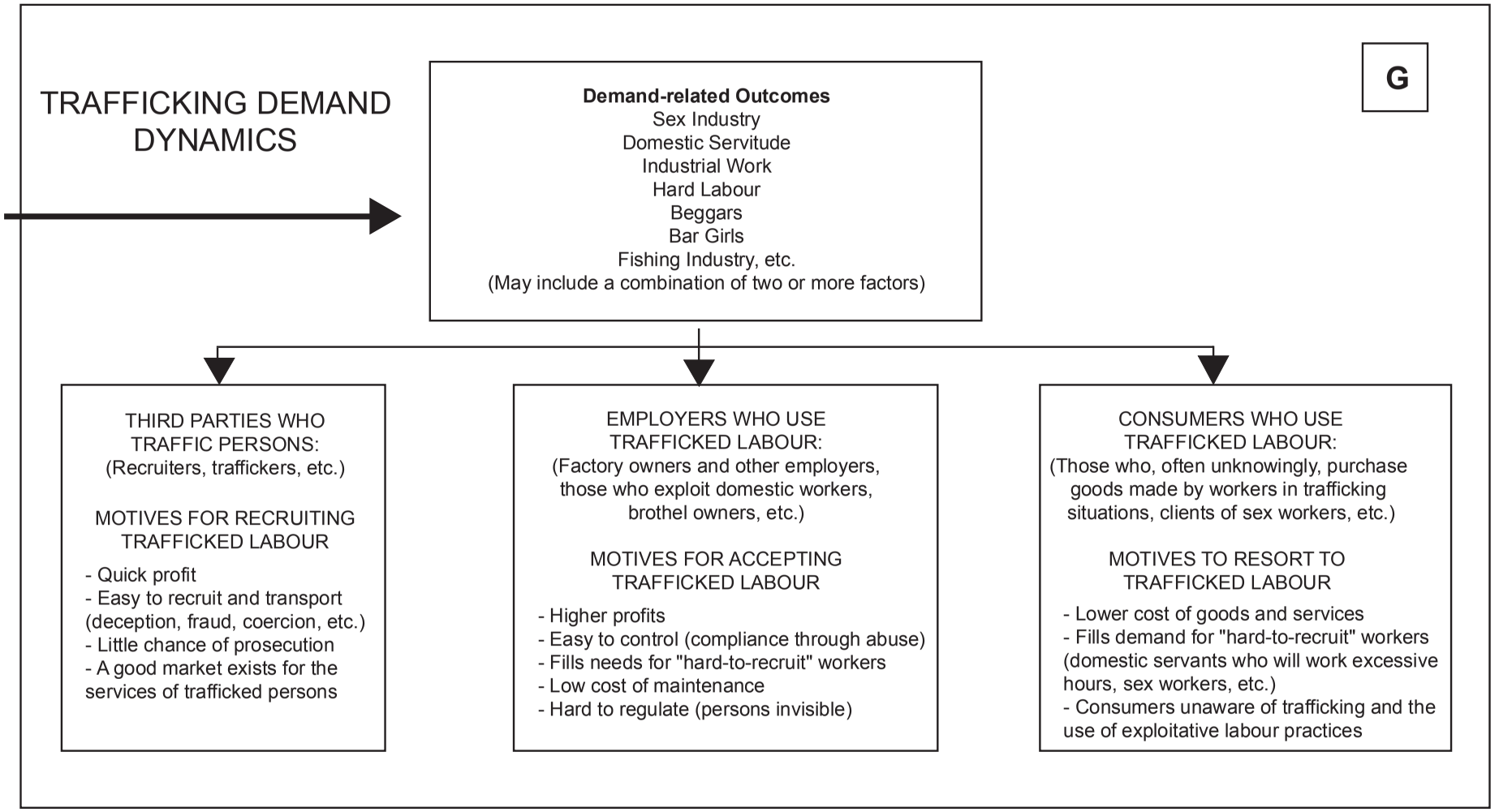
Example: Mr. Sharma runs a small battery factory in Northern India. The work is difficult and dangerous and thus results in a high turnover. Since it is difficult to hire and keep people in place, he begins to resort to taking on "trafficked persons". Realizing that he can earn much higher profits by forcing people to work longer hours with little or no pay, he continues to demand more and more from his staff. In order to maintain compliance, he regularly beats and threatens those working in his factory. To justify keeping them there, he creates a situation where they become more and more indebted to him: for housing, food, medical expenses, etc. Before long, the person is trapped in a cycle of debt bondage. Since he recruits persons from Bangladesh, who do not understand the language or the culture, it is much easier to get them to comply with his wishes. Since the State does not impose compliance with existing employment policies, his business is able to run unchecked.

- **Consumers who Benefit from Trafficked Labour**. There is no one stereotype "customer" in the trafficking sector. Customers come from all classes, religions, ages and ethnic groups. This category represents a mixture of different types of people, including the clients of sex workers, consumers who buy goods that are produced by those who have been trafficked, and household owners who use domestic servants. Their motives for using trafficking victims include the following: it reduces the cost of goods and services (a visit to a brothel) and it fills the demand for "hard-to-recruit" workers (domestic servants who will work excessive hours, sex workers, etc.).

Example: Every week, Fazler travels to the local brothel to pay for sex. When asked about the girls he sleeps with, Fazler explains that they are women who have fallen – women of low moral character who can't control their own sex drive. He also goes on to explain that they are different from "good women". They like having sex and can't get enough of it. That explains why they all actively try to seduce men each night.

Many customers of "trafficked" sex workers do not understand the situation of victimization that prevails within the sex industry. This is because they do not realize that many sex workers use seductive behaviour not because they want to be with a particular man, but because they will be punished if they don't earn enough.

See Chart G on the flowchart or *Figure G* in this report for an overview of the demand side of the equation.


G
TRAFFICKING DEMAND DYNAMICS
Demand-related Outcomes
Sex Industry
Domestic Servitude
Industrial Work
Hard Labour
Beggars
Bar Girls
Fishing Industry, etc.
(May include a combination of two or more factors)
THIRD PARTIES WHO TRAFFIC PERSONS:
(Recruiters, traffickers, etc.)
MOTIVES FOR RECRUITING TRAFFICKED LABOUR
- Quick profit
- Easy to recruit and transport (deception, fraud, coercion, etc.)
- Little chance of prosecution
- A good market exists for the services of trafficked persons
EMPLOYERS WHO USE TRAFFICKED LABOUR:
(Factory owners and other employers, those who exploit domestic workers, brothel owners, etc.)
MOTIVES FOR ACCEPTING TRAFFICKED LABOUR
- Higher profits
- Easy to control (compliance through abuse)
- Fills needs for "hard-to-recruit" workers
- Low cost of maintenance
- Hard to regulate (persons invisible)
CONSUMERS WHO USE TRAFFICKED LABOUR:
(Those who, often unknowingly, purchase goods made by workers in trafficking situations, clients of sex workers, etc.)
MOTIVES TO RESORT TO TRAFFICKED LABOUR
- Lower cost of goods and services
- Fills demand for "hard-to-recruit" workers (domestic servants who will work excessive hours, sex workers, etc.)
- Consumers unaware of trafficking and the use of exploitative labour practices

4.5 POSSIBLE INTERVENTIONS TO ADDRESS DEMAND FACTORS

Chart H on the flowchart or *Figure H* in this report provides an overview of the various interventions that can be used to address demand dynamics. These interventions fall into three categories: regulation, prosecution, and prevention. Note that on the flowchart these various columns target one or more of the three "demand categories".

Under the heading of legal actions, there are a number of interventions that can be used to address the demand dynamics, including: dissuading those who might want to get involved in recruiting and trafficking from doing so; arresting and prosecuting those who are already involved; strengthen law enforcement capability to take on this task, and ensuring that law enforcers themselves comply with their legal responsibilities (e.g. they do not involve themselves in the illegal activities themselves: bribes, etc.).

Two interventions that could be effectively pursued to dissuade those who might be considering getting involved in trafficking-related activities include publicizing trafficking arrests and conviction cases in the media to demonstrate that traffickers are caught and sentenced, and raising the general awareness about the implications and possible consequences of getting involved in such activities.

The actual arrest and prosecution of traffickers, recruiters and those who maintain people in a slavery-like condition does not only act as a deterrent but also ensures that future trafficking activities are not carried out by these same persons. Likewise, it is important to arrest and prosecute those who commit crimes associated with maintaining a person in the "harm environment", including rape, torture, assault and the like. By removing the perpetrators of trafficking activities to prison it may be hoped to reduce the incidence of such activities.

For law enforcement officials to take on the challenge of pursuing and prosecuting traffickers it is necessary to provide more police training or workshops to educate, elicit views and answer questions. Some countries have already successfully established special women and children units within their police forces, which often include women officers and are trained to address the special needs of women and children who have become victims of trafficking. Another effective approach is to negotiate a bilateral agreement between the Bangladesh and Indian border police to cooperate in addressing the cross-border trafficking problem.

However, in some countries law enforcement officials are themselves part of the problem. This ranges from turning a blind eye to actually participating in trafficking events. It is important therefore for law enforcement agencies to react swiftly to punish those involved by arresting or suspending them. If this is not done consistently and rapidly, new officers entering the force will again be exposed to the temptation and in turn become part of the problem, not the solution.

Example: A "needs assessment exercise" in the police force reveals that there is little understanding of what human trafficking actually is and what can be done to stop it. Based on these findings, a four-day curriculum is developed with the help of a Dhaka-based NGO. Over a six-month period, 50 officers are trained to help them to better understand the issue and how trafficking within their jurisdictions could be reduced and eliminated.

H

POTENTIAL TRAFFICKERS	TRAFFICKERS	POLICE AND BORDER GUARDS	POLICE AND BORDER GUARDS	PROSECTION (Legal System)	PREVENTION (Addressing Employers)	PREVENTION (Addressing Community)
POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS	POSSIBLE INTERVENTIONS
Dissuade people from becoming involved in trafficking. This might include: - Publicize cases in the media (TV, papers, etc.). - Demonstrate that traffickers are being arrested and prosecuted (high profile cases). - Educate on the implications of the crime.	Arrest people who are involved in trafficking and related crimes. This might include: - Arrest and prosecute recruiter, transporters, those who maintain a person in a slavery-like condition, those who commit other related crimes (rape, torture, etc.). - Use community to act as a pressure group to punish traffickers. - Arrest the criminals regularly for lesser charges (since the legal system does not always result in convictions for more serious crimes. - Demonstrate through forceful intervention and arrest to traffickers that they cannot act with impunity and that they will be brought to court. - Educate the community about strategies used by traffickers and recruiters.	Improve the capacity of law enforcement agencies. This might include: - Police training - Workshops - Establishment and training of special units - Women's units - Joint border activities between border police	Ensure that law enforcement officials comply with their legal obligations. This might include: - Arrest and prosecution of officers who are themselves in breach of the law. - Suspensions or disciplinary actions taken by a neutral party, e.g. judicial body, when and where necessary. - Judicial inquiry and publication of inquiry reports followed by exemplary punishment.	- To hold those involved in trafficking or an accomplice in such acts (e.g. rape, kidnapping, torture) accountable and prosecuted. - Ensure access to legal support. - Strengthen government commitment to prosecute. - Confiscate property of those involved in the trafficking episode to pay for prosection. - Reform and strengthen laws to suppress trafficking. - Ensure that the law is actually applied. - Improve the country's capacity to protect victims of trafficking and to prosecute those who profit from this crime (third parties). - Improve judicial accountability. - Improve cooperation among prosecuting authorities. - Judicial training and research. - Regional cooperation and networking.	- Arrest and prosecute those who knowingly use trafficked persons. - Monitor working conditions (e.g. factories, sex industry, etc.). - Train more researcher to better understand the "harm environment". - Awareness campaigns focusing on those who exploit trafficked persons. - Educate the general public about the result of trafficking.	- Inform the public about the exploitation of those who are trafficked. - Work with communities to develop their own strategies to address the problem. - More research to better understand the customers of trafficked labour or sex services. - Work with media to report on the trafficking problem in a more responsible manner (e.g. instead of sensational reporting which might actually further drive demand, report the dire consequences for victims of trafficking and the human rights abuses involved). - Educate consumers about products produced by "slave-like" labour.

5. THE OUTCOME OF A POSITIVE MIGRATORY PROCESS: A "NO-HARM" SITUATION

5.1 INTRODUCTION

This chapter begins by describing the linkages between human trafficking and migration. It then focuses on what the Bangladesh Thematic Group defines as a "no-harm situation" (safe migration). Finally, the chapter provides insights into the factors enabling a "no-harm environment" to exist in a given society and the active part played by "demand dynamics" in the process.

5.2 MIGRATION AND TRAFFICKING

Migration (including regular and irregular migration) is often confused with trafficking. In some ways, many trafficking events are defined by the endpoint of a migratory process – if the outcome of this process is positive, it is called migration; if the outcome of this process is negative and results in the excessive exploitation of the individual for a period of time, it is often considered trafficking (especially if women are involved). This includes both internal and cross-border movements. While trafficking does involve an element of migration (movement of people from one place to another), many migration stories have positive outcomes – e.g. the migrant is satisfied with the outcome and the working conditions.

Migration and trafficking are two distinct but interrelated phenomena. Migration represents the movement of people from one place to another (in case of international migration one country to another) in order to take up employment, establish residence or to seek refuge from persecution. It applies to various types of movements guided by diverse causes, factors and motivations. International migration, in particular, is complex and multidimensional. The dynamics of international migration are often explained or measured in terms of citizenship along with a number of other factors that include the motives and purpose to migrate, residence, duration of stay, outcome of the event, transnationalism or place of birth. Migration can be seen in terms of a broad general concept that encompasses nearly all mobility aspects. On the other hand, trafficking is a subset or category of the broader concept, where particular vulnerability leads to exploitation. As such, elements of "trafficking" can be conceived as a migratory event that results in a particular form of harm.

Within the migration discourse, there is no consensus on how to refer to those who migrate through a legal process and those who migrate in contravention of national laws. Various phrases are used to describe the facilitation of what is often called "irregular" or "illegal" migration. Some of the most common terms include: "alien smuggling"; "trafficking of aliens"; "illegal immigrant smuggling"; "human trafficking" and "trade in human beings". Many researchers and advocates prefer to refer to the migrants involved in these processes by the neutral terms of "irregular migrants" or "undocumented migrants". However, these terms tend to disguise or fail

to address the need to identify the experiences of regular and irregular migrants who fall prey to exploitation related to trafficking in human beings.

The complexity of distinguishing trafficking from other types of migration makes the analysis of trafficking difficult. The line separating the two phenomena is often a question of perception. Attempts to draw a clear line between the various types of migration, especially between migration and trafficking, have been described as working in "terminological minefields". Thus, the generalization used to distinguish the two concepts can be misleading. Attempts to isolate trafficking as a peculiar phenomenon unconnected to migration has made it increasingly difficult to locate and understand trafficking in its broader sense.

It is obvious from the above that a clear distinction between migration, migrant smuggling and trafficking in persons is an extremely complex undertaking. All three phenomena are intertwined and make up an integral part of the "population movement process" – both conceptually and operationally.

Our present traditional theoretical understanding can no longer resolve the ambiguities and uncertainties concerning migration and trafficking. It warrants a new theoretical framework to provide a clear picture and analytical understanding of the issue. This broader conceptual approach is needed to analyse trafficking in its totality (process as well as outcome). To understand the violation of human rights (harm vs. no-harm), prevention, rescue, rehabilitation and integration interventions for surviving victims of trafficking, the sector must be explored in the context of migration, migratory trends, patterns and outcomes. Thus, in some respects policy guidelines to address trafficking must also provide for subverting trafficking by enabling access to affordable and safe migration, so migrants are not required to resort to trafficking agents to migrate.

5.3 THE ESSENCE OF SAFE MIGRATION: A "NO-HARM" OUTCOME

No-harm/Safe Migration

While most trafficking events involve an element of migration as noted above, many migration stories have satisfactory outcomes, e.g. the person is content with the outcome and the conditions of their work. The Bangladesh Thematic Group defined this concept of safe migration as a "no-harm" outcome. It should be noted that this is the desired goal of most adults as they set out on their migratory process and who, however, end up in a trafficking "harm/exploitation" situation.

A positive, "no-harm" migratory outcome includes the following seven elements:

NO-HARM/SAFE MIGRATION OUTCOME

- Personal freedoms safeguarded
- Gainful employment abroad
- Satisfactory work environment (wages, facilities, etc.)
- Positive contribution to host and home country

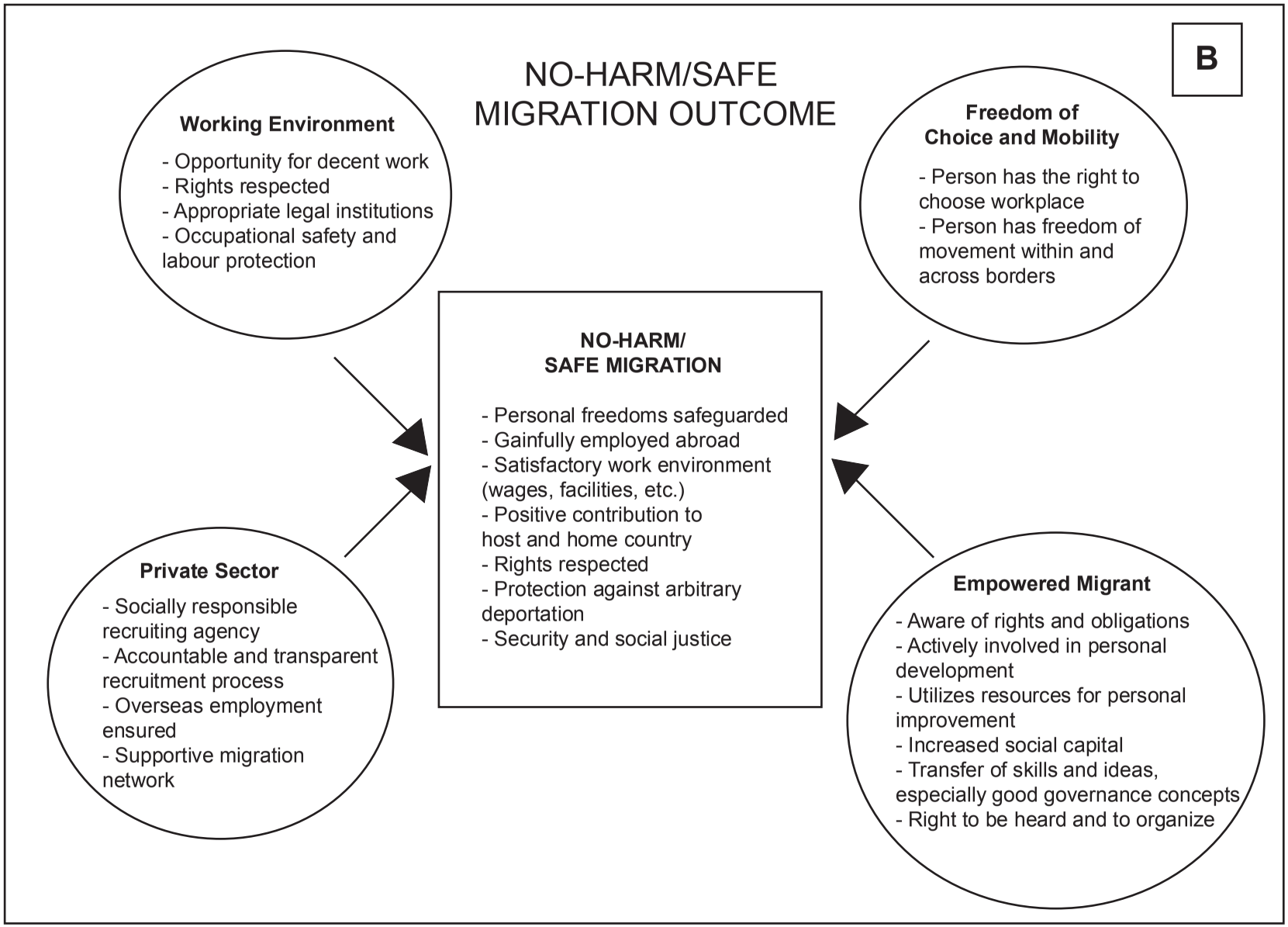
- Personal rights are respected
- Protection against arbitrary deportation
- Security and social justice

Beyond the seven elements that make up the basis of a "no-harm" definition, *Chart B* on the flowchart or *Figure B* illustrates four additional elements that provide a rich overview of other positive characteristics that one might seek when migrating from one place to another. These categories address the work environment, freedom of choice and mobility, factors that can empower a migrant, and the role of the private sector.

Below is an example of a "no-harm" migratory outcome:

Example: Zadid is approached by a job recruiter from India. He is told that he can get work in an Indian factory and make good money. Wishing to earn more for his family, he accepts the offer and travels to India. When he arrives there, he is given a job that offers him much more money than he was making in Bangladesh. While the hours are long and the work is very hard, he chooses to continue working there. He considers the work and the working conditions acceptable.

Although some exploitation might exist in such a job, if the person chooses to remain there because he/she finds some advantages, this is considered an example of a "no-harm" outcome.

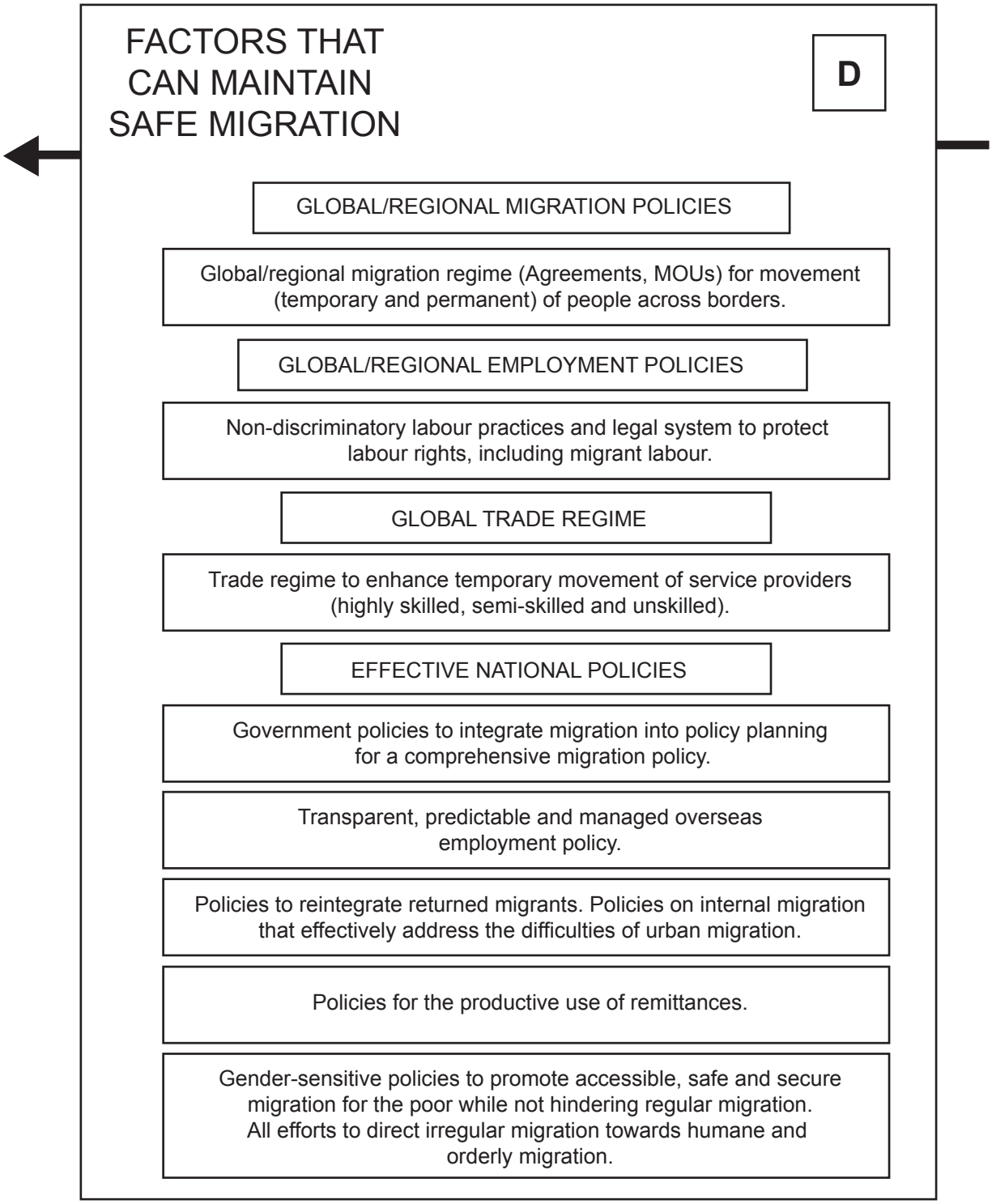

B
NO-HARM/SAFE
MIGRATION OUTCOME
Working Environment
- Opportunity for decent work
- Rights respected
- Appropriate legal institutions
- Occupational safety and labour protection
Freedom of Choice and Mobility
- Person has the right to choose workplace
- Person has freedom of movement within and across borders
NO-HARM/
SAFE MIGRATION
- Personal freedoms safeguarded
- Gainfully employed abroad
- Satisfactory work environment (wages, facilities, etc.)
- Positive contribution to host and home country
- Rights respected
- Protection against arbitrary deportation
- Security and social justice
Private Sector
- Socially responsible recruiting agency
- Accountable and transparent recruitment process
- Overseas employment ensured
- Supportive migration network
Empowered Migrant
- Aware of rights and obligations
- Actively involved in personal development
- Utilizes resources for personal improvement
- Increased social capital
- Transfer of skills and ideas, especially good governance concepts
- Right to be heard and to organize

5.4 BASIC FACTORS THAT MAINTAIN A "NON-HARM ENVIRONMENT" (SAFE MIGRATION)

Chart D on the flowchart or *Figure D* in this report lists the various factors that, in principle, ensure a "safe-migration environment". They fall into four broad categories and address global, regional and national policies that must be in place, including:

- Global/regional migration policies;
- Global/regional employment policies;
- Global/regional trade regime, and
- National policies.

Note that migration, employment and trade policies on global and regional levels can have an overall effect on making migration either safe or unsafe at the community level. This point illustrates the importance of adopting a comprehensive approach to the trafficking problem, one that takes all the factors that may contribute to the problem into account. For many working in the anti-trafficking sector, these factors are often misunderstood or their relationship to the trafficking "harm/exploitation" has never been made clear.


FACTORS THAT CAN MAINTAIN SAFE MIGRATION
D
GLOBAL/REGIONAL MIGRATION POLICIES
Global/regional migration regime (Agreements, MOUs) for movement (temporary and permanent) of people across borders.
GLOBAL/REGIONAL EMPLOYMENT POLICIES
Non-discriminatory labour practices and legal system to protect labour rights, including migrant labour.
GLOBAL TRADE REGIME
Trade regime to enhance temporary movement of service providers (highly skilled, semi-skilled and unskilled).
EFFECTIVE NATIONAL POLICIES
Government policies to integrate migration into policy planning for a comprehensive migration policy.
Transparent, predictable and managed overseas employment policy.
Policies to reintegrate returned migrants. Policies on internal migration that effectively address the difficulties of urban migration.
Policies for the productive use of remittances.
Gender-sensitive policies to promote accessible, safe and secure migration for the poor while not hindering regular migration. All efforts to direct irregular migration towards humane and orderly migration.

5.5 FACTORS AFFECTING DEMAND FOR MIGRANTS

The kind of migrant labour usually required in the Bangladesh context falls into a range of sectors, including the industrial sector, provision of services (health, education, and the like) management, agriculture, what is often referred to as the "3Ds" (dirty, demanding and dangerous jobs, such as cleaners, construction workers, etc.) and domestic help, entertainers, and more. The Bangladesh Thematic Group identified five general categories of people who benefited from using migrant labour:

- Third parties who facilitate migration (government agencies, recruiting agencies and migrant networks);
- Employers who use migrant labour;
- Consumers of goods and services produced by migrant labour;
- The migrants themselves, and
- The migrant's family and/or community.

Below is a detailed description of the motivation for seeking migrant labour for each of these categories.

- **Third parties who facilitate migration**. This category represents government agencies, recruiting agents and migrant networks involved in helping to facilitate the migration process. Their motives for seeking migrant labour include the following: it represents a business venture; it addresses the need for employment abroad and overseas remittances, and is part of a development strategy.

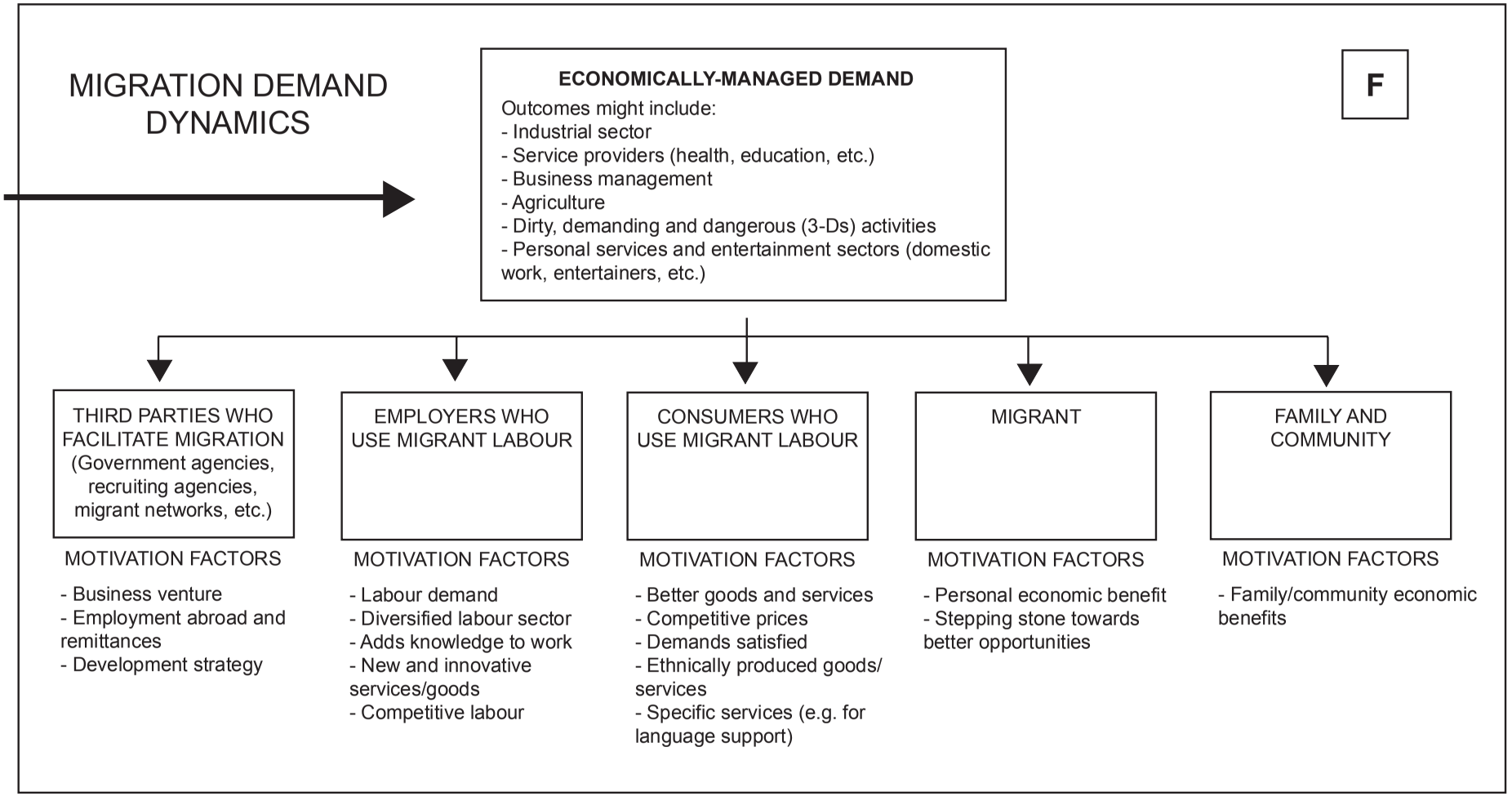
- **Employers who use migrant labour**. This category represents the factory owners, service providers, management services, domestic households, etc. Their motives for using migrant labour include: a demand for inexpensive labour; it helps to better diversify the labour sector; it adds knowledge to work; it contributes to new and innovative services and goods, and it helps to ensure a competitive labour market.

- **Consumers who benefit from migrant labour**. As noted in the trafficking section, there is no single consumer stereotype. They include all classes, religions, ages and ethnic groups. This category represents consumers of goods from all walks of life. Their motives include the following: ensuring better goods and services at competitive prices; meeting demand; enabling ethnically produced goods/services, and helping to offer specialized services (e.g. translations).

- **Migrants**. The advantage to the migrant is that it ensures personal economic benefits and acts as a stepping stone towards better opportunities.

- **Family and community**. The benefit to the family/community is the improved family income and livelihood and economic growth.

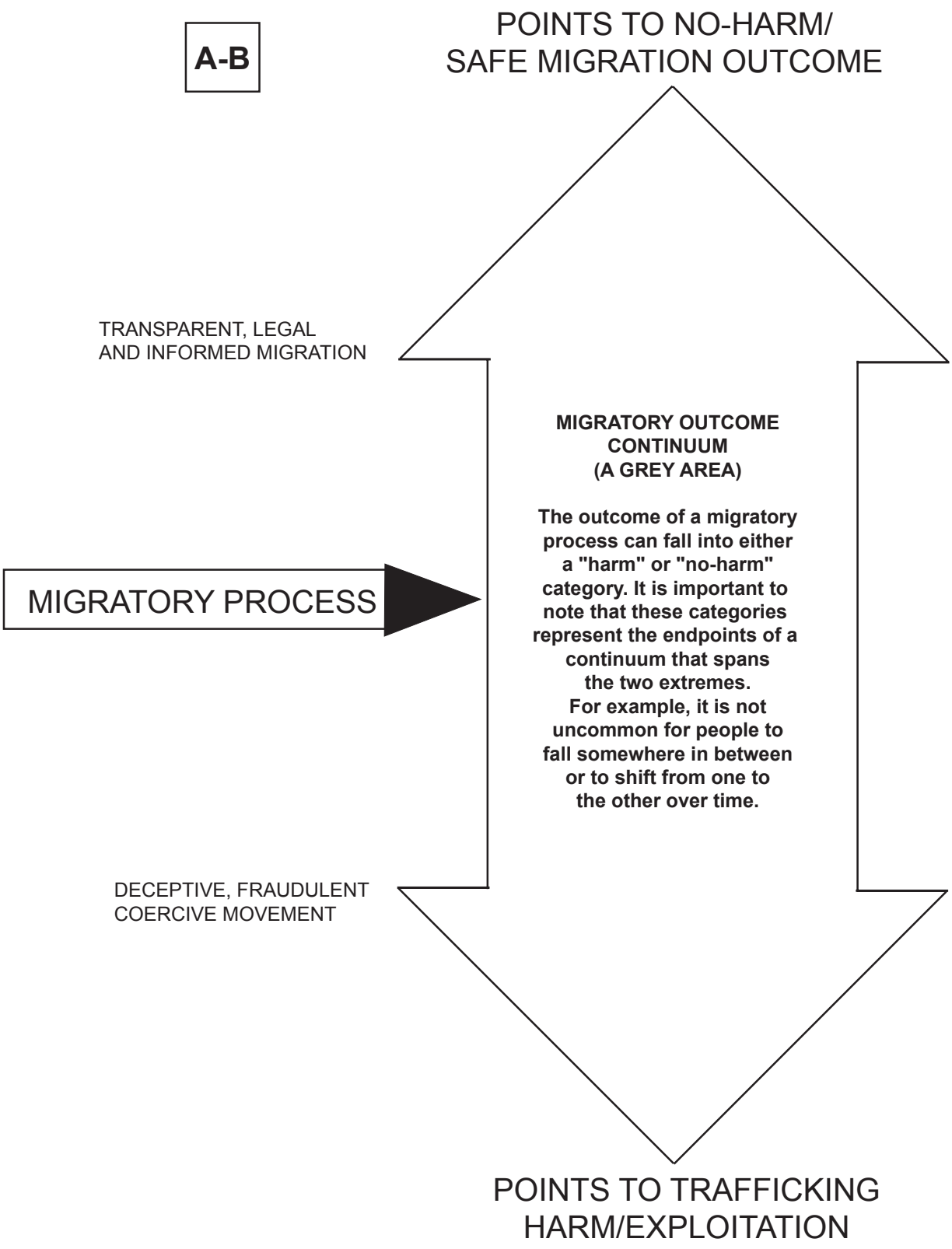
Please refer to *Chart F* on the flowchart or to *Figure F* in this report for an overview of the demand dynamics of safe migration.


MIGRATION DEMAND DYNAMICS
ECONOMICALLY-MANAGED DEMAND
Outcomes might include:
- Industrial sector
- Service providers (health, education, etc.)
- Business management
- Agriculture
- Dirty, demanding and dangerous (3-Ds) activities
- Personal services and entertainment sectors (domestic work, entertainers, etc.)
F
THIRD PARTIES WHO FACILITATE MIGRATION (Government agencies, recruiting agencies, migrant networks, etc.)
EMPLOYERS WHO USE MIGRANT LABOUR
CONSUMERS WHO USE MIGRANT LABOUR
MIGRANT
FAMILY AND COMMUNITY
MOTIVATION FACTORS
- Business venture
- Employment abroad and remittances
- Development strategy
MOTIVATION FACTORS
- Labour demand
- Diversified labour sector
- Adds knowledge to work
- New and innovative services/goods
- Competitive labour
MOTIVATION FACTORS
- Better goods and services
- Competitive prices
- Demands satisfied
- Ethnically produced goods/ services
- Specific services (e.g. for language support)
MOTIVATION FACTORS
- Personal economic benefit
- Stepping stone towards better opportunities
MOTIVATION FACTORS
- Family/community economic benefits

5.6 INTERCHANGE BETWEEN THE "HARM" AND "NO-HARM" ENVIRONMENT

It should be noted that the outcome of any migratory process can fall into a "no-harm" (safe migration) or "harm/exploitation" category (trafficking outcome).[8] When addressing the movement of people seeking employment, both these possibilities exist. This point is important since it helps us to see that the migratory process has the potential for both positive and negative outcomes.

It is also important to note that these categories represent the endpoint of a continuum spanning the two extremes. For example, it is not uncommon for people to fall somewhere in between these categories, or to shift from one to the other over time. *Chart A*/*B* on the flowchart or *Figure A*/*B* in this report provides an overview of the interchange between the harm and no-harm environments.


A-B
POINTS TO NO-HARM/
SAFE MIGRATION OUTCOME
TRANSPARENT, LEGAL
AND INFORMED MIGRATION
MIGRATORY OUTCOME
CONTINUUM
(A GREY AREA)
The outcome of a migratory process can fall into either a "harm" or "no-harm" category. It is important to note that these categories represent the endpoints of a continuum that spans the two extremes. For example, it is not uncommon for people to fall somewhere in between or to shift from one to the other over time.
MIGRATORY PROCESS
DECEPTIVE, FRAUDULENT
COERCIVE MOVEMENT
POINTS TO TRAFFICKING
HARM/EXPLOITATION

6. OVERVIEW OF THE MIGRATORY PROCESS AS IT RELATES TO TRAFFICKING AND MIGRATION

6.1 INTRODUCTION

This chapter focuses on: (1) the reasons/motives why adults often embark on a migratory process; (2) who is involved in making decisions related to a person's embarking on a migratory process and, (3) a description of the factors that either hinder or facilitate a person's entry into a trafficking "harm/exploitation" outcome.

6.2 THOSE WHO MIGRATE AND WHY

In the general population there are always those who are either compelled or motivated to make a change in their life – to move (or migrate) towards or away from something. This sometimes includes leaving their home in search of something different or better than what they have. The motivating factors differ from person to person. For some it is out of need, for others it is out of a desire to get more out of life or to experience their own country or perhaps the outside world. Those who decide to make this move (or had someone else decide on their behalf), might benefit from the experience or be exploited somewhere along the way. Note that in these cases, the migratory process can either occur inside the country or across national borders.

Below is a list of some of the most relevant motivating factors/needs that often act as a catalyst to initiate this movement:

- **Lack of resources to satisfy basic needs**. When there is a lack of resources to address the basic human needs, such as food, shelter, clothing. The motivating factor here is to acquire the means to satisfy these essential needs. In this case, "poverty" or "survival" as general categories, are the motivating factors. This particular motivation is often found in communities where few work opportunities exist. Thus, the person goes elsewhere to seek viable employment.

- **Lack of economic security**. The basic needs may be met for the present, but the future remains uncertain. Those who survive by seeking seasonal employment often fall into this category. This lack of security creates tremendous stress, frustration and a longing for more stability. Thus, seeking a sense of economic security through migration is a motivating factor for some to look for opportunities elsewhere where they perceive more options exist.

- **Desire for more income/status**. Though there may be security for the future, some individuals might still want more out of life. Though they may have a home and a plot of land, they wish for other goods. In this case, the motivating factor centres on a desire to have additional resources to satisfy this wish. Likewise, if a family expects its members to do work that brings "prestige", but this opportunity is not available locally, this can be a motivating factor for a person to go elsewhere in search of such opportunities.

- **Social considerations**. There are Bangladeshi women who feel that the restrictive patriarchal environment they live in limits their personal development and growth. This sometimes motivates them to go elsewhere in search of additional opportunities and freedoms as a means of achieving their own personal goals, which they feel cannot be achieved in a traditional setting.

- **Escape from stigmatization/violence**. Women living in a traditional, conservative society may face factors that stigmatize them, thus forcing them to leave their community in order to avoid being oppressed. For example, in Bangladesh, if there is a rumour that a woman has been raped (whether this is true or not), she is sometimes sent away by her family because of the stigma associated with this "shameful act". It does not matter that she was an innocent victim in this crime; the outcome is often the same. If a woman is widowed or divorced, there is also a stigma attached to this that creates hardship. Likewise, any association with the sex industry has a stigmatizing effect on a woman, preventing her from being allowed to remain in a given community.

- **Aspirations and adventure**. Sometimes an individual may simply leave out of a sense of adventure. This motivation alone accounts for many people entering the migratory pool.

- **Seeking emotional stability**. A person may leave and go in search of a new life elsewhere to escape a dysfunctional or abusive family situation. In this case, the environment pushes them away. In contrast there are those who feel a lack of emotional security. They seek a situation in life where they may obtain emotional support (a sense of belonging, affection, love, etc.). If they cannot get this at home, some migrate elsewhere in search of this.

- **Opportunities abroad**. Not all who contemplate going abroad are necessarily poor. For example, there are those who go abroad for education, research and work opportunities that will increase their personal status, salary, experience and expertise in their own or another area of specialization.

- **Involuntary movement/fear/threat**. Political unrest, discrimination and displacement can also be factors that result in migratory movements.

- **Lack of human security**. When civil rights and liberties are compromised or non-existent, it is not uncommon for people to migrate. This may occur in a context of military activities and emergency situations.

6.3 DECISION INFLUENCERS AND DECISION MAKERS

Based on the motivations/needs listed above, a decision to migrate is sometimes made. Depending on the age of the person and the degree of dependence on others, this decision might be made by a parent, spouse or guardian. At other times, the decision is made directly by the person intending to migrate.

The decision-making process is seldom carried out in a vacuum. Neighbours, friends, local leaders and those who have migrated themselves often provide advice and guidance based on

their own experiences. There are also those who assist in the process by offering opportunities to a person (the prospect of a marriage, a well-paying job, a better life, etc.). These recruiters or, in some cases, traffickers play an important role in helping to bring about a migratory decision.

In summary, different types of people make decisions for themselves and for others that set in motion the migratory process. In many cases, a combination ultimately influences the final outcome.

6.4 THE MIGRATION/TRAFFICKING DYNAMIC

What the Bangladesh Thematic Group calls the "Migration/Trafficking Dynamic" represents the interplay between the motivating factors and needs listed above, and the decision influencers and decision makers who act on this. This is the period during which a decision to embark on a migratory process takes shape. In the present context, if the outcome of this process is positive, it is considered migration (a no-harm situation); if it ends in a highly exploitative outcome (as outlined in the trafficking "harm"), it is often seen as "human trafficking".

The reason for the distinctions is to help those looking at the trafficking problem to realize that there is no single motivating force that compels people to migrate (e.g. poverty) and no single influencing individual or set of individuals who determines whether and how the migratory process might take place. It is of particular interest that usually it is not the poorest of the poor who migrate, and that it is often an increase in resources among the very poor that is eventually used to fund migration.

In reality, many factors interact simultaneously. This is important when designing countervailing activities and ensuring that the specific messages actually address the varied reasons why people leave their community in search of a change. It also helps us to better understand the different target audiences on which to focus (e.g. family members, neighbours, etc.).

6.5 A FEW WORDS ABOUT DECEPTION IN THIS CONTEXT

The basic approach most traffickers use within the "migration/trafficking dynamic" is very simple – they gain a person's trust and then they lie about a possible opportunity. They might take a young, vulnerable person, someone suffering hardship and poverty, and offer the one thing that seems to be completely out of reach for the person concerned – a better life, an easier life, a life that will not only benefit the individual, but also the immediate family. In other words, they offer a dream to their victims (and sometimes to their families), with little or nothing asked for in return.

Whether such promises relate to a good marriage, a marriage without a dowry or a well-paying job, the messages are nearly always the same: "If you do what I say, if you trust me, then your life will be infinitely better." Not at some time in the distant future, but "Right now! Today!" For those who seldom have any options at all, such offers are sometimes too tempting to ignore, despite any possible concerns that what was being arranged might actually come at a high price. The reason is that human beings often allow themselves to hope or to be optimists. If someone swears that something is true and sounds very convincing, most will tend to believe it, especially if it is someone already known to the person (a relative, neighbour, someone from the community, etc.).

As a result, one of the biggest challenges for any anti-trafficking activity is the ease with which people tend to accept what is promised. Many who have been trafficked were naive; they wanted so desperately to believe that what was being offered was real that they put common sense and logic aside and entered into an agreement that allowed them to be exploited. But it is not just poor, ignorant people who fall prey to false promises. At one time or another, we are all like this to a certain extent, enticed by hope, wishes, pride, envy and/or other human sentiments. These can make us vulnerable, particularly if the promises are made by someone whom we know and trust.

Thus, the basic factors that allow many trafficking scenarios to be worked out in South Asia focus on two elements: trust and deception. A sense of "trust" is one of the most powerful tools that traffickers have available to them. If we trust someone, we are more likely to do what is asked of us, since we have faith that that person has our own best interest at heart. In contrast, if we do not trust someone, we will never agree to what this person has to offer.

6.6 FACILITATING OR HINDERING FACTORS

As noted above, a migratory event can end in either a "no-harm" or "harm" situation. The actual outcome is often influenced by social and cultural factors that can either facilitate or hinder a positive experience.

Below is a list of factors that are relevant to this process. It is no single factor that determines the outcome, but often a combination or the "coefficient effect" of all of them.

Unless the importance of these interrelated variables is properly understood, it is easy to over-simplify the trafficking situation. For example, there are people in the trafficking sector who feel that if they can "fix" the legal system, trafficking can be stopped. Unless other factors are also addressed, however, this is an unrealistic expectation. The legal system is only one of the elements among many others working for or against the trafficking phenomenon.

Thus, a holistic perspective is very much needed. To reduce the possibility of the migratory process ending in a "trafficking outcome", it is necessary to improve the facilitating influences of as many of these factors as possible to help bring about a "no-harm outcome" (safe migration). The related factors include:

- **Organized crime**. The absence or presence of organized criminal networks that aim to systematically exploit a person.
- **Family involvement**. The extent to which a family is able and willing to protect its members from being exploited in order to earn money. For example, if a person is expected to provide an income for the family no matter how, this will create a tremendous vulnerability for that person to be exploited.
- **Law enforcement**. The presence or absence of effective law enforcement and prosecution mechanisms.
- **Physical and emotional security**. The threat against physical and/or emotional security may drive a person to pursue clandestine means to leave his/her place of residence.
- **Social/Cultural practices**. The presence of a tradition of social practices that foster "slavery-like conditions", including debt bondage, indentured servitude and *chukri* can heighten the vulnerability.

- **Employment policies**. The presence or absence of employment polices that help to ensure certain minimum standards at the work place regarding safety, health and workers' rights.
- **Developmental policies**. The presence or absence of developmental polices that help to ensure that there are work-related options available in a particular country or community.
- **Conflict and disaster**. The presence or absence of armed conflicts, or natural or man-made disasters.
- **Economic factors**. Absence or lack of livelihood opportunities is one of the major push factors for a person to leave home in search of a better chance of survival. However, improvements in the income of the poor are sometimes invested in the migration of a family member as an income security and diversification strategy.
- **Education policies and institutions**. Education systems play a vital role in helping to find appropriate and adequate means to make a living.
- **Global/regional economic institutions and arrangements**. Global and regional economic systems influence national economies. A global system based on non-discriminatory policies and practices can help create a healthy national economy and ensure better living conditions in the country. However, labour mobility as part of a globalization process is likely to offer increasing migration benefits and opportunities to women.
- **Migration myths and migrant expectations**. There is often a gap between migration myths, expectations, and facts. The integration of a migrant into the new society and economy can be extremely difficult. Sometimes, migration myths are created by groups intent on making a profit by luring people to migrate in unsafe conditions. A transparent and safe migration regime can bridge the gap between the migration myths and realities.
- **Gender inequality**. Gender inequality can lead to discrimination and violence against women and force them to leave their place of residence.
- **Social inequality**. Social inequality can threaten a person's existence and lead to irregular means of migration.
- **State/national migration policies**. The presence or absence of official polices aiming at the availability of accessible, affordable and safe migration options.
- **Ethnicity and religious affiliation**. Sometimes particular ethnic or religious affiliations may lead people to want to leave either through regular or irregular migration channels, depending on the circumstances.

INTERPLAY BETWEEN THE VARIOUS FACTORS

Example: A flood devastated the family's land *(disaster situation)*, leaving 18-year-old Riffat homeless. When her family asks her to migrate to India in search of work *(family involvement)* she reluctantly agrees, realizing that she did not have much choice. The family is approached by Mohammed Ali, a member of a local gang *(organized crime)* to travel to India to accept a job offer there. To sweeten the deal, an advance is offered to the family *(social factor – debt bondage)*. Riffat and Ali leave early one morning. Along the way, a local smuggling gang *(organized crime)* helps to get her past a border checkpoint. Upon arrival in India, they are stopped and interrogated by a police officer *(law enforcement)*. Bribing him to allow them to pass, Mohammad and Riffat continue on their way. Upon arrival, Riffat is sold to a factory owner. There she is forced to work seven days a week for nearly no pay *(lack of employment policies)*.

Note that in this example, many factors work against Riffat and her chances of a no-harm outcome.

6.7 TRAFFICKING OUTCOMES THAT RESULT FROM A NON-MIGRATORY PROCESS

While most adults in Bangladesh who end up in a trafficking outcome go through a migratory-type process as described above, there are examples where a person is kidnapped and taken to the final destination. Because of the logistical complications involved in moving a person against his/her will, especially if it involves crossing an international border, this approach is less often encountered in the Bangladesh context. It is much easier to transport a person who goes willingly with a trafficker (having been deceived by some kind of promise) than to force or coerce them to go along.

Example: On her way home from the university Farhana has to cross a deserted stretch of woods. While she is usually in the company of others, on this day she is alone. Without warning, a group of young men jumped at her and took her off to an abandoned structure. There she is held captive and raped repeatedly throughout the night. Despite her pleas for help, no one comes to her rescue. The following day she is taken to Mymensingh where she is sold to a brothel. Following threats against herself and her family if she tries to escape, she is forced to endure her new life.

In this case, the trafficking occurred through a non-migratory process. This is also an example of internal trafficking from a rural to an urban setting.

6.8 BRINGING THE PIECES TOGETHER

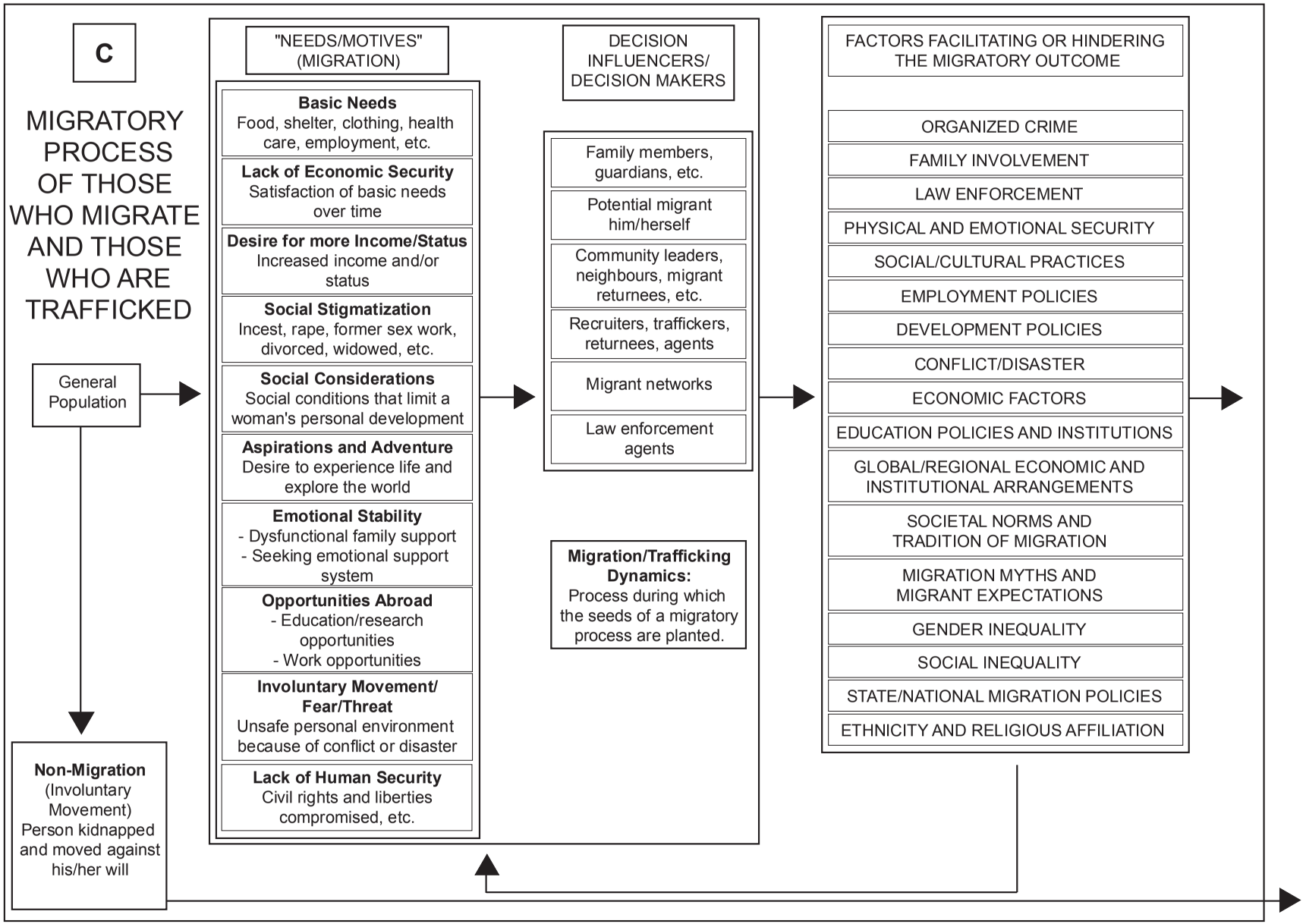
Chart C on the flowchart or *Figure C* in this report provides a summary of how the various pieces come together. The chart illustrates that in the general population there are always some who are trying to bring about a change in their lives – often a migratory change. The motivations/needs that influence this process are varied and differ from person to person. Likewise, the decision influencers and decision makers also vary. The box that encompasses these two categories depicts the "migration/trafficking dynamic", the fertile ground where "trafficking recruitment" can occur. It is here where deception and fraud can be used to move a person into a "harmful" outcome.

Once a person has embarked on a migratory process based on the "trafficking dynamic", both facilitating and hindering factors can intervene to either protect a person from "harm", or to foster a harmful outcome. Each culture is characterized by different combinations of the factors that come into play. Their positive or negative interaction determines the extent of the risk factors present.

Chart C also allows us to introduce a number of important distinctions. First, it helps us to better understand that there are many motivations/needs that influence a decision to embark on a migratory process. In other words, not only poverty, but many other motives/needs are equally important. Second, different actors intervene to influence how this process unfolds. Third, programmes must look at all the facilitating and hindering factors together to better grasp the complexity of the environment they are working in. For example, to think that addressing the law enforcement system alone could reduce the trafficking problem is quite unrealistic as so many other factors also intervene to facilitate the process.

By taking these factors into consideration, it is possible to better understand the complexity of the problem. For instance, when developing an anti-trafficking campaign, the motives/needs and target groups (decision makers) must be taken into account to avoid oversimplifying or excessively generalizing a given situation. The example below demonstrates how the various factors come together:

Example: Sangita, an 18-year-old garment factory worker in Dhaka is befriended by Ramesh, her supervisor in the factory *(decision influencer*). He tells her that if she goes with him, she can get a much better job in India and earn three times as much money *(motivation – improve status, adventure and security)*. A woman who recently returned from Calcutta also tells Sangita that she is better off in India: "A lot of money can be made there" *(decision influencer)*. Feeling that this might be a good opportunity to earn more money for her family, Sangita agrees to travel to India with Ramesh. Since the migration laws *(negative influence)* do not provide for regular migration between the two countries, they cross the border late at night. On the way, they are stopped at the border by a border guard. But after paying him 100 taka, they are allowed to continue *(law enforcement weak and corrupt).* On arriving in India, she is handed over to a man who works as a recruiter for a gang located in Calcutta *(organized crime).* He had already worked out the arrangements to move six girls to the city.


C
MIGRATORY PROCESS OF THOSE WHO MIGRATE AND THOSE WHO ARE TRAFFICKED
General Population
Non-Migration (Involuntary Movement) Person kidnapped and moved against his/her will
"NEEDS/MOTIVES" (MIGRATION)
Basic Needs
Food, shelter, clothing, health care, employment, etc.
Lack of Economic Security
Satisfaction of basic needs over time
Desire for more Income/Status
Increased income and/or status
Social Stigmatization
Incest, rape, former sex work, divorced, widowed, etc.
Social Considerations
Social conditions that limit a woman's personal development
Aspirations and Adventure
Desire to experience life and explore the world
Emotional Stability
- Dysfunctional family support
- Seeking emotional support system
Opportunities Abroad
- Education/research opportunities
- Work opportunities
Involuntary Movement/ Fear/Threat
Unsafe personal environment because of conflict or disaster
Lack of Human Security
Civil rights and liberties compromised, etc.
DECISION INFLUENCERS/ DECISION MAKERS
Family members, guardians, etc.
Potential migrant him/herself
Community leaders, neighbours, migrant returnees, etc.
Recruiters, traffickers, returnees, agents
Migrant networks
Law enforcement agents
Migration/Trafficking Dynamics:
Process during which the seeds of a migratory process are planted.
FACTORS FACILITATING OR HINDERING THE MIGRATORY OUTCOME
ORGANIZED CRIME
FAMILY INVOLVEMENT
LAW ENFORCEMENT
PHYSICAL AND EMOTIONAL SECURITY
SOCIAL/CULTURAL PRACTICES
EMPLOYMENT POLICIES
DEVELOPMENT POLICIES
CONFLICT/DISASTER
ECONOMIC FACTORS
EDUCATION POLICIES AND INSTITUTIONS
GLOBAL/REGIONAL ECONOMIC AND INSTITUTIONAL ARRANGEMENTS
SOCIETAL NORMS AND TRADITION OF MIGRATION
MIGRATION MYTHS AND MIGRANT EXPECTATIONS
GENDER INEQUALITY
SOCIAL INEQUALITY
STATE/NATIONAL MIGRATION POLICIES
ETHNICITY AND RELIGIOUS AFFILIATION

6.9 POSSIBLE INTERVENTIONS TO PREVENT TRAFFICKING

Chart Q on the flowchart or *Figure Q* in this report provides an overview of selected interventions that can be used as prevention strategies to reduce trafficking. They are divided into two categories: vulnerability reduction and awareness creation, and informed choice/decisions through enabling initiatives. In the second group, the target populations include potential migrants/ victims, out-going migrants, communities, policy makers, the media and NGO/civil society representatives.

For effective prevention to be possible, these factors need to be combined as this will increase the possibility of protecting individuals within a given community against traffickers.

Reducing Vulnerability

The basic concept behind this approach is that if a country is able to develop an environment that offers "livelihood options" in villages and communities, this would reduce the need or desire for people to look elsewhere to make a living. As a general rule, this option often falls within the general category of "poverty alleviation". For a country like Bangladesh, any impact on this process takes time and may not bear fruit for years to come. The type of interventions in this category include low interest loans for needy families (Grameen Bank model) and vulnerable populations (widows, divorcees, minority groups, etc.); job placement programmes; skill development training programmes for young adults, and adult and female literacy.

Since the resources needed to effect a change at this level are substantial, this kind of intervention often falls well outside the limited means of most anti-trafficking programmes.

However, it is widely understood that improvements in the financial situation of the poor are often used to fund migration. As such, many poverty alleviation strategies are likely to increase the number of people migrating and therefore to create opportunities for traffickers to engage with the new migrating communities before these people have been able to establish secure migration networks able to protect them from trafficking harms.

> **Example**: Zuraira lives in an area of northern Bangladesh with few job opportunities. When she is 18, her family considers sending her to India to work. Before this decision is finalized, a donor-funded "jobs training" programme opens in the regional centre. Through the sponsorship of a local NGO, Zuraira is given the chance to attend a three-month course. On completing her training, she is offered a well-paying job that allows her to remain in a nearby community.

Creating Awareness

Under the heading "awareness creation" there are two general categories which include safe migration awareness, and general awareness of the risks of trafficking. Regarding safe migration, an effective prevention method is to provide potential migrants and communities with relevant information to educate and protect them against the trafficking "harm/exploitation". The target audiences are local community leaders, decision makers, prospective migrants, etc. Some of the activities include the distribution of easy-to-read and understand safe migration pamphlets; posters that highlight important information on safe migration; group orientations

and one-to-one counselling on the subject; creation of migration referral centres that ensure that all migration opportunities are legitimate (these centres monitor sites, help with logistical arrangements and report any problems identified). Some countries operate referral hotlines to allow prospective migrants to get the necessary information to help them migrate safely.

Another strategy used is a general awareness campaign that focuses on the risks associated with migration and trafficking – not to scare people, but rather to empower them by providing them with the information needed to protect themselves. This can be done at all levels of society by using targeted mass media, rallies, school-based programmes, posters, community workshops, etc. The objective is to help people to understand what trafficking is and what can be done to stop it within their community.

Example: Sabreen attended an anti-trafficking rally in her home town when she was 17 years old. A year after that event, she and her two cousins are offered a job in Calcutta as garment workers. As she and her cousins travel to the proposed site with the recruiter from the local village, she notices that instead of turning left to go to Calcutta, the bus continues straight on. Remembering what she had learned during the rally about how traffickers work, she becomes suspicious. At the next stop, when the man is off buying food, she approaches a police officer and explains her situation. When the officer approaches the man, he becomes very nervous and flees. The three girls are returned to their village unharmed.

7. LIFE AFTER LEAVING THE TRAFFICKING "HARM ENVIRONMENT"

7.1 INTRODUCTION

This chapter will focus on: (1) the means by which a person can transcend a trafficking harm environment; (2) an example of a case where a trafficked person might remain in the "harm environment" even after the possibility of leaving is offered, and (3) a discussion of the relationship between HIV/AIDS and trafficking.

7.2 POST-HARM ELEMENTS

Most people who experience a "trafficking outcome" eventually leave the "harm environment" at some stage. This is what separates the conditions associated with the outcome of "trafficking" from "slavery", which is open-ended.

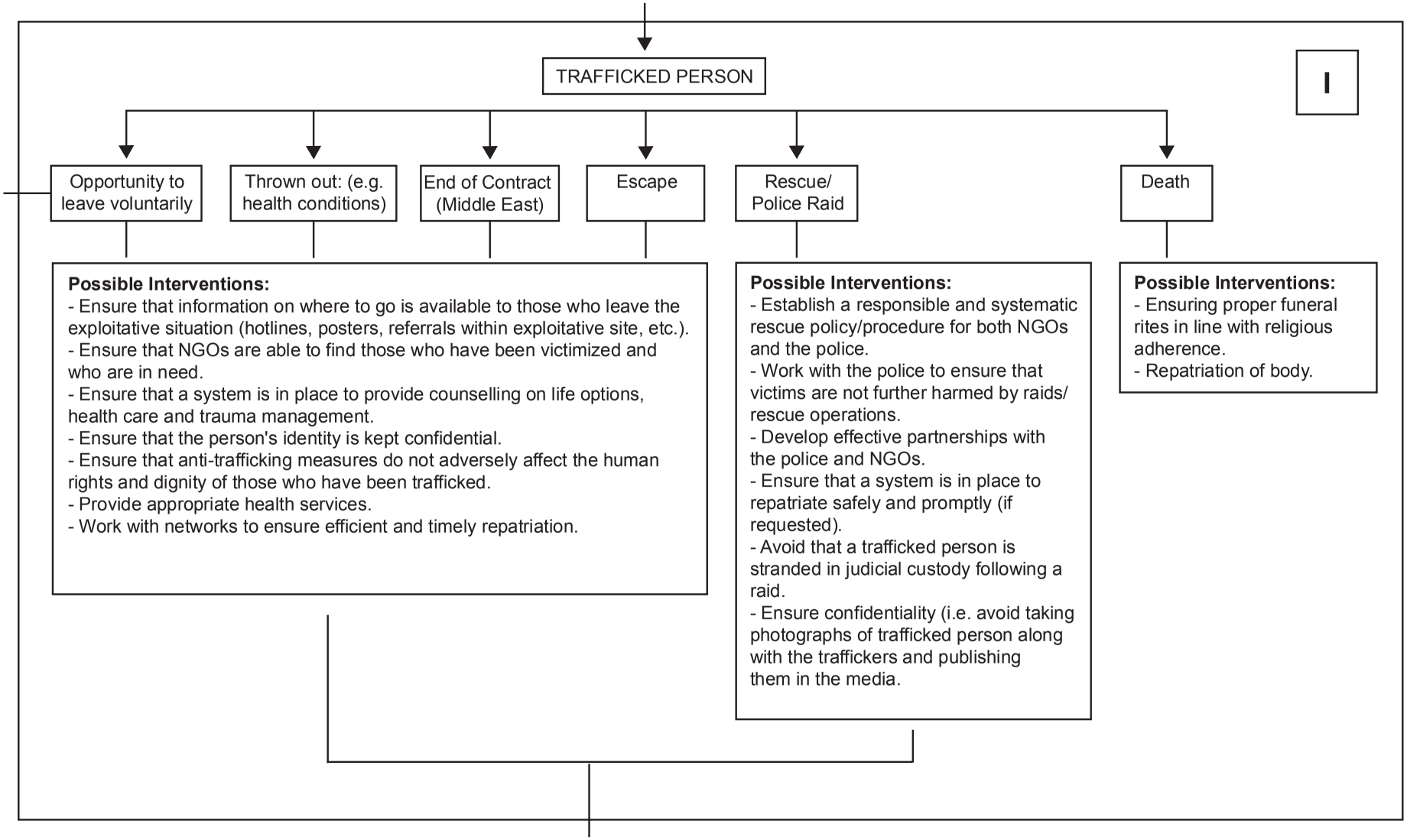
Although most trafficked persons who are given the opportunity to leave the "harm environment" do so, there are those who remain even after their ability to make their own choices based on available options has been restored to them. In this section, both these situations will be discussed in detail to explain why this occurs.

7.3 THOSE WHO PHYSICALLY LEAVE THE "HARM ENVIRONMENT"

There are a number of different ways in which a trafficked person might physically leave the "harm environment". (Refer to *Chart I* on the flowchart or *Figure I* in this report for a summary of these factors, along with a listing of possible interventions that could be used in these conditions.) Below is a summary of the main ones:

The person is allowed to leave (“agency” regained). Some trafficked persons are allowed to leave after a given period of time. Since many of the "trafficking harm" situations occur in a debt bondage situation, when it is felt that a person has paid what is owed (along with the many other excessive expenses that have been added to the original amount), their free agency is restored to them. This approach is sometimes used as a means to make room for fresh "trafficking recruits".

> **Example**: When Gita was first sold to a brothel, she was told by the madam that she had to reimburse the 25,000 rupees that had been paid for her. In addition, she was told that she would have to pay for her food, lodging and medical care. For three years, Gita struggled to reimburse this debt, but since additional expenses kept being added to her total, it was nearly impossible. When the madam began to feel that Gita was less profitable, she told her that she could leave – her debt had been paid off. This was done to make space for a new, fresh recruit who had just been acquired.


TRAFFICKED PERSON
I
Opportunity to leave voluntarily
Thrown out: (e.g. health conditions)
End of Contract (Middle East)
Escape
Rescue/ Police Raid
Death
Possible Interventions:
- Ensure that information on where to go is available to those who leave the exploitative situation (hotlines, posters, referrals within exploitative site, etc.).
- Ensure that NGOs are able to find those who have been victimized and who are in need.
- Ensure that a system is in place to provide counselling on life options, health care and trauma management.
- Ensure that the person's identity is kept confidential.
- Ensure that anti-trafficking measures do not adversely affect the human rights and dignity of those who have been trafficked.
- Provide appropriate health services.
- Work with networks to ensure efficient and timely repatriation.
Possible Interventions:
- Establish a responsible and systematic rescue policy/procedure for both NGOs and the police.
- Work with the police to ensure that victims are not further harmed by raids/ rescue operations.
- Develop effective partnerships with the police and NGOs.
- Ensure that a system is in place to repatriate safely and promptly (if requested).
- Avoid that a trafficked person is stranded in judicial custody following a raid.
- Ensure confidentiality (i.e. avoid taking photographs of trafficked person along with the traffickers and publishing them in the media.
Possible Interventions:
- Ensuring proper funeral rites in line with religious adherence.
- Repatriation of body.

- **The person is "thrown out" for some reason**. In some cases, trafficked persons are thrown out; for instance, when they are discovered to have a disease or are in some way no longer physically able to carry out their work. For example, a woman working in a brothel might be thrown out when it is discovered that she has tuberculosis or AIDS. To address this problem, the victims who find themselves in the street need to know where to go for help. Likewise, NGOs need to be able to provide the necessary health services to assist them.

Example: Shaheen received a visa to enter Malaysia to do construction work. For a period of two years he worked in slave-like conditions without being paid. The work was hard and often hazardous. One day, he fell and injured his back – the injury was serious enough to prevent him from working. Within a week his visa was revoked and he was returned to Bangladesh without any money. The employer explained that the money owed to him was used to cover his medical expenses.

- **The person's contract period is over**. A person who has completed his/her contract period may be allowed to leave. This often coincides with the length of the visa.

Example: When Marukh was 18 years old, her husband told her that she should travel to Kuwait to make some money for the family as a domestic worker. Since a visa for a woman cost much less than for a man (40,000 taka versus 80,000 taka), her in-laws agreed that she should go. Upon arriving at the airport in Kuwait, she was taken to the home of a local businessman. For the first month she did housework. But then she was forced to provide sexual services to the men in the house as well as those from other families. At first she resisted, but after regular beatings she finally gave in. Since her family had borrowed from moneylenders in Bangladesh, she felt she could not return empty handed. For three years she remained in this situation until her visa expired and she was returned to Bangladesh.

- **The person escapes from the "Harm"**. Some trafficked persons are able to escape. If caught, the response to this risky endeavour can be very severe and in some cases can result in the person's death.

Example: For nearly three years Sita was held as a virtual prisoner in the house where she worked as a servant. Whenever she did anything considered inappropriate, she was beaten. Even when she did nothing wrong she was punished. At times, her employer would sexually abuse her. When she was not working, she was locked in her room. She was never allowed out of the house and received no salary. Since she was living in a country where she did not understand the language, she did not know where to turn for help. One day, when one of the houseboys left the door unlocked, she ran away. After entering into a nearby bazaar, she found a man who spoke Bengali. He took her to a nearby police station.

- **The person is rescued in a raid (police/NGO, etc.)**. Some trafficked persons are removed from the "harm environment" during a rescue or police raid. NGO representatives or community leaders, often working with the police, generally carry out these raids/rescues. In some cases, the reason for these events is misplaced (e.g. the persons organizing it do so to gain

publicity for themselves). In other cases, the activity is warranted to help people who have been forced into a highly exploitative situation regain their freedom.

> **Example**: It was nearly midnight when a group of six police officers raided the brothel. There were a number of city officials and a camera crew to catch the action. This event was staged to show that the public officials were doing their part to address the "shameful" situation in the brothels. In addition to rounding up the madam and some of the security people, all of the foreign women were taken to the police station. After a number of photographs were taken for the newspapers, the media and public officials departed, leaving ten Bangladeshi women behind in the jail. For nearly two days they remained there until they were transferred to a local vagrant house for their "own protection", where they remained for nearly 14 months until a Bangladesh-based NGO helped them to return home.

If undertaken correctly, rescues can produce a positive outcome for those who want to leave the "harm environment". However, it often happens that they are further victimized by legal systems that are not equipped to provide real protection. For example, following a rescue, the victims might be placed into jails or vagrant centres for safe custody, which both stigmatizes them and offers the possibility of further abuses. There are also examples of people being sold back to the brothels (e.g. by the law enforcement agents) when those who rescued them fail to follow through with the long and drawn-out process of repatriation.

Finally, there are times when women are removed from the brothels against their will. In other words, they have accepted the life they have and do not want to be taken out (refer to the section below). In this case, the involuntary removal of a person from such a situation has been termed "reverse trafficking".

Partnerships are needed between the NGOs and police to ensure that a system is in place to enable the voluntary and rapid repatriation of the victim, and avoid further trauma or delay. In all these cases, it is important that the victims know where to go for help after being released, if they seek this kind of support.

- **The person dies while in the "Harm Environment"**. Some trafficked persons die in the "harm environment" either through illness or an accident. If this happens, ensuring that the proper funeral rites are observed and/or the repatriation of the body is very important for the family members of the victim.

7.4 THOSE WHO REMAIN IN THE "HARM" ENVIRONMENT

Chart J on the flowchart or *Figure J* in this report reflects the reality that not all adults who have the ability to leave the "harm environment" actually do so. In some cases, the environment changes over time so that the victim feels compelled to remain. For example, there are many women who have been trafficked into the sex industry who, when eventually given the option to leave, remain in the brothel (the original "harm environment") for a variety of reasons:

- **Subjugation** (**passive acceptance**). Some no longer have the strength to embark on a new life for themselves, and, though they may be free to leave, they remain. For example, the trafficked person may fear what might happen to her if she returns to her home; she may not be accepted back by her family, she may be further stigmatized or perhaps even end up in a worse situation.

- **Normalization**. As restrictions are lessened over time, the victim might take on a boyfriend and/or have a child while in the "harm environment". For many, their co-workers become their "adopted" family. Thus, leaving would result in the loss of their support system. Likewise, many come to internalize that they have been "spoiled", which means that they will not be accepted back into their family or community.

- **Negotiated status**. Many women who have been trafficked develop a strategy of using various points of resistance to negotiate changes in their circumstances. This change sometimes allows them to negotiate, maintain and/or fashion a situation which brings a gain in status, power and more control over their lives within the "harm environment". Some victims remain within the system after having their free agency restored to them out of concern that they will lose this status if they go elsewhere.

- **Full agency**. In this case, an originally oppressive situation changes into one which might hold some benefits for the victim. For example, over time she might be given more freedoms and allowed to keep more of her earnings. Realizing that she is making much more money than she could earn in other low-skill activities, she remains within the "harm environment". Sometimes, they move on to become traffickers themselves.

7.5 POSSIBLE INTERVENTIONS TO PREVENT TRAFFICKING

Chart I on the flowchart or *Figure I* in this report provides an overview of selected interventions that can be used when addressing those who transcend the harm environment.

TRAFFICKED PERSON WHO REMAINS IN A PREVIOUS HARM ENVIRONMENT/ LOCATION" DESPITE THE OPPORTUNITY TO LEAVE (Example: sex worker in a brothel)

FREE AGENT: (choice over life options)

People who are trafficked into the "harm" will often experience an evolution of the episode that eventually leads to a realignment of the "levels of control" in their lives. This realignment sometimes creates opportunities to leave the "harm", but for various reasons some remain in the same environment/location. Sometimes harm is mitigated, sometimes it continues. **Below are some reasons for this.**

Adaptation/Normalization of the situation relative to other expectations (family, child, lover, etc.).

Through various and sustained points of **resistance**, the balance of free agency and control shifts in favour of the trafficked person, whose expectations of improvements in the situation may lead to conclude that the "harm environment" offers the most accessible benefits.

Agency restored: Person feels she can now somehow benefit from the situation (e.g. economic security).

Subjugation:
Passive acceptance of the situation ("gives in").

The trafficked person is so subjugated by the "harm environment" and the fear of social stigma or exclusion leading to the conclusion that there is no benefit in leaving the "harm environment".

POSSIBLE INTERVENTIONS

- Harm reduction for HIV/AIDS, STDs (condom promotion)
- Alternative life/work skills development
- Support mothers to keep their children outside brothels voluntarily
- Create an enabling environment
- Improve the conditions of the industry based on human rights principles
- Drug abuse counselling

POSSIBLE INTERVENTIONS

- Alternative life options offered (counselling)
- Counselling support to build self-esteem
- HIV/AIDS, STD harm reduction/counselling
- Work skills training
- Drug abuse counselling

7.6 HIV/AIDS PROGRAMMES VERSUS ANTI-TRAFFICKING ACTIVITIES

Whether the person leaves the "harm environment" or stays, the moment there is a real option to leave, that person is considered a trafficking survivor. Though the person might remain in some other type of "harmful" situation, this new harm is likely to be characterized by a different set of circumstances.

Likewise, the interventions needed to address the problem also differ once a trafficked person makes this change. For example, it may be necessary for them to receive HIV/AIDS harm reduction and condom promotion assistance to reduce their vulnerability to sexually transmitted diseases. For those who eventually choose to leave the sex industry as they get older, they might need alternative life skills training to find other work. Finally, support to protect their children from a similar fate and for them to receive an education that will allow them to lead another, less harmful lifestyle, is sometimes offered in brothel settings.

As noted earlier on, until now the trafficking sector and the HIV/AIDS prevention sector have followed very different tracks. The HIV/AIDS prevention development workers argue that if anti-trafficking efforts take place in brothels (e.g. raids and rescues), the madams and the pimps will blame them for these problems and their programmes will be disrupted or stopped. As a result, protection efforts (e.g. awareness of HIV/AIDS, negotiation skills training, condom usage, etc.) would be lost and HIV/AIDS rates would undoubtedly increase.

On the other hand, many people feel that women who have been trafficked are more vulnerable to HIV/AIDS because they have fewer choices. With this in mind, those working on anti-trafficking efforts sometimes feel that by HIV/AIDS prevention groups working with the madams and pimps, the people who are often those buying and selling the girls, they are somehow providing legitimacy to these criminals to continue trafficking.

The reason for the example above (e.g. a woman who was trafficked but now chooses to remain in the "harm environment") is to show that both development sectors (anti-trafficking and HIV/AIDS prevention) have a role to play in addressing the needs of vulnerable persons at different stages.

7.7 THOSE WHO LEAVE THE HARM BUT END UP RETURNING TO IT

For some who leave the harm environment, new traffickers are able to acquire control over them again in a short time. This often happens in circumstances where the needs/motives to migrate force the person to return to a situation where there is a risk of being retrafficked. This topic will be discussed in more detail in later chapters.

8. ELEMENTS RELATED TO POST-TRAFFICKING EVENTS

8.1. INTRODUCTION

This chapter focuses on: (1) geographical outcomes of the post-trafficking event; (2) voluntary and involuntary repatriation, and (3) "access to justice" and the importance of specific human rights principles regarding trafficked persons.

8.2 GEOGRAPHICAL OUTCOME OF THE POST-TRAFFICKING EVENT

After a trafficked person has left the harm environment (brothel, factory, etc.), the question of where to go next arises. Based on experience, there are a number of different options followed by trafficked persons from Bangladesh. For example, the person may decide to remain in the harm environment, remain in the country/community of destination, voluntarily travel to a third country, or voluntarily repatriate to the country/community of origin. In some cases, the person might also be forced to repatriate to the country/community of origin or be detained in jail or a remand centre. Below is a more detailed description of such outcomes.

- **Person remains in the "harm environment" despite the opportunity to leave**. As already noted, not all trafficking victims leave the harm environment for the reasons outlined above.

- **Trafficked persons who remain in the country/community of destination**. It is sometimes assumed that all victims of trafficking want to return to their country or community. However, experience from Bangladesh shows that this is not always the case. For example, on leaving the harm environment, many trafficked persons decide to remain in the country/community to which they were trafficked. Some of the reasons for this might include that they feel the existing location to be better suited to address their present needs; some may have taken on a family or partner where they live; they may have come to realize that they have little to return to in their country or community of origin (e.g. because of social stigma, making reintegration impossible) or because they have been gone long enough to have learned the language and become familiar with the local customs and have begun to feel more at home in their new setting.

Example: Sharda worked in a brothel outside of Calcutta for five years after having been trafficked from Bangladesh when she was 18 years old. After being told that she had paid back what she owed to the madam, she decided to remain in the Calcutta area. In addition to having a boyfriend in the area, she had made many friends there. Since she recalled the abusive nature of her previous family life, she decided that returning home would not be in her best interest.

- **Trafficked person decides to go to a third country**. Some victims of trafficking decide to go on to a third country. This may be because of alleged better economic opportunities there or perhaps a better standard of living. In the field of international trafficking, the issue of voluntary third-country resettlement is being extensively discussed. For example, a third-country option might be needed to avoid reprisals from traffickers in both the country of origin and destination, or where the risk of re-trafficking is considered a strong possibility.

- **Voluntary repatriation**. In addition to those who chose to stay, there are also those who wish to voluntarily return back to their country or community of origin. This process can be facilitated with the help of well-wishers or NGO representatives; in other cases, the persons return on their own. The reasons for wanting to return often include that everything about the destination environment is tainted by the traumatic experience; wanting to return to a familiar setting – language, food, customs, etc.; missing their family, friends and/or community, or being unaware of the stigma that might await them upon their return.

> **Example**: Gita was trafficked to a household in Bombay. She went there with the promise of a well-paying job as an *Ayah* (nanny). But on arrival, in addition to taking care of four children, she was forced to do all of the housework and cooking. Each day, she worked from 6 a.m. to 11 p.m. for virtually no salary. She was told that if she tried to leave or if she complained, she would be severely beaten. One day, an uncle of hers came from Bangladesh to see how she was doing, but the family refused to allow him to meet with her. After going to the police station and complaining, he was given a chance to see her. Upon seeing the conditions of her employment, Gita was released from the household. She immediately returned with her uncle to Bangladesh. The experience was so traumatic, she felt the need to immediately leave the country.

- **Involuntary repatriation**. In some cases, the authorities in the destination country force a trafficked person to return to the country of origin. This has been called "reverse trafficking" by those who feel that to force an individual to return to the country of origin following a trafficking episode is a violation of that person's rights. This process often results in an incomplete resolution of the trafficking episode since the person's migratory needs/motivations are ignored. Upon return, the returnee's situation may also be made more difficult through excessive debt and stigma. Often, such persons remain vulnerable to the risk of being re-trafficked.

  Although in some countries a trafficked person will be forced to return in the event of a refusal to cooperate in the prosecution process, this does not appear to be a problem in the Bangladesh context at this time.

8.3 ACCESS TO JUSTICE, LEGAL ACTIONS AND HUMAN RIGHTS

Access to Justice

Although the option to prosecute those involved in the trafficking sector is always a possibility after a person leaves the harm environment, this seldom happens in the South Asian context for the following reasons: many trafficked persons lack confidence in the police and judicial sys-

tems; without money and a strong support system, it is difficult to secure a conviction against a trafficker; intimidation and threats are often used by traffickers to prevent a person from taking legal action, and as recruiters and traffickers are sometimes members of a family or community, there is often pressure from within to avoid initiating a legal action against them.

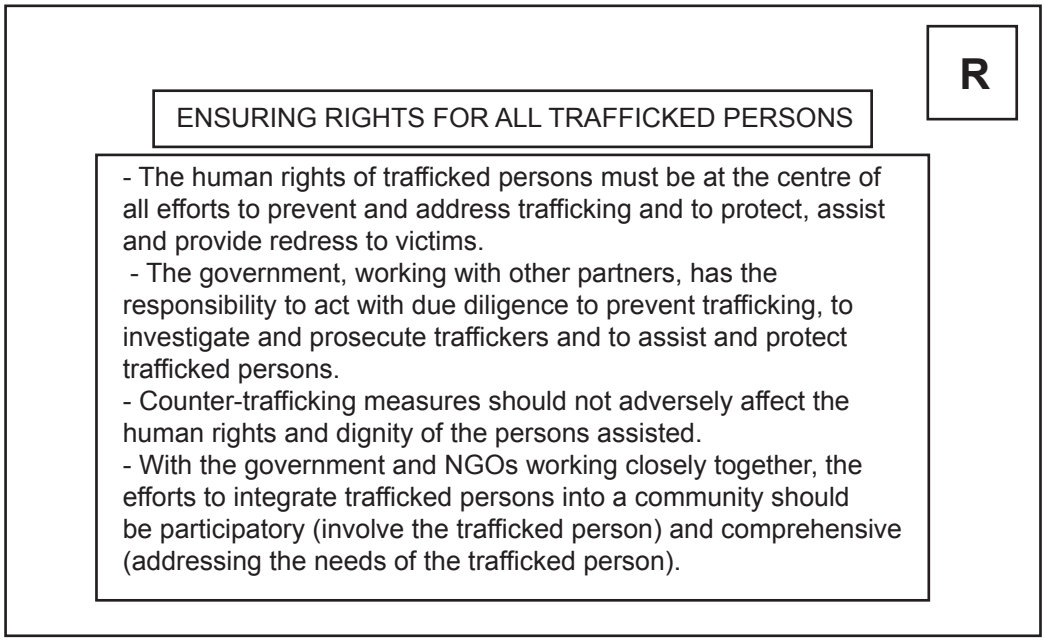
For the prosecution of traffickers to be effective, legal and other assistance must be provided to trafficked persons for the duration of any criminal action against suspected traffickers. The victims and witnesses must also be protected during the legal proceedings.

Since some trafficked persons are sometimes detained, charged or prosecuted for their illegal entry into or residence in the country, it is important that the legal system not punish them for this to the extent that such occurrences are a direct consequence of their situation as a trafficked person.

Chart L on the flowchart or *Figure L* in this report addresses these issues in more detail.

Human Rights Principles

Chart R on the flowchart or *Figure R* in this report provides a listing of several important human rights principles that must be observed when working with trafficked persons.



L

ACCESS TO JUSTICE

At present, many people choose not to engage in the criminal justice system to prosecute their traffickers as they lack confidence in the system and fear that the outcome of the legal process could have negative repercussions on their own personal liberties and security.

OTHER ISSUES

- Trafficked persons are sometimes detained, charged or prosecuted for their illegal entry into or residence in the country of destination.
- It is important that trafficked persons should not be punished for their unlawful activities to the extent that such involvement was a direct consequence of their situation as a victim of trafficking.

LEGAL ACTION

Governments working with their partners should continue to ensure that legal and other assistance is provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. This should cover the period from when a crime is reported to the end of the prosecution process.

9. RECOVERY AND INTEGRATION OF SURVIVORS OF TRAFFICKING

9.1 INTRODUCTION

This chapter focuses on: (1) the recovery process; (2) the social integration process, and (3) definitions of what constitutes successful or unsuccessful social integration.

9.2 RECOVERY PROCESS

Once the person is physically out of harm, a process of recovery begins. Depending on the person and the trauma experienced, this can take weeks, months or years. In this case, the term "recovery" is being used loosely to refer to a stabilization process during which the survivor develops the means (physical and emotional) to face a new life situation. The recovery can be facilitated with the assistance of an individual (social worker, counsellor or legal representative) or from an institution (public or NGO managed home). However, in most cases the survivors find their own way without the help of others. The recovery can also take place in the country/community of destination or the country/community of origin, depending on the particular situation.

- **Unassisted recovery process**. In many cases, the trafficked person is able or required to recover without the help of others. Most of them are unaware of the existence of individuals or organizations willing and able to help them. Others, though they might be aware of such facilities (e.g. NGO shelters), are either too embarrassed or too ashamed to seek support. Many have been betrayed so often that they are incapable of trusting anyone to help them. Though most trafficked persons are in this situation after leaving the "harm environment", there is only very limited research and information available offering insights into how they go through this process. It is important to note that unassisted recovery can sometimes begin in the "harm environment" itself (refer to *Figure M1*).

> **Example**: Sushma was trafficked to a brothel in Bombay. After nearly four years, when she had paid back what they said she owed, she was allowed to leave. Since her family thought she was in India working in a carpet factory, she returned home without telling anyone what she had been doing. When asked where the money she had earned was, she lied and said that it was stolen as she was returning home. Although she was allowed to reintegrate into the community, she lived in constant fear that someday someone would recognize her and reveal her secret. She did her best to live with the shame and the depression that followed her long ordeal.

- **Progressive facilitated recovery**. Under the heading of progressive facilitated recovery, the choices might include short- and long-term homes and drop-in centres. In Bangladesh, sev-

eral NGOs run long-term homes that provide for up to 50 or more trafficked persons of different ages. To protect the residents from further exploitation, these shelters have high security and limit the freedom of movement. While counselling, food, shelter, medical care and schooling are all offered, there is at present no tangible strategy in place to assist the residents to reintegrate into community life. As a result, many will remain in the facility for many years.

Research carried out worldwide shows that people who have become accustomed to a rigid institutional routine often do not develop the skills needed to succeed in the general community outside. As a result, many find themselves being exploited again when they return to a community setting, while many others end up returning to an institutional setting when they fail to adjust.

Example: At the age of four, Ramesh was sent to the Middle East to be a camel jockey. After three years, when he became too heavy to effectively compete, he was returned to India. Since his parents could not be located, he was placed in a shelter home. For nearly 12 years he lived in this facility, where he received food, shelter and an education in a structured setting. When he was finally allowed to leave, he found it nearly impossible to cope with the rigours of community life. Having followed a strict routine in the facility, he was totally unprepared to face a return into society.

The ideal situation for facilitated recovery is a location that covers the basic needs (food, shelter and medical support), has a limited number of people (between five and ten) in a family-like setting, trained counselling staff, freedom of movement and a playground for children. The goal is to help stabilize the survivor through a structured short-stay programme in order to get them back into a safe, protective family or community environment as soon as possible. The services must be adapted to the needs of each individual trafficked person since each case is unique and requires different support.

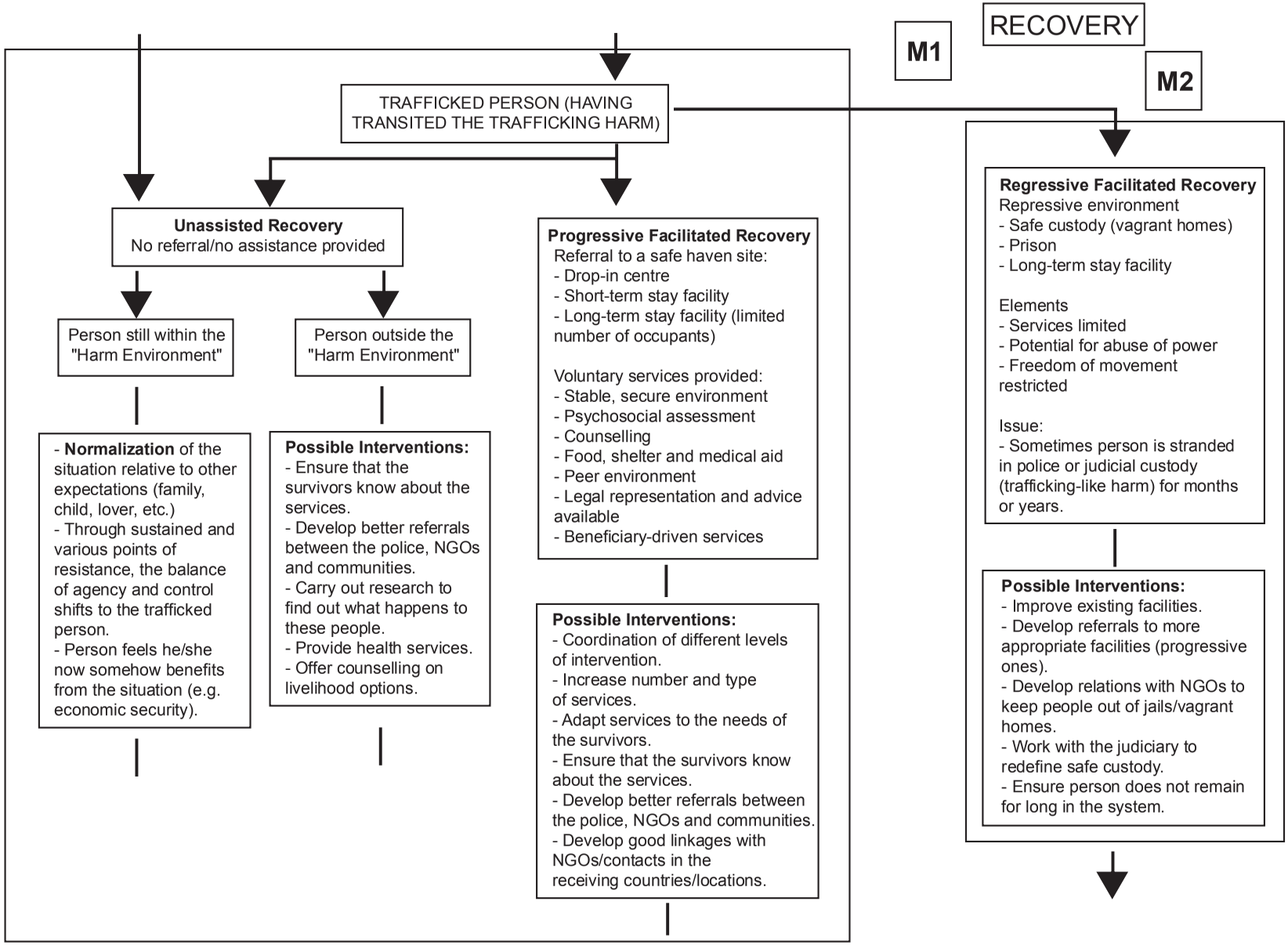
As an alternative to institutions, several organizations in Bangladesh have expressed an interest in experimenting with parent craft and foster care programmes. The Government of Bangladesh is working with the NGO sector to provide oversight to help develop this process.

- **Regressive facilitated recovery**. Not all facilitated recovery approaches are necessarily helpful. For example, in some circumstances, trafficked persons are placed into prisons or vagrant homes for safe custody. These public-run facilities tend to be overcrowded, with limited services, offering no freedom of movement and an environment where abuse of power can sometimes thrive. As a result, they tend to further victimize and/or stigmatize the person. There are also examples of trafficked persons having been placed in such facilities who remain there for many years before they are allowed to leave.

Example: Seema is rescued from a brothel in Patna. While the repatriation process is being started, the state sends her to a vagrant home for safe custody. With major backlogs in the overall system, the case drags on for many months. After a while, those who carried out the rescue lose interest in the case. With no one moving the legal process forward, Seema has to stay in the home for nearly six years before her case is brought to the attention of a Bangladesh NGO.

Since few publicly run facilities in Bangladesh (or anywhere else in South Asia) have the services and trained staff needed to address the specific needs of those who have been through a trafficking experience, referrals are needed to more progressive facilities, often run by NGOs, that offer psychosocial assessments, counselling and a safe, supportive environment.

Charts M1/*M2* on the flowchart or *Figure M1*/*M2* in this report provides an overview of the recovery options along with possible interventions to address the various categories described.


RECOVERY
M1
M2
TRAFFICKED PERSON (HAVING TRANSITED THE TRAFFICKING HARM)
Unassisted Recovery
No referral/no assistance provided
Person still within the "Harm Environment"
Person outside the "Harm Environment"
- Normalization of the situation relative to other expectations (family, child, lover, etc.)
- Through sustained and various points of resistance, the balance of agency and control shifts to the trafficked person.
- Person feels he/she now somehow benefits from the situation (e.g. economic security).
Possible Interventions:
- Ensure that the survivors know about the services.
- Develop better referrals between the police, NGOs and communities.
- Carry out research to find out what happens to these people.
- Provide health services.
- Offer counselling on livelihood options.
Progressive Facilitated Recovery
Referral to a safe haven site:
- Drop-in centre
- Short-term stay facility
- Long-term stay facility (limited number of occupants)
Voluntary services provided:
- Stable, secure environment
- Psychosocial assessment
- Counselling
- Food, shelter and medical aid
- Peer environment
- Legal representation and advice available
- Beneficiary-driven services
Possible Interventions:
- Coordination of different levels of intervention.
- Increase number and type of services.
- Adapt services to the needs of the survivors.
- Ensure that the survivors know about the services.
- Develop better referrals between the police, NGOs and communities.
- Develop good linkages with NGOs/contacts in the receiving countries/locations.
Regressive Facilitated Recovery
Repressive environment
- Safe custody (vagrant homes)
- Prison
- Long-term stay facility
Elements
- Services limited
- Potential for abuse of power
- Freedom of movement restricted
Issue:
- Sometimes person is stranded in police or judicial custody (trafficking-like harm) for months or years.
Possible Interventions:
- Improve existing facilities.
- Develop referrals to more appropriate facilities (progressive ones).
- Develop relations with NGOs to keep people out of jails/vagrant homes.
- Work with the judiciary to redefine safe custody.
- Ensure person does not remain for long in the system.

9.3 SOCIAL REINTEGRATION PROCESS

At some point, the question of what to do with their life has to be faced by victims of trafficking. The available options are to return to the family, a community setting, a workplace setting or a combination of any or all of these. Again, this process can be facilitated or the person can go through it with no assistance from anyone.

- **Unassisted social reintegration**. Similar to the recovery process described above, the trafficked person often has to reintegrate into society without any assistance. Many are unaware of the existence of individuals/groups willing and able to help them. For others, a general lack of trust may prevent their seeking any help. Though most trafficking victims are in this situation, there is only limited research and information available to offer insights into how they go through this process.

- **Facilitated social reintegration**. Facilitated social reintegration refers to a process where a victim of trafficking receives help to return to daily life in society. Such assistance might be offered by a social worker, a counsellor or through an NGO and would seek to ensure that the survivor is placed into a safe and stable environment precluding further exploitation. This often requires visiting the site, interviewing family members, providing counselling and follow-up. To do this effectively, those providing the assistance must be well trained and experienced.

> **Example**: Zareen, a domestic in a household, has been repatriated from India after being rescued from her abusive employer. Back in Bangladesh, she spends nearly two months in a group home where she receives counselling and care. Once she is strong enough, a social worker from the facility travels with Zareen to her village home. There, the counsellor works with the family to help them to understand what Zareen has gone through. After being returned to her home environment, the social worker periodically follows up with a visit to the home to provide further care and support to both the family and to Zareen.

- **Social reintegration options: family, community or workplace**. The ideal situation for successful reintegration is the immediate family. Where this is not possible, the extended family should be considered. However, some families are so dysfunctional, they are not suitable and may further harm the person. Likewise, not all families accept the survivor back – in fact, many do not. If the family is not an option, a situation that offers a family-like community environment is the next best alternative. Finally, in some cases, a workplace environment might also be considered.

  For those who can keep their exploitative experience a secret, being accepted back into the family might be possible. But often in South Asia, if there is either knowledge or suspicion that the family member has been involved in something "shameful", she is often cast out. Even if she was a total victim, society is often not very forgiving. There are brothers and sisters that need to be married off. The stigma can have a negative effect on the entire family.

  Returning the person to a community setting is very important. This might include having the victim share a room with several other women. Living in a community setting helps to develop coping skills that cannot easily be taught in a rigid institutional environment.

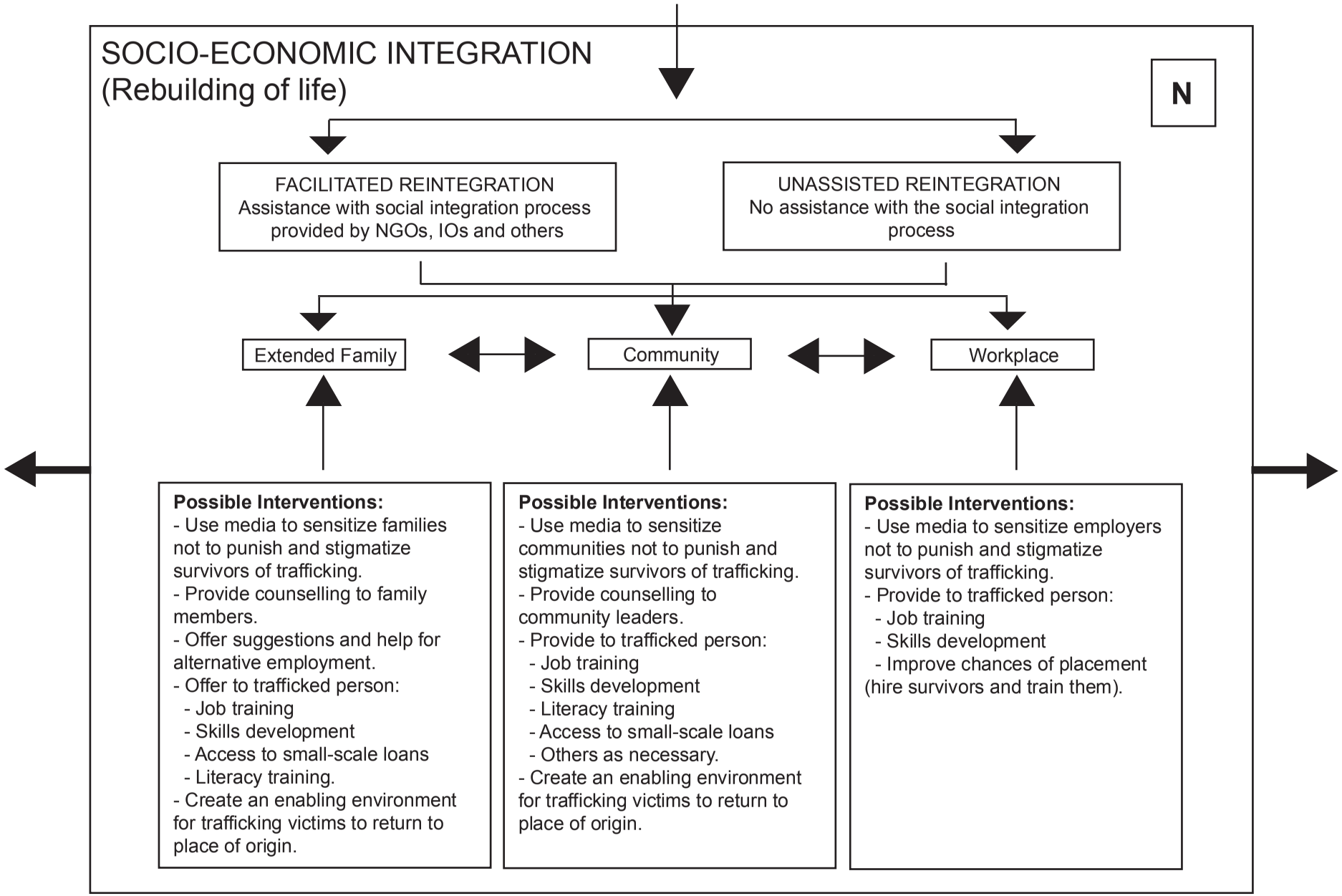
In some of the larger urban areas, integration into a workplace setting is another option (e.g. a dormitory associated with a business). This offers the possibility to return to social life, earn a living and to begin to rebuild one's life. To do this, job training might be required.

A long-term goal of all these programmes is to foster life skills to provide the basic foundation for the person to be able to function in society. One of the main problems in this process is the stigmatization related to the trafficking outcome. Throughout South Asia, many communities still further victimize the victims by not allowing them to return home. Over time, one of the goals to be pursued is to help communities to reduce the stigma attached to a trafficking victim. This change will not come without years of positive enforcement. One possible approach is to use the mass media to create awareness in the population that victims of trafficking need assistance, and to sensitize people to recognize and accept those who have been trafficked as victims of exploitation who need and deserve help, rathern than scorn and disapproval.

- **Social "integration" versus "reintegration" – a question of conceptual clarity**. Many anti-trafficking programmes use the term "reintegration" when a victim of trafficking is returned to a community. The Thematic Group spent considerable time discussing this matter. It was felt that social "integration" was perhaps to be preferred, as "reintegration" implied that the trafficked person was returning to a particular place – the family, the old community, etc. While this may be the case for some, many others might end up in a totally different situation involving a new setting in a different country or a new community after leaving the "harm environment". This reservation notwithstanding, it was also felt that a victim of a trafficking outcome would have been a member of society before the event, and that "social reintegration" also refers to the return to society at large and goes beyond the more limited range of family or home community. In fact, it comprises adaptation and the (re)learning of social skills to survive in society at large as the most important and pressing element, and only subsidiarily, and not necessarily, a readaptation to family and kin. Thus, the term social "reintegration" has also been used here in accordance with general usage.

Bringing the Pieces Together

Charts M1/*M2* on the flowchart or *Figure M1*/*M2* in this report provides an overview of the recovery options along with the possible interventions to address the various categories described.


SOCIO-ECONOMIC INTEGRATION
(Rebuilding of life)
N
FACILITATED REINTEGRATION
Assistance with social integration process provided by NGOs, IOs and others
UNASSISTED REINTEGRATION
No assistance with the social integration process
Extended Family
Community
Workplace
Possible Interventions:
- Use media to sensitize families not to punish and stigmatize survivors of trafficking.
- Provide counselling to family members.
- Offer suggestions and help for alternative employment.
- Offer to trafficked person:
- Job training
- Skills development
- Access to small-scale loans
- Literacy training.
- Create an enabling environment for trafficking victims to return to place of origin.
Possible Interventions:
- Use media to sensitize communities not to punish and stigmatize survivors of trafficking.
- Provide counselling to community leaders.
- Provide to trafficked person:
- Job training
- Skills development
- Literacy training
- Access to small-scale loans
- Others as necessary.
- Create an enabling environment for trafficking victims to return to place of origin.
Possible Interventions:
- Use media to sensitize employers not to punish and stigmatize survivors of trafficking.
- Provide to trafficked person:
- Job training
- Skills development
- Improve chances of placement (hire survivors and train them).

9.4 OUTCOME OF RECOVERY AND SOCIAL REINTEGRATION

The recovery and social reintegration process may be characterized by successes and failures. The Thematic Group came up with various criteria for judging success, based on the degree of control a person has over his/her life as outlined below.

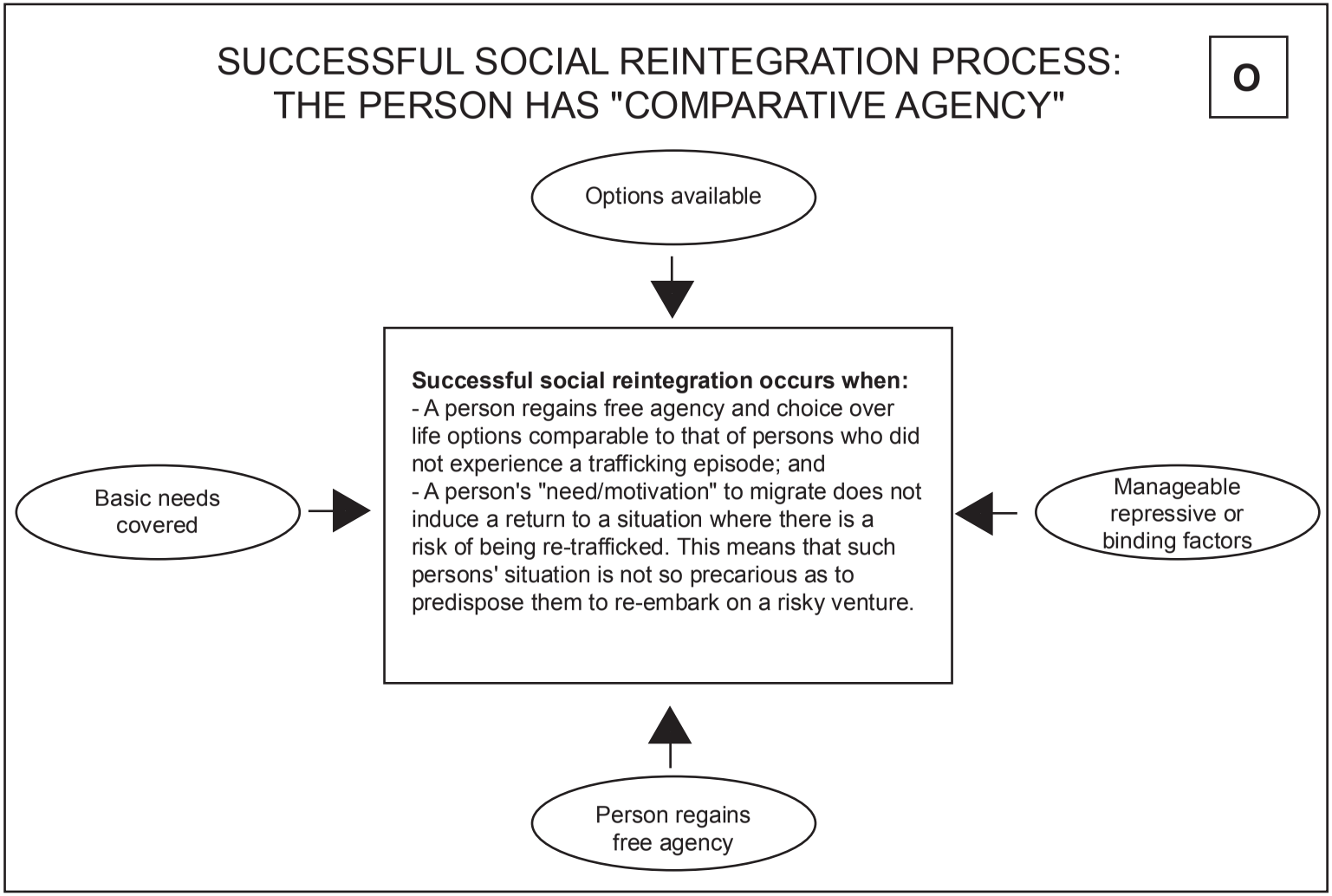
Successful social integration. The Thematic Group spent considerable time discussing what would constitute a person's successful social reintegration. At length it was agreed that social reintegration may be considered successful when:

- A person regains free agency and choice over life options comparable to that of persons who did not experience a trafficking episode. In other words, this statement accepts the fact that none of us really has full agency and that there are always limitations to the full control over our lives;
- A person's need/motivation to migrate does not induce a return to a situation where there is a risk of being re-trafficked. This means that such persons' situation is not so precarious as to predispose them to re-embark on a risky venture.

Thus, those who succeed might be termed as possessing "relative agency". Other related factors include the following:

- Basic needs are covered (food, shelter, etc.);
- Options are available to leave or stay, to seek other employment, etc.,
- Binding factors such as debt bondage, threats, the use of force and the like and other repressive factors are manageable and do not dominate the person's life.

Refer to *Chart O* on the flowchart or *Figure O* in this report for a visual representation of this.


SUCCESSFUL SOCIAL REINTEGRATION PROCESS:
THE PERSON HAS "COMPARATIVE AGENCY"
O
Options available
Basic needs covered
Successful social reintegration occurs when:
- A person regains free agency and choice over life options comparable to that of persons who did not experience a trafficking episode; and
- A person's "need/motivation" to migrate does not induce a return to a situation where there is a risk of being re-trafficked. This means that such persons' situation is not so precarious as to predispose them to re-embark on a risky venture.
Manageable repressive or binding factors
Person regains free agency

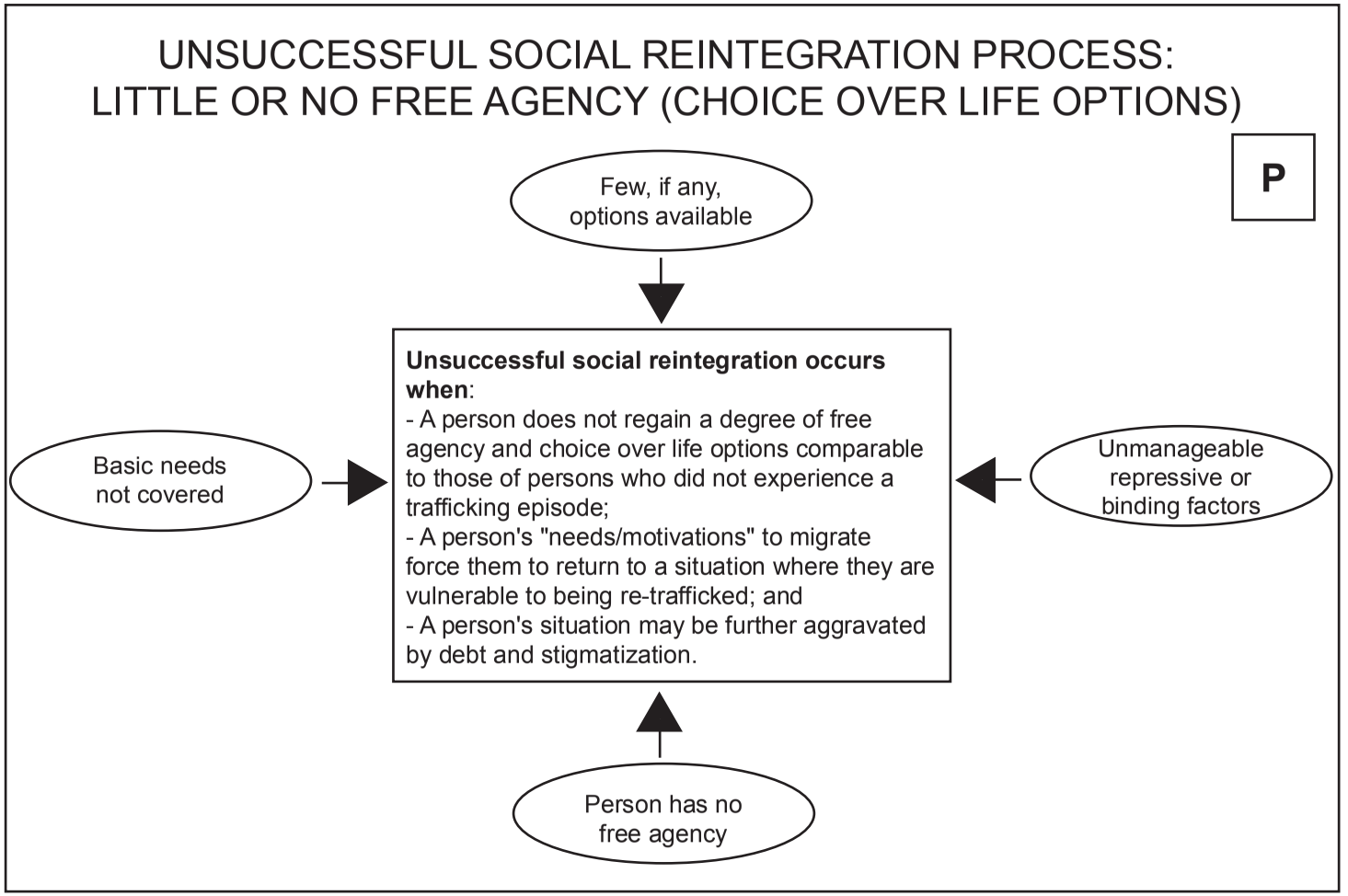
Unsuccessful social integration – Return to an exploitative situation. However, many others find themselves returning to the "harm environment" all over again. This may occur because they are stigmatized which heightens their vulnerability, or because they lack the skills necessary to protect themselves from renewed exploitation. The Thematic Group felt that unsuccessful social reintegration occurs when:

- A person does not regain a degree of free agency and choice over life options comparable to that of persons who did not experience a trafficking episode. In other words, there are many binding factors that prevent sufficient control over his/her life;
- This means that the situation is so precarious as to predispose the person to re-embark on a risky venture. Thus, a person's "need/motivation" to migrate induces a return to a situation where there is a risk of being re-trafficked,
- Debt and stigmatization further aggravate the person's situation.

Thus, a person with little or no free agency and choice over life options is unlikely to succeed. Other related factors include:

- The person's basic needs (food, shelter, etc.) are not covered;
- Few, if any, options are available (the option to leave or stay, or to seek other employment or other changes in the situation), and
- Binding factors such as debt bondage, threats, the use of force and other repressive factors are unmanageable and dominate the person's life.

Refer to *Chart P* on the flowchart or *Figure P* in this report for a visual representation of this.


UNSUCCESSFUL SOCIAL REINTEGRATION PROCESS:
LITTLE OR NO FREE AGENCY (CHOICE OVER LIFE OPTIONS)
P
Few, if any, options available
Basic needs not covered
Unmanageable repressive or binding factors
Unsuccessful social reintegration occurs when:
- A person does not regain a degree of free agency and choice over life options comparable to those of persons who did not experience a trafficking episode;
- A person's "needs/motivations" to migrate force them to return to a situation where they are vulnerable to being re-trafficked; and
- A person's situation may be further aggravated by debt and stigmatization.
Person has no free agency

CHAPTER 10
SECOND-GENERATION THINKING: WHAT NEXT?

From the first day the Bangladesh Thematic Group was formed, the concept of addressing second-generation thinking within the trafficking sector was introduced. As the Thematic Group progressed in its task, and as the various conceptual elements were refined and expanded, this concept began to take on a life of its own. For example, during a major anti-trafficking conference held in Hawaii in November 2002, the second-generation concept was introduced to others working in the anti-trafficking movement as part of several Bangladesh presentations. Based on these presentations, a number of other presenters repeatedly called for the entire sector to be moved from "first" to "second-generation thinking".

During a South Asia Regional Workshop to Explore a New Paradigm for Addressing Trafficking in Persons (March 2003), 35 participants from across South Asia came to Dhaka to debate and contribute to the development of a second-generation conceptualization of trafficking. Some of the key outcomes of the workshop were: (1) a consensus on the parameters/guidelines on the second-generation thinking; (2) an agreement that the Bangladesh Thematic Group would now be expanded into a South Asian Thematic Group, and (3) an agreement that other countries in the region would initiate a similar country-specific process.

To better articulate the basic components of second-generation thinking as expressed in the expanded thematic group, a number of specific suggestions emerged. First, the thematic group felt that second-generation thinking needed to begin by focusing on all the various steps involved in the trafficking process; i.e. from the time a person is recruited, the movement of that person to the trafficking harm/outcome, and through the recovery and social reintegration process. The idea is to avoid presenting trafficking as a single event, but rather as a series of interrelated events along a continuum spanning a given period of time.

Second, the group felt that more approaches were needed to visually present the process, e.g. through mapping, flowchart development and the like, to help those addressing the problem to better see and understand the complexity of the process. Since trafficking scenarios differ from country to country, each flowchart should be adapted to accommodate the specific needs in relation to a given setting.

Third, the group felt that all trafficking outcomes, e.g. domestic servitude, camel jockeys, beggars, factory workers, prostitution, should be given equal attention when addressing the trafficking problem. In the past, there has been more emphasis on trafficking into the sex trade, at the expense of other exploitative outcomes. For this change to happen, more research is required to further explore other trafficking outcomes, especially in the destination countries.

Fourth, the group felt that it was necessary to clearly distinguish the approaches and interventions to address the different needs of women who have become victims of trafficking, and those of children who have been trafficked, as separate and distinct target groups. When addressing

trafficked persons, women and children are often put together in the same category as though they shared the same degree of dependence and inability to exert their own will. When women and children are thus put into the same category, it implies that women are unable to make any choices for themselves and that they are totally dependent on others for their life decisions. This does a disservice to women and underestimates their ability to make major life choices.

Fifth, the Thematic Group felt that more time and effort were needed to show how the migratory process coincided with many trafficking events involving adults, as distinct from children. This is not to legitimize the problem, but to foster a better understanding of how traffickers deceive their victims through promises of migratory benefits or outcomes, such as a marriage, a good job, etc. As noted above, our present traditional, theoretical understanding can no longer resolve the ambiguities and uncertainties concerning migration and trafficking. It warrants a new theoretical framework to provide a clear picture and analytical understanding of the issue.

Sixth, the Thematic Group felt the need to further emphasize the importance of demand factors in understanding the trafficking phenomenon. Human trafficking is driven by two basic factors: (1) the available supply of people who can be tricked, manipulated and/or forced into "slave-like situations" and (2) the demand created by those who use these people to fill a need for cheap, vulnerable and highly exploitative commercial sexual services and/or exploitative labour. Until recently, most reports related to the human trafficking sector have focused only on the supply side – the trafficked persons, their experiences, what happens to them, etc. In contrast to this, only a handful of studies have tried to address the question of "demand dynamics". In this case, demand refers to those people/organizations/syndicates that create or influence an environment allowing the demand for exploitative commercial sexual services or exploitative labour to exist.

Seventh, the Thematic Group felt that a flowchart format can be used to link appropriate interventions with the various stages of a trafficking episode; link research needs/gaps to the various stages of the trafficking episode, and introduce indicators and methods to measure the impact on everything the sector does to address the trafficking problem. This approach would allow for a more "scientific" approach (supporting research, focus group testing to create targeted messages, etc.) to be introduced into the sector in terms of the kind of interventions to be used to combat the problem in a situation of limited funding.

Other elements discussed included: (1) special attention to be paid to the health of trafficked persons; (2) the progressive and regressive elements inherent in the recovery process; (3) assisted and unassisted social reintegration processes; (4) the necessary participation by trafficked persons at all stages of counter-trafficking interventions; (5) the need to understand the power relations and a person's own degree of free agency in the context of trafficking events, and (6) the recognition of trafficking as a development concern and not a political one.

Refer to *Figure S* in this report for a summary of the elements identified during the South Asia Regional Meeting.

FIGURE S

SECOND-GENERATION CONCEPTS

Elements	Conceptualization	Strategy/Intervention
1. Clarity	A clear, open and balanced understanding in national, regional and global contexts (common ownership) is needed.	Thematic discussion at all levels (local, national, regional and international) should take place.
2. Thematic mapping	The trafficking phenomenon is a continuum of interrelated issues, events and problems.	Country programmes should initiate mapping exercises at all levels, to identify links between issues, events and problems.
3. Trafficking-Migration nexus	Migration, smuggling and trafficking are different, though interrelated phenomena.	Interventions should be integrative in nature and take into account the specific needs of each vulnerable group.
4. Adult, adolescent and child trafficking	Trafficking of adults, adolescents and children cannot be effectively addressed within a single paradigm.	Separate types of interventions to address the trafficking of adults, of adolescents and of children are needed.
5. Supply and demand	The “demand side” and “supply side” of trafficking are interrelated just as other population mobilities.	Counter-trafficking interventions are needed throughout the trafficking continuum to address both the demand and supply dynamics that drive trafficking in human beings.
6. Exploitative outcome	Trafficking outcomes end not only in sex work, but also in other types of exploitative, bonded and forced labour (e.g. domestic servitude, camel jockeying, forced marriage, etc.).	Initiate research and identify various trafficking harms and develop focused programmes to address them.
7. Multi-dimensional problem	Trafficking involves the following factors: labour, human rights, legal, socio-cultural, security, health hazards, economy, trade and business, gender, development, education and migration phenomena.	Identify and analyse the roles and the responsibility of individuals, family, civil society, state, and international community as they relate to the human trafficking sector.
8. Trafficking vulnerabilities	Lack of livelihood options, lack of information, gender discrimination, age, conflict and disaster create the conditions to make people vulnerable to trafficking.	Gender-sensitive and sustainable livelihood options and social opportunities are needed for vulnerable groups. Attitudes towards vulnerabilities need to change.
9. Health and injury among trafficked persons	Trafficked persons have special physical, emotional and mental health needs that are often overlooked or ignored.	Special interventions are needed to help trafficked persons, e.g. trauma counselling, sustained medical treatment, etc.
10. Limitations and impede-ments in legal instruments and establishments	Legal instruments and establishments often fail to consider the best interests of the survivor. National and international legal instruments are not adequately implemented.	Judicial and law enforcement agencies need to be sensitized and reoriented towards recognition of the trafficked person as a victim. Adequate legal aid is needed.
11. Progres-sive and regressive recovery	The availability of and access to support services for victims of trafficking contributes to their empowerment and ability to successfully recover from their experience.	Make recovery a progressive phenomenon; remove regressive elements.
12. Social reintegration continuum	The process of social reintegration could range from successful, unsuccessful and re-victimization outcomes; thus presenting a continuum.	Appropriate interventions and specific programmes are required to meet the needs of trafficked persons who are reintegrating into society.

FIGURE S (cont'd)

SECOND-GENERATION CONCEPTS

Elements	Conceptualization	Strategy/Intervention
13. Facilitated vs. unassisted social reintegration	Social reintegration can be either facilitated or achieved by the survivor unassisted.	Better understanding and appropriate, need-based interventions are required for both facilitated and unassisted survivors of trafficking.
14. Child trafficking "Harm"	The child trafficking harm must be distinguished and treated differently from the adult trafficking harm.	Appropriate, need-based interventions are required to take into account the best interests of the child.
15. Child migration	Children alone often do not voluntarily migrate. They are generally forced, compelled by actors or situations or both.	Consideration of specific issues related to child migration must be assessed and understood while developing migration and counter-trafficking policies, programmes and interventions.
16. Adult/child care services	Adult and childcare services should be treated according to their specific needs, rights and particular situations.	Appropriate, need-based programmes should be adopted keeping in mind that children have specific needs. Standards for care services need to be developed.
17. Participation by trafficking victims	Trafficked persons should have active and genuine participation in helping to identify anti-trafficking interventions.	Create space and opportunities for active and genuine participation of trafficked persons in decisions that affect their lives.
18. Strategic collaboration among the stakeholder	Ideological and internal conflicts and competition among the stakeholders in the anti-trafficking field compromises the maximization of impacts.	Attempts should be made to reduce conflicts and competition among the stakeholders in the anti-trafficking sector.
19. Power relations and control	Factors that influence a person's position in formal and informal power structures and determines their level of control, are not well understood.	We must explore ways to better facilitate increasing levels of control in a trafficked person's life.
20. Trafficking as a national, regional and global issue	There is not enough emphasis on genuine national, regional and global cooperation and coordination.	Structured and cohesive efforts among various stakeholders are required. Facilitate implementation of regional and global instruments at national level.
21. Trafficking as a development issue	Development policies and issues, in general, have not adequately addressed the trafficking phenomena in a holistic manner.	Development policies and programmes should consider the trafficking phenomena in an integrated and holistic manner, within a human rights framework.
22. Impact of globalization on trafficking	Adverse aspects of globalizing forces have aggravated human trafficking.	We must analyse the relationship between globalization and trafficking.

ENDNOTES

1. Other related phrases often used include “girl trafficking”, “child trafficking”, “women and child trafficking” or simply “trafficking”.
2. Chapter three will provide a detailed description of the “trafficking harm” as outlined in this document.
3. This does not hold for minors for whom action to protect them is required by law.
4. It was decided that the adult paradigm would be developed first.
5. Copies of the “matrix” can be obtained from the IOM Dhaka office. For more information, contact IOM at the following e-mail address ctthem@dhaka.net.
6. In this case, the term “harm” represents the “injury, wrong, damage, or abuse” that we are trying to prevent or correct.
7. Each chart referred to in the text can be found in this report or on the actual flowchart itself. To understand how all of the pieces come together, using the flowchart is more beneficial.
8. It is important to note that many migrants experience failure in their migration that includes experiences of harm that are unrelated to trafficking.

LIST OF REPRESENTING ORGANIZATIONS INVOLVED IN DEVELOPING THE ADULT PARADIGM

(in alphabetical order)

DONOR AND UN AGENCIES

Asian Development Bank (ADB)
AusAid
Australian High Commission
Canadian International Development Agency – Programme Support Unit (CIDA– PSU)
Canadian High Commission
Department for International Development (DFID)
European Union (EU)
International Labour Organization (ILO)
International Organization for Migration (IOM)
Norwegian Agency for Development Cooperation (NORAD)
Royal Norwegian Embassy
United States Agency for International Development (USAID/Bangladesh)
United Nations Fund for Women (UNIFEM)
United Nations Children's Fund (UNICEF)
United Nations Development Programme (UNDP)

INTERNATIONAL NGOs

Action Aid Bangladesh
Association for Participation in Development (APS)
Care Bangladesh
Caritas Bangladesh
Canadian Resource Team
Family Health International (FHI)
Save the Children Denmark
Save the Children Alliance
The Asia Foundation
The British Council

NATIONAL/LOCAL NGOs

Ain-O-Salish Kendra
Aparajeo Bangladesh
ATSEC Bangladesh Chapter
Association for Community Development (ACD)
Bangladesh National Women Lawyers Association (BNWLA)
Bangladesh Center for Communication Programs (BCCP)
Bagladesh Shishu Adhikar Forum (BSAF)
Bangladesh Manabadhikar Sangbadik Forum
Change Makers
Center for Women and Child Development (CWCD)
Centre for Women and Children Studies (CWCS)
Dhaka Ahasania Mission
INCIDIN Bangladesh
Jesh Foundation
Nari Unnayan Shakti
Population Council
Queens University
Refugee and Migratory Movements Research Unit (RMMRU)
Rights Jessore
SHISUK

GOVERNMENT AGENCIES

Bangladesh Police (Headquarters)
Ministry of Home Affairs
Ministry of Foreign Affairs
Ministry of Women and Children Affairs
The Government Coordinated Program to Combat Child Trafficking (CPCCT)
and news agencies