



Barking up the Wrong Ps

How the current 3P framework is hindering anti-trafficking efforts and what we might do instead

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Acknowledgments

This paper draws heavily on ideas reflected in a document produced by a think tank hosted by Liberty Asia. *From Experience: How to Combat Slavery in Our Generation*, available from: http://libertyasia.org/sites/default/files/how-to-combat-slavery-in-our-generation_anti-slavery-think-tank_final-23feb2014.pdf. It also draws heavily on work I have done with Dr. Jacqueline Berman on counter-trafficking programme design and evaluation, kindly supported by the UN Inter-agency Coordination Group on Trafficking in Persons (ICAT). Ralph Simpson, Martina Melis, Milen Emmanuel and Alessandra Spigno provided valuable feedback on the draft. None bear responsibility for what I have done with their input.

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Introduction

Not long ago I read a long report on combating trafficking for the purpose of kidney removal. The proposed solutions read like a counter-trafficking playbook, as if someone had simply taken the '3P' framework – prevention, prosecution, protection – and plonked it down on the issue, culminating in recommendations around preventive measures (awareness raising), legal frameworks and enforcement, victim's rights and gender, supported by more research and better cooperation.

A review of many counter-trafficking interventions reveals a similar set of responses. What is striking about the kidney trafficking example is how simple it should be to diagnose the underlying cause, a global shortage of legally available kidneys. With people desperate to get access to a life-saving kidney, this gap between demand and legal supply creates an illicit market, the basis for any form of organised crime. An obvious starting point in addressing this problem would be to increase the supply of legally available kidneys, for example by introducing an opt-out rather than an opt-in model for organ donation by deceased persons and facilitating more donations from living donors, thus reducing the size of this illicit market.¹ This possibility warranted one line in the 55-page report.

How is it that the authors of this report, with access to a wide range of experts, failed to even discuss how to reduce the illicit market that underlies this particular form of trafficking? Could it be that the current 3P framework of responding to trafficking has served to constrain our thinking?² It is, at least, not readily apparent which of the 3Ps as currently conceptualised would provide an appropriate home for work to increase the supply of organs.

This paper takes as its starting point that our response to trafficking in persons and related forms of modern day slavery since 2000 is failing. It then argues that the current 3P paradigm is a significant contributor to this failure and suggests some alternatives for moving forward. The paper focuses primarily on trafficking for forced labour and, as appropriate, forced labour more broadly.³

¹ There are various ways in which this can be done, see for example, OSCE (2016), *Survey Report 20116*, available at: <http://www.osce.org/secretariat/289951>.

² There have been various attempts to add more Ps. The COMMIT regional agreement between the governments of the Mekong Region incorporates Policy and Cooperation, combining partnerships with an acknowledgement that different policies act to assist or constrain traffickers. More recently, many organisations talk about partnerships as its own category. This paper focuses on the 3Ps as originating from the TIP Protocol and commonly recognised across the TIP movement.

³ The paper's title comes from the English idiom "barking up the wrong tree", which means to waste effort by following the wrong path.

Assessing the response to date

“We keep lying to each other about what we are achieving.” (Senior NGO worker)

A review of counter-trafficking documentation reveals a vast array of claims about effectiveness, successes and best practices, such as “100 Best Practices in Combatting Trafficking in Persons”.⁴ An assessment of responses at country level is provided by the United States Government’s Annual TIP Report. The 2017 version ranks 36 countries in Tier I for “fully complying” with minimum standards of its Trafficking Victims Protection Act, a 16% increase on the figure of 31 countries in 2015, suggesting that these countries are on the right track in addressing the problem.⁵ One could thus be forgiven for thinking that we were winning the fight against trafficking in persons, or at least making a good fist of it.

It is certainly clear that some progress has been made. More than 150 countries have laws against the crime, for example, and the UN Office on Drugs and Crime highlights a positive correlation between how long countries have had these laws in place and the number of prosecutions.⁶ Yet, notwithstanding such progress in legal development, as well as effective efforts in support of many victims, available data suggests that:

- ***We are not routinely identifying TIP victims, let alone assisting them to exit from trafficking.*** According to the US State Department, 17,465 victims of labour trafficking were identified in 2016.⁷ This is just over 0.1% of ILO’s estimate of 16 million people in forced labour at any one time.⁸ This is not an exact comparison of course since not all victims of forced labour are victims of trafficking, but even if we conservatively estimate that trafficking accounts for one-quarter of forced labour cases, we would be officially identifying fewer than one in 200 victims.
- ***We are failing to apprehend and successfully prosecute criminals.*** There were 717 convictions worldwide for labour trafficking in 2016.⁹ No figures are available as to what roles the convicted traffickers played in their respective networks, or whether their roles were integral to the networks they were part of. However, it is generally accepted within the sector that the significant majority of successful prosecutions are of low level unsophisticated offenders, rather than the senior members of organised criminal syndicates.

⁴ Available from: <http://www.ungift.org/doc/knowledgehub/resource-centre/CSOs/100-Best-Practices-in-Combating-TIP.pdf>.

⁵ U.S. Department of State (2017), *Trafficking in Persons (TIP) 2017 Report*, available from: <https://www.state.gov/j/tip/rls/tiprpt/2017/>.

⁶ UNODC *Global TIP Report 2016*, available from: http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf.

⁷ U.S. Department of State (2017), op. cit.

⁸ International Labour Organization (ILO), (2017). *Global estimates of modern slavery: Forced labour and forced marriage*, Geneva, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf

⁹ U.S. Department of State (2017), op. cit.

- ***We have little evidence of the impact of prevention; and we are not really looking.*** In my 17 years working in Asia, the region has been awash with ‘prevention’ initiatives. Yet, a recent extensive literature study by the London School of Health and Tropical Medicine found not a single attempt to measure the impact of any of these programmes.¹⁰ This information arose during a canvas of 10 people recognised globally in the counter-TIP field, none of whom was able to identify a prevention programme that had been independently verified as preventing trafficking, as distinct from just moving it around. This is despite the fact that several of those involved had evaluated multi-million dollar prevention programmes.

One of the key constraints on prevention is the potential for displacing the problem, a common and well-documented outcome of interventions to counter organised crime, particularly on the “supply” side. Displacement in this context refers to the relocation of TIP (or traffickers) as a result of counter-trafficking efforts. Rather than reducing the size of the problem, an intervention may lead trafficking networks to adjust their operations to (1) target different individuals and/or communities; (2) use or take advantage of different migration pathways; and/or (3) replace network members who have been arrested or prosecuted. Tellingly, a meta-evaluation of counter-TIP programmes supported by the Inter-agency Coordination Group against Trafficking in Persons (ICAT), noted that “the issue of displacement was not discussed in relation to any of the prevention programmes reviewed or in any of the prevention project evaluations.”¹¹

- ***We have little or no idea what those we are seeking to assist think of our efforts; and we don’t seem to think this is a problem.*** Very few organisations that provide support to victims of trafficking have functioning and culturally appropriate systems in place to allow their clients to provide authentic anonymous feedback on the services that they provide. Further, few donors require this. Thus, very little data is available as to what those we are supposed to be helping think of our efforts. Strangely, this is rarely highlighted as a gap in the response.

Without dismissing the efforts of the anti-trafficking movement, of which I am a longstanding professional member, available information suggests we are having limited impact on the problem. Further, the lack of evidence of tangible return on the funding provided appears to be leading to a degree of fatigue, among traditional donors at least.¹² I believe that we can change this situation, but first we have to accept that, based on available data what we have done to date is falling a long way short of what is needed.

¹⁰ London School of Hygiene and Tropical Medicine (2013) Review of the literature on interventions to prevent trafficking for labour exploitation, London.

¹¹ Inter-agency Coordination Group Against Trafficking in Persons (2016) “Issue Paper No. 4: Pivoting toward the Evidence: Using accumulated knowledge and a shared approach to monitoring, evaluation and learning to build effective counter-trafficking responses, UNODC, Vienna, p 13.
http://icat.network/sites/default/files/publications/documents/16-10259_Ebook.pdf

¹² There has been an increase in both private and public funding for initiatives on modern slavery, many of which appear to be repeating the mistakes of the past.

There are many reasons for this – both in the complexity of the issues we are seeking to tackle and the fragmented nature of the response. Some also argue that we have insufficient resources. This may well be correct, but I don't think we can be certain of this until we make more effective use of the resources we already have. Further, many of the underlying factors – economic, social and gender disparity, systemic discrimination against people seen as *other*, poor enforcement of the rule of law – are outside the control of the anti-trafficking movement.¹³

But if we accept that there is currently limited evidence of success for the resources invested to date, then it follows that change is needed. This paper argues that the starting point for any change is the framework against which we address this issue – the framework of the 3Ps. The next part of the paper, discusses concerns with this framework, followed by some suggestions for an alternative.

What's wrong with the 3Ps?

The 3P framework evolved from the UN Trafficking Protocol, although the Protocol does not specifically include a section on prosecution.¹⁴ As these terms are generally understood, prevention relates to measures to avoid people becoming trafficked, prosecution to apprehending and prosecuting traffickers, and protection to support for trafficked persons.¹⁵

This section identifies a number of issues with the 3Ps, suggesting that the terms themselves are fundamentally misleading and highlighting how this adversely affects programming decisions, in particular those relating to the allocation of resources.

Prevention is mistakenly used in a public health sense, not a crime prevention sense

The misleading nature of the 3P terminology is particularly problematic with regard to prevention. As noted above, the term prevention is generally associated with programmes have focused on 'supply side' interventions to **reduce the vulnerability** of people regarded as at risk of being trafficked.

Setting aside for the moment issues of how well the target groups and activities are selected, reducing somebody's vulnerability to trafficking is not the same as preventing that person from being trafficked and certainly not the same as preventing a case of trafficking, given that traffickers can and do adapt through targeting other people or other communities (the displacement effect described earlier).

¹³ I have considerable sympathy for the view that the root cause of trafficking is the world economic order, but this paper focuses on issues that are potentially within the reach of counter-trafficking programmes.

¹⁴ Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime.

¹⁵ It is worth noting here that the Protocol, while a hugely important political and advocacy tool is not a roadmap to address the issue. It is a politically negotiated compromise document in the context of what was an extremely limited evidence base at the time of its development. The fact that the 3Ps loosely derive from the Protocol is thus not in itself a justification for their continued use.

The effect of misnaming vulnerability reduction activities as prevention can be seen in the following sentence, “prevention is better than cure.” This statement is not in itself inaccurate. It works very well in public health where the prevention of one case of a communicable disease can prevent many other cases.

Crime prevention is another matter, however. Crime prevention involves “the attempt to reduce and deter crime and criminals”, which is vastly different from “reducing the likelihood of individuals being trafficked.” In short, the “prevention is better than cure” mantra is simply inapplicable because there is little evidence that the activities we classify as prevention are preventing anything.

Misnaming of prevention diverts resources from effective to ineffective programmes

The misnaming of vulnerability reduction activities as prevention should not be seen solely as an issue of semantics. Together with the “prevention is better than cure” mantra, the most damaging, if not most obvious, consequence of this misnaming is a privileging of interventions aimed at the more than seven billion of us not in forced labour, over the estimated 16 million who are.

An example of how this plays out comes from Cambodia. A few years ago, the UN Inter-Agency Project undertook ground-breaking research which suggested that one may be able to identify as many as 23,000 trafficking victims a year simply by interviewing people being deported from Thailand at **one** border crossing. This one intervention alone would have increased the number of victims identified globally at that time by close to 50%, and facilitated opportunities for assisting these victims to seek remedy and avoid further exploitation. It would further have offered the opportunity to collect a huge amount of data on trafficking patterns and networks. Moreover, while the negative effects of some victim support interventions have been well documented, project evaluations undertaken by the author have repeatedly identified resources spent on victim protection activities as yielding more effective outcomes than those allocated to prevention and prosecution.

Instead of building on the UNIAP research through investing in systematic screening of deportees, the majority of counter-trafficking resources in Cambodia continued to be devoted to “prevention” of trafficking among 18 million non-trafficked Cambodians, mostly by continuing to raise awareness among people who had been aware of the problem for years.¹⁶ In other words, rather than using scarce resources to help a manageable group of people who had actually been trafficked, we continued to pour money into programmes for a much wider target group of people who may have had a chance of being trafficked in future, using approaches that have not been demonstrated to work, or in some case demonstrated not to work. All because “prevention is better than cure.”

¹⁶ United Nations Inter-Agency Project (UNIAP) (2009), *Human Trafficking Sentinel Surveillance*, Poipet (Cambodia-Thailand), Bangkok.

The term Protection is confusing and may encourage paternalistic responses

The term *Protection* is less inaccurate than prevention but tends to have a paternalistic connotation, which may contribute to practices to 'protect' victims by: incarcerating them, deporting them and further punishing them by depriving them of the option of migration. We do not tend to describe such actions in these terms of course, electing for euphemisms such as: providing shelter; facilitating assisted voluntary return and preventing re-trafficking.

The use of protection may also contribute to an aforementioned failure across the sector to seek the views of victims, our clients, on the services we are providing to them. This feedback may help us avoid the situation where victims are actively seeking to avoid identification due to the inappropriateness of services that will be imposed on them if they are so identified.¹⁷ The use of the term 'protection' also creates potential confusion with other uses of the term, notably witness protection and child protection, in which it means quite different things. And that is before we even start to translate it into other languages. It is hard to see what this term has going for it, other than it starts with P. Would it not be preferable to talk about victim identification and support?

Prosecution is a partial criminal justice response

With regard to *Prosecution*, most people when prompted would recognise this as shorthand for a wider criminal justice response, which includes the development of legal frameworks, strengthening investigative capacity and judicial processes. In practice, however, the objective of work in this year is still seen as prosecution, and progress continues to be measured predominantly in terms of prosecution numbers. Such a focus rewards an investigative emphasis on minor players, many of whom may be easily replaceable cogs in the trafficking chain, an unknown but likely significant number of whom are former victims.¹⁸

Furthermore, low as the numbers are with regard to successful prosecutions, even these figures may exaggerate the achievements of the counter-trafficking sector. Data on prosecution does not generally report on how many links of the trafficking chain have been apprehended charged and convicted. Available information, however, suggests that the majority of cases involve the conviction of just one or two individuals. Further, in the absence of TIP-specific legislation, it is plausible that many such individuals could have been convicted and appropriately punished without the use of trafficking laws. This raises questions as to the value added by TIP prosecution programmes.

¹⁷ Brunovskis, Anette and Rebecca Surtees (2012), *Summary Report: Leaving the Past Behind? When Victims of Trafficking Decline Assistance*. Oslo, Norway: FAFO

¹⁸ Colleagues have also met prisoners who appear to have been framed for TIP crimes with the apparent aim of boosting prosecutions to improve their country's counter-trafficking image.

Our target is less crime not more prosecutions

Another issue with the use of the term Prosecution is the road that it points us down. If we take a step back, we might define our underlying objective as stopping traffickers from operating. This will happen when the potential risks outweigh the potential rewards. Prosecution is an obvious means of increasing risk, particularly if accompanied by punitive financial penalties, but there are a range of other tools at our disposal for reducing the rewards of trafficking. These are discussed in detail in the following section but include measures aimed at the demand for goods and services produced by trafficked persons. At the moment, for want of a better home, these emergent measures are typically grouped with supply-side measures under prevention, thus fragmenting attempts to undermine the trafficking business.

The 3P approach cuts the problem up in the wrong way, contributing to a silo approach and limiting our options

It is not uncommon to be asked to “identify a country’s needs and gaps against the 3P framework”. The shortcoming of this approach is that we treat all forms of trafficking in persons as one problem rather than a series of different patterns of exploitation, each with its own characteristics. Further, we often then respond using activities from just one of the 3Ps, or activities across the 3Ps but under different unlinked programme components. Thus, rather than strategically using multiple types of approaches to address a specific problem, we often try to use one type of approach to address multiple problems.

While it is true that there are certain national level needs – such as appropriate laws and standards, national referral mechanisms, a co-ordinating body – any attempt to define, in particular, prevention needs at national level will almost certainly result in a default to generalised vulnerability factors, usually poverty, lack of education, and lack of TIP awareness (whether or not there is any evidence of correlation between these issues and trafficking). The 3P entry point further presumes that the 3Ps capture all possible responses to this issue, which as highlighted by the kidney example may not be the case.

If not the 3Ps then what?

This section of the paper discusses an alternative approach to looking at trafficking. The approach consists of two parts: (1) more accurate problem definition through a focus on specific patterns of trafficking and exploitation; and (2) defining interventions in terms of the results we want, rather than categorizing by headings.

Defining the problem – one P, three questions

“An approximate answer to the right problem is worth a good deal more than an exact answer to an approximate problem.” (John Tukey)

Rather than commencing with a list of what might be done under each of the 3Ps, an alternative would be to break the problem down into individual patterns of trafficking and look at the specific package of responses suitable for each specific pattern. A starting point would be the following questions:

1. What are the patterns of trafficking/exploitation affecting this country?
2. What factors allow these patterns to exist?
3. Which of these factors are within the sphere of influence of a counter-trafficking programme?

To illustrate the difference, I will use Vietnam as an example. There are a range of different trafficking patterns affecting Vietnam and I would struggle to identify generic “prevention gaps”. What is certainly clear is a lack of evidence that poverty and education levels are determinative of vulnerability.¹⁹ If, however, we start looking at individual patterns and analysing how they exist, unhindered by a 3P framework, things start to become clearer.

For example, one specific pattern involves women trafficked from Vietnam to China for forced marriage and forced prostitution. Underlying this pattern is a gender imbalance, described by the Chinese authorities as the worst in the world.²⁰ This imbalance – many more men than women – creates a “demand” for foreign wives, much of which is met by “supply” of women from neighbouring countries, many seeking improved economic prospects. In other words, we have a cross-border “market” for marriage.

In the absence of realistic legal mechanisms to cross the border, marry and remain in China, women are forced to engage with criminal networks to enter the country. They further have little access to redress in case of problems, and some happily married women have even been separated from their children and deported in the name of anti-TIP campaigns, sometimes supported by external counter-trafficking funding.

Having isolated a particular trafficking pattern, and identified the key elements as 1) population imbalance and 2) a mismatch between demographic realities and the legal and migration regimes of the countries involved, we can then ask the third question above, “Which of these factors are within the sphere of influence of a counter-trafficking programme?” The answer clearly excludes demographic realities and leaves the option of law reform to allow people to marry legally cross-border, remain in the country with full

¹⁹ See, for example, Viet Nam Ministry of Public Security and Internatuional Organizaton for Migration (2014). *Research Report on Internal Trafficking and Trafficking for Forced Labour In Viet Nam*.

²⁰ Source: <http://uk.reuters.com/article/2015/01/21/uk-china-onechild-idUKKBNOKU0V720150121>.

rights to justice or to return home if they so choose. Such laws would “crowd out” a large part of the illegal market, as the women involved would have access to legal cross-border marriage and thus not need to engage with criminal networks – on this particular type of trafficking at least, the traffickers are out of business. This is another example of a first-best solution with no obvious home in the 3P framework.

Another pattern in Vietnam, as elsewhere, is through the abuse of legal migration systems. There is a growing view that in some parts of the world, legal migration channels may be more risky than illegal channels because of the much higher costs usually involved and the subsequent binding effect of debt (or of a large family investment in the migrant). This may well be the case in Vietnam but, in any case, the abuses in the legal migration system as elsewhere are well acknowledged.²¹

Although migrants have a legal way of migrating, it is still not safe. Further, regulation and law enforcement have so far proved unable to impact on exploitative companies. In fact, increased regulation can make the situation worse through additional compliance costs that are passed on to the migrants, adding to their debt. A possible solution is crowd out exploitative practice through promoting ethical recruitment channels, either existing or new, into which both employers and migrants can self-select. Without taking any direct action against exploitative players, their share of the market would begin to drop. Once clear ethical channels exist, it is reasonable to suggest that many of those losing business would start to clean up their act, rather than lose everything, and in fact there is already evidence that this is happening in other countries.²²

This solution may or may not work. The point is that it is a significantly different type of intervention to that identified for the problem of cross-border trafficking to China. Programmes to address an issue such as child domestic workers would be different again, likely including a focus on social norms.

A range of other consequences follow from such an approach. Training for law enforcement officials, for example, would not necessarily focus on all aspects of TIP, but on the specific patterns they face in their work and the laws and techniques to address those particular patterns. For example, in one place I work huge resources have been invested in training officials on the complexities and nuances in trafficking. As the exploitation in this area starts when migrants incur debts to unlicensed recruiters, a simpler, cheaper and almost certainly more effective strategy would be to train law enforcement to eliminate these recruiters by charging and jailing them for unlicensed brokering, an extremely easy offence to prove.²³ Again, this comes to down to starting by defining the problem, not the solution.

²¹ Recognition of the role of recruitment fees in worker exploitation has increased greatly in recent times, leading to the promotion of various “No Fees to Migrants” initiatives.

²² Scott Stiles from the Fair Employment Agency, which offers fee-free recruitment to domestic workers in Hong Kong, reports that some key fee-charging competitors have moved from trying to discredit his agency’s work to studying its model.

²³ This would need to be complemented by work to assist migrants access work without the need for such local recruiters. Italy, for example, has criminalised the use of informal brokers but local farmers report a lack of

Defining our goals and how to get there

Rather than try to find new headings for different responses to trafficking, it may be useful to start by looking at the underlying goals and objectives. In work Dr. Jacqueline Berman and myself did in conjunction with ICAT, we worked with ICAT members to develop a draft conceptual model, under the overall goal of “reduced number of people trafficked and exploited” (see Annex 1).

The key part of the goal is the specific reference to reducing the number, which gives more focus than, for example, eliminating trafficking, notwithstanding that this is obviously the desired end-point.²⁴ An important aspect of this framing is that it elevates interventions to help those currently trapped in forced labour situations to their rightful place as a top priority, rather than being seen inferior to interventions that are currently termed prevention.

Under this goal, those involved agreed on six result areas:

1. More people sustainably exiting trafficking
2. Improved participant satisfaction with services
3. Fewer people entering trafficking networks
4. More use of data and more evidence of “what works”
5. Less profit from trafficking and exploitation
6. Reduced number and reach of trafficking networks

As with all individuals involved in the process, these result areas are not an exact match with my own list, but I believe they are a significant advance on the 3Ps, for reasons articulated under the individual headings below.

1. *More people sustainably exiting trafficking*

The first step in achieving this result involves creating additional avenues for victim identification, including self-identification, as well as ensuring services meet the needs and priorities of these victims. In particular, barriers to victims coming forward, such as forced incarceration and deportation, however dressed up, must be eliminated. These actions are inconsistent with the intended result.

Further, the concept of sustainable exit necessitates more attention to longer-term monitoring and support of victims removed from the control of traffickers. One of the sadder moments in my-TIP work was finding out that an organisation that was proudly rescuing under-age girls from the sex trade had no idea where any of them were six months

alternative recruitment options.

²⁴ More detail on the remainder of the framework can be found in Inter-agency Coordination Group Against Trafficking in Persons (2016) “Issue Paper No. 4, op.cit, p. 23—27.

later. This type of rescue without any sense of on-going duty of care for those rescued cannot be squeezed into an objective that includes sustainable exit.

2. Improved participant satisfaction with services

This result area largely speaks for itself. Unlike the term protection, which suggests a degree of helplessness or lack of agency, framing the result in these terms encourages trafficked persons to be seen as clients of victim support organisations. Over time, this should result in better alignment of services with what victims require, rather than what individual agencies are able to provide. In turn, this should improve the allocation of resources.

Increasing services for victims will take considerable resources, but a lot of these resources could come from existing prevention programmes. For example, most “prevention” programmes to increase employment for those at risk of trafficking cannot hope to work because of the size of the target group is simply way too big. Divert the same resources to improving employment options for trafficked persons and you likely have a much more viable programme.

3. Fewer people entering trafficking networks

There is very little evidence in favour of “supply-side” interventions such as raising awareness and alternative livelihoods, either in the response to trafficking or, historically, in the response to other forms of organised crime. As noted above, this is in large part due to the ability of trafficking networks to adjust their operations to target different geographical areas, transport routes, etc. It is also worth noting that many activities now under the TIP prevention banner have been part of broader development programmes for years, without buttressing the world against trafficking.

This does not mean that there is no room for interventions to reduce the risks of individuals entering trafficking networks. Such interventions, however, need to be context specific. They are most likely to be effective when:

- *The target group is distinct and definable.* An example is members of ethnic minority groups in Thailand who have not been able to access their citizenship rights, effectively making them irregular migrants in their own country and subject to well-documented abuse and exploitation including by law enforcement. Helping this group access their rights would directly reduce their vulnerability, and basically eliminate this opportunity for exploitation.²⁵

²⁵ At the other end of the scale would be an intervention to reduce risky migration by providing job training to 95 people out of a target group of more than five million, an activity I recently saw not only implemented but heartily defended.

- *The work complements and takes place in conjunction with other initiatives.* An example is providing potential migrants with information to help with selecting cleaner migration channels, crowding out the more exploitative ones.

Much of the wastage in this area could be eliminated by increased use of the body of knowledge available from the field of behavioural change communications (BCC). The BCC field has much to tell us about what might actually work, starting with evidence that standalone awareness-raising activities are notoriously ineffective.²⁶

4. More use of data and more evidence of “what works”

This is perhaps more of strategy than a result but has been included in the results space in recognition that counter-trafficking programming is not routinely grounded in data and evidence. In particular, knowledge accumulated within and outside of the sector is not routinely being reflected in programme design, resulting in (1) continued allocation of resources to interventions based on unproven or incorrect assumptions, (2) wasted resources in evaluations that repeatedly identify the same programme shortcomings over several years, often involving the same donor or implementing agency, sometimes both.

5. Less profit from trafficking and exploitation

Trafficking in persons is a business. Like all businesses, it operates on profit and loss. Unless prevented by their personal value systems, people will keep others in a situation of forced labour for as long as it remains profitable to do so, and as long as the rewards outweigh the risks involved. If we take away the profit, or make the risks greater than the rewards, there is no trafficking business.

There are essentially two methods of changing the risk/reward equation. One is to increase the risk, through improved investigation and prosecution (see next result). The other approach is to reduce the rewards, or opportunity for rewards. This can basically be done in three ways.

1. Shrinking the market being exploited by the traffickers, such as in the examples earlier in this paper: crowding out illegal markets by creating or expanding legal ones: increasing the legal supply of kidneys; and creating clean migration options into which people can self-select.

²⁶ Counter-trafficking awareness activities routinely fail to take account of the trafficking knowledge already possessed by the target group for such activities, and the barriers to acting on this knowledge. See further discussion in Marshall, P. (2012). ‘Re-assessing Trafficking Prevention: Applying Behaviour Change Communication Techniques to Preventing Trafficking in Persons’. UNIAP Siren Report, http://www.no-trafficking.org/story_rmo_rethinking.html.

2. Targeting the ability of those involved to sell the goods and services produced by trafficked persons, either by other business or by end consumers.²⁷ There is increasing attention to this area by (1) governments, both in terms of their own procurement and in increasing the emphasis on business to take responsibility for labour practices throughout their supply chains, (2) business and (3) consumers. A key next step is to strengthen proceeds of crime legislation to ensure that those buying a product they know, or had reason to know, was made from forced labour are committing a criminal offence, no matter how many hands the product has been through in the meantime.
3. Targeting the profits of crime. While industries such as manufacturing and retail are comparatively free of regulatory oversight, the financial sector has the legal obligation to comply with various anti-money laundering and anti-corruption laws. This offers potential choke points for companies seeking to place the proceeds of forced labour into the banking system.²⁸

6. Reduced number and reach of trafficking networks

The framing of this result recognises that prosecution is not an end in itself but a contribution to reducing the reach of trafficking networks. The advantages of such a framing include:

- Unlike “number of prosecutions”, the reframing to focus on reducing trafficking networks does not apportion the arrest and prosecution of ten ‘foot soldiers’ as ten times the value of one criminal kingpin.
- In turn, this encourages strategies to incentivise minor players to provide information on trafficking networks,
- It lessens the focus on the use of trafficking laws, encouraging a more nuanced approach. It should be kept in mind that one of the most notorious gangsters of all time was jailed for tax evasion.

As noted by ICAT, criminal justice responses also uphold the rule of law and play an important normative function in creating an environment in which TIP is unequivocally recognised as unacceptable within a society.

Concluding comments

The views expressed in this paper can essentially be boiled down to three sentences. We are losing the fight against trafficking. We can turn this around. To do so, we need to shed the existing and demonstrably ineffective ways that we look at the problem, starting with the framework of prevention, prosecution and protection.

²⁷ In talking about the demand for goods and services produced by trafficked persons, I am not talking about demand for prostitution, *per se*. My views on that are here: <http://lastradainternational.org/doc-center/3047/addressing-the-demand-side-of-trafficking>

²⁸ More discussion of this issue can be found in *From Experience: How to Combat Slavery in Our Generation*, op. cit. p42-45.

Each of these 3P terms carries certain connotations, the most damaging of which is encouragement of the idea that the hotchpotch of activities we currently call prevention is, in spite of all evidence to the contrary, the first-best solution to the trafficking problem. Further, the classification of interventions into these three categories appears to have straightjacketed our thinking and played into a lazy attribution of 'root causes' to generalised factors such as poverty, gender disparity and lack of education, despite the fact that none of these factors *cause* traffickers to do anything.

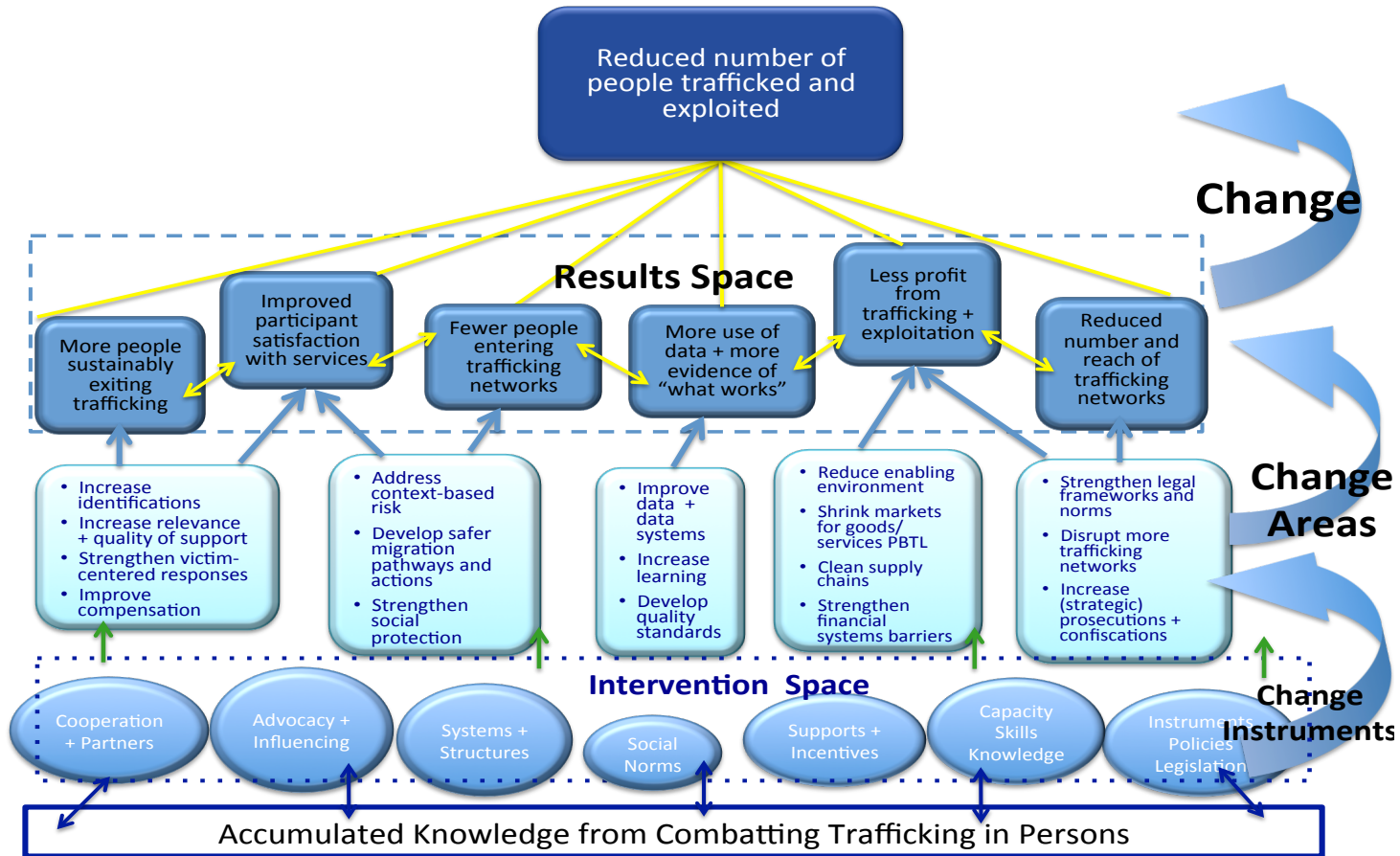
The term prosecution steers us towards a narrow range of options, among the consequences of which is rewarding the targeting of multiple small players. We do not even appear to collect data on our action against whole networks. An alternative is to focus on what we are trying to achieve which is surely not to maximise the number of people we prosecute but to put traffickers out of business using any and all of the tools we have at our disposal.

If we were to commence with a focus on specific patterns of trafficking and exploitation and ask ourselves how these patterns had come about and what allowed them to flourish, we might start to narrow in on what can be done to stop it. Freed from the need to fit within a 3P paradigm, we can start to see that the business opportunity for traffickers lies in: a lack of legal kidneys; migration policies inconsistent with labour and demographic realities; the lack of a single migration channel which is safe and efficient; usurious lending rates for people facing a debt shock; and so on.

If we cannot shrink or eliminate the market, we can look at closing off the revenue streams. There is no profit in producing a good that nobody will buy, however cheaply you can do so. A trafficking network may be able to bribe a few officials but not an entire consumer base. Further, the proceeds of organised crime are not nearly as attractive if you cannot bank them.

Finally, there is little room in the current discourse for measures affecting the social attitudes and norms that, in a range of different ways, allow trafficking to flourish. In theory, we could probably find a home under one of the 3Ps for this. Already, there are attempts to shoehorn work on demand into prevention. The reality in my opinion is that we won't. The ideas and approaches bestowed by the 3P framework are too ingrained. It is time to acknowledge this and move beyond the 3Ps.

Annex 1: Draft Conceptual Model: Aligning Efforts to Respond to Trafficking in Persons²⁹



²⁹ Inter-agency Coordination Group Against Trafficking in Persons (2016) op. cit.