

An Analysis of Current Anti-Human Trafficking Policies and Approaches and Recommendations

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Keywords: Anti-Human Trafficking, Policy, Law Enforcement, Social Services, Survivors

Abstract

The U.S. Department of Homeland Security (2015) considers human trafficking as a form of modern-day slavery due to the fact that it involves the use of force, fraud, or coercion to exploit adults and children into some type of labor or commercial sex. It is estimated that about 27 to 45.8 million people are victims of trafficking globally. Since the enactment of the *Trafficking Victims Protection Act (TVPA)* passed by Congress in 2000, a tremendous amount of effort has been put into combating this modern-day crime. However, with the implementation of the 3P approach introduced in TVPA, the result has yet to be promising. This is mainly due to the lack of interagency collaboration, unequally distributed resources, and the absence of an effective victim-oriented framework. This article proposes the collaboration amongst various anti-human trafficking agencies as well as provides recommendations for systematic change to ensure the protection of the human rights of human trafficking victims.

Introduction

Human Trafficking is a crime that violates universal human rights, including the right to free movement, equality, freedom from torture and degrading treatment, and other freedoms that limit personal safety (UN General Assembly, 1993; Office of the High Commissioner for Human Rights, 2002; United Nations General Assembly (1948, 1993); World Health Organization, 2017). The term human trafficking and modern-day slavery are often used interchangeably - that is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, using force, fraud, or slavery (United Nations, 2000). It is estimated that 40 million people are impacted by one of these types of trafficking globally, generating \$150 billion in illegal profits each year (International Labour Organization, 2017).

The Problem

Many argue that the problem of trafficking reflects the dark side of globalization as the vulnerable population from lower resourced countries, particularly in the southern hemisphere, can now seek employment or other ways to earn an income far from home, which makes them susceptible to deception and exploitation. The involvement of transnational organized criminal groups has also taken the trafficking industry to a new scale and magnitude. What's more, gender-based violence and the commoditization of women impoverished regions also contribute

to traffickers luring them into servitude. Not only are these victims more likely to be trafficked, but they also have to suffer from the social and moral stigma attached to their identity, which makes them the targets of re-victimization.

As this old phenomenon is gaining domestic and international attention, a holistic understanding of the trafficking industry as well as its impact on the public in terms of the negative consequences is crucial in providing effective solutions. This article aims to introduce the current policies and approaches of combating human trafficking as well as provide some recommendations.

Current Policy

Following the enactment of the Trafficking Victims Protection Act (TVPA), the first federal anti-trafficking law passed by the Congress in 2000, a wide range of agencies have been putting tremendous efforts into addressing and combating the problem of human trafficking, including law enforcement, social service providers, public health professionals, and faith-based community organizations. There has been a proliferation of research on human trafficking in academia and governmental reports, the creation of task forces and advocacy groups, and the development of public media campaigns. Currently, there are forty-two task forces in the United States that are funded by the Bureau of Justice Assistance (BJA), fifty-two human trafficking coalitions funded by the Department of Health and Human Services (HHS), and many smaller-scale independent coalitions and initiatives funded by individuals and foundations (Bureau of Justice Assistance, 2012).

A common approach adopted by most anti-human trafficking organizations is known as the 3P approach, which focuses on the 1) prevention of human trafficking, 2) protection of the trafficking victim and 3) prosecution of the perpetrator. This approach was outlined by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons (hereinafter referred to as TIP Protocol). The rising number of human trafficking cases prompted the United Nations to introduce the 3P approach through the TIP Protocol. This approach aims to guide countries in combating human trafficking. The prevention component of the 3P approach refers to the collective efforts put in by the federal agencies, state-wide anti-human trafficking stakeholders, community-based organizations, and innovators in the private sector. Prevention strategies can reach at-risk populations through the dissemination of accurate information and the expansion of awareness about the issue of human trafficking. Pioneering efforts such as amending labor laws and legalizing prostitution positively contribute to combating human trafficking as they reduce the vulnerability of being trafficked and stabilize the socioeconomic status of those subject to abductions.

In recent years, the private sector has also given some attention to the problem of trafficking, especially the potential risks along with the recruitment of their workforce and supply chain. The U.S. government has also adopted the protection component as another aspect of its anti-human trafficking efforts. Major protective actions include, but are not limited to, identifying victims, referring victims to needed services, funding victim-oriented programs, and assisting individuals

to find social-emotional healing. This component of the 3P approach involves a wide range of entities such as service providers, licensed health care practitioners, public defenders, and attorneys. Adequate protection not only relies on social service providers to provide safe shelters and mental health assistance but also requires law enforcement to assist in criminal justice or civil proceedings. Long-term protection is also crucial to the victim's independence journey as educational, vocational, and economic opportunities are essential to protect survivors from revictimization. The last component of the 3P approach is prosecution, which refers to the criminalization of all forms of human trafficking, vigorous investigation in all cases, and the conviction and sentence of the perpetrators who have committed these grievous crimes. With the establishment and implementation of TVPA, the U.S. Congress declared its commitment to apprehend and prosecute traffickers for their exploitative actions. The federal government has provided financial assistance to agencies across the country to support the role of law enforcement in combating crimes related to trafficking. Overall, the U.S. government has taken a bold step to adopt an effective approach to combating the crime of human trafficking over the past two decades.

Policy Discussion

Although a tremendous amount of effort has been put into combating human trafficking at all levels through the adoption of the 3P approach, it has been reported that out of the total estimated number of 27 and 45.8 million victims of human trafficking around the world, less than 1% of them have been identified (Trafficking in Persons Report, 2013). A major criticism of the 3P approach is the lack of collaboration amongst agencies to combat this crime. A couple of causes could be identified to address this missing factor. Service providers often complain that one of the most challenging issues that exist in the current system of combating human trafficking is that the prosecution component is overemphasized and heavily relied on, sometimes at the expense of the other two. Allocating too many resources to the perpetrator-centered component of the TIP Protocol generates a non-victim-oriented system.

Due to the unequally distributed funding favoring law enforcement, the current system promotes the discourse on the local police as first responders, which perpetuates an image of 'rescuing' victims. There are various reasons why victims are unwilling to cooperate and refuse to report stories of their victimization including the fact that the first respondents they interact with are a group of police officers or FBI agents with firearms, which in many cases trigger the traumatized experiences of the victims. De-centered victims can be seen as non-cooperative and their voices are deprioritized in the criminal process. This 'rescue industry' created jointly by law enforcement and the court, leads to further victimization and is not empowering survivors. Another fact that could explain why agencies combating human trafficking are not engaging in interagency collaboration is the lack of official designation and an effective framework that guides and direct their work. The creation of task forces that gather various entities together doesn't automatically form effective strategies since both law enforcement and social service providers can achieve their own objectives independently. Therefore, none of the agencies is taking the lead to offer an approach that is interdisciplinary. A research study conducted by the Grand Valley State University and the Washington State University also suggested that there is a

strong desire among all agencies to collaborate with each other (Arnold, 2021). However, the absence of a chief agency to provide an institutionalized protocol that is mutually beneficial to all participating agencies severely limits the type and number of progresses that could be achieved collectively.

Another layer of complexity is that without a constructive strategic plan, funding is unlikely to be dedicated to such collaborative plans, which leaves the anti-human trafficking efforts subject to altruistic motivations of professionals and entities. This individual stream of funding is less likely to be sustainable over time, which jeopardizes the types of services that could be provided to survivors.

Policy Solution

To build the capacity necessary for enhanced victim identification and service provision, it is necessary to tackle the problem from an ecological perspective, which looks beyond the victim/perpetrator dichotomy to the broader environment that empowers victims. For example, revictimization often happens when the survivors have successfully returned to their biological family with the help of social providers. This could be a result of the social stigma associated with viewing survivors as prostitutes, or the unstable economic circumstance that puts victims in a vulnerable position to be trafficked again. Therefore, prevention and intervention strategies should be tailored towards a customized unique framework that takes contextual factors into consideration such as family environment, geographic area, cultural phenomenon, etc. This ensures that service provisions are not created in a way that perpetuates the concept of “one size fits all.”. To achieve successful reintegration into a home setting and minimize the possibility of re-trafficking, both short-term and long-term goals should be included in the healing plan. Some of those goals may include providing direct services such as physical and psychological assistance, gender-based violence education and employable skills training. Social service providers should keep themselves informed of victims' past circumstances that may have contributed to their being trafficked when customizing individual plans.

Moreover, policy and advocacy effort should be tailored to address the compounding factors at the local level in specific geographic areas to raise the consciousness of human trafficking in order to ultimately address the needs of victims. Law enforcement agencies and caseworkers should also operate beyond the institutional discipline driven by certain frameworks or movements such as reform movements and reactionary movements to meet the needs of the diverse demographics of victims of human trafficking. The current approach suggests that victims sometimes get overlooked and feel unimportant. For example, a 2007 Caliber report showcased the result of a comprehensive victim services survey. It revealed that in some cases because law enforcement is too keen to have perpetrators prosecuted, the communication with clients regarding the legal information of their own case is lacking (Caliber 2007). Significantly, while many different service providers have specific target outcomes for their clients, there is a need to iterate and adapt their own service models to meet the needs of the populations served.

Policy Considerations and Recommendations

1. Enhance interagency collaboration amongst governmental, private, and social service providers.

If human trafficking is a business, requiring intense planning and depending on other businesses and partners to flourish, so too must the fight against trafficking be a collective undertaking. It is essential for agencies to establish partnerships at the local level so that they could coordinate services to be delivered such as case management, substance abuse treatment, independent skillsets trainings, etc. A crucial partnership lies between social service providers and health care professionals. Often times when a victim seeks health care, they have complicated physical and mental health conditions that require thorough and urgent treatment. However, in many states in the U.S., health practitioners are not given proper trainings on trauma-informed communication tactics, which discourages victims to build trust and express their unique treatment needs. Building interdisciplinary partnerships amongst health care providers and social service providers would allow advocates being sent to hospitals to serve as a mediator between victims and health practitioners. These advocates could provide emotional support and explain the application process for the services they're eligible for. On top of the improvements that could be made in traditional health care settings, human trafficking clinics are another model of care that could be considered by states. Currently, there is a handful of states who have been piloting this model. The most critical and unique element of this model is that these clinics allow victims to see all of their health practitioners in one physical location, accompanied by community health workers or anti-trafficking case managers. Regardless of the forms to deliver health care, trafficking victims need special care that integrates all types of services they need, and due to the complicated conditions, these victims are in, it would be the most efficient and effective if agencies could take the lead to form interdisciplinary collaborations that address their needs comprehensively.

Another form of partnership that would be beneficial to survivors succeeding their healing journey lies between financial institutions and social service providers. Social service providers are the people who have the most amount of information about victims' conditions and what they need. Due to confidentiality reasons, there are regulations focused on the sharing of information between agencies, which cause inconsistent and fragmented delivery of social services. For example, independence training is a crucial element of their healing journey as it reduces the chance of them being revictimized once they re-enter the society. If information could be shared between social service providers and financial institutions through the establishment of interdisciplinary collaborations which guarantees appropriate protections for such information sharing, financial institutions would be able to assist in providing additional, relevant, and actionable plans for victims to pursue their independency.

The last interagency collaboration recommended involves the engagement of the office of Attorney General and Congress. Mandated by the Trafficking Victims Protection Act (TVPA), the Office of Attorney General is required to release a report containing the most

detailed information on US Government anti-trafficking efforts to Congress on a yearly basis. Congress then uses this report to orient and guide relevant agencies' work. However, the Office of Attorney General has failed to deliver this vital report for the past two years. The lack of information circulated among the Office of Attorney General, Congress, government agencies, nongovernmental organizations jeopardize the amount of work dedicated to victims at every level.

All in all, the adoption of a collaborative approach as a base structure to prepare anti-human trafficking advocates, attorneys, policymakers, law enforcement, and social service providers, on working effectively with one another, and sharing useful resources among all of the participating agencies in order to end the victimization of millions in the United States and across the world.

2. Increase investment in survivor-oriented housing programs.

Currently, there are a very limited number of transitional houses and shelters dedicated to survivors of trafficking. In most cases, survivors fight for spots at emergency shelters and transitional shelters with the homeless population or people who have experienced domestic violence. The availabilities of these shelters and transitional houses are ever scarce. Increasing public and private investments will subsidize and promote the creation of housing and shelter programs for vulnerable populations who may be susceptible to being trafficked, which reduces the chance of traffickers luring people into human trafficking situations with the offer of housing. What's more, private foundations who are engaged in anti-human trafficking blueprint should take the lead to replicate successful pilot housing programs and consider funneling their donations directly to programs that provide housing to survivors of trafficking. Since building shelters and transitional housing with government grants takes a long time, it would be most efficient if private foundations could step in and take the lead to allocate resources into building them. Furthermore, foundations could encourage mandatory implementation of trauma-informed and culturally sensitive tactics in the house specifically created to meet the needs of survivors.

3. Reduce the criminalization and discrimination against victims of human trafficking.

Currently, laws at both federal and local levels criminalize consensual commercial sex work and the concept of sex work and sex trafficking are often conflated. This fact puts victims who are in the prostitution industry due to their being trafficked into it in a state of constant vulnerability. Not only are these victims recognized as prostitutes instead of survivors, they also do not have full access to comprehensive legal services due to the decision made by the Department of Justice on their restricted grants to ban the use of OVC grants for representation in criminal record relief cases. Hence, with the lack of trust on law enforcement, these victims are reluctant to report crimes committed by their traffickers because law enforcement rarely acts to protect them but rather penalize them along with the perpetrators. They are fully aware of the fact that criminal records of multiple prostitution arrests jeopardize their ability to access education, employment, housing, etc. Therefore,

victims are left with no choice but remain silent and escape from their current situations voluntarily, without the help from social service providers or law enforcement officials. This dilemma could explain why less than 1% of the total number of people trafficked are identified. To solve this dilemma, the restriction on OVC grants must be removed and judicial discretion needs to be allowed as well. In most cases, individualized evaluation needs to be given to human trafficking cases due to its complexity and the lack of testimonials from survivors. Without judicial discretion, survivors are granted relief only if the prosecutor consents, which means the relief is dependent on a prosecutor's perspective of the case rather than a judges.

Summary

The current world we're living in is becoming more and more interrelated with social issues that lie beyond the scope of a single organization. This requires all agencies to work together to achieve their shared objectives to completely end human trafficking. Utilizing the established task forces and coalitions is needed, but it needs to be emphasized that to implement an effective strategic framework, an interdisciplinary approach that addresses a deeper understanding of varying cultural practices is crucial. Finally, such frameworks and strategic plans should reflect a victim-oriented approach, which increases the chances for restoration and healing of human trafficking victims.

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