



How American Anti-Trafficking Policy is Failing Asian Migrants

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In the photo, a Rohingya woman from Bangladesh holds a photograph of her son, who disappeared after being trafficked to Malaysia even though she paid the ransom his traffickers demanded. She has not heard from him since.

Photo credit: Shazia Rahman/Getty Images

In late July the United States State Department released its annual [Trafficking in Persons \(TIP\) report](#), an influential diplomatic tool that threatens sanctions against countries that fail to crack down on the human trafficking trade. Thailand — a notorious trafficking hub — kept its spot in “Tier 3,” the lowest possible rank. Human rights activists [welcomed](#) the decision as “a powerful incentive” for Thailand to take further steps to combat trafficking. But this may not be entirely true.

In many ways the TIP report is a microcosm for the myriad problems in the U.S.-led anti-trafficking agenda, which despite bold rhetoric and millions of dollars in funding has failed or

even hurt migrants and refugees. It has fed a chaotic global obsession with policing and prosecutions, but resulted in few concrete policies to address the underlying causes of trafficking or to assist its victims. This has been acutely felt in Thailand, a politically volatile country seesawing between military coups and failed democratic governments. In recent months the ruling junta has led an aggressive anti-trafficking campaign to satisfy its Western critics. But instead of reducing trafficking and forced labor, these efforts appear to have marginalized human rights and trampled on the most vulnerable.

The human cost of Thailand's anti-trafficking efforts was thrust into the limelight in May, when the government escalated a crackdown on smuggling camps in its southern provinces. This followed the discovery of dozens of unmarked graves belonging to Bangladeshi migrants and Rohingya Muslims, a minority fleeing persecution in Burma, and triggered one of Southeast Asia's worst humanitarian catastrophes in recent years when smugglers cast thousands of famished boat people adrift in the Andaman Sea. But while dozens of traffickers, including a senior army officer, have since been arrested, Thailand steadfastly refused to offer sanctuary to any of their victims. In a remarkable display of unconcern,

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The emergency unleashed a flurry of media interest and elicited outrage across the world. Many decried Thailand's refusal to accept the desperate migrants and refugees, while others focused their criticisms on Burma's treatment of the Rohingya, who, denied citizenship in their homeland, are regularly attacked by Buddhist nationalists. But the recent crisis also raises questions about the efficacy of global anti-trafficking policy, spearheaded by the United States. In fact, Thailand has openly declared that its ongoing crackdown on trafficking is largely a response to being downgraded in the U.S. report last year.

"There is clear evidence that the Department's annual Trafficking in Persons Report has played a critical role over its 15-year history in elevating trafficking in persons on the agenda of the international community and in countries around the world," said Mai Shiozaki, Public Affairs Officer at the U.S. Trafficking in Persons Office. "We consistently hear from civil society groups, international organizations, and governments that our report is the 'gold standard' in anti-trafficking assessments."

But while the TIP report is often trumpeted as the global paradigm in anti-trafficking advocacy, it has produced poor results. According to a 2011 study, overall country rankings have not improved since the report's launch in 2000, reflecting a failure to reduce human trafficking in Southeast Asia.

Some activists have blamed this on the growing politicization of the report, which rarely designates U.S. allies lower than "Tier 2" status. Malaysia earned a controversial upgrade this year despite a counter-trafficking record no better than Thailand's — a move that has been linked to the Obama administration's desire to clench a lucrative trade deal. Burma kept its place

on the Tier-2 watch list for the fourth year running despite fueling Southeast Asia's worst boat people exodus since the Vietnam War.

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However, this analysis — accompanied by calls for stricter enforcement of the report — glosses over more profound deficiencies in U.S. anti-trafficking policy. One notable example is the State Department's disproportionate focus on sex trafficking and prohibitionist approach towards sex work. The U.S. government continues to deny anti-trafficking funding to any countries that have decriminalized prostitution, and fails to clearly distinguish between voluntary sex workers and victims of trafficking. This policy has encouraged politically unstable countries to violate the rights of sex workers and pursue clumsy counter-trafficking measures designed to inflate statistics. In 2013, Thailand [prosecuted](#) 374 people for involvement in sex trafficking but only 53 involved in other forms of labor exploitation. This is despite mounting evidence that bonded labor, especially in the fishing and seafood industries, accounts for the vast majority of trafficking cases in Thailand. It is not uncommon for the police to raid brothels in the weeks before their TIP reporting deadlines, often falsely identifying undocumented migrants as trafficking victims in order to boost their figures.

But perhaps the biggest problem in the global anti-trafficking agenda is its preoccupation with border policing and law enforcement. According to a 2014 report by the Global Alliance Against Trafficking in Women (GAATW), international efforts to combat trafficking are failing or even harming victims despite pumping more than \$120 million dollars a year into dismantling criminal networks and boosting prosecutions. There is very little scrutiny over how anti-trafficking funding is spent and who actually benefits. Some have attributed this to a naive perception that anti-trafficking work is intrinsically “good” — a bias that is reflected in the TIP report's failure to assess trends in research and funding.

“In recent years governments have rushed to spend money on a range of poorly designed initiatives in the hope of avoiding or moving out of a low ranking in the U.S. government's yearly Trafficking in Persons Report,” warns the GAATW publication.

Shiozaki insists that the blame lies with the implementing countries and not the United States, yet the State Department has steadfastly ignored [calls](#) to conduct human rights impact assessments of its anti-trafficking work. In 2013 Thailand spent \$6.1 million on anti-trafficking activities, yet only \$143,000 — or just over two percent — was allocated to victims. Over the past few months, the Thai government has pursued increasingly punitive criminal measures, including [imposing](#) the death penalty for human trafficking offenses, in order to appease the United States. These efforts have been energized by the Thai junta's desire to regain international legitimacy after last year's coup. However, Thailand routinely deports trafficking

survivors — including Rohingya asylum seekers from Burma — and has resisted calls to sign the U.N. Refugee Convention.

The U.N. Trafficking in Persons Protocol, signed by Thailand in 2013, is equally problematic, again mostly characterizing trafficking as a question of transnational crime. The framework fails to adequately address the root causes of such abuses, including a lack of free movement and a global economic system that relies on the exploitation of migrant and labor rights. Instead the U.N. protocol has often been used as an excuse to impose draconian border controls, which only serves to drive undocumented migrants and asylum seekers into the arms of traffickers. This is particularly troubling in countries that lack adequate protection and labor rights mechanisms, such as Thailand.

“States are afforded great leeway and discretion in the way they implement their protection obligations, with the predictable result that trafficked persons have so far seen little concrete benefit,” writes Jacqueline Bhaba, guest editor of the Global Anti-Trafficking Review released in April.

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Other Asian governments hostile to “trespassers” did not have to look far for international support. Australian Prime Minister Tony Abbot became the first Western leader to defend Southeast Asia’s initial pushbacks of boat people, describing it as “absolutely necessary if the scourge of people smuggling is to be beaten.” The Director of the Burmese President’s Office, Zaw Htay, pursued a similar line by drawing a [snide comparison](#) between the Southeast Asian crisis and the European Union’s plans to destroy migrant shipping vessels in the Mediterranean.

Indeed, the issue of slavery and human trafficking cannot be viewed outside the prism of migrant and labor rights. Unfortunately, however, the global focus has come to prioritize the criminal aspect of the trade, allowing governments to deflect attention from victim protection and human rights. Up to a million undocumented migrants are employed under abusive or slave-like conditions in Thailand. Asia harbors [two-thirds](#) of the world’s estimated 36 million trafficking victims — a number that has failed to drop despite the widespread adoption of the U.N. anti-trafficking protocol and 15 years on from the first TIP report. In other words, the system is failing — and it is high time we changed tack.