BARRIERS AND OPPORTUNITIES FOR MORE EFFECTIVE IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING:

Insights from Bangladesh, Cambodia, and Taiwan

Eric Kasper and Mina Chiang

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ACKNOWLEDGEMENTS

We would like to thank the country research teams for their hard work carrying out interviews and making this work possible. That this project has not only been possible, but successful, in the time of COVID-19, is thanks to your extraordinary efforts. The Bangladesh team was made up of Jannatul Munia, Mahfuzul Hasib, and Hasan James. The Cambodia team was made up of Meas Sa Im, Yothean Nou, Yada Huch. The Taiwan team was made up of Scheree Herrera, Jeremia Prasetya, and Sharlene Chen. To the Asia CTIP team and especially Sara Piazzano, thank you for your unwavering support, all of your efforts providing constructive and insightful feedback, and your care in making this project a genuinely joyful work of collaboration and co-creation. We are grateful to Amira Abdelhamid for supporting the data analysis. Finally, we would especially like to thank all of the interviewees, including survivors, frontline workers, and practitioners who participated in this research. We are grateful we got to hear your stories and learn from your experiences. We hope this report can serve to amplify your voices to change the way people think about and engage with the challenges of trafficking and victim identification.

ABOUT THIS REPORT

This research has been carried out by the Institute of Development Studies (IDS) and Humanity Research Consultancy (HRC) in partnership with Winrock International, funded by USAID. It builds on earlier research on Trafficking in Persons survivors' perspectives on what constitutes and contributes to successful reintegration after trafficking (Kasper and Chiang, 2021). After completing the research, we identified an opportunity to research the challenges of victim identification with largely the same team of researchers. In the time of COVID-19, drawing on the effective foundation of the existing research team proved to be an important asset, since access to stakeholders including victims and frontline workers was already established, and the necessary trust between the researchers and respondents had already been built.[1] We are eternally grateful to our research partners as well as the survivors and frontline workers who spent their time with us to help us understand this important issue.

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[1] The earlier research project on survivor reintegration focused on the countries of Bangladesh and Cambodia, with research teams in each country. Most of the survivors we spoke with had experienced trafficking outside of their home countries. In utilizing these two countries for this research, we were limiting our scope to "origin" countries (i.e. the country one returns after their trafficking experience abroad) countries as opposed to "destination" countries (i.e. the country in which someone is trafficked to). In order to understand the latter experience, we decided to add a destination to the victim identification inquiry: Taiwan.

EXECUTIVE SUMMARY

Every year, countless people become victims of human trafficking. The number is countless because the vast majority of those cases go unidentified and unreported. As a result, victims remain invisible, go unsupported, continue to suffer abuses, and continue to face stigma and trauma even after finding their way out of trafficking. This lack of visibility also makes it difficult to really understand how trafficking works, which seriously hinders international counter trafficking efforts.

In light of the persistent challenges to identifying victims of trafficking, we undertook this study to review what is known about the barriers to identification and to learn from victims and identifying authorities how identification tends to happen when it is successful. We made use of ongoing research partnerships with researchers and NGOs who work with survivors of trafficking in Bangladesh, Cambodia, and Taiwan to interview 112 people across the three countries, including 39 victims of trafficking who were able to tell us about their experiences navigating the process of identification.

Our interviews confirmed many of the challenges that have been documented in the literature. Victims tend to be vulnerable after trafficking, experience trauma and other emotional struggles that can make it difficult to come to terms with their experiences and be willing to take part in arduous formal processes related to identification. They have good reason to doubt that state officials and legal systems will prioritize their interests; many victims tend to be treated as criminals when encountered by law enforcement or border control.

Our interviews also confirmed many of the challenges facing state agencies and authorities which have been documented in the literature. Laws remain ambiguous and the protection of victims often competes for attention and resources with other obligations such as prosecuting criminals and ensuring border control. Frontline workers in police, border control, and consular offices tend not to be sufficiently trained in their options and obligations to identify victims, and they often face pushback when trying. Frontline NGO workers, who are also typically authorized to identify victims and provide services, tend to be underfunded and lack the means to fully protect victims or help them achieve justice.

In synthesizing these two perspectives, we suggest that identification should not be considered a single event, nor something that authorities do to victims. Rather, we suggest it be conceived of as a "delicate dance" between victim and identifying authority. Both victim and authority must be proactively engaged. Both have agency, but that agency tends to be constrained in both cases by symmetrical sets of reinforcing challenges. This conceptualization

helps to synthesize what sometimes appears to be incompatible perspectives in the literature, and it helps to reframe the issues of victim identification as issues of complex systems rather than individual actors.

That is to say, successful identification of victims is so difficult to achieve because the systems involved have mechanisms that keep victims and supporting/identifying authorities physically apart, facing sets of incentives that are at odds with identification, and operating according to different institutional arrangements and social norms. To understand how identification happens, when it happens, we looked at successful cases to identify ways both sides were creatively able to find pathways for overcoming these systemic challenges. It is our hope that, by articulating the ways victims and authorities can and sometimes do work within and around the system to find each other, we can illuminate or inspire opportunities to intervene.

Some of the most interesting observations that flow from this analysis are as follows. Firstly, because of the inefficient and ineffective dynamics of formal complaint mechanisms and formal reporting channels, victims tend to seek help (and to some extent, identification) through informal connections and networks. In the first instance, where victims are being held in trafficking conditions, they will often attempt to reach out to family. These days, this often happens via social media or internet-based communications, rather than traditional telephones. Many victims report being more comfortable online and on social media than with telephones. Further, if family is unavailable, many victims will reach out to neighbors or social contacts from their home country or even look for a broker – potentially brokers that also engage in trafficking. In many cases, these neighbors and brokers help victims reach home or reach safety, but this does not mean they will get identified. In many other cases, these contacts end up further exploiting the victims by selling them on to other traffickers. It is not surprising that victims with few good options will take risky chances to escape or get help. What is surprising is that a) informal connections including brokers do facilitate victims' escape, fulfilling an important function in the system as it is, and b) that most of the literature and top-down thinking on identification fails to account for these informal mechanisms. This also implies that formal complaint mechanisms like hotlines do not tend to work. Their formal nature as well as the fact that they are implicated in the unhelpful functions of the formal system mean that victims usually do not use them, and when they do, they do not tend to get identified.

While we stop short of offering substantial policy recommendations in this report, we suggest that interventions must be aware of the systemic structures and dynamics at work, which will lead to potentially unexpected impacts of efforts to create change. The difficulties of victim identification are not caused by unhelpful victims or lazy authorities. They are caused by entrenched systems of inequalities and exploitations, where different actors play different roles, both shaped by and reinforcing the ways the system works. Both victims and authorities behave as they do for good reasons. To better facilitate victims and authorities encountering each other in effective identification, we will need to change the conditions that shape the incentives and possibilities for action. This is a long-term aspiration, but in the short term, we can see that helping create opportunities for both victims and authorities to interact informally, to build trust, and to find ways to relate to each other can help individuals find their own pathways.

1

INTRODUCTION

Every year, countless people face situations of exploitation and abuse that constitute trafficking in persons (TIP). Even as governments take action to raise the profile of TIP issues and foster collaboration through the UN and other international platforms to reduce trafficking, protect people who are vulnerable, and provide care and support to survivors, trafficking remains a key challenge of our time. One aspect of TIP that makes it so challenging to address is that, by nature, it tends to be invisible. Even as it happens all around us, it happens in the shadows and margins.

We may safely assume that for every victim identified, there are countless others who remain invisible. It is estimated that more than 40 million people today are the victims of modern slavery (Ministry of Home Affairs, 2018, p. 1). However, the 2021 Trafficking in Persons report (US Department of State, 2021) notes that less than 110,000 victims have been identified, with less than 10,000 prosecutions. Such a low rate of victim identification presents obvious challenges to the work of counter trafficking, meaning that many traffickers continue to operate with impunity. To have hope of ending trafficking, we desperately need more effective identification of victims and more stringent measures for ensuring their safe removal from abusive situations (International Labour Organization et al., 2017).

We are interested in exploring how victims of trafficking could be more effectively and more frequently identified. To this end, we designed

our research project to find out how victims of human trafficking tend to get identified, when they do.

What can we learn from cases of successful identification about how to overcome barriers to identification? What do patterns in successful identification reveal about the systemic challenges and the potential of pathways towards more effective victim identification? This study examines the process of identification, from the victim's experiences coming to terms with what has happened to them and choosing to seek assistance to frontline authorities' experiences recognizing and responding to victims in order to provide them support. The prevailing conceptualization of victim identification, compatible with the Palermo Protocol's definitions of trafficking, assumes a set of actors that are authorized to identify victims, and it implies a set of referral mechanisms that

should follow to facilitate the identified victim in realizing their rights and entitlements through channels of support. In reality, each country has its own unique legal and organizational structures for identifying victims (including ways in which victims can make themselves known), and there are many challenges to actually achieving the mandated support once identification happens.

To make clearer sense of these complex systemic challenges to identification, we have developed a conceptualization of the identification process. This conceptualization reframes identification away from a top-down authority-centered view, towards seeing it more as a delicate dance by both victims and authorities. In this view, both sides must engage in order to overcome their respective barriers and to encounter each other in a substantially collaborative act that validates victims' experiences and makes the state and non-government support accessible.

We use this new conceptualization to make sense of the literature on victim identification and the trove of stories we collected from victims and frontline authorities in Bangladesh, Cambodia and Taiwan. The following sections explain our research methods, reflect on the limitations of our study, and present an overview of the report.

1.1   METHODS

In order to develop answers to the research questions, this study started with a review of relevant literature. We then carried out key informant interviews – semi-structured interviews with officials and frontline NGO workers – across each of the target countries. These conversations helped us refine our thinking and develop effective strategies for interviewing victims and other frontline authorities to find out how both tended to experience the process of identification.

Based on the preliminary review of literature and the insights from the key informants, we designed semi-structured interview guides for further in-depth interviews with frontline workers and victims, respectively. These interviews were designed to incorporate elements of "life history"-style interviews: they specifically attempted to frame the identification event in relation to the respondent's major life events. This was in response to our understanding that the moment of identification may involve the culmination of many complex factors; we wanted to be sure not to see it out of context or to make assumptions about what might or might not have been relevant in shaping the process around identification.

Table 1. Interviews by country and role.

Countries	Bangladesh	Cambodia	Taiwan
Key informants	6	5	3
Survivors	13 (5 female; 8 male)	20 (19 females; 1 male)	6 (2 female; 4 male)
Frontline workers	14	22	23
Total interviewed	33	47	32

In total, we conducted 112 interviews across our research countries.[2] The breakdown for the types of interviews we conducted in each country can be found in Table 1. For Bangladesh, we interviewed 6 key informants, 13 survivors and 14 frontline workers. Some frontline workers we spoke with were also survivors themselves. In particular, we were fortunate to connect with the Anirban[3] network of survivors-turned-social workers in Bangladesh. Among the victims, 5 were female, and 8 were male. The trafficking destinations including Malaysia, Thailand, and the Middle East.

For Cambodia, we interviewed 5 key informants, 20 survivors, and 22 frontline workers. Among the survivors, only one is male and 19 are female. The trafficking destinations include China, Malaysia, Thailand, and the Middle East. Out of the 20 survivors interviewed, 7 were trafficked for labor exploitation, and 13 were trafficked for forced marriage or commercial sex exploitation or sometimes both.

For Taiwan, we interviewed 3 key informants, 6 survivors, and 23 frontline workers. Among the survivors who were trafficked in Taiwan, 2 were female and 4 were male. All survivors faced labor exploitation; 2 were migrant domestic workers, 2 were factory workers, 1 was a construction worker, and 1 was a migrant fisherman. Among the frontline workers, 7 were in the Philippines, 3 were Indonesian frontline workers in both Taiwan and Indonesia, and 13 were Taiwanese frontline workers in Taiwan.

Once the interviews were complete, we coded the interviews to let themes and patterns emerge. Throughout the report, when we provide quotes or references to specific interviewees, we make use of a coding system for anonymization. The first letter of the code refers to the country (either C, B, or T for Cambodia, Bangladesh, or Taiwan, respectively). The second letter of the code describes whether the respondent is a survivor (S) or some type of authority (A), which might be a government official, NGO worker, or frontline social worker. Where it is relevant to provide further contextual details for particular respondents, those are given in the text. The two-letter code is followed by a unique 4-digit numerical identifier which has been randomly generated. Some respondents are referenced or quoted multiple times throughout, and these are indicated by having the same unique alphanumeric code attached. For example, the first quote is by the respondent BS4950, which can immediately be understood to be a survivor from Bangladesh.

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2   The ethics of the research design were addressed as follows. This inquiry grew out of our earlier research on reintegration of survivors after trafficking, which was approved through an ethical review process at the Institute of Development Studies. The research team was largely the same for this inquiry, and we maintained a practice of a) co-design of interview materials and procedures between the authors and field researchers, drawing on their experiences working directly with survivors using trauma-informed practice; b) routine discussions to raise and address ethical concerns throughout the interview period; and c) standardized processes for discussing risk with the respondents and obtaining informed consent. Respondents were selected who were not facing immediate trauma from their experiences; they had been provided support services through networks of providers well known to the respective local researchers. As the interviews attempted to focus on the identification experience – including the factors that led up to the moment of identification – interviews sometimes covered difficult experiences the respondents had had. In these cases, the interviewers were able to draw on their own professional experiences working with victims of trauma to minimize difficulties, avoid probing beyond what the respondent was comfortable with, and ensure the respondents had access to additional services that might have been required.

3   This network has developed an innovative approach to building social and institutional pathways for identifying victims, which we discuss in section 4.

1.2 LIMITATIONS

Conducting primary research in the time of COVID – with the ambitious goal to interview trafficking survivors and frontline workers – is never easy. We recognize the limitation in the primary data we collected. We were only able to interview victims who had been identified. In this way, we have been limited to reflecting only on patterns of successful identification. We are able to explore what went right for those cases, but we are limited in the ability to infer what tends to go wrong in the vast majority of cases that never get identified.

Further, while we had planned to conduct interviews in person by visiting the survivors in remote villages, due the travel restrictions posted by COVID, we were mainly only able to conduct interviews virtually. This is not ideal, given the sensitivities of the topics. However, we accessed victims who were already in some form of trusted relationship with services providers we interviewed or with members of the research team, who also work directly supporting victims. This further limited our pool of survivors to potentially interview, but it helped mitigate the uncertainties that can arise from misunderstandings and miscommunications over remote calls. Contacting survivors through these trusted connections also helped mitigate the risks of exploring traumatic experiences, since the interviewers were more likely attuned to the sensitivities and could respond with empathy and support.

We tried our best to ensure equivalent interview numbers across the three countries and a mix of gender, trafficking types, and trafficking destination, but there were limitations to what was possible. For example, we had hoped to interview at least 20 survivors and 20 frontline authorities in Bangladesh, but we were only able to interview 13 and 14, respectively. For Cambodia, while we successfully conducted the planned number of interviews, we were only able to interview one male survivor, due to the limited number of available men in the networks of our project team. While we sought to cover a diversity of different types of trafficking experiences, the majority of the Khmer female survivors we interviewed were victims of forced marriage.

For Taiwan, due to strict data protection policies, we were almost unable to connect with survivors who were still living in Taiwan; neither through Taiwanese NGOs nor government-operated shelters. We were mainly able to interview survivors that had been exploited in Taiwan but who had returned to the Philippines. To overcome this limitation, we tried to reach out to as many frontline workers as possible, to gain their perspectives on the barriers when it comes to victim identifications in Taiwan. In Bangladesh and Cambodia, we interviewed frontline workers who identify victims from and in their own countries. For Taiwan, we were also able to get the perspectives of frontline workers in The Philippines, and Indonesia, the two main nationalities of migrant workers in Taiwan.

2

WHAT IS VICTIM IDENTIFICATION?

DEFINITION OF HUMAN TRAFFICKING

The key document establishing the legal definition of trafficking in persons is the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which exists as the second Annex supplementing the United Nations Convention against Transnational Organized Crime. The Convention and its supplementary protocols were adopted by a resolution of the UN General Assembly in November 2000 and went into force in September 2003. This protocol is usually referred to as the Palermo Protocol after the city of Palermo, Italy, in which the document was available for states to sign from 12-15 November 2000 (as referenced in Article 16 of the Protocol).

In the Palermo Protocol (Article 3), human trafficking is defined as follows:

A

"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;

B

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used…

Though clearly defined in the international human rights laws, the definition of human trafficking is still often conflated with other concepts in the national laws of many countries (US Department of State, 2021). Even when national laws align with the international definition, the public often still perceive human trafficking differently. People often strongly associate human trafficking with sex trafficking, making labor trafficking less visible and limiting authorities' likelihood of identifying other types of trafficking. Many people envision only the most extreme forms of abuse when they think of human trafficking, making it less likely that either victims or authorities will recognize less extreme forms of trafficking when it happens. Key informants in Taiwan explain that this bias towards only recognizing the most extreme cases of trafficking is reflected in criteria for identifying victims that are far more stringent than Taiwan's own legal definition of trafficking. Studies have established that widespread misconception hinders the effectiveness in victim identification, which will be discussed below.

2.2   DEFINITION OF VICTIM IDENTIFICATION

While the term human trafficking is clearly defined in international law, the term victim identification is much more ambiguous. It is weakly defined in international laws and in both public and professional discourses, it has come to refer to a range of practices – from locating victims geographically (US Department of State, 2021, p. 14) to community-based awareness campaigns (US Department of State, 2021, p. 23) to, of course, states granting formal victim status and providing compensation.

While The Palermo Protocol provides the basis for the concept of human trafficking, it stops short of defining the term "victim identification". The only relevant clause related to identifying potential victims is in Article 10:

> 1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine: (a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons…

Achieving international consensus about any issue is extremely difficult. It is understandable that the text of the Palermo Protocol, with all its ambiguity related to how States Parties should carry out their duties to identify and support victims of trafficking, represented the limits of agreement at the time. Still, without further work to refine the concepts and achieve consistent counter trafficking practices in the subsequent years, the global community has had to grapple with this ambiguity as it has worked to flesh out various frameworks and approaches.

Meanwhile, the UNODC offers guidance on identification via a set of training modules. In one module, it provides a suggested list of factors that can indicate a person is a victim of trafficking (UNODC, 2019a). In another (UNODC, 2019b), it advocates for the early and accurate identification of individuals as victims to ensure that:

- They are removed from exploitation and placed in safe care, and receive protection, assistance and support;
- They are separated from suspected traffickers to avoid the risk of intimidation;

- Trafficking networks are identified and dismantled, and offenders arrested and prosecuted; and
- Trafficking patterns are monitored with a view to (1) developing effective targeted prevention programs and (2) developing effective counter-trafficking policies.

While these resources help refine and clarify what it means to be a victim of trafficking, they are still limited in their ability to shape how victims are identified in practice. Still, from the language of the modules, we can see that the term 'victim identification' for the UNODC is not limited only to the moment when the victims are formally recognized by the States and entitled the rights. It appears to include times and actions before and after that involve removing the victim from exploitation and protecting them from threat or intimidation.

2.3	A WORD ON TERMINOLOGY AND THE SCOPE OF OUR DISCUSSION

Given the ambiguity around how victim identification is defined and conceived, part of the work of this report is to develop a more effective conceptual framework (section 3). Identification is used in the literature to refer to a variety of different phenomena. In some studies, "self-identification" refers to the act of a victim coming forward and "self-presenting" to an identifying authority. In other studies, it refers to the extent to which victims come to accept or embrace victimhood as part of their own personal identity. In general, literature on victim identification assumes an authority who is doing the identification. In this usage, identification can also refer to multiple kinds of action, including discovering victims, preliminary screening to assess whether a person is or is not a victim, informal response by NGOs to begin supporting the survivor with services, formal response by government actors to begin supporting the survivor with services (sometimes linked to filing a legal case), and counting the victim into government statistics (e.g. statistics provided to US Trafficking in Person reports and UNODC reports).

In developing our framework, we sought to attain clarity on these different facets while maintaining the breadth of usages that are common in the discourse. We accept that for identification, there must be an actor authorized to identify as well as a victim interested in being identified. However, we do draw a clear distinction between the issues of identification and adjacent issues of referral. This research project did not explore national referral mechanisms (NRMs) or the specific mechanisms by which victims, once identified, were technically able to access services.[4]

In this report, we use the term "victim" to refer to a person who has undergone exploitation, and we use the term "survivor" to refer to a person who was exploited but has exited the conditions of exploitation. Both terms can, therefore, apply to many of the individuals discussed in the report. Where victims have been identified – that is, they have exited trafficking, been recognized, and have received services – we sometimes use the terms interchangeably, with a slight preference for the more positive, person-centered connotations of "survivor."

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4 These issues have been explored in an adjacent research project, and more information can be found in the forthcoming report titled "Navigating Complex Referral Systems and the Survivor Experience in Bangladesh and Cambodia" (Tauson and Chua, Forthcoming).

OUR CONCEPTUAL FRAMEWORK
The 'Pyramid of symmetric barriers' to identification

As with so many foundational development terms, we can see that victim identification has become a buzzword (Cornwall, 2007): its usefulness has led to it being applied imprecisely and broadly for a range of sometimes inconsistent purposes. One response might be to attempt to reclaim the term in the discourse and insist on a precise technical definition. However, we suggest the best way to make sense of what has become a conceptual jumble would be to take a broader, systemic overview that can synthesize these seemingly incongruous elements into a coherent, multifaceted whole.

We suggest that identification should not be thought of as the moment at which an authorized actor identifies a victim. Nor is it the moment a victim chooses to adopt victimhood as part of their identity or present themselves to the formal system. Instead, for identification to be achieved, we suggest that both sides – using their own conceptualizations and acting from their own positions within the system – must **come together to mutually recognize each other** and connect – to validate the victim's experience in a way that is legible to the system so that they can relate to each other and realize their rights/obligations which flow from identification. In practice, this would mean that the victim would begin to access some form of support or services specifically in response to their trafficking experiences.

Additionally, while we recognize the importance of victims' perspectives, including issues of "self-identification", we would not consider a victim who "self-identified" as such but did not interact with any authorities or service providers to have been identified. We consider both government and non-government (i.e. NGO) actors who have a formal or informal mandate to support victims of trafficking to be authorized to identify. In this report, we use the terms frontline authorities or frontline workers to refer to government agents and/or NGO workers who tend to directly interact with potential victims and who have a responsibility to search for or screen potential victims.

Even as the identifying authorities and the victims have separate interests and perspectives, they face analogous sets of challenges which must be overcome in order to meet each other at the moment of identification. On both sides, the literature suggests (and we have identified) a set of issues that act as overlapping and reinforcing barriers to identification.

For the **victim**, they must:

➡ Understand that they have experienced a violation

➡ Understand the concept of trafficking and that laws exist relating to people who have experienced trafficking

➡ Understand that what they have experienced constitutes trafficking

➡ Understand that their experiences entitle them, under law, to specific forms of recourse and resources

➡ Perceive that (assuming it is actually the case) there are channels for coming forward as a victim

➡ Determine that, given the costs and benefits of coming forward, it is worth coming forward

➡ Successfully find and make use of an identification channel.

Similarly, the **authority** must:

➡ Understand the concept of trafficking and that laws exist relating to people who have experienced trafficking

➡ Understand that those laws may authorize or mandate them to recognize and respond to people who have experienced trafficking

➡ Understand that trafficking may exist around them and that they may encounter victims

➡ Understand their own biases about what characterizes victims (what a victim may look like) so as to recognize them

➡ Understand that even if they are diligently looking for victims of trafficking, victims will need to trust them and have faith in the process

➡ Understand what they must do when they encounter a victim to formally "identify" them and bring them into the system.

In both Bangladesh and Cambodia, identification of victims that have already returned to their home countries tends to be led by NGOs. In these cases, we can consider victims "identified" when they start receiving services from the NGOs. But this does not mean they are counted in the national statistics or have access to government services (including justice and compensation). In all three countries, there were particular challenges for pursuing a court case.

For simplicity, we can think of the symmetric challenges faced by both victims and authorities on their respective sides of the identification divide as the five-layer pyramid depicted in Figure 1. This is meant to reflect our view that the barriers to successful identification are layered and reinforcing, with the lower levels of the pyramid constituting more foundational requirements and the achievement of all levels by both sides (though not necessarily in sequential order) being necessary for identification to happen. In this section, we ground the construction of this model in a review of literature and findings from our interviews with victims and frontline authorities.

Figure 1. Pyramid of Symmetric Barriers for Identification of Human Trafficking Survivors

SURVIVORS		AUTHORITIES
Overcoming fear, threats, physical barriers, potential stigma, etc.	**DECISION TO ACT**	Overcoming prejudice, lack of guidance, professional risks, etc.
Overcoming isolation, lack of channels to safely come forward, etc.	**SEE OPPORTUNITIES**	Overcoming competing priorities, lack of information of victims' whereabout, etc.
Overcoming self-blame, sense of helplessness, etc.	**EXPERIENCE OF AGENCY**	Overcoming lack of training, weak laws and regulations, limited resources, etc.
Understand my experience in relation to trafficking	**UNDERSTANDING OF TRAFFICKING**	Understand trafficking in relation to my area

CONNECT FOR IDENTIFICATION

3.1 VICTIMS' UNDERSTANDING AND AGENCY

Understanding of Trafficking

One of the first barriers to identification is the victim's own realization or acceptance that they have been a victim of trafficking, which requires an understanding of what trafficking is. This may happen while victims are still in the trafficking situation or afterwards; sometimes happening only much later.

One female survivor recounted,

> "I didn't know that human trafficking occurs in my country. I didn't know that human trafficking occurs from one country to another country. After I returned from abroad and started getting services & training from Socheton [a survivor support NGO] I realized that I am a victim of human trafficking." (BS4950)

In our previous study on survivor perspectives on the reintegration process (Kasper and Chiang, 2021), we observed widespread confusion and misunderstanding by survivors and others (including community members and local leaders) about what actually constitutes trafficking. For people used to migrating illegally (often with the help of brokers) and working informally in substandard conditions, it is often difficult to see where challenging conditions cross the line into something that officially constitutes trafficking. This is exacerbated by low levels of education and a lack of understanding of international law. In particular, those accustomed to working in illegal and informal conditions are unlikely to see trafficking as crossing a clear red line.

Many of the successfully identified victims that we spoke to in our study were identified only once they returned to their home country and encountered public outreach efforts by NGOs. In Bangladesh, one of the organizations we spoke with held regular "yard meetings" where NGO workers would raise awareness of trafficking in affected communities and help victims realize and come to terms with the ways the specific "victim" label applied to their experiences and entitled them to support.

Frontline authorities we spoke to in both Bangladesh and Cambodia raised a concern about the lack of awareness of the trafficking risks faced when people migrate. However, we want to be clear that studies have shown that raising awareness of risks ahead of time does little to change people's propensity to take risky actions when they are in desperate situations.

This perspective essentially blames the victims for what happened to them with the implicit notion that if they had only known, they would not have taken some action which resulted in them being trafficked. This kind of thinking may lead to less robust identification efforts by authorities. Instead, we see in our study that awareness raising efforts (usually by NGOs) after the fact may be important for helping identify people who are already victims. It can also help counter stigma and misunderstanding in victims and their communities, which otherwise tend to keep victims silent.

Experience of agency

Victims may not see themselves as victims or be willing to accept that they are victims. In many cases, victims may come to feel they have willfully participated in their own exploitation or, worse,

5   See, for example, Tzvetkova (2002), Samarasinghe and Burton (2007), Le et al. (2018), Nieuwenhuys and Pécoud (2007), and Bryant and Landman (2020).

see themselves as criminals if they had to break the law during their trafficking journey (Simich et al., 2014). They may then resist the label of victim. This can involve incredibly complex issues. NGOs can be well-placed to connect with victims and to establish trust, based on word of mouth and a strong reputation. One male survivor recounted,

> "When I returned I didn't have any clue about anything. There was another victim near my area. My brother said he got compensation. Then I searched for the victim and through him, I got to know about Socheton [organisation]." (BS9288)

In some cases, people are trafficked by family, community members, or trusted friends (Keo et al., 2014, p. 203). In these cases, victims may feel their actions were consciously and deliberately done to help their family. This can make it difficult for victims to see how they were pressured into an exploitative situation. Again, this can involve very complex socio-psychological factors meaning that victims' relationship to their identity and victimhood can be difficult to understand or anticipate. For example, Adanalian (2019, para. 5) explains that sometimes,

> "a survivor takes on complete self-blame and cannot identify their trafficker as the wrongdoer or abuser. The survivor takes total responsibility of (sic) any crimes committed and outright denies being victimized. This is not unusual or uncommon. Following trauma, some survivors blame themselves for what happened to them in order to have (or take back) a sense of control."

Further, at least in our study, victims were often poorly educated (often illiterate), which not only put them at the mercy of brokers to such an extent that they could not even verify their own name on a passport, but it meant they were poorly prepared for understanding how international travel and employment work. Many of these victims are from marginalized areas and marginalized groups, and may have internalized a sense that they have to endure extreme hardships to sustain a livelihood. The complicated relationship with victimhood does not mean that victims are not aware of the violations; it is more a matter of understanding how their experiences fit within bigger patterns, of giving a name to what happened, and coming to terms with the still-constrained agency they have to do something about it.

3.2	VICTIMS' OPPORTUNITIES AND THE DECISION TO ACT

Beyond the challenges of simply understanding trafficking in relation to their own experiences, victims face additional layers of challenges which can prevent them from coming forward.

Seeing opportunities

Victims still in conditions of trafficking may not be able to identify any way to escape or to reach out to authorities. Victims may have good reasons to doubt that authorities would actually help them. Identification and repatriation may take away future opportunities to work, even illegally, in the destination country. Many victims experience trafficking after taking significant risks to escape dire situations at home. They may be well aware of the hopeless conditions waiting for them should they be repatriated, and they may rather continue as they are – especially if they have already escaped the immediate trafficking situation (Sharmin and Rahman, 2017, p. 269). This desperate desire for opportunity and reluctance to be sent home can make people vulnerable to trafficking even in wealthy countries such as the USA (Eide and Morales, 2015).

Accounts from victims in the literature often include reports of negative or unhelpful encounters with frontline authorities such as police (For example, Jobe, 2010, p. 34). In our research, some survivors encountered authorities in the destination country who sent them directly to jail or detention centers without considering that they might be victims of human trafficking. In many places, enforcement of border control appears to be more of a priority than protecting victims. Many governments regularly jail people who have been trafficked based on their illegal migration or employment status (Haynes, 2004, pp. 238–9).

The decision to act

The "action" here could be anything from reaching out to authorities during exploitation, to escape from exploitation, to contacting authorities after they have returned home to be identified as a victim of trafficking, or to willingly collaborate with authorities to gain their victim status.

Victims may be well aware of the risks of punishment or retaliation from traffickers if they attempt to identify themselves to authorities but fail to get support (Moossy, 2009, p. 6; Stop the Traffik, 2019). In our research, survivors told us that in their previous failed attempts to present themselves to the embassy, they ended up being severely beaten up. For example, a Cambodian survivor of forced marriage explained:

> "I remember that it was nearly evening, the staff of the embassy had gone home – only us [me, my sister and other victims] were sleeping on the sidewalk in front of the embassy. At around 11 pm, my Chinese husband came with four to five of his other relatives with a vehicle, apprehended me and my sister and threw us into the vehicle. The victims [on the street] who were with us tried to help us but they were too weak because some of them were pregnant…. After arriving home, I was beaten up like hell."
> (CS5215)

Victims tend to face shame and stigma from the trafficking experience. Because of complex social norms, victims may feel they are beyond overcoming the judgement and exclusion they would face if they returned home (Hynes et al., 2019, p. 10) or if they made their experiences known once returning. This can stem from the perception that victims had violated gendered social or cultural norms (Kasper and Chiang, 2021), such as notions about what is acceptable for a woman to do or expectations that migrants send money back home.

One male survivor and frontline worker from Bangladesh noted,

> "Whenever women come back from abroad, society starts to hate her. They do not want to accept her. Various types of problems occur. Then we make the people of the society understand that every person who comes back from abroad after being trafficked is not bad. After giving a lot of effort then they accept the victims." (BS5343)

Furthermore, authorities' emphasis on victims as a source of evidence to get to prosecutions tends to dampen the willingness of victims to cooperate in being identified by police (Roby et al., cited in Okech et al., 2012, p. 495).

The legal system for prosecuting human trafficking requires evidence, and, as noted in the literature, police tend to emphasize victims' role as witnesses. Without sufficient trust and good will, a vicious cycle ensues where victims are reluctant to be witnesses, so the court dates get pushed back and cases fail to get convictions, showing victims they were right not to believe in the system. One particular issue that NGO workers in Bangladesh noted was that although the Human Trafficking Tribunal is legally obliged to come to a decision within 180 days, the reality is that human trafficking cases take longer and can be ineffective, which means that survivors can and often do lose interest in pursuing justice. Delays and uncertainties in the legal system can create opportunities for traffickers to threaten victims or force them to settle out of court.

Even when victims return home, they often feel there is no point attempting to get support from the government. There is a notable lack of trust in the government and specifically the police, especially in Bangladesh. One female victim from Bangladesh explained,

> "If the government wanted they could help me. But the government didn't. Government assistance is available if our village leaders recommend it. Government assistance is not available until a recommendation is made. There was no one to recommend for me."
> (BS0183)

In summary, considering the overlapping barriers to identification that victims face helps to make sense of the multiple different explanations in the literature for why victims are often reluctant to come forward. This view is supported and substantiated by the experiences of the victims in this study. There is no single issue that prevents victims from coming forward; there are multiple issues that reinforce each other because of the social and legal systems in which trafficking occurs. We suggest that, not only is it important to understand these barriers in their systemic context, it is important to understand how the systemic challenges faced by victims are mirrored by a similar set of systemic challenges faced by authorities, since both parties are required for a successful identification to be made.

3.3 AUTHORITIES' AWARENESS AND AGENCY

Understanding of trafficking

Just as many victims of trafficking fail to understand their rights or resist seeing themselves as victims, frontline authorities can also struggle to fully understand the nature of trafficking and how it manifests in their local context. These quotes (opposite) from frontline authorities in Taiwan are illustrative.

Gonzalez-Pons et al. (2020) explored the role of myths and media-driven narratives as barriers to identifying minors in the US who were victims of sex trafficking. They noted that the majority of minors identified as sex trafficking victims are identified by service-providing organizations. In their survey of professionals working in these organizations, they noted a tendency to misunderstand the policy and to not believe that trafficking existed in their community (Gonzalez-Pons et al., 2020, pp. 2–3). Police and government officials tasked with identifying victims are also often unfamiliar with the realities of trafficking, making them less able to identify it when encountered (Moossy, 2009, p. 3).

"Human trafficking is not a very popular field in Taiwan. Most police officers, even the foreign affair officers, are not familiar with this issue, also, the elements [that] constitute human trafficking cases are far more complex than the other cases. For example, one of my friends who is also a police officer working in another city has no idea what human trafficking is, because, at her office, no one is specializing in this issue. I am lucky enough to be led by a supervisor who is knowledgeable enough about human trafficking." (TA8661)

"In recent years, one of the challenges we have encountered is that there is a change in the existing form of human trafficking. More than a decade ago, trafficking cases in Taiwan are mostly related to extreme violence and force monitoring of the victims of both sexual and labour exploitation, which were more visible. But in recent years, cases have become more subtle, and without a delicate investigation and a better understanding of the victims' vulnerability, it's extremely difficult to identify a trafficking victim." (TA4299)

In countries like the US, where social work is professionalized and involves specialized higher education training, Okech et al. (2018, p. 13) note that social work literature is increasingly calling for training in how to recognize and connect with victims of trafficking to identify them and provide services – especially in building on trauma-informed care practices to better assess trauma due to trafficking in clients. Lutz (2018) calls similar attention to the role of medical professionals, since the experience of trafficking puts people at high risk of health problems and health care professionals are often one of the only people victims encounter who might help them. Her study of nurse practitioners in the US found that most are not sufficiently informed about trafficking or trafficking law, and they struggle to consistently identify victims of trafficking – in spite of a training program created by the US Department of Health and Human Services (Lutz, 2018, pp. 67–68). In our research, victims who were trafficked to China (from Cambodia) and the Middle East (from Bangladesh) also described their interaction with the health care system, as evidenced by the following three quotes:

> "I worked for 20 days after I went abroad. No problem occurred within those 20 days. Then I was taken to a Saudi Arabian hospital. I had a cold and fever." (BS7088)
>
> "I got sick, they didn't do my treatment. They brought me some medicine from a normal doctor which didn't work. When I got sick again I was taken to the hospital and the doctor said it was a serious problem. Then they locked me up for 5 days." (BS4950)
>
> "I was coughing with blood, and the doctor conducted a blood test and advised me not to work anymore because my health had deteriorated. I lost consciousness for three days due to health deterioration." (CS4893)

From the testimonies in this research, we have seen that victims not only interacted with the health care system when they fall sick, but also around reproductive functions – either when traffickers forced abortions on them (e.g. in the case of sex trafficking or labor trafficking) or forced implant fertility (e.g. in the case of forced marriage).

> "I was trafficked at a very young age. I was not married, I didn't have any idea about the sexual relationship but still, I got pregnant. I didn't know anything about this. They took me to the doctor for an abortion. They killed the baby. I was so hurt." (BS5041)
>
> "When she [the mother of the abuser/husband] realized her son was impotent, she stopped forcing me to sleep with him. But she forced me to accept the implantation fertility treatment." (CS7235)

However, in the testimonies, none of the frontline health care professionals intervened. They appear either not to have recognized that they were treating a victim of trafficking or not to have understood their mandate to help.

Experience of agency

Even when the authorities are aware of human trafficking, a lack of agency may create barriers for them to function. This includes the lack of training on how to respond, lack of laws and regulations that align with the international standards and enable them to do the work, confusion between different government departments, and limited financial and human resources.

> "Human trafficking is much more complex than a normal criminal case. Firstly, criminal cases happen every day, so many senior police officers are able to lead the more junior ones to investigate these cases. Secondly, there are a lot of judicial precedents to refer to when handling a normal criminal case. But that's not the case for human trafficking. The definition of human trafficking [in Taiwan] is lengthy and a bit vague, and some relevant crimes are not even mentioned in the Human Trafficking Prevention Law. For example, how do you prove that an exploiter is 'taking advantage of a victim's vulnerability'? The details are not provided by the law, and only experienced police officers will be able to collect the right pieces of evidence to prove the victim's vulnerability." (TA8661)

The hidden nature of trafficking and the complex challenges of identification and response can lead to law enforcement officers feeling like there is little they can do to actually identify victims until the victims choose to come forward (Farrell et al., 2012, p. 77).

Government agencies may experience confusion around who has the responsibility to do what. In Taiwan, the Ministry of Labor, the Immigration Agency, Labor Bureau, police force, and coast guards may all have the chance to interact with victims in different capacities but may fail to fully exercise their authority to identify the survivors of human trafficking. While the top government agencies may set out clear agenda and guidelines on addressing human trafficking, the frontline officers such as border police and labor inspectors may still be confused about what they are authorized to do.

A recent study (Segrave and Tan, 2021) of practices of victim identification in ASEAN countries notes that across ASEAN, migration status was an overriding factor determining whether authorities would identify a victim as such. Authorities tended to treat victims with irregular migration status as criminals even when applicable laws were available through which they should have been identified as victims of trafficking (Segrave and Tan, 2021, pp. 472–4). Further, the study found other common institutional challenges: law enforcement in need of better training on the realities of trafficking and how to engage with victims as well as overly narrow criteria for what constitutes victimhood which excludes many cases (Tan and Segrave, 2020, pp. 922–5).

> "Foreign affair police officers have higher chances to understand how to use the Human Trafficking Prevention Law to assist the victims, and if a case that should be identified as human trafficking is handled by a normal police officer, it may be classified as a…for example, an offence of causing bodily harm. If so, we may miss the chance to identify a trafficking victim." (TA8661)

3.4 AUTHORITIES' OPPORTUNITIES AND THE DECISION TO ACT

Seeing opportunities

An understanding of trafficking and a sense of agency around identifying and supporting victims is not sufficient for authorities to achieve better rates of identification. Authorities also face challenges finding opportunities to identify victims from their positions. They need to overcome challenges including competing priorities, lack of supportive organizational culture, lack of clear channels for reporting or taking action, and an inability to establish trusting, safe interactions with victims.

We talked about how hospitals have the opportunities to interact with potential victims. However, it has proven difficult to embed potential identification practice into the workplace and institutional culture (Stoklosa et al., 2017, pp. 187–8). Hospital staff have many competing priorities and limited resources, and successful interventions when a patient is being trafficked require well-coordinated, careful action. When a medical professional encounters a victim of trafficking who is still under the control of the trafficker, there are not clear guidelines about what should be done to help. Standards for trauma-informed treatment may be followed, but even if the medical professionals discover that a patient is a victim of trafficking, they may not be able to ensure access to safety or other services without the help of law enforcement (Gordon et al., 2018). Other studies highlight just how difficult it is to establish effective and safe means for identifying vulnerable victims and ensuring they are protected (Preble et al., 2020; Rafferty, 2016; Recknor et al., 2018). It is even more difficult to routinely recognize victims when the trafficking in question is labor-related (Kiss and Zimmerman, 2019).

Just as doctors have many competing demands, making it difficult to prioritize identifying and caring for victims, police often have competing demands as well – including the need to prosecute criminals. At the level of identifying authorities, the task of identification co-exists with other objectives and priorities. Governments are not unitary actors; different government agencies have different relationships to the issue of trafficking. Police are mandated to prosecute criminals, making it less likely to prioritize the needs of victims. Border control agencies face similar challenges in their mandates to stop illegal border crossings but also to protect people who are being trafficked across borders. It can be difficult to tell a victim from an illegal migrant, especially when identifying victims is a secondary priority.

The frontline authorities we spoke to in this study indicated the same challenges in the study countries. In Bangladesh, there does not seem to be any systematic process for official victim identification. From interviews with frontline workers, referral and word of mouth seem to be the most common ways of identification, followed by reports from survivors' families. One Sub-Inspector with the Bangladesh police explained his experience, saying,

> "
>
> "Sometimes someone informs us there is victim to identify and sometimes we go ourselves to identify victim. In both cases there is some foreign NGOs working with our local NGOs to help us. Then we can do the job easily. Besides, there are many press media, electronic media, social media. We get information through them. It happens in both cases pull and push. In the case of push, we get the news ourselves and in the case of pull when we ask, we get information." (BA4033)

In both Bangladesh and Cambodia, we found NGOs to be more effective than government authorities in identifying victims. We examine these patterns in greater detail below, but the reliance on NGOs to find and provide services to victims appears to go along with less access to government support (including access to justice or financial compensation). One survivor and frontline worker recounted,

> "Here I think our government doesn't give as much importance to this [issue of victim support] as the NGO's are giving. Here I need to go to an NGO to bring back the victim, but I was supposed to go to our government for getting the necessary support. I informed the government, for about one month I tried to get help from the government but there is no update." (BS9470)

The decision to act

Even when the authorities are well aware that human trafficking happens around them, have a clear sense of agency around identifying victims, and can see opportunities to do so, there are still barriers they may have to overcome. In order to act, the authority will need to decide that it is worth the risks and the effort. Preconceptions about victims (such as their reluctance to come forward), the sense that referring a victim into the system won't actually help them, or a fear of going against organizational norms or the preferences of superiors can lead authorities to feel that taking action isn't worth it.

Authorities may hold to stereotyped images of what a victim looks like[6] (Gonzalez-Pons et al.,

2020, pp. 2–3). When victims do not fit in the stereotype, authorities may not recognize them.

When victims are trafficked and forced into criminal activity, this can increase the challenges of identification as the victims appear to be criminals or perpetrators at the same time (Villacampa and Torres, 2017). Farrell and Kane (2020) summarize key challenges to identification of trafficking via a criminal justice system – highlighting incomplete or incompatible legal frameworks, gaps in institutional capacity, corruption, the challenges of cross-agency cooperation and meeting the evidence threshold for prosecution, and the lack of sufficient resources.

Farrell et al. (2020) show, via a rare qualitative study of police responders to labor trafficking, that the challenges of identifying victims of trafficking are even more difficult when victims are migrant workers with irregular migration status. Prevailing approaches to policing routinely miss violations – in part because the focus of counter-trafficking policing still focuses largely on sex trafficking. Cockbain et al. (2018) corroborate this with a systematic review of labor trafficking cases in Europe, and Segrave and Tan (2021) find the same issues across the ASEAN countries in Asia.

Research on what happens to Nigerian trafficking victims who return to Nigeria after being identified in Europe (Plambech, 2014) has shown that organizational culture and social norms can lead to biased treatment of victims. Personal beliefs about issues such as sex and sex work, coupled with operational protocols that do not fit the formal definitions of victim or criminal can lead to victims being treated as criminals even after achieving formal identification – especially if the identification happened elsewhere, before repatriation (Plambech, 2014, p. 387).

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6   For example: "trafficking survivors lack any form of autonomy and are in desperate need of rescue." (Gonzalez-Pons et al., 2020, pp. 2–3).

One of our key informants in Taiwan explained that similar issues happen in Taiwan:

> "There is a Human Trafficking Prevention Law in Taiwan, but it's impossible for this law to include every single element of human trafficking, leaving some space for interpretation." (TA4299)

Even when they are prepared to recognize trafficking victims, they may not have a clear sense of what procedures to follow for documenting the case and referring it to the appropriate channel for the victim to access support. For example, the UK High Court has drawn attention to ways ambiguity over the National Referral Mechanism has led to victims of trafficking having claims and appeals rejected (Luh, 2019). This has also been reported in the US (Schacher, 2019, p. 6) where Department of Homeland Security investigators have prioritized stopping "fraudulent applications", leading to excess scrutiny of victims' cases and acting as a deterrent keeping victims from coming forward.

In our case study countries, confusion on the part of officials was a significant barrier in Bangladesh and mentioned in Taiwan. In Cambodia, consular officials reported uncertainty about how to navigate the channels of bilateral cooperation (for example, working with Chinese police to rescue Cambodian victims of forced marriage). However, many authorities in Cambodia mentioned much greater clarity in recent years, after the government introduced official forms for evaluating whether someone is a victim of trafficking.

A Taiwanese informant explained:

> "What I meant to say is, victim identification really ties with experience and a person's personal evaluation. I don't think that a person who has not been identified as a trafficking victim is not a victim, instead, s/he is still a victim of exploitation. It's just that his case does not meet the definition or requirement of human trafficking, and we have to search for other appropriate laws to assist him." (TA4299)

In summary, considering the overlapping challenges facing authorities helps to make sense of the different factors known to impede effective identification. Authorities often have a poor understanding of the realities of trafficking as experienced by the victims around them. Building better awareness and capacities should help, but there are further challenges for finding opportunities within organizational cultures and legal contexts to connect with victims. NGO workers can often build trust with victims and provide direct support, but they cannot easily protect victims or ensure they get justice or recognition from the state. Police and border patrol officers who may want to identify victims tend to face pressure to prioritize enforcing migration laws or be constrained by overly restrictive criteria for what constitutes a victim. In the end, for victim identification to become more effective and common, pathways will need to be created to overcome all these challenges at the same time, and in parallel with pathways for victims to overcome their own set of analogous barriers.

THE 'DELICATE DANCE' MODEL OF VICTIM IDENTIFICATION

The picture painted by the pyramid framework is rather bleak. We may have hoped that the existence of international laws defining trafficking in persons and mandating authorities to find and care for victims would mean that the majority of victims get identified while only a few slip through the cracks. In reality, very few victims are successfully identified while the vast majority are excluded by the overlapping systemic barriers that hinder both victims and authorities in symmetrical ways. Achieving successful identification is not straightforward. Rather, it is a delicate dance involving both victims and authorities, who must overcome their own respective challenges as they move toward encountering each other. Along the way, any misstep can derail the process.

While the pyramid framework helped us to organize the literature on victim identification and to identify different levels of identification barriers, the real problem remains – **how can we overcome the barriers?** Rather than looking for reasons why particular victims are not identified, we must look for explanations for those rare cases of success. To understand how to more effectively identify victims, we must try to understand how victims and authorities have managed to devise pathways for overcoming the challenges.

Previous studies have suggested a series of interventions that can potentially help overcome the identification barriers, such as providing training to the police force, or to ensure a victim-centered approach when working with traumatized survivors. However, the systemic view of identification suggests that the successes or failures of these interventions will not be determined in isolation, but by how they interact with the wider sets of forces and factors that shape conditions for both victims and authorities.

Learning from the examples of successful identification in this study, we have uncovered certain creative methods used by victims which have barely been mentioned in existing literature and which are not taken into account when governments are designing identification systems. In this section, we develop our complex systemic model of identification as a delicate dance and present our analysis of the cases of successful identification.

4.1   THREE SYSTEMIC BARRIERS AND PATHWAYS: PHYSICAL, ATTITUDINAL, AND INSTITUTIONAL
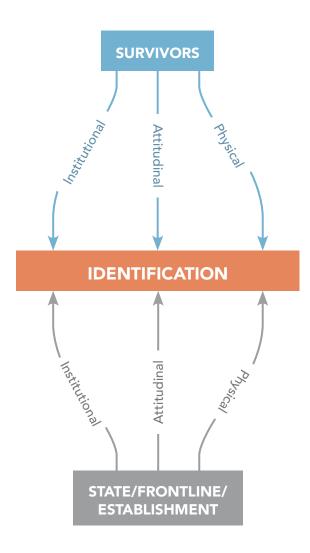
After analyzing more than a hundred interview transcripts, we developed the model shown in Figure 2, which presents pathways to overcoming the systemic challenges to identification.

Whether from the victim's perspectives or the identifying authorities', these challenges can be categorized as physical (i.e. isolation, nature of spaces for interaction), attitudinal (i.e. awareness, perception, inclination), and institutional (i.e. existence of laws, organizations, social norms). On the flip side, we can say that when identification does successfully occur, it is because some combination of attitudinal, institutional, and/or physical pathways have been created to overcome the challenges – on both sides – to allow survivors and identifying authorities to connect in the act of identification.

Through our analysis, we found that successful identification is about resources and training, but also about biases and access. It all has to come together to work. Currently, who is identified and who is not is seemingly random, and our model is trying to make sense of the randomness.

Figure 2 emphasizes that identification only happens if both the survivors/victims and those authorized to identify them (agents of the state, frontline NGO workers, or other entities established to provide services for victims once identified) can overcome their systemic challenges in order to encounter each other.

Figure 2. Systemic pathways to identification.

Our framing of the challenges and corresponding pathways as either attitudinal, institutional, or physical is inspired by the Omidyar Group's (2017, p. 34) suggestions for analyzing cause and effect in complex real-world systems. While they make use of slightly different terms, the point is to identify **the mechanisms in the structures and dynamics of the system that shape conditions**. This way of conceptualizing victim identification has the potential to make clear how the functioning of existing systems tends to create barriers to victims and authorities being able to connect with each other. Identification is not simply a one-off choice or instance. It requires overcoming the nested challenges that keep victims isolated, ashamed, confused, and silent as well as those that keep authorities distracted, confused, and complacent.

For "attitudinal" factors, we draw directly on the Omidyar Group's term considering "widely held beliefs, values, norms, and intergroup relations that affect how large groups of people think and behave" (The Omidyar Group, 2017, p. 34). Attitudinal factors capture central elements of the social dynamics of the social systems in which trafficking and victim identification occur. "Institutional" and "physical" factors then capture elements of the structure of those systems. Physical factors include all the material conditions in which victims and authorities operate and where they may connect for identification – including where people tend to be, how isolated, with what kinds of resources, in what kinds of geographic contexts. Institutional factors include things that might be thought of as "social structure" – such as social networks, group ties, organizations, and the "political, social and economic institutions and infrastructure" (The Omidyar Group, 2017, p. 34).

Table 2. Three categories of systemic pathways.

Type	Physical	Attitudinal	Institutional
What we mean	Material conditions in which victims and authorities operate	Widely held beliefs, values, norms, and intergroup relations that affect how large groups of people think and behave	Political, social and economic institutions and infrastructure
Examples	Isolation, nature of spaces for interaction	Awareness, perception, inclination	Nature of laws, organizations, and communities

In recognizing that the sets of nested challenges to identification in Figure 1 can be described by attitudinal, institutional, and physical factors, we are really saying that the barriers to identification emerge from the structures and dynamics at work in the social systems in which both victims and authorities live. It should not be a surprise, then, that the system generates symmetrical challenges for both sets of actors. The insight that identification is not a simple one-off event, but a complex systemic process, suggests that the answers to our research question will be found in deeply exploring those structures and dynamics that constitute the system.

The interviews we carried out for this research represent insights into what went right to enable successful identification in each of our cases. In the subsequent sections, we explore those cases to identify patterns in the attitudinal, institutional, and physical arrangements that allowed both victims and authorities to overcome their respective challenges at the same time in order to connect with each other for identification. Across country contexts and types of exploitation, pathways to identification emerged that were unique combinations of the three systemic elements. Nevertheless, taken together, they reveal consistent patterns about how solutions tend to emerge, and this has important implications for how we can be more effective at ensuring victims get access to the justice and support that they deserve.

Across the countries of this study, there were patterns in how victims were able to get identified based on the trafficking conditions. Based on the systemic conditions they faced, certain kinds of pathways to identification tended to be available to them while others were not. For example, we realized that trafficking taking place within households – including forced domestic work and forced marriage – almost never leads to identification by external stakeholders such as

police. Instead, identification primarily happens when survivors reach out for help from their place of captivity. The following quote is from a victim who escaped and then managed to get identified by authorities.

> "I escaped. When they all went to farm, and they also took my daughter to the farm. Then I got a chance to escape." (CS7235)

However, when it comes to other types of trafficking, such as forced labor in the fishing industry or on islands, coming forward to authorities is almost never possible. Victims tend to remain in remote places without phones or any means to communication with the outside world. In these cases, when victims are discovered, it tends to happen when coast guard or police raid their location.

In this remainder of section 4, we analyze the three pathways we observed that were able to overcome the barriers and challenges faced by both victims and authorities and which led to successful identification.

4.2 PATHWAYS TO OVERCOMING PHYSICAL BARRIERS

In most cases of trafficking, victims are kept isolated one way or another. In cases of forced marriage and domestic servitude, the victims tend to be locked in the home and prevented from contacting others, either in person or by phone/internet.

> "I was locked inside the room and there was no way that I can break it out. There was a window in my room but it was quite high because my room was on second floor." (CS8160)

To overcome these barriers, both sides had to be creative. From our conversations with the survivors, we have learned several significant ways to overcome the physical barriers. We noted that most of these creative ways were not captured in existing counter trafficking literature.

4.2.1 Victims overcome barriers of isolation through social media

When the survivors decided to act, the instinctive first step is to break their isolation. In most of the cases we observed in this research, this means reaching out to the outside world and letting someone know where they are and what is happening to them. Victims reported using creative ways to get hold of means of communication, usually a cellphone. A forced marriage survivor recounted:

> "I knew they would refuse if I told him that I need a cellphone to call home. That's why I told him [the father of the husband/abuser] that I need a cellphone to play games because in China playing games on mobile phone is very popular. He agreed with a condition that I have to bear pregnancy for his son. But I didn't care about what he said, all I needed was a mobile phone to call home. Because I was worried that my mother may have thought that I was dead." (CS5530)

After getting hold of a way to communicate, we observed that victims tend to reach out to their family in the first instance. We note that this preference does not seem to be documented in the literature, and is not reflected in victim identification strategies by most authorities. Instead, reporting channels such as hotlines appear to be based on the assumption that victims would prefer to turn directly to state authorities for help.

Victims trying to contact their families back in another country face multiple restrictions. Calling by international calls is expensive; the phone they are using may be unsafe or leave traces of their activities; their family may not actually pick up the phone; speaking may be impossible in the victim's immediate environment; or victims may not even have the phone number of their families anymore. Instead, we observed **victims trying other methods to reach their families, often through social media.** Social media platforms such as Facebook, WeChat, WhatsApp, and TikTok allow victims to reach out to individuals, groups, or even the general public in a way that can avoid costs or creating an obvious record on a phone bill. Two survivors from Cambodia explained:

> "I contacted my mother through social media. I was restricted from using a smart phone. However, once in a while I was able to convince my Chinese husband to allow me to use it. It was the only time that I could create a Facebook account and contact my mother in Cambodia to seek help." (CS5710)

7   We are aware that there is limited access in China to use Facebook; normally VPN is needed in order to use it. Although difficult to verify, we suspect that is why the survivor needed her neighbor's help to create an account. Alternatively, the victims may have been using the name, Facebook, to refer to social media platforms in general.

> "I had a smartphone at that time, and I asked the other Khmer neighbor near my husband's house [in China] to create a Facebook account for me[7]. After that, I contacted a person whom I know in Cambodia to find my mother in Cambodia. When I was connected to my mother, I asked her to prepare all the related documents to bring me home. I asked her to find some NGOs to help me and to file a complaint." (CS2374)

When family an other direct contacts were not able to immediately help, victims found other ways to **spread the rescue message on social media in a non-targeted way.** In one example, the victim simply posted a video of herself publicly, which led to her rescue and identification after the video was shared widely:

> "My mother reported the case to the local authority in Cambodia in 2019, I believe. She told me that they would work on it, but I ran out of patience because it took too long. I started to take video footage of myself and posted it on Facebook, seeking help. The video was shared widely. Later on, the Cambodian Consulate became aware of my case, and three days later they came to pick me up." (CS5710)

Victims held in households found ways to escape and reach out using cyberspaces and relational spaces to overcome the challenges of physical space. This suggests that attitudinal factors and institutional arrangements that promote connectivity and visibility could help overcome physical barriers to identification. More analysis related to the attitudinal factors will be discussed below in Section 4.3.

4.2.2 Victims overcome barriers with facilitations from bad-faith brokers

From our conversations with survivors, we learned that, out of desperation, **victims hire brokers and smugglers to rescue them.** While the victims we spoke to didn't hire the same individuals who trafficked them the first time, these are smugglers who operate in an illegal and informal ways. Smugglers hired to help migrants cross borders sometimes operate in good faith and sometimes end up selling them into trafficking. In the same way, smugglers hired to help victims return home do sometimes actually help them, but there is always a risk they will traffic the victims again.

It is an important finding that smugglers can and do play an important role in helping victims reach safety, but that they are indistinguishable from traffickers. We believe it is likely that, depending on victims' ability to pay, the same brokers may work as smugglers (helpful) or traffickers (harmful) at different times and in different circumstances. Such middlemen play an important role in the system – performing key functions for different actors in a way that both contributes to trafficking in persons and has the potential to counter it. As in other contexts[8], brokers operate in a way that is distasteful, relies on the continued vulnerability of victims, but also often provides a valuable and appreciated service to victims. The use of these brokers often results in victims reaching home safely, but it is not conducive to identifying victims or helping them access services. Nevertheless, understanding the role(s) played by brokers and smugglers in the system as it currently functions is essential for understanding pathways to identification that actually emerge.

The following quote by a survivor from Cambodia is illustrative:

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8   See, for example (Berenschot, 2015, 2014; Piliavsky, 2014) on the systemic functions and moral ambiguity of brokers in South Asian politics.

> "After getting the police's number, I took my mother in law's cell phone to contact the police when she left it at home. I was told that they [the police] can't help me out, unless they detain me for around six months to one years. Then I started to think that I should stop contacting police, and I decided to contact the broker to help take me back to Cambodia." (CS8062)

Prior to contacting brokers and smugglers for help escaping, survivors indeed tend to contact other trusted stakeholders, including family members, neighbors, and of course, police officers. It is extremely difficult for victims alone in a foreign country (e.g. China) to navigate across language barriers, landscape barriers (e.g. remote village), potential threats (e.g. being wanted by their violent husband/abusers) to successfully escape. Therefore, authoritative or at least well-connected figures are crucial to support victims on their risky journey from danger to safety. By law, it is the duty of the state to protect victims. However, when police and other officials fail to respond, other informal and potentially bad-faith actors step in to fill this market gap.

A forced labor survivor returned from Malaysia told us:

> "I contacted a different person, a different broker. At the time it was 2000 Ringgits [that I paid the broker]. It took three days to take me to return. I slept in the forest for about one or two hours in the night time. It was a secret route and I did it without passport and other documents." (CS8244)

And a Cambodian forced marriage survivor told us:

> "What I did was I looked up the social media [TikTok]. Then I added friend with the person who posted about human trafficking stuff. They asked me to share the location with them and they said they will charge me 8000 Yuan to help me out. After sharing my location, they sent two Chinese men to pick me up. Then I left with them to another province, waiting for other women who were facing similar issue like me….The driver took me to a place where I met around ten other Khmer women. Some of them were also trying to escape like me, and they had no passports. We travelled by road. On the way to the border, there were some check-points, but I saw the broker bribe the police all the way until we reached the Vietnamese border [from China]." (CS3003)

Using the brokers may result in successful escape from trafficking, but there are inevitable risks as well. The same survivor continued to tell us:

> "We crossed the border through climbing the mountain range until we got to the Vietnamese border. Then there was another broker waiting to pick us up from the border. But they asked us to pay more money because what we paid them only covered the trip [from China] to the border. I didn't have any money left at all. They said to me that if I didn't have money to pay them, they would send me back to China and introduce me to a new Chinese husband. After hearing that I was so scared. Then I contacted my sister in Cambodia to transfer me 300 USD. After they got the money, they drove me until the Cambodian border (Svay Rieng)." (CS3003)

It is also important to see how the use of brokers tends to further exacerbate the financial difficulties of victims and their families. A broker can help overcome the physical barriers, but this comes at a high cost. Another victim from Cambodia who used a broker to escape explained:

> "But I told her [the neighbour] I have no money. How can I escape. Then she advised me to contact my family to deposit the land title to get some money to send me…. What I really wished for was to come back to Cambodia safely. I could not stay in China anymore because I was forced to have sex frequently and I was under constant pressure due to the restriction of my freedom. The person who helped to escape was all about their profit. If I didn't give them money, I don't think they would have helped me." (CS8062)

4.2.3 Authorities overcome barriers of distance to respond to survivors

Those who might identify or help the victims also experience physical isolation. The Cambodian consular staff who have responsibilities for identifying victims of forced marriage in China were located in cities far from where victims in villages were being held and lacked the resources and jurisdiction to carry out rescue operations. For example, a victim of forced marriage explained:

> "I was not sent to Cambodian Embassy, but the Cambodian Embassy in China contacted me through telephone. I was told that for those who live too far away from the embassy, the embassy won't able to meet them because they can only meet with those who live close to the embassy." Forced marriage survivor (CS7235)

Consular staff also showed creativity. In one case, the staff arranged for a local Cambodian student studying in China to personally drive to the victim to collect her, coordinating with her to escape the house. The victim described the harrowing scene:

> "Luckily, I still had my smart phone with me. I started to connect with the WiFi at home and contacted the Khmer consulate in Zhong Chhing, telling them about the situation I was facing. Then the consulate told me that he can't come to pick me up, but he will ask a Khmer student to come and pick me up. Three days later, the Khmer student came and waited for me from the morning until evening with a taxi, because I was locked inside the room and there was no way that I could break it out. There was a window in my room but it was quite high because my room was on second floor. Time was running out, it was getting so late. Then I called my mum telling her that I decided to jump down from the building and I wasn't sure if I would be survive… As soon as I got to the car, the student and the taxi driver carried me and put me into the back seat. I laid down all the way to the consulate." (CS8160)

Some of the successfully identified victims we spoke to were Bangladeshi fishermen who had been trafficked on fishing vessels. They were identified by coast guard forces during patrolling operations that were looking for criminal activity at sea, including trafficking in persons. We know that most of the vessels using trafficked labor manage to use their physical remoteness from state authority to get away with their crimes. The fact that these victims were found, rescued, and identified by authorities demonstrates that a key pathway to overcoming the barrier of physical isolation is to have an efficient and effective way of proactively searching for potential victims.

In some cases – for example the ways Australia patrols its coastline looking for asylum seekers on boats and rafts (UNSW Kaldor Centre, 2019) – we see that coast guards can be very effective at finding seacrafts. There are also promising technological tools which can help. Some groups are refining tools for using satellite imagery to monitor vessels at sea and using artificial intelligence to identify which ones are likely in breach of fishing laws (Clarke, 2020; Kourantidou, 2019) or labor laws (McDonald, 2020; Rao, 2017; Zimiles et al., 2020). This suggests that a key to overcoming the physical barriers is making use of attitudinal and institutional interventions as well.

This evidence suggests that states could be much more effective at finding and identifying victims at sea if that was a priority. As mentioned above (section 3), how institutions like police forces and coast guards carry out their jobs reflects the policy preferences and priorities of those in charge. This has been demonstrated to have a profound impact on the standard operating procedures inside the institutions as they decide how to perform their roles.

Table 3.Creative ways observed to overcome physical barriers.

Physical barriers	Creative ways emerged in our interviews
Survivors' barriers of isolation	Using cyberspace to contact families
	Using cyberspace to deliver rescue messages publicly
Survivors' barriers to escape exploitation	Paying shady service providers (brokers) to facilitate the escape
Authorities' barriers of distance to respond to survivors	Delegating trusted stakeholder to respond to survivors' need

4.3 PATHWAYS TO OVERCOMING ATTITUDINAL BARRIERS

In order to achieve successful identification, a number of attitudinal barriers need to be overcome by both victims and authorities. From the victims' point of view, there are cultural norms by which they may be accustomed to some restrictions in the household. Some of the women were expecting to migrate for work but were forced into marriage instead. For these women, the sense of being misled appeared to make it easier to overcome some of the psychosocial barriers that keep other women silent.

4.3.1 Victims overcome barriers to come to terms with their trafficking experiences

Some women had originally migrated to marry a Chinese man, but the situation ended up much worse than anticipated, constituting trafficking. For these women, it appeared to be difficult to see a clear difference between those experienced in common domestic households and their conditions (being forcibly held captive, having movements and communications with others restricted, lack of autonomy in the household, lack of control over sex and pregnancy). In Cambodia and China, women often experience conditions of limited autonomy in the household and restrictions on movement without crossing into situations that constitute trafficking. Domestic violence and less autonomy for women in the home are normalized enough that it appears to take substantial serious violation to motivate victims to self-identify – to see their situations as trafficking and to take the significant risks associated with attempting to escape to present themselves to NGOs or authorities.

> "I did not report the case to the police because I thought I went to China voluntarily…I was afraid one day they [the husband's family] could even kill me because I was there alone and no one knew what was happening to me. I was forced to do all kind of housework as well. The reason why I decided to ask for help [during trafficking] was because I couldn't stand living with restriction of my freedom anymore. That's why I asked the lady who was my neighbor to help me out."
> (CS3003)

The attitudes of the Chinese families, the victims, the communities in which forced marriage is occurring, the local police, and the other key institutions tended to reinforce the isolation and make it less likely that the victim would get identified when taking a step. Importantly, the authorities responsible for identifying victims appeared to have a limited sense that it is their responsibility to proactively reach out to vulnerable women or to identify victims. They tended to frame it as a matter of victims coming forward.

In the case of Taiwan, frontline workers report that victims may come to them because of the introduction of friends, which can help them to see that they are victims of human trafficking.

> "We realised that victims of different nationalities have different perceptions of exploitation. Some victims being slightly mistreated would identify themselves as trafficking victims, but some victims, even with broken bones caused by being abused, don't consider themselves as trafficking victims. Most of them came to us through the introduction of their friends." (TA4299)

4.3.2 Authorities overcome barriers of social norms

Chinese police have a responsibility to identify and protect victims of trafficking. The victims we spoke to told stories of being ridiculed for coming to the police about a 'domestic' matter and having police officers call their captor families to come pick them up. The Cambodian authorities we spoke to mentioned that it is becoming more common for Chinese police to recognize victims of forced marriage and to cooperate in rescuing them and identifying them to the Cambodian

authorities, though none of the survivors we spoke to were identified or supported by the Chinese police or authorities.

Specifically, a Cambodian consular officer with experience in China explained:

> "There is a difference between the way I worked years ago and now… Now there are many NGOs as well as government entities rendering assistance to victims of trafficking. It makes our life easier than before. Moreover, Chinese police are very cooperative, and they are more aware about cases related to trafficking." (CA9216)

4.3.3 Victims overcome barriers of distrust through cyberspace

As we mentioned in section 4.2.1, formal channels for self-reporting are based on the assumption that people who are abused will try to contact the authorities. But for many of these victims, their life experience is not of ever interacting with authorities. They tend to rely on their immediate family and social/community connections. It is important for authorities to realize that this is how people tend to behave. In our interviews, we have seen that victims' first preference is almost always to reach out to family if possible. This makes sense if we consider the need to trust, and the ways in which people navigate the world via trusted links. In an ideal world, people would have high levels of trust in formal authorities, but it is well documented that this is almost never the case – whether in developing or developed countries. When people are most vulnerable, they will prefer to reach out to their most trusted connections.

In the testimony of one Filippino victim on a Taiwanese-owned vessel, he explained that he tried to contact an internet influencer. While he didn't know the person directly, he felt the influencer would be trustworthy, since he had "interacted" with him regularly in cyberspace. He still attempted to contact his family first, but seeing that his family was not powerful enough to help him, he tried to reach out to the internet influencer. Only after that also failed, he then called the Taiwan trafficking hotline.

> "I was already seeking the help of Tulfo to rescue me...but Tulfo said that they can't mobilize because of the COVID pandemic... I sent a chat message in their Page ['Raffy Tulfo in Action', a famous Philippine Facebook influencer] … [when my asthma attack happened,] I called up the 1955. That was why they were able to rescue me with the ambulance." (TS7772)

How people connect to each other is changing. Traditional telephones have always been expensive to use at long distances, especially to make international calls. Communications scholars such as Manuel Castells (2013) and Kevin Kelly (2016) note that the Internet and social media have tended to "flatten" social networks, making communication more decentralized. Whereas a telephone requires going through a centralized company to make a single, directed connection, social media makes it just as easy to broadcast a message to the world as it is to send a message to your mother.

One of the key informants we spoke to in Taiwan explained why the Taiwan trafficking hotline was not nearly as effective as authorities assumed it would be. Aside from the fact that calling the hotline simply put the victim in contact with a state apparatus that was, in reality, not wholeheartedly supportive, the hotline was an anachronism that ran counter to the lived experiences of the victims in every way. Calling an authority on a telephone to speak in an unfamiliar language with a daunting figure who is untrusted simply makes little sense. Something as basic as pressing 1 in the automated menu options can be prohibitively daunting. Instead, they would prefer to reach out directly to family, friends, compatriots, or even the general public.

Formal system actors tend to assume that because traditional phones are older technology they would therefore be more accessible to victims who are less educated and have less money. However counterintuitive it may be, we have observed that people with these socioeconomic backgrounds are more familiar with Internet-based technology including smartphones and feature phones than they are with traditional phone systems that embody the exclusive and formal structure of state institutions. It is essential to understand the actual behavioral patterns that people display rather than to insist on top-down solutions that won't work.

4.4 PATHWAYS TO OVERCOMING INSTITUTIONAL BARRIERS

As we mentioned above, the physical, attitudinal, and institutional barriers tend to intertwine, and this is particularly true when it comes to institutional barriers. Often the root causes of physical and attitudinal barriers are the structures and functions of institutions.

Fishermen on deep-sea fishing vessels (engaged in distant-water fishing) experience one of the most extreme forms of physical isolation, sometimes being at sea for years without docking. Workers experiencing forced labor in factories or shops may be threatened with violence or losing the work if they complain about conditions or speak to outsiders. The force behind these conditions comes from institutional precarity: if the law allows the fishing vessels to stay at sea for a prolonged period of time, exploitation can happen with impunity; if the person has informal migration status, this can be used to control them, since the authorities would either prosecute them as illegal migrants or deport them.

In the testimonies, many victims reported interactions with the authorities – often the embassy or consulate, as this is a stakeholder that they may trust more than the local (trafficking destination) police. However, many of the interactions were unhelpful or even discouraging:

> "We [my sister and I] took many buses to get to Shanghai. My little knowledge of geography enabled us to finally arrive at the Khmer Embassy in Shanghai. It was located on the 12th floor in one of the buildings. We contacted the embassy, and we were told that they would look into our case in the next day. But since the embassy didn't have an accommodation, we both were staying outside of the embassy compound – basically on the sidewalk. There, I found more than ten Khmer women staying on the street in front of the embassy was well. Most of them faced the same issue like us." (CS5215)

Whereas identifying authorities tend to experience victims of trafficking as individuals, victims tend to experience authorities and NGOs as institutions. A victim of trafficking may reach out to any police officer for help, call their consulate, or be questioned by any border patrol officer. Given the life experiences of many victims, they tend not to be used to or comfortable with interacting with the formal institutions of a state. Literature on vulnerable and marginalized groups describes this reality as "differentiated citizenship" (Holston, 2008; Roy, 2009; Wotherspoon, 2018), where those living in greater informality and facing inequities do not experience the same types of interactions with the state and often cannot access their rights and entitlements as easily as wealthier or "middle class" citizens.

In this way, the lack of understanding at the foundation of the overlapping barriers in Figure 1 – about the realities of trafficking as well as recourse that one should have if trafficked – is a product of institutions. In principle, if a person experiences a violation – say being mugged on the street or getting into a car crash – they may expect to go to the authorities for recourse. When a person gets a driver's license, they must understand the laws and abide by them, but being prepared for what to do in the case of an accident is not typically part of the discourse. The fact that both victims and identifying authorities tend to emphasize raising awareness about the risks of trafficking amongst at-risk communities is testament to the limited forms of citizenship experienced by victims and their communities. For these marginalized groups, the onus is put on them to avoid getting violated and to be prepared for what to do if they get violated. For others, violation is considered so extraordinary that one need not prepare explicitly; we can sort it out if something happens to us.

Further, since many people who experience trafficking tend to have lived and worked in the informal "sector", they tend to rely on a common sense understanding of how things like migration and employment contracts work. Most of the victims we spoke with who were trafficked for work in shops or factories explained that, even though they were aware they were being exploited, they only felt desperation to escape when it became clear that they would not be paid at all. Having one's passport or migration documents withheld was usually understood to be violation, but it is very common. Getting paid less than agreed and having the payment withheld until the end of the contract was understood to be a violation, but again, it is relatively common. Experiencing dangerous working conditions, poor housing, and lack of sufficient food was also common. But as long as the victims could hold out hope that they would be paid some reasonable amount at some point, they usually did not attempt to escape or report the violations.

In part, this can be explained by victims' structural precarity. In cases where they have irregular status, reporting the crimes will likely lead to them being deported in the best case or arrested as a criminal in the worst. Even where the victims have a legal right to live and work in the country, their status is often tied to the employment contract. At the same time, the victims we spoke with had an expectation of a certain level of informality and exploitation that might happen in the course of migrant work. That is, the institutional realities of migrant labor (and especially informal sector work) make it difficult for people to see clear red lines after which their experiences of abuse constitute trafficking (as defined in the local context), are no longer tolerable, and actually entitle them to recourse.

4.4.1 Authorities overcome institutional barriers to identification

In the section 4.3, we discussed the attitudes and organizational dynamics in police, border patrol, and consular offices that tend to inhibit victim identification. But the challenges are not limited to the biased perceptions of frontline officials or the need to trade off the demands of victim identification with other pressing tasks on the job. It is the nature of policy to be shaped via complex and contested processes and to be implemented unevenly subject to competing interests amongst the implementing agents, acting with different levels of power. In other words, we cannot take for granted that governments want to stop trafficking or identify and support victims. Certainly, governments are not unitary actors with single, identifiable interests. Even as some agencies may work tirelessly to protect victims, others may undermine that work.

To overcome institutional challenges, it is important to strengthen laws and policies that would protect victims. To achieve this, we would need a deep understanding of how policy gets made and which actors would need to be on board in order to get the right legislation drafted and passed. But that will not be enough. We need to understand how those laws and policies could be implemented to actually change the way the system works. This deep systemic knowledge likely exists amongst local stakeholders, and it would serve as an invaluable resource for genuine efforts to build more effective institutional pathways for victim identification.

One disappointing pattern in this research has been the extent to which victims who experienced trafficking in the context of labor were only identified after they had returned home after either finishing their term of exploited labor or escaping. Not unexpectedly, these were predominantly men. In many cases, they had not understood that their experiences (as violating

as they had been) actually entitled them to any support. These were successfully identified by NGOs proactively looking for victims and carrying out awareness raising activities in at-risk communities.

In Bangladesh, where government channels for identifying and supporting victims are ineffective, victims interact with local authorities in an ad hoc manner and rely on NGOs for access to services. Interviews from Bangladesh revealed how these institutions function:

> "
>
> "In Bangladesh, after a victim is trafficked and identified before sending them to the police stations they are introduced with the union council chair members and other public representatives...[]… the chairmen members sit down and try to solve the problem. The police stations do not get much work done."
> (BS6369)
>
> "The one who takes care of our union council, he does the entry for the person who has gone out of the country and who came back. One day he told me one day that he had written in the book that I have come. I thought the government would help me but I got no help. That's the way it goes." (BS9288)

In fact, in the absence of effective government institutions for victim identification, an innovative institution – the Anirban network – has emerged to support victims in organizing a set of local survivor support groups around the country where survivors can grow into community leaders. Many of the frontline NGO workers we spoke to were also survivors and got involved in social work and service provision work through the network, and they actively work in communities where trafficking happens to raise understanding, build trust, and identify victims in need of support.

One member of the network (who is both a survivor and frontline worker) explained the process for these "yard meetings":

> "For example, I have got a survivor. I talked to her. I have to keep our conversation fully secret. I ask them "What happened?" addressing them as sister or aunt. Not only the children come to us, the old people also come here. In fact, children, women, men all can be trafficked. Then after listening to them I give the necessary support....I talk to a survivor and help them in many ways I can. Suppose I got a victim from Ramu. The whole locality got alert. The people of whole area become aware of this." (BS0152)

On the other hand, in Cambodia, the government has instituted clearer guidance on how to assess whether a person is a victim of trafficking, and this has filtered into the practices of frontline authorities, as explained by respondents in Cambodia:

> "In order to determine whether or a person is victim of human trafficking, we need to conduct a telephone interview to obtain preliminary information, and the reason why he/she left the country to go abroad. Then will forward this preliminary information to other partners to intervene and rescue. In the meantime, we also coordinate with the victim's family. After the victim has been rescued, police and the ministry of social affairs will determine the victim's identification, while we also do victim identification through using a short form to determine the victim." (CA9983)

> "First, we meet and interview the victims by using law on human and forced labor trafficking, three elements. Once the case is accepted we arrange for the interview with police and Mosvy [Ministry of Social Affairs, Veterans and Youth Rehabilitation] for victim identifications." (CA4996)

4.4.2 Authorities overcome barriers through creating dedicated departments

Recognizing that most victims won't trust the police or border patrol, specialized task forces or committees that could signal to victims that they operated with a different set of organizational interests could create better opportunities to connect with victims. One official in a provincial office of social affairs explained that identification of victims and response has been improving with the establishment of a local committee. They explained,

> "The difference between the past and now is that there has been lot of improvement in term of victim identification including basic social service because we have established a provincial committee on counter human trafficking to oversee cases related to human trafficking. The committee is chaired by her Excellency vice provincial governor. The committee has regular meeting to share information and development including challenge and how they can overcome it." (CA0127)

Similarly, both Bangladesh and Cambodia tend to rely on NGOs to do much of the work of identification and victim support, since, in the short term at least, existing institutions are not conducive to widespread effective identification and protection by the state.

A human rights officer at a major advocacy organization in Cambodia explained recent changes in the ways the formal government relates to the informal identification carried out by NGOs, saying that they perceived the government to be getting better and better at identifying and responding to trafficking, that more funding and more effective NGO support on the direct service provision side has led to better outcomes. However, this has also led to greater distance between the government and the legal advocacy organizations.

As institutions change slowly over time, individual agents and frontline workers are forced to find innovative ways within relational spaces and socially/culturally appropriate spaces to connect with victims. One way to facilitate more effective encounters (capable of building trust and increasing the likelihood of successfully identifying victims) between government authorities and victims is crafting dedicated groups such as the provincial committees mentioned in the quote above or designated police task forces where agents can be uniquely trained and better positioned to focus on the issues of counter trafficking over other tasks.

4.4.3 Authorities overcome barriers through guided forms

One major challenge in victim identification for the frontline workers, as discussed in section 3, is the lack of clarity around what evidence is needed for the crime of trafficking to be established. Unlike other types of crimes that have a straightforward definition, the crime of human trafficking requires more elements to be assembled at the same time.

In Cambodia, the government has introduced standardized questionnaire forms for both government and NGOs to identify victims in a consistent way. Cambodian respondents explained:

> "What we need to determine is activity, means, and purpose [that constitute human trafficking]. If we failed to determine these three elements, the victim will not be able to access to the available social service….In this regard, Ministry of Interior has adopted a form which can universally be used by government and NGOs to determine the trafficking. This form can be submitted to the court directly because it contains all the elements related to trafficking, including medical report, if victim has injury." (CA8304)

> "Before meeting with victims, I have to always prepare all relevant documents for interviews, including need assessment, victim record, case roadmap, form for closing case etc. This has to be prepared to ensure that we all what need when meeting with victim of human trafficking." (CA1772)

5

DISCUSSION

This research started with the question of why more victims of human trafficking are not identified. Synthesizing literature on victim identification, we showed that there are well-documented overlapping challenges that keep victims isolated, confused, and silent. At the same time, identifying authorities face analogous challenges that keep them isolated, confused, and complacent. These challenges are rooted in systems of inequalities and vulnerability. They are not simply the result of particularly foolish victims or particularly lazy authorities.

Rather than focusing only on the reasons victims often fail to get identified, we have interviewed victims that were identified as well as authorities who have successfully identified victims. By considering the patterns in how victims do get identified, we can gain some insight into how they might be identified more often.

To this end, we have developed a new conceptualization of identification which challenges the assumptions baked into the discourse that identification is something that authorities do to victims. Noting that victims often complain that authorities are unhelpful and authorities often complain that victims are reluctant to cooperate, we suggest that both sides struggle to overcome their overlapping challenges to find each other; to successfully encounter each other in a moment of mutual recognition and engagement that can make the

victim's experiences legible to the authorities and can make the support system accessible to the victim.

Victims tend to live in remote and hidden areas, even when they live in cities. They tend to live informally and work in informal businesses. Authorities tend to work in spaces that are some combination of physically, socially, and institutionally distant. Even when authorities such as village chiefs or local/commune police are near to trafficking-affected areas, they rarely engage in CTIP work and fail to establish trust with victims. They tend to work in formal organizations and operate as if the formal sector is accessible to everyone. In this way, the system functions to keep victims and authorities apart, operating in different physical spaces according to different sets of assumptions and norms.

Trafficking depends on a set of norms and patterns where vulnerable people take risks to migrate and are forced to accept suboptimal working conditions. People used to being exploited and living in poverty and who lack the power to protect themselves can be kept isolated with physical and social restraints, kept under control with violence and the threat of reporting to the authorities, and kept quiet with modest levels of hope for future money. Authorities play into these dynamics when police and border patrol emphasize prosecutions of illegal migration over protection of victims, where labor laws are weak and difficult to enforce, and where support services are underfunded and limited by overly stringent qualification criteria.

In the long term, it may be possible (and we should certainly try) to change laws to more effectively support victims; to change policies to align incentives of authorities and victims; and to root out the inequalities, poverty, and other systemic factors that create vulnerability to trafficking in the first place. However, cases of successful identification we examined in this study suggest that there are things that can be done in the meantime.

In this study, family was key as a first point of contact for victims trying to escape or reach out for help. In many of the successful cases, successfully reaching out to family helped victims who were being held captive get rescued. Family was able to link up with NGOs or directly with state authorities to help rescue the victims. Generally, authorities do not tend to work with families or communities to proactively search for victims. At the same time, even victims who had returned home were identified through relational efforts and word of mouth. Authorities should have greater appreciation for the social networks of victims and put greater emphasis on these pathways for connecting to victims.

Similarly, we saw that when victims reach the point in their journey where they see an opportunity to get help (and potentially get identified), they are more likely to connect through informal networks than formal channels. We saw that victims we spoke to were more likely to reach out for help through informal networks rather than hotlines or other official channels for reporting trafficking. If family was not able to help in the first instance, they tended to reach out to other people of the same nationality living nearby, people who were known to them only through online social media, or even the same informal brokers who had helped smuggle them across borders in the first place rather than hotlines or official channels for reporting trafficking. In many cases, these informal contacts were able to help. We heard stories of Cambodian neighbors helping Cambodian women in China escape their situations of forced marriage. We heard stories where the same types of brokers charged similar fees to return victims to their home country as those who facilitated the initial migration. However, we also heard stories where neighbors and brokers took further advantage of victims, selling them on to other traffickers. It is important to understand how these patterns and these functions have emerged to play important roles in the system as it is. To begin disincentivizing risky, informal pathways to escape and identification, better pathways and better functions need to be put in place. These new structures and dynamics will need to be grown over time – perhaps by building informal networks of migrants from a country who can be points of contact for victims or by changing organizational pressures and cultures within police units and consular offices.

There are important ways that authorities can respond to the challenges of physical isolation and space. Even without changing laws so that victims are not disincentivized from coming forward, authorities could ensure potential victims are not left completely isolated. For example, in areas where many women are held in forced

marriage, authorities can create additional points of possible interaction with victims: in-person visa renewals, required physical health check-ups, etc. Recognizing that the use of the internet and social media are often key for isolated victims to be able to reach out, efforts could be made to create universal access to Wi-Fi – for example free public Wi-Fi that could be accessed on simple devices even without sim cards. Wi-Fi could also be required as standard on fishing vessels, though it is difficult to ensure the right incentives for captains to support access for the crew.

Important cases of successful identification happened when law enforcement were aware of trafficking, could tell the difference between an "illegal migrant" and a victim of trafficking when enforcing immigration and labor laws, and had the opportunity to refer them to agents able to provide support. In the ideal case, officials would have a deeper understanding of trafficking and be encouraged and empowered to protect victims or enforce anti-trafficking laws as aggressively as they enforce other laws. However, recognizing the systemic challenges in changing the institutional structures and the attitudinal patterns of law enforcement, special high profile task forces can signal to victims that they are trustworthy and can devote significant resources to proactively seeking out victims.

CONCLUSIONS

This research was designed for the purpose of learning more about the realities and challenges of identifying and supporting victims of human trafficking, focusing on the countries of Bangladesh, Cambodia, and Taiwan. To achieve this purpose, we made use of professional links to the contexts, including building on previous efforts of the Winrock CTIP project, to connect with a diverse set of victims of trafficking who had been successfully identified as well as a diverse set of frontline authorities for whom identifying victims is part of their daily professional lives. Tapping into their multiple perspectives and lived experiences enabled us to paint of rather detailed picture of the complex systemic issues at play.

To synthesize their perspectives, which were at odds with each other at times, we developed a way of conceptualizing the phenomenon of identification as a "delicate dance" between both authorities and victims in which they each must overcome a series of systemic challenges in order to effectively encounter each other in an act of identification – marked by making the victim and their experiences legible to the authorities while making the support system accessible to the victim, leading to the victim finding a measure of security and access to services.

We reviewed literature on the challenges of identification, noting that the concept of identification has, from the very beginning of the Palermo Protocols, remained ambiguous. This ambiguity has been used and perpetuated strategically within the discourse because it is helpful to authorities as they position themselves socially and politically relative to their anti-trafficking obligations and mandates to protect victims. Some studies focus on state and NGO authorities as the key active agents who carry out identification, with victims being more passive in the process. Other studies focus on victims and their experiences, explaining the complexities of "self-identification" as victims come to terms with their experiences and decide whether and how to seek support.

We observed that victims and authorities appear to face a similar set of challenges that tend to hinder identification. Both victims and authorities tend to be less than ideally familiar with the concepts, laws, and policies related to trafficking and how identification happens. There are challenges of constrained agency to act when

trafficking occurs or is identified, and there are challenges preventing or disincentivizing taking action even if either victims or authorities want to. To successfully encounter each other, both victims and authorities have to creatively find pathways for overcoming these barriers. In this study, we observed some key patterns in how victims and authorities tended to do just that.

Victims tend to be physically isolated from society and identifying authorities tend to be removed from the informal spaces where trafficking and engaging with victims might happen. To overcome the physical and spatial challenges, victims find creative ways to reach out – often using cyberspace and relational spaces to bridge physical space. They tend to reach out to family first, and after that, sometimes NGOs or even the wider public through social media. Directly approaching authorities appears to be the last resort, often because of how inaccessible those authorities are and how uninviting they seem.

In many cases, we saw diplomatic authorities and NGOs attempting to remedy these institutional and attitudinal challenges, through creating new laws, new task forces, better working relationships across agencies, and organizational cultures and standard operating procedures that would be more welcoming to victims. These efforts may pay off in the long term. In the meantime, successful identification appeared to happen either incidentally (such as when trafficking victims held in workplaces or on shipping vessels were rescued by police or border patrol who were investigating other crimes) or because of proactive and receptive individual action.

NGOs working in counter trafficking are often proactive in searching for victims. In many cases, their efforts to raise awareness and search for victims who have already returned home are the only reasons some victims were ever identified. This is overwhelmingly the case for men who were trafficked in the context of migrant labor.

Proactive NGOs and grassroots networks of survivor activists such as the Anirban network present a promising pathway to identification since they are more approachable for victims; however they are not best placed to provide protection to victims, diplomatic support, or formal recourse to services such as justice or compensation.

In other cases, state officials were proactive in responding to victims. Even while many of the officials we spoke with tended to, at least indirectly, blame victims, they also took their responsibilities seriously. Diplomatic Cambodian officials in China worked to successfully identify and rescue victims that reached out. They struggled to cooperate with Chinese police and authorities to prevent victims from being sent back to their captors. Some of the police officers we spoke with explained how they struggled to parse the ambiguity of victim/perpetrator when irregular migrants crossed borders with brokers.

In the end, our study confirms the existence of many systemic challenges that continue to inhibit the successful identification of victims of trafficking. However, with a deeper understanding of how those challenges relate to each other and the ways in which victims and authorities are occasionally finding each other, this study also points the way forward. As we pursue the long-term goal of systemic change, we can continue to invest in empowering individual authorities and victims to maximize their agency within their respective positions.

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