Protection in CTIP Briefing:

Learnings from Victim Identification in Bangladesh, Cambodia, and Taiwan

Written by Eric Kasper
and Mina Chiang
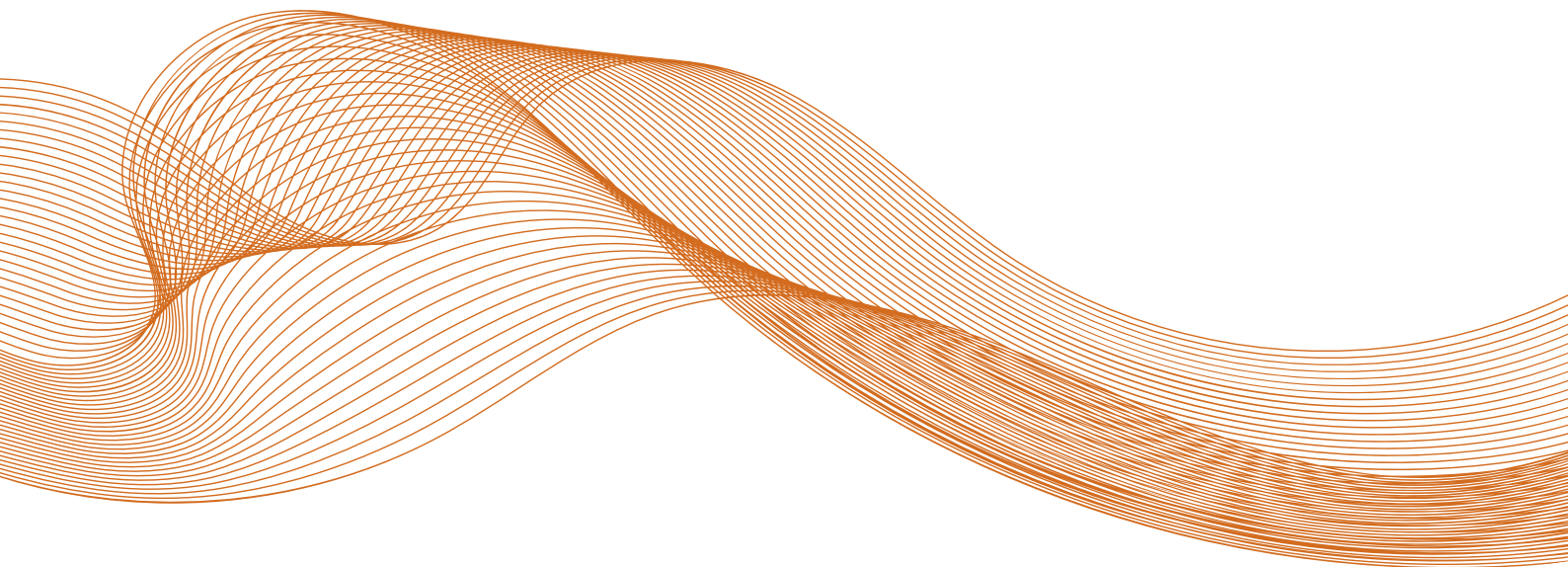
USAID ASIA COUNTER TRAFFICKING IN PERSONS

This learning brief was developed from "BARRIERS AND OPPORTUNITIES FOR MORE EFFECTIVE IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING: Insights from Bangladesh, Cambodia, and Taiwan", written by Eric Kasper and Mina Chiang in 2022, DOI: 10.19088/IDS.2022.033. It has been prepared with brevity and accessibility of language in mind to reach individuals and organizations working to combat human trafficking at all levels, including grassroots.

Introduction

Outline of the problem:

- Trafficking remains a key global challenge, despite national, regional, and international reduction efforts to protect those vulnerable to trafficking and provide survivor support.

- Most victims remain invisible, go unsupported, and continue to face stigma and trauma even after finding their way out of trafficking.

- This lack of visibility makes it difficult to understand how trafficking works, which seriously hinders international counter-trafficking in persons (CTIP) efforts. To have hope of ending trafficking, we need more effective identification of victims.
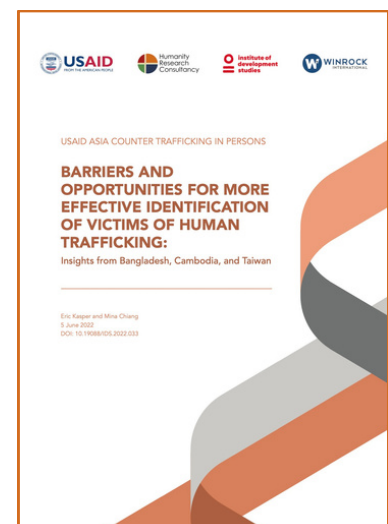
> **Countless victims of human trafficking go unreported every year. It is estimated that more than 50 million people today are victims of modern slavery (ILO, 2022). However, the 2023 US Department of State Trafficking in Persons Report notes that less than 115,000 victims have been identified worldwide, with just over 15,000 prosecutions.**

Purpose and aims of this briefing:

- Aim to better understand the barriers to identification, by learning from victims and authorities on how successful identification tends to happen.

- Explore how victims of trafficking could be more effectively and frequently identified.

- Provide a summarised version of the original report, which can be found here.

Scope and methodology of study:

- We utilized ongoing research partnerships with researchers and NGOs to carry out in-depth interviews with frontline workers and victims.

- To understand how and why identification happens, we looked at successful cases to identify ways both sides were creatively able to find pathways for overcoming these systemic challenges.

USAID ASIA COUNTER TRAFFICKING IN PERSONS

BARRIERS AND OPPORTUNITIES FOR MORE EFFECTIVE IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING:
Insights from Bangladesh, Cambodia, and Taiwan

The key findings of this paper are:

- Family was key as a first point of contact for victims trying to escape or reach out for help. Families were able to link up victims with NGOs, or directly with state authorities, to help rescue the victims.

- Authorities should also recognize the internet and social media are often key mechanisms for isolated victims to be able to reach out.

- Victims we spoke to were more likely to reach out for help through informal networks. In many cases, these informal contacts were able to help. However, we also heard stories where neighbors and brokers took further advantage of victims, selling them on to other traffickers.

- To disincentivize risky and informal pathways to identification, better pathways need to be put in place. This includes informal networks of migrants who can be points of contact for victims, or by changing organizational pressures and cultures within police units and consular offices.

- Authorities can create additional points of possible interaction with victims, such as in-person visa renewals and required physical health check-ups in areas where it is common for women to be victims of forced marriage.

- Creating special task forces and committees can devote significant resources to proactively seeking out victims, and can signal to victims that they are trustworthy.

- The difficulties of victim identification are not caused by unhelpful victims or lazy authorities. They are caused by entrenched systems of inequalities and exploitations.

- Identification should not be considered a single event, nor something that authorities do to victims. Rather, it should be conceived as a "delicate dance" between victim and identifying authority. Both victim and authority must be proactively engaged in the victim identification process.

- Often the root causes of physical and attitudinal barriers are the structures and functions of institutions. To overcome institutional challenges, it is important to strengthen laws and policies that would protect victims. We need to understand how those laws and policies could be implemented to actually change the way the system works.

What is victim identification?

The key document establishing the definition of trafficking in persons (TIP) is the 'Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children' (known as the UN TIP Protocol).

Section (a) of Article 3 of the UN TIP Protocol:
"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.

However, the definition of human trafficking in many national laws is unclear, and the general public perception of trafficking is often perceived differently. For example, many people envision only the most extreme forms of abuse when they think of human trafficking, such as forced child marriage. This makes it less likely that either authorities, or victims themselves, will recognize less extreme forms of trafficking, such as a fisherman who overworks, faces abuse, and is underpaid. This widespread misconception hinders effective victim identification.

Definition of victim identification:

While the UN TIP Protocol provides the basis for the concept of human trafficking, it does not define 'victim identification'. The term is also weakly defined and in public and professional discourses. When defined, it commonly assumes a 'top-down' approach; when identification is only done by an authority. This happens when:

- authorities discover a victim
- government actors formally begin supporting the survivor with services
- governments formally count victims into national statistics
- NGOs informally begin supporting the survivor with services

Alternatively, victim identification can also refer to self-identification. This 'bottom-up' approach occurs when victims accept victimhood as a part of their own identity. This is an important part of the identification process. However, in isolation it does not address the wider systemic issues of TIP, nor does it provide a pathway for victims to receive support and services from the authorities.

Requirements to identification:

The victim must:	The authority must:
Understand the concept of trafficking and that laws exist relating to people who have experienced trafficking.	
Understand that they have experienced a violation, and it constitutes trafficking.	Understand that trafficking may exist around them and that they may encounter victims.
Understand that their experiences entitle them, under law, to specific forms of recourse and resources.	Understand that those laws may authorize or mandate them to recognize and respond to people who have experienced trafficking.
Know there are channels for coming forward as a victim.	Understand that even if they are diligently looking for victims of trafficking, victims may distrust authority.
Determine that it is worth coming forward and receiving resources.	Understand their own biases about what characterizes victims.
Successfully find and make use of an identification channel.	Understand what they must do when they encounter a victim to formally "identify" them and bring them into the system.

Our conceptual framework: The 'Pyramid of symmetric barriers' to identification

We contend that for effective victim identification to occur, both victims and the authorities must come together to mutually recognize and connect with each other to validate the victim's experience.

In practice, this would mean that the victim would begin to access some form of support or services from an authority. This can be from a state and/or an NGO. In Bangladesh and Cambodia, identification of victims who have already returned home tends to be led by NGOs.

In this case however, victims do not have access to government services, which include justice and compensation for the victims. The wider symmetric challenges faced by both victims and authorities on their sides of the identification divide is presented by the five-layer pyramid:
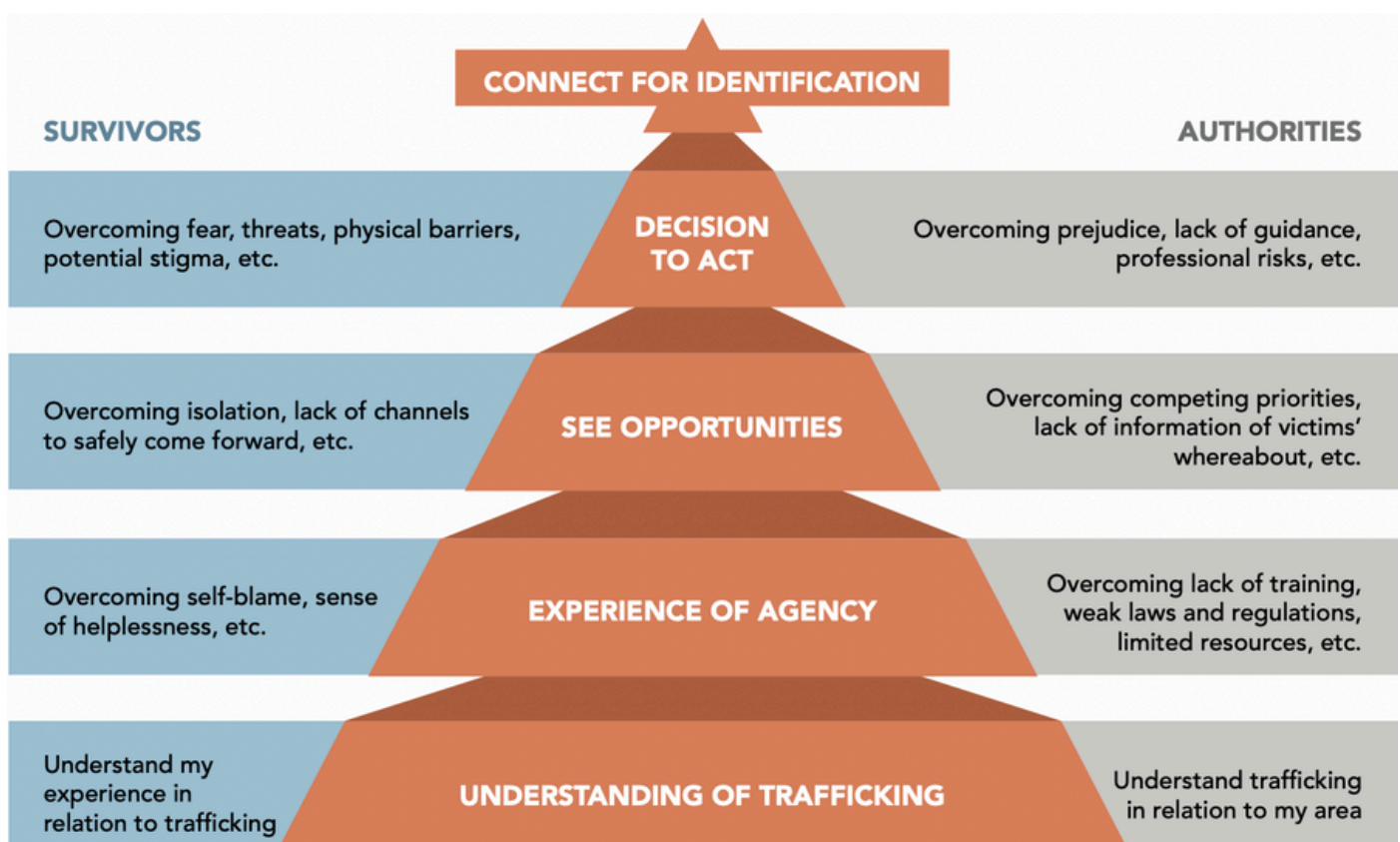

Figure 1. Pyramid of symmetric barriers for identification of human trafficking survivors

Barriers to victim identification:

Understanding of trafficking

Victims	Authorities
"I didn't know that human trafficking occurs in my 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" - Bangladeshi survivor.	**"In recent years, one of the challenges we have encountered is that there is a change in the existing form of human trafficking. 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" - Taiwanese authority.**
We have observed widespread misunderstanding by survivors about what actually constitutes trafficking. It is common for many communities to think that they have to endure extreme hardships to sustain a livelihood. This lack of understanding applied to victims even after returning home. Studies have shown that raising awareness of risks ahead of time does little to change people's decision to take risky actions when they are in desperate situations. Instead, we see in our study that awareness raising efforts after the fact may be important for helping identify victims who have returned home. It can also help counter stigma and misunderstanding in victims and their communities.	Police, government officials, and frontline authorities can struggle to fully understand the nature of trafficking and how it manifests in their local context, making them less likely to identify it when encountered. For example, we have seen in our research that female TIP victims interact with healthcare workers when they face issues around reproductive functions, often as a result from forced abortions. Medical professionals are often one of the only authorities that victims encounter who have the opportunity to help them. Yet in our study, none of the frontline health care professionals intervened to help the victims. They appear not to have recognized that they were treating a victim of trafficking, or been trained on how to deal with them.

Experience of agency

Victims	Authorities
"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 (survivor organization)" - Bangladeshi survivor.	**"Human trafficking is much more complex than a normal criminal case. The definition of human trafficking in Taiwan is lengthy and a bit vague. 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 victims' vulnerability" -Taiwanese authority.**
TIP victims may not see themselves as victims. They are usually aware that they have been violated, but struggle to fully understand and give a name to what they have experienced in order to act accordingly. In our study, victims were often poorly educated and illiterate, and did not understand the processes of international travel and employment. This would put them at the mercy of brokers, who would exploit them. Victims may blame or even view themselves as criminals if they had to break the law during their trafficking journey. Ultimately, victims tend to lack trust in the system and the authorities. Even with awareness of their victimhood, victims' agency to act may be undermined by a lack of belief in the authorities that are there to protect them.	Due to the challenges and complexity of identification, law enforcement officers often feel unable to act until the victims come forward. Even when the authorities are aware of human trafficking, they often: lack training on how to respond; lack laws and regulations that align with the international standards; and are limited with financial and human resources. Government agencies may also experience confusion around who has the responsibility to act. Frontline officers such as border police and labor inspectors have the chance to interact with victims but fail to fully exercise their authority to identify human trafficking victims. The authorities may be confused about what they are authorized to do when they are dealing with victims of human trafficking, who are often mistaken for criminals or illegal migrants.

Seeing opportunities

"I think our government doesn't give as much importance to this [issue of victim support] as the NGO's are giving… I informed the government, for about 1 month I tried to get help from the government but there is no update" - Bangladeshi survivor and frontline worker.

Victims	Authorities
Victims still in conditions of trafficking may not be able to identify any way to escape or to reach out to authorities. Victims are also aware that identification and repatriation may even 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, which includes the possibility of having no work at all or even going to jail. Some survivors in our research encountered authorities who sent them directly to jail 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.	Authorities often need to overcome challenges such as 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. Hospitals present opportunities to interact with trafficking victims, yet hospital staff have other competing duties and limited resources. 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. Police often have competing demands as well, including the need to prosecute criminals, which TIP victims are often confused for. Evidently, governments are not unitary actors, and different government agencies have different relationships to the issue of trafficking which will limit their opportunities to identify victims.

The decision to act

"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" - Bangladeshi survivor.

Victims	Authorities
Victims may act by reaching out to authorities during exploitation, escaping from exploitation, or to willingly collaborate with authorities to gain their victim status.	Authorities need to decide that it is worth the risks and efforts when deciding to act. They can determine that taking action isn't worth it due to preconceptions about victims, 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.
Survivors told us that in their previous failed attempts to present themselves to the embassy in their destination country, they ended up being severely beaten up by their perpetrator.	
In their home country, police tend to emphasize victims' role as witnesses in human trafficking cases. Yet a distrust of authorities, along with delays and uncertainties in the legal system, tends to dampen the willingness of victims to cooperate in being identified by police.	Even if authorities wanted to act, 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, in Bangladesh, there does not seem to be any systematic process for an official victim identification process from the state.
Human trafficking victims also face shame and stigma, which discourages them from taking action. One male survivor from Bangladesh noted: "Whenever women come back from abroad, society hate her. After giving a lot of effort, then society accept the victims".	While there is a process in Taiwan, an authority figure told us that **"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 room for interpretation".**

The barriers to successful identification are layered and reinforcing, and the achievement of all levels by both sides is necessary for identification to happen. The overlapping barriers to identification that victims face help to make sense of victims' reluctance to come forward. For victim identification to become more effective and common, pathways will need to be created to overcome all of these challenges.

The 'Delicate Dance' model of victim identification

Despite the existence of international laws defining TIP and mandating authorities to find and care for victims, in reality, very few victims are successfully identified. Indeed, the vast majority of victims are excluded by overlapping systemic barriers.

Figure 2 presents pathways to overcoming the systemic challenges to identification. It emphasizes that successful identification can only happen if both the victims and those authorized to identify them can overcome physical, attitudinal, and institutional barriers and connect with each other.

We have reconceptualized the identification process to make clearer sense of these barriers. This conceptualization reframes identification away from a top-down authority-centered view, and towards interpreting it as a 'delicate dance' by both victims and authorities.

Learning from the examples of successful identification in this study, we have uncovered certain creative methods used by victims, which are not taken into account when governments are designing identification systems.

This way of conceptualizing victim identification has the potential to clarify how the existing system tends to create barriers between victims and authorities connecting with each other, and offer pathways to successful identification.
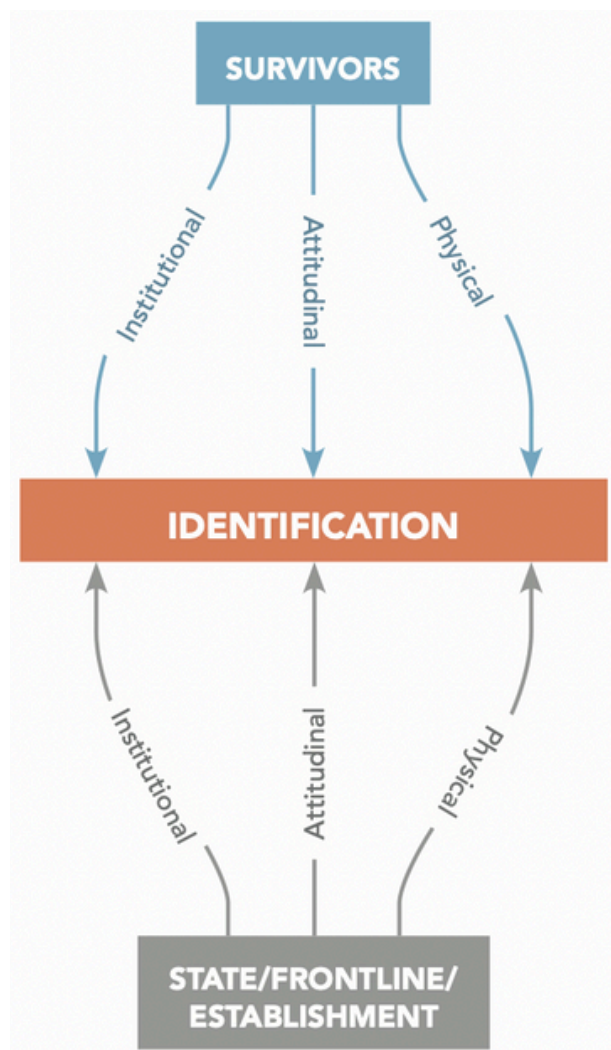
Figure 2. Systemic pathways to identification

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.

Physical barriers:

Victims overcome barriers of isolation through social media. After getting hold of a way to communicate, we observed that victims tend to first reach out to their families through social media. Smartphones are now widely available, and using social media as a contact method avoids costs and an obvious phone record. Attitudinal factors and institutional arrangements that promote connectivity and visibility could help overcome physical barriers to identification.

> **"My mother reported the case to the local authority. I ran out of patience because it took too long. I started to take video footage of myself and posted it on Facebook. The video was shared widely. The Cambodian consulate became aware of my case and 3 days later came"** - Cambodian survivor.

> **"I was told the police can't help me out... I decided to contact the broker to take me back"** - Cambodian survivor.

Authorities overcome barriers of distance to respond to survivors. We spoke to 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 TIP. As these victims were found, rescued, and identified by authorities, a key pathway to overcoming the barrier of physical isolation is to have an efficient and effective way of searching for potential victims.

Victims overcome barriers to escape isolation through bad-faith brokers. When police and other officials fail to respond, informal and potentially bad-faith actors step in to fill this market gap. Victims will hire brokers and smugglers to rescue them, sometimes the very ones who trafficked them in the first place. However, hiring brokers for rescue tends to further worsen the financial difficulties of victims, which means they will likely be at risk of trafficking once again. While the use of these brokers can result in victims reaching home safely, it is not conducive to identifying victims or helping them access services.

Attitudinal barriers:

Victims overcome barriers of distrust through opening up to family, friends, or neighbors. There were many cases of Cambodian women who had originally migrated to marry a Chinese man, but their situation ended up much worse than anticipated, constituting trafficking. Domestic violence and less autonomy for women in the home are normalized enough that it appears to take a substantial violation for victims to self-identify. One victim said, **"I decided to ask for help because I couldn't stand living with restriction of my freedom anymore. I did not report the case to the police because I thought I went to China voluntarily. That's why I asked the lady who was my neighbor to help me out".**

"Victims of different nationalities have different perceptions of exploitation. Most of them end up coming to us through the introduction of their friends" - Taiwanese frontline worker.

"I had a smartphone at that time, and I asked another Khmer neighbor near my husband's house [in China] to make a Facebook account for me. When I was connected to my mother, I asked her to find some NGOs to help me and to file a complaint" - Cambodian survivor.

Victims overcome barriers of distrust through cyberspace. It's important for authorities to realize that when people are most vulnerable, they will prefer to reach out to their most trusted connections. People within these marginalized communities are more familiar with internet-based technology such as smartphones than they are with traditional phone systems. We found that formal complaint mechanisms like hotlines do not tend to work. Victims usually do not use them, and when they do, they rarely get identified.

Authorities overcome attitudinal barriers through changing social norms. In the case of communities in which forced marriage is occurring, the local police and the other key institutions would reinforce victims' isolation and make it less likely that they would get identified. However, 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 and identifying them to the Cambodian authorities.

"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" - Cambodian consular officer.

Institutional barriers:

Victims overcome barriers through innovative support groups. The victims we spoke with had an expectation of a certain level of informality and exploitation that might happen during migrant work. The societal expectations of migrant labor make it difficult for people to understand when their experiences of abuse constitute trafficking, and entitle them to support and compensation. This was the case for many Bangladeshi men in our study. 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.

Authorities overcome barriers through creating dedicated departments. Recognizing that most victims won't trust the police or border patrol, specialized task forces or committees which signal to victims that they operate with a different set of organizational interests could create better opportunities to connect with victims.

> **"There has been a lot of improvement in terms of victim identification, because we have established a provincial committee on counter human trafficking to oversee cases related to human trafficking. The committee has regular meetings to share information and development including challenges and how they can overcome it"**
> **- Cambodian official.**

Authorities overcome barriers through guided forms. One major challenge in victim identification for the frontline workers 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 is more complex. The Cambodian government has introduced standardized questionnaire forms which facilitates victim identification in a consistent way.

> **"The Ministry of Labour has adopted a form which can universally be used by government and NGOs to determine trafficking. This form can be directly submitted to the court directly because it contains all the elements related to trafficking, including a medical report" - Cambodian authority.**

Conclusion and Recommendations

There are well-documented overlapping challenges that keep victims isolated, confused, and silent. Identifying authorities face similar challenges that keep them isolated, confused, and complacent. These challenges are rooted in systems of inequalities and vulnerability. Victims mainly live in remote and hidden areas, and they usually work in informal businesses. Authorities tend to work in spaces that are some combination of physically, socially, and institutionally distant from the victims.

However, by considering the patterns in how victims successfully get identified, we can gain some insight into how they might be identified more frequently. We have developed a new conceptualization of identification which challenges the assumptions that identification is something that authorities do to victims. We need to work towards facilitating victims and authorities encountering each other in effective victim identification. This can be done by helping create opportunities for both victims and authorities to interact informally, build trust, and find ways to relate to each other.

In the long term, it may be possible 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.

Although we stop short of offering substantial policy recommendations in this report, we set out some 'aspirational' recommendations alongside some 'quick wins'. We suggest that all interventions must be aware of systemic structures and dynamics at work, which will lead to potentially unexpected impacts of efforts to create change.

Quick wins
Create opportunities for both victims and authorities to interact informally and build trust, such as through social media channels.
Train victim identification for frontline authority figures, such as medical staff.
Create additional points of possible interaction with victims, such as required physical health check-ups to help women in forced marriages.
Assist and facilitate the development of informal networks of migrants.

Aspirational
Improve upon and add to existing laws in order to more effectively support victims. For example, integrate the non-punishment principle into law. This principle states that "trafficked persons should not be subject to arrest, charge, detention, prosecution, or penalization for illegal conduct that they committed as a direct consequence of being trafficked" (ICAT, 2020).
Change policies to align incentives of authorities and victims. Although judicial systems tend to prioritize the testimony of TIP survivors when prosecuting human traffickers, survivors are not incentivised to testify. The process is lengthy, costly, and often dangerous, as survivors face coercion from the accused. As such, putting better protections in place for victims during a court case would align the incentives of authorities and the victims. Victims would feel safer and more likely to testify, and authorities would have stronger cases for prosecutions. A simple yet effective first step would be to increase accessibility of virtual court hearings. Through technology that became commonplace during the COVID-19 pandemic, many countries have decided to continue virtual court cases, such as the Philippines (Zorzi, 2023).
Encourage and empower officials to enforce anti-trafficking laws as aggressively as they enforce other laws. Special high task forces dedicated to combating trafficking can help achieve this. These task forces can also signal to victims that they are trustworthy and can devote significant resources to proactively seeking out victims. This will also work towards ensuring that victims of trafficking are not mislabeled as "illegal migrants".
Implement protection programs which consist of life skills and livelihood training, in addition to an awareness-raising component. Due to the lack of economic opportunities in their communities, many victims must take risky work opportunities that could result in them being trafficked. Educating potential victims of this risk will not dissuade them to take such risks when staying at home is not a viable option either. Efforts must be made, on a local and national level, to provide basic and secure work.

The following references were added to this briefing and are not included in the original report:

ILO. (2022). 50 million people worldwide in modern slavery. Retrieved from: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_855019/lang--en/index.htm

Zorzi, L. (2023). A "New Possible" for Justice after COVID-19: towards Digital, Open and Inclusive Courts. UNDP. Retrieved from: https://www.undp.org/asia-pacific/judicial-integrity/blog/new-possible-justice-after-covid-19-towards-digital-open-and-inclusive-courts

For the original complete bibliography please refer to the full report.