Summary of information relevant to promising practices in reducing reoffending in the context of trafficking in human beings

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i. Introduction

This submission is made on behalf of the Global Alliance against Traffic in Women (GAATW) and is based on the evidence presented in Issue 18 of the Anti-Trafficking Review. The Anti-Trafficking Review (ATR) is an open access, peer-reviewed journal published by GAATW and promotes a human rights-based approach to anti-trafficking. It explores trafficking in its broader context including gender analyses and intersections with labour and migration. It offers an outlet and space for dialogue between academics, practitioners, trafficked persons and advocates seeking to communicate new ideas and findings to those working for and with trafficked persons. Each issue relates to an emerging or overlooked theme in the field of anti-trafficking.

It has been widely recognised that within the modern field of human trafficking and slavery, there has been limited research undertaken on those who traffic people, while victims have received much more attention. This focus is mirrored in the dominant anti-trafficking approach where most knowledge about human trafficking comes from victims and service providers working with them.

Issue 18 of the ATR focused on traffickers, examining who they are, why they engage in trafficking, and how they operate. Contributions from Vietnam, Nigeria and Australia examined some of the characteristics and motivations of traffickers. In doing so, they point to recommendations for the prevention of re-offending.

This submission summarises these contributions. For a full copy of the Special Issue please visit the journal website.

ii. Action to prevent reoffending is hampered by oversimplified stereotypes about who is a typical offender

In the context of trafficking in human beings, there are four common stereotypes associated with the ‘ideal offender’: they are male, unknown to their victims, foreigners, and use physical force to control their victims. These stereotypes have been reproduced in NGO awareness campaigns, the United States’ Trafficking in Persons Report and the mainstream media.

Yet, in stark contrast to the myth of traffickers as strangers to their victims, a significant proportion of human trafficking offences are committed by family, acquaintances, and friends. Traffickers are far more likely to be known to the victim, than to be an unknown third party, using a relationship of trust to deceive or abuse a position of vulnerability. For instance, in a study of trafficking cases over the past ten years in Vietnam, traffickers were largely from the same communities, including family, and used relationships of trust with their victims. Data on convicted offenders in Australia also shows that ‘offenders have typically exploited their victims through subtle methods of control rather than through the overt use of force or explicit threats of violence’. In Nigeria, research has shown that Nigerian women subjected to sexual exploitation in Italy often considered themselves to have voluntarily entered and remained in indentured relationships with their sponsors.
 Traffickers are also more likely to be from the same country of origin as their victims, rather than foreigners. Having the same nationality often means similarities in language, culture, and religious backgrounds, which can be used to develop rapport. The myth of traffickers being primarily foreigners is further disproven by findings published by the UN Office on Drugs and Crime (UNODC) in 2020 that seventy-four per cent of convicted traffickers globally were citizens of the country of their conviction.

The overwhelming focus on the ‘ideal offender’ in anti-trafficking initiatives ignores the reality of who commits trafficking, establishes a limited scope of blame for the crime of trafficking, absolving others of responsibility and ultimately negatively impacts efforts to prevent reoffending. A fundamental first step to preventing reoffending is to recognise the causes and risk factors that contributed to the offending in the first place yet situations that depart from the commonly held stereotypes continually go unnoticed or unreported.

iii. Efforts to prevent trafficking re-offending must be gender sensitive and address the specific factors that lead women to engage in trafficking activities.

Service providers, police, and even victims themselves may not recognise the nature of the harm they witness or experience if it runs counter to commonly perpetuated stereotypes that limit understanding of what human trafficking is, how and where it occurs, and who perpetrates it and why. Gender appears to be a particular blind spot in this regard and there is a need for future research to better understand and highlight female offending profiles to understand the root causes of their offending behaviour.

Research into perpetrators of human trafficking suggests that women commonly play a key role in human trafficking not just as victims, but also as offenders. As a recent report of the UNODC shows, more than 30 per cent of individuals investigated, prosecuted, and sentenced for trafficking for sexual exploitation worldwide are women. The context of trafficking for sexual purposes from Nigeria to Europe is emblematic of this trend. Nigerian women’s migration to Europe is usually sponsored by other Nigerian women (usually referred to by identified victims as ‘sponsors’ or ‘madams’) who facilitate and pay upfront for the women’s travel. Likewise, in Australia, 63 per cent of offenders convicted of human trafficking for sexual exploitation between 2005 and 2019 were women.

Anti-trafficking initiatives should therefore avoid the stereotype that trafficking is a ‘male’ crime and dedicate specific resources to addressing offending and re-offending by women.

iv. Poverty reduction and socioeconomic empowerment is key to preventing reoffending

Too often, trafficking narratives are constructed through oversimplified ‘hero’ and ‘villain’ narratives, yet researchers in Vietnam have concluded that the majority of traffickers are similarly vulnerable as their victims, and that economic development in the affected communities is likely to be more effective in combating human trafficking than an approach focussed solely on law enforcement and prosecution.

In Australia, an analysis of the sentencing remarks in ten court cases of women offenders in human trafficking for sexual exploitation found that all the women for whom this information was available came from economically disadvantaged backgrounds and had a financial burden of supporting their families. As one judge told the researcher, ‘[people] become the trafficker just out of economic necessity’.
In Vietnam, the majority of individuals prosecuted for trafficking over the past ten years have had limited education and come from similar ethnic and socioeconomic backgrounds as their victims. In a recent study, over 60% of both traffickers and their victims were from the poorest and most disadvantaged ethnic group in Vietnam, with limited opportunities to generate income, lack social safety nets and largely rely on subsistence farming. Many families lack savings or access to government assistance if illnesses or shocks occur in the family. This has been found by researchers to make them vulnerable to both trafficking victimisation and perpetration.

Similarly, in the context of trafficking for sexual exploitation from Nigeria, the reason for convicted women's initial involvement in the activity amounting to trafficking, had been the same as the reasons given by the identified victims. Both victims and offenders had entered indentured relationships due to lack of economic opportunities. In interviews, convicted women explained that they had originally migrated to Europe with the help of madams themselves in order to support their family at home, and as an opportunity to also enable their family members’ geographical and social mobility under their management.

Reoffending could be significantly reduced if states recognise and take appropriate steps to address the socioeconomic push factors. For instance, if opportunistic traffickers had viable alternative livelihood options and had understood the financial penalties for human trafficking, they may have made a different choice.

It is important to note that action to prevent re-offending by traffickers through poverty alleviation does not require extensive and expensive new programming. NGOs in Vietnam have recommended that anti-trafficking initiatives (that look at reducing the risk of both victimisation and perpetration) could be easily integrated within existing poverty reduction interventions to great effect. For instance, in Vietnam the NGO Blue Dragon have observed first-hand how assisting H’mong children to stay in school has been a cost-effective way to reduce vulnerability to both trafficking victimisation and perpetration.

v. Imprisonment and financial penalties can harm efforts to prevent reoffending

In light of the socioeconomic factors which cause the initial offending, prosecution and imprisonment can actually be counterproductive to tackling reoffending in this context. Imprisonment and/or compensation payments for a person with extreme socioeconomic vulnerabilities will only increase their and their family’s vulnerability and increase the risk of reoffending. Rather than criminalising low-level opportunistic traffickers, it would be more effective to address the driving forces of poverty, marginalisation and lack of access to government services. At the very least, as Australian researchers argue, ‘socio-economic constraints should be viewed as mitigating elements’ during the sentencing process.

vi. Strict border controls do not prevent (re)offending and can in fact increase the risk of further trafficking activities

Strict migration regimes which impose constraints on people’s geographical and social mobility can also promote reoffending by trafficking perpetrators. In the context of the Nigeria-Italy migration route, women who had trafficked other women did so to a large extent due to the impossibility of migrating to Europe by any other means. They also explained
that their own trafficking experience was a response to their desire for a life in Europe, expressing that they wished to remain in Italy after their release from prison.\textsuperscript{29}

Denying migrants the right to work and stay in destination countries pushes them towards engaging in human trafficking as one of the few opportunities of making a living. Regularising migrants and allowing them to work in the formal economy would reduce the need to rely on illegal activities such as human trafficking.\textsuperscript{30}

\begin{enumerate}
\item M Rizzotti, ‘Chasing Geographical and Social Mobility: The motivations of Nigerian madams to enter indentured relationships’, \textit{Anti-Trafficking Review}, issue 18, 2022, pp. 49-66, https://doi.org/10.14197/atr.201222184
\item Raby and Chazal.
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22 Le and Wyndham.
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27 Baxter and Chazal.
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