

## Myths and Reality of Human Trafficking: A View from Southeast Asia

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Human trafficking is commonly seen as a heinous transnational crime affecting millions of migrants from all parts of the globe. According to the US government there are as many as 12.3 million victims of human trafficking world-wide and trafficking is a tremendous, multi-billion-dollar business run by both small networks of traffickers and, increasingly, by "large polycrime international criminal organizations" (US Department of State 2010). One could say that these are very alarming developments and that the authors of the preceding claims should be thanked and congratulated for bringing them so forcibly to public attention. The only problem is that it is difficult to find evidence that any of the above is true. More nuanced research that reveals that the complexity of the phenomenon of human trafficking is necessary. This article is an attempt to critically evaluate the concept of human trafficking and highlight the challenges and limitations of anti-trafficking campaigns. A critical perspective on these issues is both timely and needed, as more and more funds and energy are invested in this world-wide struggle.

The main argument of this article is that the monolithic crime of human trafficking is largely a myth that has developed with the actual or perceived increase of transnational movements of people from various poorer parts of the globe. A myth does not mean that something is false, instead it is seen as a "collective belief that simplifies reality" (Doezema 2000). By highlighting various problems of both the human trafficking discourse and of anti-trafficking campaigns, this article demonstrates that the discourse on human trafficking fits well into the "myth" category that distorts proper understanding of the problem and has hampered ef-

forts to combat it. More careful research reveals that the story is far from simple, and that the concept of trafficking is highly problematic. Similarly, anti-trafficking efforts, while probably well-meaning, can be detrimental to the interests of the migrants. This article highlights several misconceptions of human trafficking by looking at the problem both from a global perspective and by presenting cases of human trafficking in the Democratic Republic of Timor (East Timor). In addition to a critique of current approaches, it suggests an alternative way of looking at the challenges faced by migrants.

### The Myth of White Slavery

The current campaign against human trafficking may seem novel and at its rather early stage, but it is worth remembering that this is not the first time an international movement seeks to eradicate human trafficking. Over a century ago, various transnational moral entrepreneurs (Keck and Sikkink 1998) together with governments made tremendous efforts in Europe and America to spread awareness about and eliminate what they called "white slavery" (Andreas and Nadelmann 2006: 33-34). Even though discourse on "white slavery" was perhaps never consistent, it nevertheless came to generally mean "the procurement, by force, deceit, or drugs, of a white woman or girl against her will, for prostitution" (Doezema 2011). While some reformers used the language of slavery to depict all types of sex-related jobs (Doezema 2011), white slavery was above all presented as a phenomenon taking place across borders and as such presumably requiring a strong international response. And indeed, the popular image

of “young women driven by poverty, lured by trickery, and compelled by force to prostitution in foreign lands” proved to be so powerful that it led to the creation of a global regime against “white slavery” (Andreas and Nadelmann 2006: 34).

From New York to Australia, countless organizations emerged to rescue women. Furthermore, governments from across the Western world introduced legislation preventing women from travelling (David 1999). That period saw a real flood of transnational initiatives aimed at suppressing trafficking. Indeed, an unprecedented number of international agreements were signed. These included: the International Agreement for the Suppression of the White Slave Traffic (1904); International Convention for the Suppression of White Slave Traffic (1910); International Convention for the Suppression of the Traffic in Women and Children (1921); International Convention for the Suppression of the Traffic in Women of Full Age (1933).

The interest in white slavery almost completely disappeared with the outbreak of World War II and until relatively recently the image of trafficked women had been absent from public imagination. This does not mean that there were suddenly fewer traffickers, but rather that white slavery/pre-war trafficking had always been a myth that became dissolved by the changes in the post-war social, economic and demographic conditions (Andreas and Nadelmann 2006: 35). Indeed, contemporary historians seem to agree white slavery was largely a myth “triggered by the increase in female migration, including the migration of female prostitutes that was made possible by the increased mobility of populations” (David 1999). And it comes as no surprise that restrictions on travelling introduced after both world wars led to the disappearance of the white slavery scare (Andreas and Nadelmann 2006: 35).

## The Human Trafficking Discourse

The recent revival of the trafficking discourse (loaded with sky-is-falling hypotheses) coincided with the collapse of the Iron Curtain and subsequent increase of movement of people to the West from the former Eastern bloc. As it was observed by Davies (2009a), soon after the flats of Western capitals became flooded with young women from Eastern Europe, there were rumours and media reports that led to the creation of a new moral panic—this time bearing the name of human trafficking. And just like a century ago, that panic

has fuelled the creation of a specific global regime, narrative, specialist language and institutions.

According to the common narrative, contemporary human trafficking is nothing short of modern slavery, which reduces people to commodities, deprives them of their human rights and freedoms; promotes social breakdown; fuels organized crime; deprives countries of human capital; undermines public health; subverts government authority; and imposes enormous economic costs. The US Department of State, which seems to be leading the global struggle against trafficking, believes the number of people trafficked across national borders annually to be anywhere between 600,000–800,000 people (US Department of State 2005). The International Labour Organization (ILO) on the other hand provided an estimate of the number of trafficked victims at any given time to be 2.45 million (ILO 2005). Just like in the 19th century, the transnational character of the human trafficking story means that any effort of combating human trafficking must by definition be made at all levels—i.e. national, regional, and global. The most recent global effort to address this crime resulted in the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>1</sup>, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime on 25 December 2003. The Protocol that for the first time provided a universally agreed upon definition of trafficking in persons further inflated a world-wide interest in the issue of trafficking. But it was because of the unilateral action undertaken by the US that human trafficking became one of the most popular and fashionable social causes. The US Administration’s Trafficking in Persons Report is advertised (by the United States) as the most comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. Ever since the publication of its first issue, it has served as a diplomatic tool used by the US government to compel countries from across the globe to adopt and comply with presumably the only right standards promoted by the American administration.

<sup>1</sup> According to the Protocol, human trafficking is defined as “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” (UN 2000).

Southeast Asia is one of the major sources of human trafficking. Interests in human trafficking in Southeast Asia have their origins in the growing concerns for irregular migration and the sex industry (NUS 2010). One of the earliest attempts to address the reportedly growing phenomenon of human trafficking was the Bangkok Declaration on Irregular Migration of April 1999. The declaration observed that “international migration, particularly irregular migration, has increasingly become a major economic, social, humanitarian, political and security concern” (The Bangkok Declaration 1999). The declaration also recognised the allegedly “increasing activities of transnational organized criminal groups and others that profit from smuggling of and trafficking in human beings, especially women and children” and called for a “comprehensive, coherent and effective policies on irregular/undocumented migration” to combat human trafficking (The Bangkok Declaration 1999). According to one popular estimate, 200,000-250,000 women and children are trafficked each year from the region (Silverman et al. 2009). Such impressive estimates of cases of trafficking in Southeast Asia have led to increased attention being paid to human trafficking in the region. The Association of Southeast Asian Nations (ASEAN) went as far as to even claim that the phenomenon of human trafficking is now so serious that it presents a significant challenge to the creation of a “prosperous and peaceful community” in Southeast Asia—a bold statement, for an organization composed to a significant degree of countries already facing such challenges as extreme poverty, corruption, organized violence and environmental degradation (ASEAN 2006).

As a result of the Bangkok Declaration of 1999 and the adoption of the UN Trafficking protocol in 2003, there have been many highly publicised developments in the fight against trafficking in Southeast Asia spearheaded by ASEAN. The key commitments of ASEAN Member Countries regarding trafficking in persons are contained today in legal instruments such as the 1997 ASEAN Declaration on Transnational Crime and the 2004 ASEAN Declaration against Trafficking in Persons, Particularly Women and Children.

## “Fishy” Numbers

As Andreas and Greenhill (2010: 1) once observed, “in practical political terms, if something is not measured it does not exist, if it is not counted it does not count”. This reality has certainly been recognized by

the US TIP Report 2010, which presents figures on the estimated number of victims worldwide and the number of people experiencing forced labour in North Korea—150,000–200,000 (US Department of State 2010: 198), which is remarkable intelligence on a country that is considered an impenetrable “intelligence nightmare” (Baer 2009). Journalists too like to use big numbers to inform the public about the alleged scale of trafficking. For instance, every new major sports event attracts dramatic news stories (of very dubious merit) on the “thousands” of victims of human trafficking brought to satisfy fans’ salacious desires (O’Neill 2010).

What all these figures have in common is that they rarely have identifiable sources or transparent methodologies behind them (Bialik 2010; US Government Accountability Office 2006). In most instances, they are nothing more than the “result of certain activists who pull their numbers out of thin air” (Bialik 2010). These estimates are oftentimes so tenuous that debunking them has become “a sport for sceptical journalists” (Howley 2007). The truth is that all attempts to quantify human trafficking are “questionable” (Agustin 2008: 36) since the phenomenon of trafficking is reportedly a vague “covert activity happening in the shadow economy” (Rothschild 2009b). What statistics on human trafficking seem to do best is to obscure the murkiness of the concept itself.

## Crime or Crimes?

Human trafficking is usually seen as a monolithic crime, but this notion can be misleading. Ultimately, this “single big crime” is a composite category that lumps together actions that are distinct in nature—some of them can involve force or fraud, and some of them can be based on consent; some of them have easily identifiable victims, and some do not; some involve such offences as forgery or smuggling, and some are based on the use of perfectly legitimate documents and channels of transportation.<sup>2</sup> Hence, what is commonly understood as the single big crime of human trafficking is any act of migration (mainly illegal) that involves some crimes (and sometimes a mere possibility of crimes) against the migrant.

At first sight, this seems fair and logical. However, if particular crimes can be readily identified, why is there a need for a new, all-encompassing (and vague) category of a single big crime? The problem with the single-big-

<sup>2</sup> For a broader approach to profit-driven offences, see: Naylor (2003: 83).

crime approach is twofold. First, not all elements of the complex process of illegal migration are of a criminal or coercive nature. It is difficult to see how it could be helpful to the migrant to criminalize the whole process of migration just because some elements of the process involve coercion.

Second, not everything that might seem coercive or abusive is considered as such by the migrant. This is especially true in the case of illegal migration, which is a complex phenomenon that always involves some elements that could be considered criminal or coercive. For instance, “would-be travellers commonly seek help from intermediaries (...) who sell information, services and documents. When travellers cannot afford to buy these outright, they go into debt” (Agustin 2008: 27). These debts must be paid back, often on very harsh terms, yet in most instances, they were incurred voluntarily. Similarly, being forced to work might mean many different things. In the context of the sex industry, “some people feel forced who could physically escape” (Agustin 2008: 32). Others might feel forced because it is the best or the only choice available to them (Greer in Evans 2008). Even in cases of actual violence (or threats of it), it is not clear why existing laws would not be sufficient to deal with the perpetrator of the violent act. Moreover, rather than introducing tougher criminalization what is necessary is to provide assistance to migrants to avoid violence that often accompanies illegal migration (Ilkcaracan and Gulcur 2002).

The only possible rationale for the creation of a unified crime of “human trafficking” seems to be that it may perhaps allow the illegal migrant not to be treated as a criminal (which could have been achieved simply by easing migration regulations). This proposition is underpinned by a strange logic—a helpless victim should be rewarded with no criminal charges, and perhaps even legal status, while an able-bodied and successful, but illegal, economic migrant would continue to be punished and persecuted as a criminal (Agustin 2009). Despite the above problems, the most dominant feature of anti-trafficking campaigns is a broad approach to illegal migration that may involve some form of what campaigners would define as abuse or coercion. The result is that “efforts to prevent ‘trafficking’ often try to prevent migration itself” (Agustin 2008: 40). In many instances, anti-traffickers seek to identify people in danger of experiencing abuse and try to prevent them from undertaking a risky migration. The possibility that some people may actually take the risks is not taken into consideration. This leads to the most fundamental problem

with the current human trafficking discourse—the belief that illegal migrants do not necessarily have free will.

## The “Rescue Industry” and Its Opponents

Today there are hundreds of NGOs worldwide, particularly in Southeast Asia, working on “rescuing” victims of human trafficking (Rothschild 2010). In addition to running shelters, they advocate new anti-trafficking legislation and assist law enforcement agencies on rescue missions (raids). They are perhaps the most visible manifestation of the tendency to view migrants as pathetic victims who need to be saved.

While this all might sound good and noble, the reality is that in many instances the greatest opponents of the rescuers are not some evil traffickers but the alleged victims. Rescue raids everywhere from the UK to Cambodia have not only failed to find any perpetrators or victims (Davies 2009b; Rothschild 2009a;) but have also demonstrated that “the anti-trafficking industry can cause harm and distress to migrant families, undermine global freedom of movement, and warp the public’s perception of immigration” (O’Neill 2008).<sup>3</sup> This is not to suggest that migrants do not require help, or that they do not experience abuse, but rather that in most cases they do not necessarily need to be rescued. Migrants are not passive objects and have often demonstrated a striking capacity to fight against abuses or exploitation. In one instance, a group of Thai migrants approached their embassy in Madrid to complain about being forced into working as prostitutes (The Bangkok Post 2010).

However, the lack of evidence of large-scale trafficking requiring rescue missions does not necessarily make anti-traffickers reconsider their position. Rather, this is used to put forward a more sinister scenario in which women fail to identify themselves as victims and their employers as traffickers either because they are suffering from some Stockholm Syndrome-style psychological disorder or because they are lying (Puidokiene et al. 2008; Siddharth 2010). This is a terrifying logic that effectively suggests that no evidence of oppression should be seen as evidence of particularly severe oppression. One is free to imagine where such thinking can lead.

<sup>3</sup> See, for example, the story of women from China refusing to be “rescued” from the Congolese sex industry (The Times 2011).

## Demystifying Human Trafficking in East Timor

Timor-Leste is a small, young and extremely poor Southeast Asian country (Horta 2009). Yet, despite its underdevelopment, it has been reported as a destination country for human traffickers (Dodd 2009). Allegedly, women are being trafficked from South East Asian countries into East Timor to work as sex slaves for local men and “wealthy and salacious UN and other foreign workers” (McKenzie 2003). These claims sound very alarming. However, a closer look at the situation of migrants in Timor-Leste reveals that the stories of slaves and victims are largely founded on the kind of misunderstandings and prejudices highlighted in the previous sections of this article.

So far, the most comprehensive report on human trafficking in Timor-Leste is one from a local non-governmental organization Alola Foundation (2004). The report prefers the term “sex workers” rather than sex slaves and insists on the decriminalization of sex workers that should not be treated as criminals. However, the report’s judgment on trafficking suffers from several limitations. First, while Alola argues for not treating sex workers as potential criminals, they do not hesitate to see them all as potential victims of elaborate trafficking schemes. For instance, while the authors of the report admit to having failed to collect any significant data on sex workers from China, who reportedly form the second largest group of foreign sex workers, they write that all of them should be seen as potential trafficking victims (Alola Foundation 2004). Why 100 per cent of them should not instead be seen regular economic migrants is not clear. Second, to be forced is interpreted quite loosely. For instance, a person responsible for coordinating the anti-trafficking efforts at the Alola Foundation explained to the author of this article that “traffickers forced Chinese girls to work as prostitutes by taking their passports away.”<sup>4</sup> The withholding of passports alone cannot be seen as enslavement, especially since the Chinese embassy is among the most visible buildings in Dili.

The Alola Foundation admits that since they started their work on the topic a few years ago, there have only been a handful of cases in which foreign women have been subjected to violence, manipulation and coercion. At the same time, Alola Foundation staff agreed

4 Interview with a representative of the Alola Foundation, 11 April 2011.

that in all those cases, the abuse had much more to do with the illegality and underground character of brothels than with the process of migration per se.<sup>5</sup>

The UN rejects the media stories about its staff using the services of sex slaves. According to the UN Integrated Mission in Timor-Leste’s (UNMIT) spokesman, Gyorgy Kakuk, UN personnel are in fact strictly prohibited from using any type of sex services.<sup>6</sup> In fact, several aid workers also observed that the foreign soldiers do not need to go to brothels to have sex, as the vast majority of aid workers in Dili are single females who too have sexual needs.<sup>7</sup> And even if, despite the above, some soldiers might decide to pay for sex, there is no reason why this should be accompanied by violence or abuse.

According to the data retrieved from the interviews, foreigners in the sex industry in Timor-Leste can make good money by catering to the needs of foreign workers or by serving the wealthier locals. The biggest problem they face is not human trafficking, but the illegality of the organized sex industry and the associated brutal and humiliating police rescue raids (Alola Foundation 2004: 39). While the focus of anti-traffickers is on the sex industry—with the IOM and a local non-governmental organization Psychosocial Recovery & Development in East Timor (PRADET), jointly establishing a shelter for “trafficked women and girls” (US Department of State 2010: 323)—so far the only victims using the help of the rescuers have been a few fishermen from Myanmar who claim to have been kept as forced labour on the foreign fishing vessels from which they had managed to escape by swimming to the shores of Timor-Leste when the boats happened to be passing by.<sup>8</sup> As tragic as their story is, this is hardly an example of human trafficking to Timor-Leste.

There is simply no sufficient evidence that there are networks of traffickers in Timor-Leste. However, yet again, a lack of evidence has been taken as proof that a problem exists. Apparently, either the traffickers are very sophisticated or the Timorese criminal justice system very inefficient at recording traffickers (Dodd 2009). With such an approach, one can only expect a rise in the trafficking warnings coming from Dili.

5 Interview with a representative of the Alola Foundation, 11 April 2011.

6 Interview with an official from the UNMIT headquarters, 8 April 2011; interview with a high-ranking police officer, 11 April 2011.

7 Interview with two (female) aid workers, 6 April 2011.

8 Interview with IOM representatives on 8 April 2011; interview with the Director of PRADET on 11 April 2011.

## Conclusion

Illegal migration is risky. Many who undertake it experience abuse, mistreatment and live in fear. Illegal migrants usually have little choice but to accept what many in the developed world would consider humiliating or inhumane jobs. Certainly, these migrants would welcome more rights and protection. Yet, the current anti-trafficking hype—and the associated depoliticizing of debates on migration—can hardly make their situation better. The problem faced by the vast majority of illegal migrants is not that they can be sold like cattle, but rather that with legal migration denied to them, they must take many more risks than they would prefer. While abuse is real, the world-wide phenomenon of human trafficking is a myth that in many ways resembles its historical precedent, the white slavery panic that became prominent a century ago. Contemporary trafficking myth is an exciting, almost pornographic, yet ultimately very simplistic and racist story of helpless Third World women and children, ruthless Oriental or Eastern European men and noble Western rescuers. And just like any other contemporary scare story, it leads to unnecessary expenditure, insensible and illiberal legislation, and unreasonable actions.

In Timor-Leste illegal migrants are rarely, if ever, seen as individuals with agency who may require solidarity and advocacy. Instead, they are either seen as criminals or as hapless victims who need to be rescued and sheltered. While the former is probably worse for migrants than the latter, neither of these approaches effectively deals with the problems experienced by illegal migrants and sex workers. In order to alleviate the situation, the public and governments should realise the direct link between the abuses they so firmly stand against and the fact that quite a few people work, live and travel in an illegal and underground manner. This is not to suggest that those opposing abuse must necessarily support absolute freedom of migration and legality of all types of employment. At the very minimum, however, they should try to address abuses regardless of the victims' immigration or employment status. One does not need to invent human trafficking to investigate and prosecute such crimes as kidnapping, beating, raping or threatening. On the contrary, targeting specific crimes, rather than some abstract composite category could not only be easier, but also more in line with migrants' wishes and interests. Furthermore, it could bring more transparency, justice, clarity and accountability to law enforcement and the protection of victims. For now,

the struggle against over-hyped, yet murky human trafficking is carried out with little accountability and self-reflection. Indeed, it is difficult to imagine how efforts against trafficking could be accountable, clear or even reasonable if they focus on a set of highly controversial and vague concepts, lack any reliable statistics, often deny agency to victims, and go across borders with little or no cultural sensitivity. What is needed today not only in Timor-Leste, but also in the ASEAN region and elsewhere, is a serious debate on the rights of migrants and sex workers. Hopefully, the current moral furore over trafficking will not make this impossible.

## Notes on Contributor

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