

Towards Demand-Driven, Empowering Assistance for Trafficked Persons

Making the case for Freedom of Choice over protection at the expense of empowerment

The paper provides a brief landscape analysis of mainstream trafficking victim assistance programs in Southeast Asia from the lens of empowerment, emphasizing the need to adapt current approaches to more directly address the real situations and needs of trafficked persons. 117 cases drawn from a pioneering 2015–2016 Issara Institute Freedom of Choice Unconditional Cash Transfer (UCT) pilot for trafficked persons in Thailand and Myanmar are analyzed to provide a clear picture of what services and protections trafficked persons would choose if given the choice. Among 21 specific needs, the top two needs prioritized among trafficked persons were the need to find secure employment and the need for support in legal proceedings to obtain compensation for unpaid wages. The five key lessons learned all hinge on the philosophy of empowering trafficked persons and addressing as a high priority their need for informed, economically viable choices – a crucial first step to their regaining control over their own lives. It is recommended that donors and practitioners (a) support more empowering approaches to victim protection, including offering unconditional cash transfers that allow trafficked persons to decide themselves how to address their most urgent needs; and (b) commit to measuring the success of their programs by qualitative client feedback. This shift would drive programs to be more data-driven and empowering.



AUTHOR

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METHODOLOGY

This paper draws primarily from the Issara Institute's Freedom of Choice UCT pilot case data (117 out of 174 trafficked persons assisted between May 2015 and July 2016), informant follow-up interviews, relevant literature, and the authors' extensive experience in the field of anti-trafficking across Asia and Europe, including Eastern Europe and the Balkans. An independent evaluation of the pilot was conducted in mid-2016, and key findings regarding how cash transfers can be combined with other services to achieve better outcomes for trafficked persons are presented as well.

Protection at the expense of empowerment: mainstream trafficking victim protection framework

Victims of trafficking and forced labour are often stripped of their personal freedom and lose a great deal of control over their lives. Traffickers maintain their control over people's lives through the use of threats, deception, debt bondage, physical force, and abuse of specific vulnerabilities. Control over the most basic aspects of life and living can be lost while in forced labour, including loss of control over when and what to eat, when to sleep, freedom of movement, personal finances, and the ability to be with or communicate with loved ones. Thus, victim assistance programs need to support people in regaining their freedom, autonomy, self-reliance, and control over their lives. Programs should empower them socially, psychologically, and economically so that they are

able to get themselves back on their feet and be less vulnerable to further exploitation.¹

Once a person is identified as having been trafficked, it is often the beginning of a complicated service delivery process. The needs of a trafficked person can range from immediate basic needs, such as food, water and clothing, to more complicated longer-term needs, such as legal assistance, employment, psychosocial support, and socio-economic sustainability.² Regrettably, standard assistance programs often prioritize the need to "protect" these victims from crime, particularly in countries such as those in Southeast Asia where the victim protection framework is primarily government-run.

Protectionism is also often closely associated with paternalism, whereby government and NGO service providers identify themselves, as educated professionals, to be better equipped to determine the best interests of victims than the victims themselves.³ Elements of paternalism even extend into victim protection program evaluation and research, with many examples of programs whose monitoring and evaluation do not include client feedback, and research based on exhaustive victim interviews regarding issues that have already been documented and established. There is an underlying premise that continued study of victims by professional researchers is required in order to understand what victims really want and need, rather than actually asking victims directly.

It is often assumed that trafficked persons need “rescue” or “saving” from their circumstances. The social construction of victim identities seems to legitimize discipline, restriction, confinement and even punishment by those who believe that they should act

on behalf of the victim for their own good.⁴ Examples of such bad practices have been documented in several countries in South and South-East Asia and South Eastern Europe⁵ and include confinement to tightly controlled premises in the name of protection,⁶ physical and psychological punishments when rules and directives are not followed, and many examples of education and skills training not resulting in jobs and sustainable livelihoods, but seen as sufficient and morally acceptable activities to pass the “leisure” time of trafficked persons.⁷ Some shelters are surrounded by high walls, windows fitted with iron bars and have guards and closed gates, to both keep unwanted persons out and to keep persons in. This is not only in contradiction to anti-trafficking and victim protection best practice, with the goal to promote freedom and ensure individual human rights, but also jeopardizes the individual’s mental health, recovery and social integration.⁸ In short, there is a wealth of evidence indicating that empowerment is often neglected at the expense of protectionism and paternalism, to the detriment of the recovery of the trafficked person.

WHAT IS EMPOWERMENT?

A practical working definition used by the Issara Institute to guide client services:

“Increased control and mastery, meaning that people are better able to deal with the forces that affect their lives and have greater capacity to deal with the day-to-day challenges of life without being overwhelmed by them.”

How other development sectors empower their clients: Unconditional Cash Transfers (UCTs)

The weaknesses in mainstream trafficking victim assistance approaches call for a need to explore how other development sectors empower their clients. In the humanitarian, social protection, and economic empowerment spheres, it is increasingly common to see UCTs provided directly to beneficiaries to spend as they see fit, rather than giving the money to an aid organization to decide how to spend funds for the beneficiary. UCTs have been used within international development since the mid-1990s as a key economic empowerment tool and have been demonstrated to improve education and health outcomes and alleviate poverty in various contexts.⁹ Going beyond restricted microloans and business and vocational training, UCTs provide clients with the flexibility to buy a wide variety of goods and services based on their own needs.¹⁰

Until recently, providing UCTs to the poor has been met with some skepticism, especially by conventional development organizations and aid groups. It has been argued that cash transfers are at risk of being abused or misdirected, such as to alcohol consumption and other non-essential items, or that

uneducated people are unlikely to make wise decisions, or that handouts make people reliant on aid. However, a growing body of research shows that these concerns are not grounded in evidence. Research based on an examination of nineteen studies from ten countries across Latin America, Africa, and Asia assessing the impact of cash transfers concluded that concerns about the use of cash transfers for alcohol and tobacco are unfounded.¹¹ In one poignant experiment, UCTs were given to drug addicted people and petty criminals in the slums of Liberia; despite expectations, clients chose to spend the majority of the money on basic necessities or for starting their own businesses.¹²

Research shows that UCTs support poor and vulnerable people to manage risk and invest in more productive job searches, leading to better employment outcomes.¹³ Cash transfers provide individuals with the financial support needed to look for decent work and makes them less vulnerable to falling into exploitative labour out of desperation.¹⁴ A study using household living standards data in South Africa found

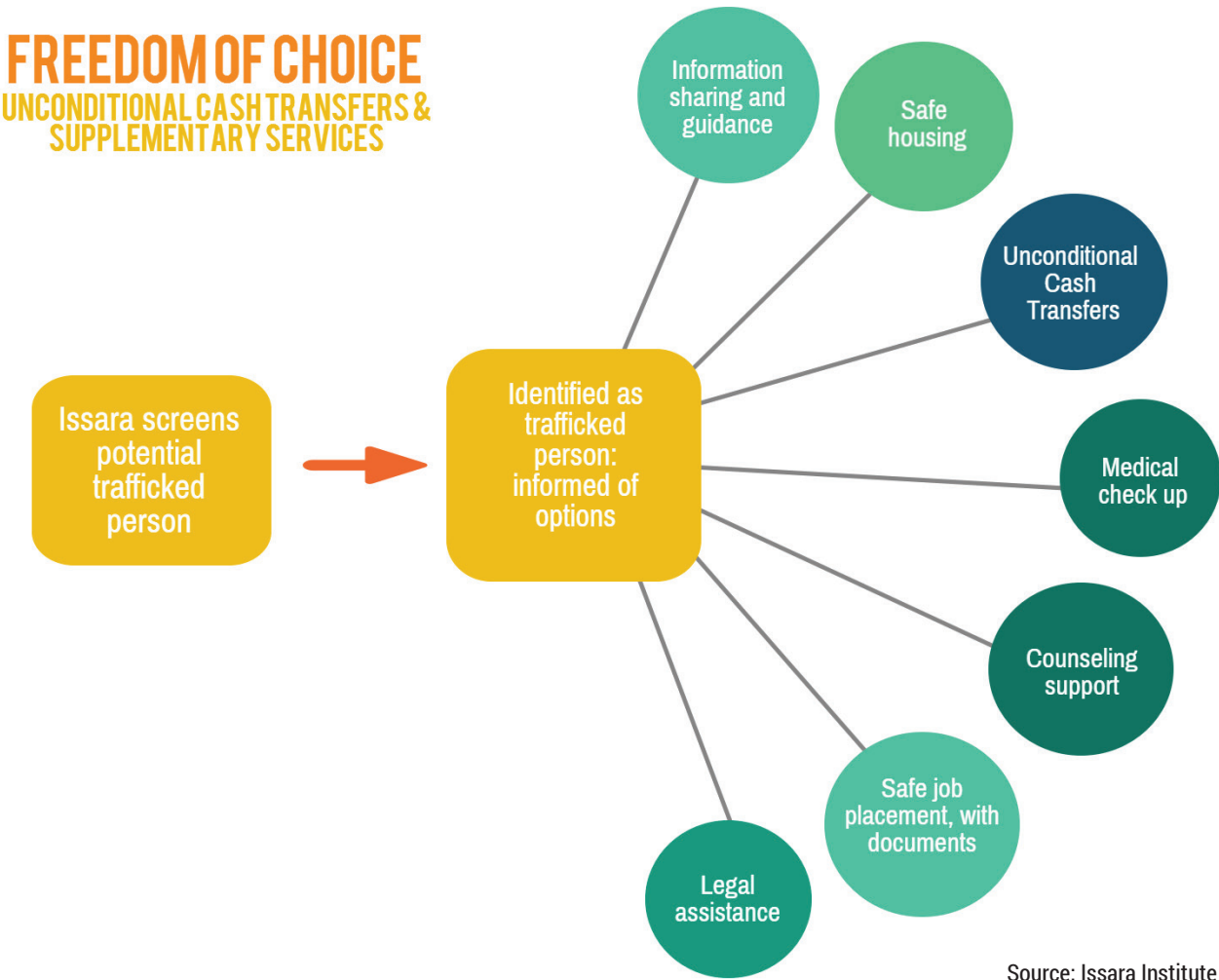
significant positive impacts particularly for female labour migrants; the cash helped them finance their migration for job search and assisted older relatives in caring for the migrants' children.¹⁵

UCTs are also an empowering tool for those who are self-employed and working below their potential because they lack the capital, credit, or insurance products necessary to grow their businesses.¹⁶

There is now a wealth of evidence indicating that giving people money, where feasible and appropriate, is more effective than giving things in-kind or providing vouchers, because cash offers a greater sense of dignity and enables people to make informed choices about expenditure based on their personal circumstances and needs. Cash transfers are proven to enable poor, vulnerable, and disaster-affected households and individuals to meet their basic needs as defined by them; improve access to services; help strengthen or recover household productivity and capacity for income generation; re-establish credit lines; and avoid resort to negative coping strategies, such as reducing food consumption, distress sale of assets, and pulling children out of school.¹⁷

Further, traditional social protection programs have been found to lead to social exclusion and stigmatization of beneficiaries, challenging their ability to fully participate in their families, communities, and society. Meanwhile, cash transfers have the opposite effect by enhancing individual incomes and facilitating access to an array of social services. UCTs help households spend more on education and health care, increase school enrollment, and make transportation to the hospital and hospital fees more affordable.¹⁸

Cash transfers can substantially improve the lives and choices of the poor and be an effective way to economically empower vulnerable people, particularly as beneficiaries may understand their own needs and know how to address them in the local market more specifically and efficiently than aid organizations. Therefore, it is remarkable that UCTs had, up to 2015, never been formally trialed to empower victims of human trafficking. After a study of all the costs, benefits, and lessons learned in the application of UCTs in humanitarian assistance, social protection, and economic empowerment, Issara Institute decided to launch a pilot UCT program for victims of human trafficking in Southeast Asia in 2015–2016, focusing on victims of cross-border labour trafficking but also including victims of marriage trafficking.



Freedom of Choice: Piloting a new model of empowerment for trafficked persons in the Thai seafood industry

The Issara Institute's programming focuses on empowering workers and helping businesses identify and eliminate the labour risks and abuses in workplaces within their supply chains, and between 2014–2016 focused primarily on Burmese, Cambodian, and Lao migrant workers in Thailand. Through the course of this work, Issara regularly encountered exploitation and forms of forced labour in workplaces, although many of these workers voiced a desire to continue working in their current workplaces or similar workplaces, but under more decent conditions – with fair and regular pay, remunerated overtime, and basic dignities and freedoms that are allowed to all workers of all nationalities under Thai law. Interventions focused on working with business to correct the abuses that may have been occurring in the workplace as well as the underlying systems faults, using supply chain leverage when needed. This approach led to the transformation of exploitative work into decent work for over 5,000 workers over the course of a year, with minimal harm done to workers in terms of disruption of their life, work, or families.

Through the course of this programming, however, several cases came to light where supply chain leverage could not be used, and more traditional approaches were used to get trafficked persons out of the harm environment – essentially, raid and rescue or escape – and into a recovery phase. Because of the issues noted above with the mainstream trafficking victim assistance framework, and Issara Institute's emphasis on worker empowerment, Issara Institute ran a Freedom of Choice UCT pilot for trafficked persons in 2015–2016, with a fund supported by two progressive donors (Anesvad Foundation and Equitas Foundation) plus Issara Institute's global brand and retailer business partners (Issara Strategic Partners). The purpose was to learn the real priorities and needs of trafficked persons by giving the resources to them directly, to spend as they saw fit; from this, service offerings by all service providers could be adjusted to be more demand-driven rather than supply-driven.

Between 2015–2016, Issara Institute provided UCTs to 174 adult individuals. 117 of these adult individuals will be focused on in this paper, including those who were a part of three major labour trafficking cases in the Thai seafood industry.

When potential trafficking cases came to light, Issara Institute conducted individual interviews (Victim Needs Assessments) to determine if the person had been trafficked, based on the three main criteria defining human trafficking under international and Thai law.¹⁹ During the interview, clients were asked to rank 21 specific needs on a scale of 1 to 4, with 4 referring to their “highest priority” needs. Clients were allowed to assign a 4 to as many needs as they wished; on average, they assigned a 4 to five needs. Clients were also supported in creating a spending plan, which detailed how they could best use the funds to address their priorities and was then tracked by Issara staff with regard to actual spending and outcomes.

Each beneficiary received three transfers (one per month, for consecutive months). The transfer value was aligned with the minimum wage in country.²⁰ The cash transfer was one component of a package of assistance that Issara made available to UCT pilot recipients, including legal assistance, healthcare, job placement assistance, and referrals to and information about other social services and benefits—in recognition of the fact that there are limitations to what can be achieved by cash alone, and cash is not a panacea to meeting all needs of trafficked persons.

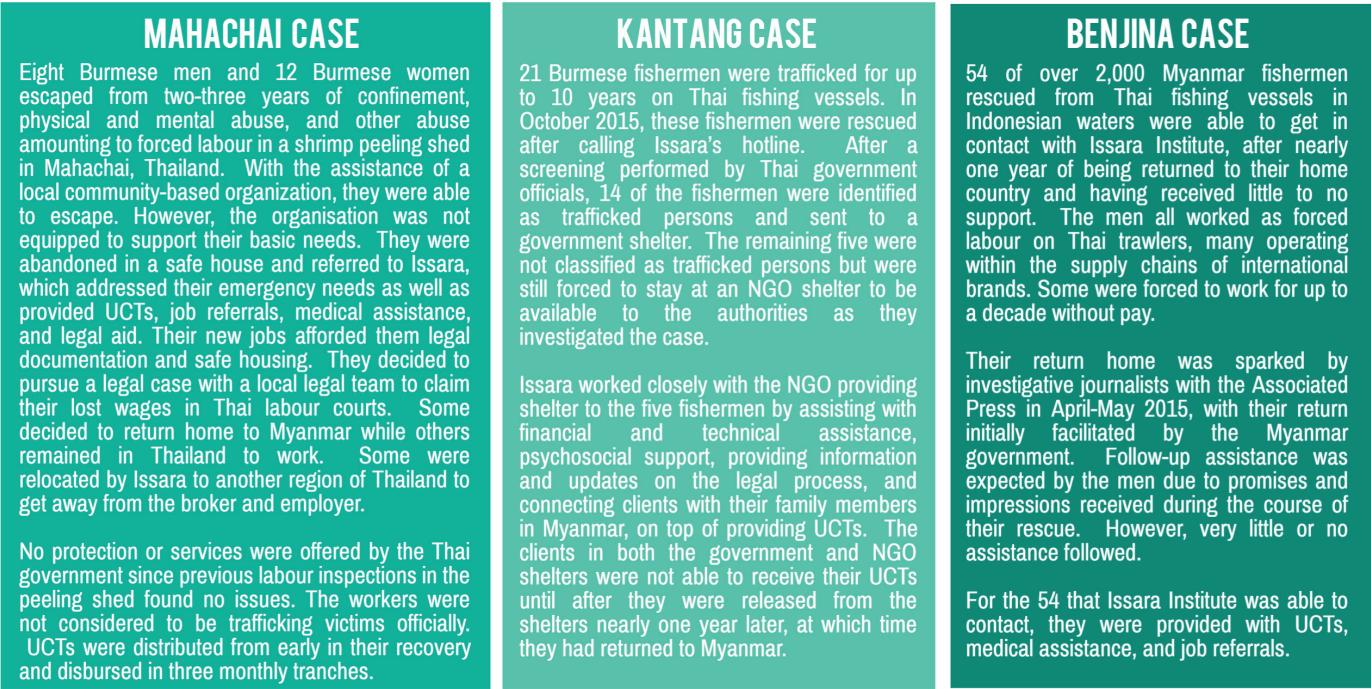


In Thailand, husband and wife Freedom of Choice cash transfer clients receive an additional humanitarian donation from the private sector for victims in the Mahachai case. Photo Credit: Issara Institute.

An independent evaluation of the Freedom of Choice UCT pilot concluded that Issara’s “cash-plus” model can be an effective tool in supporting trafficked persons.²¹ The results of the pilot demonstrated the diverse needs of each individual, and as such the evaluation concluded that it would be very difficult to meet such diverse needs as efficiently or effectively through the provision of alternate support such as in-kind, as is typically done in the mainstream assistance system. Cash as a modality allowed people to meet their needs themselves, with

dignity—and this was recognized as important because of Issara’s overarching objective to provide options for assistance that were empowering to beneficiaries. It was concluded that the pilot presented an opportunity to empower people by allowing them to start thinking for themselves again and planning a future—and, they were able to meet their basic needs as well. Importantly, the evaluation found no negative effects of the Freedom of Choice UCT pilot at the individual level, within the household, or in the wider community.

Figure 1: Case summaries of selected Issara Freedom of Choice beneficiaries



* Above are summaries of three large scale Thai trafficking cases. Five other smaller cases, not summarized above, were included in the findings. Source: Issara Institute.

Key findings from Issara’s Freedom of Choice UCT pilot: What are trafficked person’s highest priority needs after trafficking?

This section explores the needs ranked as “highest priority” by the 117 clients and reveals clear trends in the type of assistance desired by these persons. Overall, findings demonstrate the high prioritization of economic and financial needs as well as those related to legal assistance. Basic needs, such as food and accommodation, were also shown to be important, while healthcare and education/ training needs were prioritized as a “highest priority” by a minority of clients.

Highest priorities of beneficiaries

The 21 needs listed in the needs assessment are organized under six categories: Financial and Economic, Legal Assistance, Basic (including

accommodation and food), Safety and Security, Health and Psychosocial, and Educational and Training. Figure 3 demonstrates the proportion of clients that ranked at least one need in each category as a “highest priority”. As noted earlier, clients could select multiple needs as a highest priority. The largest majority of clients (75%) selected needs in the economic and financial category as a highest priority, including the need to find employment, while only slightly fewer (72%) selected needs in the legal assistance category as a highest priority. A little over half of the clients selected needs in the basic category, while less than a third of clients prioritized needs in the safety and security, healthcare and psychosocial, and educational and training categories.

Table 1: Highest Priorities of Beneficiaries

Table 1 presents all 21 individual needs under six categories and provides percentages to reflect the proportion of clients who ranked each need as a "highest priority" among the sample of 117 clients.* The top row of each needs category in Table 1 shows the proportion of clients who selected any need (one or more) within that needs category as a "highest priority."

Economic & Financial Needs



Any Economic or Financial Need

Need to find employment

Pay outstanding bills

Pay outstanding debt

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
75%	57%	86%	100%	86%
54%	26%	81%	75%	77%
47%	35%	57%	100%	18%
31%	22%	5%	85%	27%

Legal Needs



Any Legal Need

Support in legal proceedings for court cases

Identity and other legal documents

Support in obtaining compensation

Access to legal information and advice

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
72%	69%	76%	90%	59%
50%	39%	52%	75%	50%
49%	48%	43%	45%	59%
37%	43%	62%	30%	5%
29%	35%	24%	30%	18%

Basic Needs



Any Basic Need

Communication with family

Housing and sleeping

Food requirements

Plan for re-integration and next steps

Cultural or religious requirements

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
53%	42%	76%	100%	14%
35%	19%	76%	70%	5%
31%	11%	33%	100%	14%
28%	4%	38%	100%	14%
18%	26%	14%	15%	5%
3%	0%	0%	15%	0%

Safety & Security Needs



Any Safety or Security Need

In present location or in origin country

Individuals who could potentially harm the victim

Concerns for family members or friends

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
30%	13%	33%	100%	5%
23%	2%	29%	100%	0%
21%	11%	14%	75%	0%
14%	4%	0%	65%	5%

Health & Psychosocial Needs



Any Health or Psychosocial Need

Prescription medication or treatment

Serious physical ailments causing distress or pain

Serious psychosocial issues causing distress or pain (stress, anxiety, or PTSD)

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
24%	26%	14%	20%	32%
21%	22%	10%	20%	27%
17%	20%	5%	15%	23%
8%	6%	14%	0%	14%

Educational & Training Needs



Any Educational or Training Need

Life skills training

Vocational and/or occupational training

Child requiring enrollment in school

All Clients	Benjina Clients	Kantang Clients	Mahachai Clients	Other Clients
24%	17%	29%	35%	27%
15%	13%	14%	30%	5%
12%	6%	10%	35%	9%
10%	9%	14%	0%	18%

* Client sample: n =117; Benjina clients, n =54; Kantang clients, n =21; Mahachai clients, n =20; Other clients, n = 22. Source: Issara Institute.

The relative importance of needs in the financial and economic, legal assistance, and basic categories is further illustrated by the finding that all of the top 10 most prioritized individual needs fell into these categories, as shown in Figure 2.

Figure 2. The top 10 individual needs among the sample of 117 clients.

1. Need to find employment
2. Support in legal proceedings for court cases
3. Support obtaining identity and other legal documents
4. Money/income needs to pay for current expenses
5. Legal support in obtaining compensation
6. Communication with family
7. Housing and sleeping needs
8. Outstanding debt
9. Access to legal information and advice
10. Food requirements

Source: Issara Institute

Understanding clients' interpretation of their needs

When a client ranked a particular need as a “highest priority”, they were asked to explain how they interpreted this need. These explanations are presented under the six needs categories below.

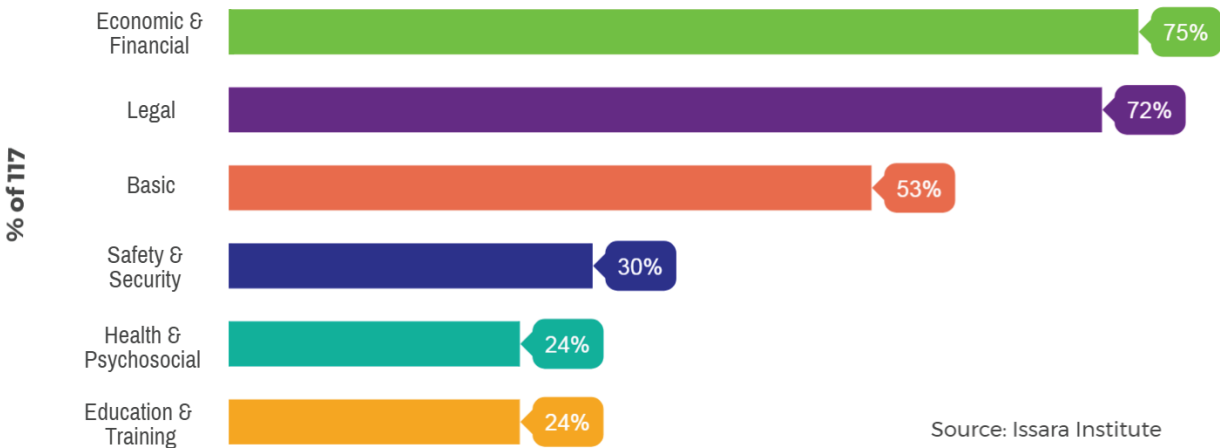
Economic and Financial Needs

54% of the 117 clients ranked the need to find employment as a highest priority. Many of these clients expressed a strong desire for legal, full-time, fairly-paid, and safe work. At the time of interview,

many were working in informal jobs with insufficient salaries. Some clients were still recovering from physical injuries they incurred on fishing vessels or other workplaces, and expressed a need for lighter labour for a period of time. They also hoped for more reliable and direct hiring processes for their next jobs; after their previous experiences, they often did not want to deal with brokers again. Some clients hoped to run their own businesses, and needed financial assistance during the transition period. For those clients who were still in Thailand, some prioritized finding new employment to make money to send home to their families, to compensate for financial losses incurred during trafficking, or to fund their eventual return home.

47% of clients ranked money/income needs to pay for current or outstanding expenses, bills or costs as a highest priority. 31% of clients prioritized paying back outstanding debts. Many of these clients needed money to pay for current or outstanding healthcare bills for surgeries, emergency visits, and pregnancies of family members. For clients who were unemployed and who had minimal savings, money was required to support with daily costs, such as room rentals, phone bills, food and snacks. As most clients had been unable to send money to their families for long periods of time, they sought to send financial assistance home as an urgent priority. Most clients were in debt, which weighed heavily on them and they indicated a strong desire to pay back those debts. These clients had typically borrowed money from family, friends and other individuals, often to pay for their initial migration journey that had resulted in trafficking and forced labour or to be released from detention centers.

Figure 3: Needs ranked “highest priority” among all cash transfer clients, by needs category (in %) (n=117)



Source: Issara Institute

Legal Needs

50% of the 117 clients ranked the need for support in legal proceedings for criminal and/or labour cases as a highest priority. 37% of clients ranked the need for legal support in obtaining compensation as a highest priority. Nearly every client who prioritized a need for support with legal proceedings explained that they wanted legal assistance to claim compensation for lost wages during trafficking and forced labour. One client stated a desire to pursue a criminal case against his former employer and one other requested legal guidance should he be selected as a witness for an upcoming court case.

49% of clients ranked the need for identity and other legal documents as a highest priority. These clients prioritized getting new identification cards upon return to their home country. Those who wished to remain in the destination country wanted passports and other necessary documents to apply for legal employment and to obtain more secure, well-paying jobs. Some clients wished to get a driver's license while others needed assistance changing their work papers to reflect their current place of employment.

29% of clients ranked access to legal information and advice as a highest priority. Clients who prioritized this need sought regular information and updates regarding investigations and court cases related to their abuse.

Basic Needs

35% of the 117 clients ranked communication with family as a highest priority. This was particularly important for clients who had been out of touch with their family members for years while they were trafficked into forced labour at sea. They sought assistance in locating family members, finding accurate phone numbers, and/or needed money and a means to make overseas calls.

31% of clients ranked accommodation and sleeping needs as a top priority. 28% of clients ranked food requirements as a top priority. Some of the clients were living in very low quality accommodations and sought to move to improve their standard of living or to undertake fixes or renovations of current homes. Clients who were living with family members or friends often sought money for their own accommodation. Accommodation and food were most urgent for the victims who were found and assisted right as they were coming out of exploitation; it was a lesser issue for those forced into shelters or whom Issara met several months after their return home.

18% of clients ranked planning for integration and next steps as a top priority. These clients needed assistance making preparations to apply for a new job or to travel home. A very small number of clients (3%) ranked financial assistance for cultural or religious requirements as a top priority, with some stating that it was not possible to consider these types of needs given their current situation.

Safety and Security Needs

23% of the 117 clients ranked safety and security concerns in the destination country as a highest priority. The majority of these clients wished to remain in the destination country and seek new employment options, but did not have sufficient identification to remain there legally. In these cases, legal documents such as identification cards, work permits, passports, or visas were expired, had been lost, or had been confiscated, or were being withheld by previous employers. These clients were now at risk of arrest and deportation, and were concerned about their security as a result.

21% of clients prioritized protection from individuals who could potentially harm them. These clients were concerned about threats posed to their safety and security from police (10 clients), employers (5 clients), suspects of a court case (2 clients) and a broker (1 client). 14% of clients prioritized the safety of their family or friends, typically because those persons were without the proper legal documentation to remain in the destination country.

Health and Psychosocial Needs

21% of the 117 clients ranked need for basic medical treatment or medications as a top priority. These clients needed general health checkups or ongoing treatment for basic ailments, together with medication. Two clients had never had a general health check up in their life. 17% of clients rated the need for more serious medical treatment for ailments as a top priority, mainly in connection to work on fishing vessels. This included treatment for broken legs, lung problems, painful scars from beatings, blindness, skin infections, chronic headaches, detached fingers, malaria, and tuberculosis. 8% of clients ranked medical assistance for psychological issues as a top priority. These clients reported stress, depression, and anxiety due to unemployment, debt, or an inability to take care of their families. One client reported enduring nightmares about being on a fishing boat. One client reported a general feeling of neglect and being unwanted. One client requested to speak to a counselor of some kind.

Educational and Training Needs

Educational and training needs were very rarely noted as a high priority, and when they did prioritize them, their requests lacked specificity. 15% of the 117 clients ranked life skills training as a high priority need. These clients requested assistance in selecting a new job, help to build their confidence more generally, or information to help them develop a better understanding of the situation for migrant workers in

particular countries, presumably to help them make better migration and employment decisions in the future.

Clients who ranked vocational training (12%) as a top priority wished to further their education or improve upon their existing trade. 10% of clients ranked financial assistance to enroll a child in school as a highest priority.

Lessons Learned: How does the trafficking victim assistance framework need to be reformed to be more demand-driven and respectful of the individuality and rights of each client?

Analysis of trafficked persons' self-identified highest priorities can provide several important lessons for the provision of demand-driven assistance to trafficked persons. Five main lessons learned follow from the analysis of the Issara Freedom of Choice UCT pilot cases. They are highly applicable to the situations of most other trafficked persons in Southeast Asia – and likely elsewhere as well.

1 Obtaining safe, legally documented, and fairly paid jobs is the highest priority for most trafficked persons, so it should be the highest priority for the post-trafficking assistance framework.

It is no surprise that trafficked persons prioritize the need to find full-time, legal, secure employment opportunities, as well as direct recruitment options for which they do not have to deal with individual brokers or other third parties. Jobs bring autonomy, dignity, and freedom – allowing for self-sufficiency and meeting familial responsibilities. Safe jobs with legal documents allow survivors to avoid being re-exploited. Trafficked persons may have specific employment needs; after the trauma of working in the fishing industry, for example, they may be unable to work on a boat again. For those suffering with physical injuries or health issues due to work-related injuries or physical

violence, they may require light labour for a period of time. Regardless of the specific employment needs, however, timing was always key – safe, secure, and fairly paid jobs were always perceived as being one of the first things that trafficked persons needed to build a secure foundation on which to base their futures. Legal status and documentation was also key, to free trafficked persons from the threat of arrest and deportation.

Another important aspect learned from the pilot regarding the swift provision of safe jobs is that work – and the security and dignity it brought – is a gateway to trafficked persons' openness in considering and receiving other services. This is particularly important in the case of issues such as healthcare, which was scored by survivors relatively low in priority, despite the fact that illnesses and injuries such as broken bones, malaria, tuberculosis, chronic pain, blindness, and high-risk pregnancies all presented within the sample. Thus, helping trafficked persons to address their most urgent job needs – and earning survivors' trust by demonstrating that their priorities are our priorities – is also important from an individual and public health perspective.

“With financial support from Issara, I located my old work contacts in the construction business and visited different work sites. In the eight years I was away, everything had changed so much in the industry. With Issara’s support, I was able to rent a house and look for my relatives. I didn’t have to worry about having a daily income while looking for work.”

- Kantang client (male, 43)

2

The court process of interest to trafficked persons in the sample was legal assistance to claim compensation for unpaid wages; only one person out of 117 prioritized criminal justice. Protection and criminal justice efforts need to respect this.

Some of the trafficked persons in the sample were forced into the criminal justice process (Kantang case). Some received legal aid early on and had a choice to pursue a criminal case against their exploiters and brokers, a civil case in the labour courts to pursue unpaid wages, both, or none (Mahachai case). Some were offered no legal aid but expressed interest in legal aid (Benjina case). In all except one instance, trafficked persons were either interested in only pursuing unpaid wages in the labour court, or no legal process at all.

Anti-trafficking legislation takes a criminal justice approach to combatting trafficking in persons, with the main focus of such legislation being the jail sentences and penalties for individual traffickers. There is a related assumption among practitioners that justice for trafficked persons is best realized in a conviction in a criminal court. In light of this, the finding that, among the 58 trafficked persons who prioritized 'support in legal proceedings for criminal and/or labour cases' as a highest priority, 57 were interested in compensation for unpaid wages lost during trafficking, and only one expressed interest in participation in the criminal justice process, is remarkable. These findings are in part reflective of the corruption known to be common in the law enforcement and criminal justice system in Thailand, and trafficked persons in countries with less corruption may have different priorities. However, in any case, criminal justice practitioners and those who support these interventions should reflect on the treatment of trafficked persons' victim-witnesses within criminal court processes, and ensure that the full informed consent of the trafficked person is earned, gained, and maintained throughout the entire process. Continually sought client feedback from victim-witnesses should be used to guide this.

3

Protection efforts should recognize that arrest and deportation by government authorities is often perceived as a much higher security risk to trafficked persons than brokers and traffickers.

The need to be protected from traffickers and brokers was rarely described by the pilot cash transfer recipients. Only a small number of the beneficiaries prioritized assistance to protect them from brokers or employers who might remain in the same geographic area. Only one was fearful of a suspect involved in their trafficking court case. For the majority of clients

who prioritized safety and security concerns within the destination country, their sense of security was squarely tied to their legal status in that country. Assistance obtaining identity and other legal documents was the third most prioritized need among all beneficiaries. Where trafficked persons' legal documents had expired, been lost, been confiscated by employers, or were fraudulent (due to the actions of their traffickers), they feared the local police and their main concern was arrest and deportation due to their illegal status. Among clients who prioritized safety concerns for family members or friends, all were concerned about family members with an illegal status in the country and the threat of deportation.

For government and non-government service providers who are mandated to protect and support trafficked persons, not giving clients the documents they need to move freely – that is, continuing restrictions on their freedom of movement – is inherently problematic in the sense that similar restrictions may have been a main component of their trafficking experience. If the aim of victim assistance programs is to empower victims to move past the trauma of trafficking, assistance in the post-trafficking period should not restrict a person's freedoms in a similar manner. As the specific safety and security concerns of each individual trafficked person vary greatly, protection and assistance provided should be based on a thorough assessment of their particular needs. In the less common cases where protection from particular individuals is needed or where trafficked persons have agreed to remain in the destination country during court proceedings and fear retribution, voluntary relocation to another part of the country, or voluntary stay in a shelter, may be options preferred by the trafficked person. However, for the majority of trafficked persons, who wish primarily to be free from the fear of arrest and deportation, assistance gaining legal status in the destination country should be a top priority for interested parties.

4

There is no "one size fits all" solution, and the best way to ensure that assistance meets the needs of each individual is to allow them to shape that assistance themselves.

Pre-designed "one size fits all" assistance programs often result in returnees declining assistance or dropping out of assistance programs part way through, as they feel it is not well-suited for their specific situation. Needs vary based on the kind of exploitation the person experienced, as well as their age, sex, cultural identity, and personality, among many other factors. For example, those individuals interviewed for this study were all in different stages of recovery, therefore their priorities differed in some cases, such

as with food requirements, direct communication with relatives, accommodation and safety concerns.

For many reasons, some clients may want to return home, while others may want to return to their home country but in a different city as their family. Some may want to remain in the destination country and try again at achieving successful labour migration before returning home. Some may have a strong relationship with their family, while others may have many reasons for wanting a fresh start independent from their relatives. For a multitude of reasons, different individuals simply have different responses to support, and may have different needs at different stages of recovery. For assistance to be successful, it is crucial to offer individualized support, which considers each person's specific needs, concerns, strengths, limitations, available resources and personal aspirations – ideally through providing trafficked persons with the resources, information, guidance, and support to control their recovery process themselves. To take an individualized approach is also to respect a trafficked person's right to self-determination.

5 Trafficked persons should be the ones determining the most meaningful and least harmful ways to reconnect with family members and origin country communities.

Communicating with family members ranked as the sixth most important need among clients in the Issara Freedom of Choice UCT pilot. The mainstream assistance framework typically focuses on “family

tracing” – that is, finding the location of family members and confirming if they are willing to accept the trafficked person back into their home, and along the way sometimes sharing sensitive (and sometimes stigmatizing) information about the situation of the trafficked person with local authorities, community members, and family. Whether carried out by government or non-government actors, even for adults, it is rarely guided by the wishes of the trafficked person and does not focus on meaningful reconnection between the trafficked person and people that he/she would like to reconnect with, in a way that allows the trafficked person to control what information about his/her situation is shared, with whom, how, and when. Trafficked persons should be able to decide who in their lives they communicate with.

“When I returned to Myanmar, my greatest wish was to provide for my mother and show her respect. But when I arrived at home, I learned that she had passed away. This was very difficult to cope with. With the cash from Issara, I performed a ritual for my mother in her honour. I was also able to support my sister's family and live with them, without haven't to ask for any money.”

- Kantang client (male, 29)



In Yangon, four trafficking survivors and Freedom of Choice beneficiaries come together to make a short film, explaining the impact of cash transfers on their lives (film can be viewed at www.issarainstitute.org). Photo Credit: Myo Thiha.

RECOMMENDATIONS: Towards demand-driven, empowering assistance for trafficked persons

Reflecting on lessons learned in anti-trafficking through the years, coupled with analysis of direct client feedback and innovative new methods focused on client empowerment, the data present clear guidance regarding the roles that donors, practitioners, and the private sector can play in facilitating more demand-driven, empowering assistance for trafficked persons.

Community and client feedback should be an integral component of program design for any intervention. Given the loss of agency and voice that trafficking victims experience, and the primacy that empowerment of agency and voice should take in the post-trafficking support process, empowerment of worker voice is especially poignant for the anti-trafficking sector.

Thus, actions to shift post-trafficking victim support to being more demand-driven and less supply-driven are overdue but, once implemented, should make a deeply positive and meaningful difference in the experiences that trafficked persons have in their recovery journey.

DONORS

- ☑ **Work within existing systems to provide unconditional cash transfers.** In some cases, receipts of actual expenditures cannot be collected from clients and many donors have seen this as prohibiting the distribution of cash. Donors should be aware that receipts are not available in all contexts, and accept alternate submissions as sufficient, including proof of cash transferred from implementing partners to clients or spending plans and anonymized case notes. When this is not possible, donors should make decisions about investments in post-trafficking victim support that are proven to be evidence-based and demand-driven, and do not duplicate other efforts. Donors should support systems that socially and economically empower trafficked persons to make informed choices, and not systems that make most of the choices and decisions for trafficked persons.
- ☑ **Encourage Key Performance Indicators (KPIs) for victim protection programs that are meaningful and reflective of increasing empowerment of clients over time.** Move

beyond simple headcount and dollar measures, which may incentivize institutionalization and not necessarily quality of care or empowerment. Quality of care measures must be informed by client feedback, as well as objective measures. Strengthened KPIs would lead not only to better ways to empower clients, but also provide the data needed to give a clear picture for improvement of assistance and services in the future.

- ☑ **Support implementing organizations' understanding of ethics, duty of care, and the central decision-making role that clients should have in these processes.** Be clear in donor decision-making processes as well as in communication to grantees that the ethical path is not simply following mainstream processes dictated by government and international organizations; it is truly embracing a client-centered approach that has the client taking the central decision-making role in the determination of his/her best interests.
- ☑ **Collect client feedback,** as well as other objective measures of quality of care, and base all interventions and grant proposals on this rich data.

PRACTITIONERS

- ☑ **Conduct proper needs assessments during the intake process that situate the client at the center of – and as the lead decision-maker in – his/her future planning process.** This includes supporting the client in establishing or setting the tone of communication with family members, to help clarify different options and resources that the client may have. This is not to be confused with what is commonly referred to as “family tracing”, a traditional, non-empowering process whereby government and non-government officers attempt to locate family members of clients and communicate with them without the involvement of the client. Efforts should go beyond assessing whether the family is willing or able to accept the victim back into their home, and should focus on facilitating meaningful communication based on the client's requests.

- ☑ **Whenever possible, allow clients to choose where to live, what and when to eat, where to apply for work, and whether to remain in the destination area, return home, or move elsewhere.** Cash enables choice, but even absent a cash transfer option, freedom to make choices can always be provided to clients, depending on the attitude of the service provider. Promote self-reliance, resiliency, and empowerment, and aim to help equip trafficked persons to improve their own situation based on their skills and aspirations.
- ☑ As mentioned for donors, **practitioners should understand ethics, duty of care, client-centered approaches, and the central decision-making role that clients should have in these processes.** Be clear that the ethical path is not necessarily following existing processes dictated by government and international organizations; it is truly embracing a client-centered approach that has the client taking the central decision-making role in the determination of his/her best interests. There is no “one size fits all” solution within effective empowerment of trafficked persons; instead, there is a need for

individualized support that respects each person’s specific needs, concerns, strengths, personal resources, and aspirations. To take an individualized rights-based approach is also to respect an adult trafficked person’s right to self-determination.

PRIVATE SECTOR

- ☑ **Work with civil society partners to develop job placement programs involving trafficked persons.** This could be a win-win strategy especially in areas with labour shortages, such as Thailand. Civil society partners can help local businesses to ensure that job applicants meet all minimum criteria and could be a good match in terms of skills and interests.
- ☑ **Contribute to victim support funds that provide unconditional cash transfers to trafficked persons,** knowing that much of the development sector is unable to do so easily, and that this kind of contribution may be one of the more empowering and efficient contributions that can be made to trafficked persons.

END GAME

The critique of mainstream anti-trafficking and victim assistance programs provided in this paper is not to say that there is no value in the current services provided, but rather to suggest alternative forms of assistance that may prove to be more empowering and beneficial for trafficked persons. Donors and

practitioners in the anti-trafficking field should carefully consider ways forward by exploring new, innovative approaches that are grounded in beneficiaries' voices and a deep understanding of their own priorities.



Issara Freedom of Choice unconditional cash transfer beneficiaries. Photo Credit: Issara Institute.

Endnotes

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20. In Thailand, the transfer value was 9,000 THB; in Myanmar, it was 4,707 THB; and in Lao, it was 3,360 THB.
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Issara Institute is an independent U.S. not-for-profit corporation based in Thailand, Myanmar, and the United States tackling issues of trafficking and forced labour through data, technology, partnership, and innovation. People—including worker voice and feedback—are at the center of Issara's data and intelligence work, and at Issara Labs we conduct a wide range of research, analytics, and technology development related to human trafficking in global supply chains—the people, the policies, the impact, and how to eliminate it.

