

Constraints to a Robust Evidence Base for Anti-Trafficking Interventions

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Abstract

Over fifteen years after the UN Trafficking Protocol was adopted, the evidence available to determine how much progress has been made in combatting human trafficking remains very limited. This paper provides a practitioner's perspective on some of the main reasons for the continuing lack of meaningful results documented in the context of anti-trafficking projects. A key finding is that limitations in the practice of monitoring and evaluation (M&E) pose the greatest constraint rather than the clandestine nature of trafficking in persons. There are currently few incentives to be rigorous in pursuing evidence, especially of the contribution made to long-term reductions in human trafficking. Bean counting the direct outputs of activities rather than assessing the outcomes that are intended to flow from them remains the core approach to M&E in the sector. Because the collection and analysis of data has not been prioritised, anti-trafficking initiatives without a strong empirical basis are reflexively continued for years—particularly notable in some of the untested assumptions about the central importance of an effective criminal justice response. Increased commitment by donors and practitioners to raise their standards of evidence for anti-trafficking projects is necessary to move beyond basic accountability and start leveraging learning, including greater willingness to document in rich detail where interventions have failed to produce their intended outcomes.

Keywords: human trafficking, forced labour, anti-trafficking, monitoring and evaluation, impact assessment, results, evidence

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Introduction

Over a decade and a half since the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol) was passed, there is still very limited evidence available to determine the extent of progress that has been achieved towards its core objectives of prevention, protection and prosecution. At all levels of anti-trafficking work, the collection and analysis of data to support a results-based approach continues to be underemphasised, particularly in comparison to the use of emotionally-charged rhetoric and hyperbole.¹

This curious allergy to providing valid supporting evidence extends to the highest profile reviews produced within the sector. In the *2015 Trafficking in Persons Report* (TIP Report), the US State Department trumpeted that the progress made since the UN Trafficking Protocol was adopted 'has been nothing short of profound'.² In the small print much further into the report, it is stated that the key statistical data which the report collects on victims identified, prosecutions and convictions are still 'estimates only',³ raising questions about the empirical basis for making such a claim.

In recent years, there have been increased efforts to generate macro-level estimates of the prevalence of human trafficking and forced labour to raise awareness of the scale of the problem, most notably through the Walk Free Foundation's *Global Slavery Index* and the International Labour Organization's *Global Estimate of Forced Labour*. While the figures calculated have been widely cited and arguably have succeeded in increasing attention to the issue of labour

¹ R Weitzer, 'The Social Construction of Sex Trafficking: Ideology and institutionalization of a moral crusade', *Politics & Society*, vol. 35, issue 3, 2007 pp. 447—475; B Anderson, *Us & Them? The dangerous politics of immigration control*, Oxford University Press, Oxford, 2013, pp. 137—145; S Zhang, 'Measuring Labor Trafficking: A research note', *Crime, Law and Social Change*, vol. 58, issue 4, 2012, pp. 469—482.

² US State Department, *Trafficking in Persons Report*, Washington DC, 2015, p. 13.

³ *Ibid.*, p. 48.

exploitation, the validity of the methodological approaches for obtaining these figures has been questioned by researchers given the clear gaps that exist in national survey data from which to extrapolate.⁴

In a rather extraordinary report published by the US Government Accountability Office, it was acknowledged that despite spending USD 447 million to combat human trafficking over the course of six years, ‘US government-funded anti-trafficking projects often lack some important elements that allow projects to be monitored, and little is known about project impact due to difficulties in conducting evaluations.’⁵ Though published back in 2007, a strong argument can be made that little has fundamentally changed in the quality of Monitoring and Evaluation (M&E) carried out for anti-trafficking initiatives today.

Constraining Factors

This paper provides an analysis of nine key reasons for the continuing lack of meaningful results documented in the context of anti-trafficking projects—including an unsubstantiated focus on criminal justice responses, vertical decision-making in defining outcomes and a quantitative bias in methodology applied—and makes a number of suggestions on a way forward. It presents these issues from an M&E practitioner’s point of view and bases its findings mainly on initiatives implemented in Southeast Asia, though many of the challenges identified are shared more broadly.

The analysis was primarily drawn from the author’s experience of working in the sector, including as the M&E focal point for a series of regional projects on labour exploitation, an external evaluator for United Nations agencies, a project and programme designer for several non-governmental and international organisations and a researcher on a number of trafficking and forced labour related studies. To mitigate the potential for personal bias, the findings were triangulated with secondary sources, including a wide range of relevant research studies and practice-oriented literature. The article also benefitted from review by several M&E specialists working on regional anti-trafficking projects within Southeast Asia, who contributed to the validation and revision of several drafts.

1. Absence of Definitional Clarity

Despite the success of advocacy to incorporate the definition of human trafficking from the UN Trafficking Protocol into national legal frameworks, what constitutes ‘trafficking’ in practice remains broadly open to interpretation.⁶ As a result, the officials responsible for enforcing anti-trafficking laws often apply the concept in a manner that suits their own agenda, notably in justifying crackdowns on irregular migrants and sex workers.⁷

Even among experts, discussions of ‘is it trafficking?’ can easily degenerate into a morass of anecdote and assumption rather than achieving greater clarity.⁸ The lengthy investigative processes required for authorities to make a determination on victim identification are sometimes in themselves an obstacle to addressing the underlying labour rights violations that have much more plainly occurred. Without a more practically defined concept, obtaining verification of whether or not interventions tasked with reducing or eliminating trafficking have been effective will continue to be problematic.

⁴ R Weitzer, ‘New Directions in Research on Human Trafficking’, *The Annals of the American Academy of Political and Social Science*, vol. 653, issue 1, 2014, pp. 6—24; A Guth, R Anderson, K Kinnard and H Tran, ‘Proper Methodology and Methods of Collecting and Analyzing Slavery Data: An examination of the Global Slavery Index’, *Social Inclusion*, vol. 2, no. 4, pp. 14—22; J Brunner, *Inaccurate Numbers, Inadequate Policies: Enhancing data to evaluate the prevalence of human trafficking in ASEAN*, East-West Center, Honolulu, 2015.

⁵ US Government Accountability Office, *Human Trafficking: Monitoring and evaluation of international projects are limited, but experts suggest improvements*, Washington DC, 2007, p. 3.

⁶ A T Gallagher, ‘Two Cheers for the Trafficking Protocol’, *Anti-Trafficking Review*, issue 4, 2015, pp. 14—32, www.antitraffickingreview.org

⁷ M Wijers, ‘Purity, Victimhood and Agency: Fifteen years of the UN Trafficking Protocol’, *Anti-Trafficking Review*, issue 4, 2015, pp. 56—79 at pp. 71—76, www.antitraffickingreview.org; Open Society Foundation, ‘Sex Work and Trafficking: A donor–activist dialogue on rights and funding’, Conference Report, 2009, pp. 11—15, retrieved 15 February 2017, https://www.opensocietyfoundations.org/sites/default/files/dndreport_2009.pdf

⁸ S Molland, ‘“I am Helping Them”: “Traffickers”, “anti-traffickers” and economies of bad faith’, *The Australian Journal of Anthropology*, vol. 22, issue 2, 2011, pp. 246—250.

It has been pointed out that discursive competition between the organisations working on issues of exploitation has further muddied the definitional water.⁹ Increasingly, the trend has been to build alliances between the various actors involved by using the terms ‘human trafficking,’ ‘forced labour’ and ‘modern slavery’ interchangeably, as though they all in essence refer to the same phenomenon. While the argument that it is better not to get caught up in territorial disputes between organisations in the fight against exploitation certainly has merit,¹⁰ it creates further challenges for an already inadequate set of methodologies for assessing the prevalence of these abuses. Ranging from the esoteric to the indefensible, the research methodologies available have tended to generate high profile figures which are cited heavily without adequately examining their limitations. The data produced by these different methodologies is also not comparable, contributing to knowledge gaps and redundancies rather than a comprehensive understanding of the scope of exploitation occurring.

Instead of attempting to build cooperation through semantic flexibility, greater agreement on specific and operable definitions is needed if progress against trafficking is to be more clearly assessed. The development of a methodology to measure the relevant indicator in the UN Sustainable Development Goals (SDGs) could provide an opportunity to reach such a consensus but so far the United Nations Office on Drugs and Crime has been appointed as sole custodial agency for its calculation.¹¹ A more inclusive dialogue has been initiated under the multi-stakeholder ‘SDG Alliance 8.7’, which importantly offers a space for NGOs, trade unions and private sector firms to contribute to discussions of measurement. But if progress for SDG 8.7 is to be comprehensively assessed, it must include metrics for the ‘eradication of forced labour, modern slavery, human trafficking, child labour and the use of child soldiers,’ which have all been aggregated into one goal. So far, the only indicator proposed for SDG 8.7 relates to child labour,¹² reflecting the current lack of an international standard on how to measure the prevalence of the other phenomena referenced.

2. *Unsubstantiated Focus on Criminal Justice Responses*

Perhaps the clearest disconnect between evidence and practice in efforts to counter exploitation is the continued emphasis placed on improving the criminal justice response. There seems to be a stubborn unwillingness among many anti-trafficking actors to interpret the very limited results achieved in investigating and prosecuting cases as indicative of the need to develop alternative approaches. Judging by the massive amounts that continue to be spent on such projects, an almost magical thinking seems to persist: that criminal law officers will one day be able to enforce human trafficking laws in a manner that will eliminate exploitation if enough resources are finally brought to bear.

Although no organisation has of yet been willing to suggest that the small number of offenders who have been prosecuted and convicted¹³ has had a significant impact in reducing trafficking, the trope has been that the trafficking industry continues to grow and the anti-trafficking industry must grow in response.¹⁴ How evidence-based such conclusions are should be more thoroughly questioned as it is well-established that criminal justice authorities are often unwilling or unable to share data on trafficking: ‘Some countries—including a few very big ones—do not even inform us about the problem in their midst. Either they are too disorganized to collect the information, or they are unwilling to share it.’¹⁵ The issue is not limited to the developing world as a recent study in Canada found significant discrepancies in data on human trafficking cases both within and among law enforcement agencies, as well as considerable institutional barriers to obtaining information.¹⁶

⁹ J A Chuang, ‘Exploitation Creep and the Unmaking of Human Trafficking Law’, *The American Journal of International Law*, vol. 2018, no. 4, 2014, pp. 609—649.

¹⁰ F David, ‘When it Comes to Modern Slavery, do Definitions Matter?’, *Anti-Trafficking Review*, issue 5, 2015, pp. 150—152, www.antitraffickingreview.org

¹¹ SDG Indicator 16.2.2: ‘Number of victims of human trafficking per 100,000 population, by sex, age group and form of exploitation.’

¹² SDG Indicator 8.7.1: ‘Proportion and number of children aged 5- 17 years engaged in child labour, by sex and age.’

¹³ K Kangaspunta, ‘Was Trafficking in Persons Really Criminalised?’, *Anti-Trafficking Review*, issue 4, 2015, pp. 80—97, www.antitraffickingreview.org

¹⁴ J Goodey, ‘Human Trafficking: Sketchy data and policy responses’, *Criminology and Criminal Justice*, 2008, vol. 8, no. 4, p. 434.

¹⁵ UNODC, “Denial and Neglect Undermine the Fight against Human Trafficking”, says UNODC Director’, 12 February 2009, retrieved 25 June 2016, <https://www.unodc.org/unodc/en/press/releases/2009/February/2009-02.12.html>

¹⁶ H Millar, T O’Doherty and K Roots, ‘A Formidable Task: Reflections on obtaining legal empirical evidence on human trafficking in Canada’, *Anti-Trafficking Review*, issue 8, 2017, www.antitraffickingreview.org

Due to the combination of inadequate measurement of results and a significant lack of transparency concerning spending on anti-trafficking activities,¹⁷ a detailed assessment of the value for money obtained through funding of criminal justice interventions is not possible. However, considering the estimate generated by the Walk Free Foundation that the top twelve providers of official development aid spend an average of USD 124 million per year on anti-trafficking initiatives,¹⁸ much of which is earmarked for criminal justice initiatives, suggests that the marginal progress achieved has not come cheaply.

How entrenched the focus on criminal justice responses to trafficking has become can be debated but it is fairly clear that the supply of organisations available to implement projects rather than the results they produce has been driving strategy development for many years. Given the massive amount of donor funding spent on such projects, it is striking that so little money has been allocated to testing the fundamental assumption that successful prosecution of offenders creates an effective deterrent against trafficking.

The often superficial and sensationalistic media coverage surrounding human trafficking arrests and court cases is an important factor in maintaining this agenda, as it has contributed to an over-simplified understanding of the issue among the public as one of criminality alone.¹⁹ Rather than engaging with the complex and uncomfortable matters of structural inequality involved, representations of trafficking in the media tend to emphasise a simpler and more palatable narrative of victims and criminals that has influenced public attitudes.²⁰ These attitudes matter because decision-makers can be drawn into introducing policies in accordance with public preferences (actual or perceived),²¹ creating demand for a strong criminal justice response whether it makes a major difference in reducing trafficking or not.

Considering the context where human trafficking is thought to be the most prevalent—developing countries where rule of law is limited—the goal of substantially improving criminal prosecution within a brief project timeframe is often unrealistic. Meaningful action by law enforcement officials on trafficking cases is restricted not only by capacity and resource constraints but also endemic corruption,²² adding further questions about how strategic siloed criminal justice responses may be. In Thailand, for instance, several studies have documented that the police have not only been ineffective in enforcing anti-trafficking laws but are themselves heavily complicit in trafficking in persons.²³

Bringing in western law enforcement officers to provide assistance to their counterparts in less developed nations is a favoured capacity building approach for criminal justice projects. For example, the Asia Regional Law Enforcement Management Program has provided training to over 750 police from 25 countries through a partnership with the Australian Federal Police.²⁴ A concern with such trainings is that they typically fail to adequately address the massive differences in operating environments that limit the utility of training individual police personnel in western law enforcement techniques. Moreover, as only 17 persons have actually been convicted of human trafficking based on the investigations of the Australian Federal Police since 1999,²⁵ it could also be questioned how much more effective western authorities are at enforcing anti-trafficking laws.

¹⁷ M Dottridge, 'Editorial: How is the money to combat human trafficking spent?', *Anti-Trafficking Review*, issue 3, 2014, pp. 3—14, www.antitraffickingreview.org

¹⁸ M Ucnikova, 'OECD and Modern Slavery: How much aid money is spent to tackle the issue?', *Anti-Trafficking Review*, issue 3, 2014, pp. 133—150, www.antitraffickingreview.org

¹⁹ Human Trafficking Working Group, 'Human Trafficking in the Media', 2010, available at <https://law.uq.edu.au/research/our-research/human-trafficking-working-group/human-trafficking-media>

²⁰ R Andrijasevic and N Mai, 'Editorial: Trafficking (in) representations: Understanding the recurring appeal of victimhood and slavery in neoliberal times', *Anti-Trafficking Review*, issue 7, 2016, pp. 1—10, www.antitraffickingreview.org

²¹ H Crawley, *Understanding and Changing Public Attitudes: A review of existing evidence from public information and communication campaigns*, Swansea University, 2009.

²² K Kangaspunta, 2015; Verite, 'Corruption & Labor Trafficking in Global Supply Chains', Amherst, 2013, retrieved 15 February 2017, www.verite.org/sites/default/files/images/WhitePaperCorruptionLaborTrafficking.pdf

²³ Environmental Justice Foundation, *Slavery at Sea: The continued plight of trafficked migrants in Thailand's fishing industry*, London, 2014, p. 31; C Robinson *et al.*, *Anti-Human Trafficking in Thailand: A stakeholder analysis of Thai Government efforts, the U.S. Tip Report and Rankings, and Recommendations for Action*, Washington DC, 2016, pp. 55—58.

²⁴ Viet Nam News, 'VN police being trained to combat human trafficking', Viet Nam News, December 2015, retrieved 15 February 2017, www.vietnamnews.vn/society/278442/vn-police-being-trained-to-combat-human-trafficking.html#QjfkS8eehdzIAZid.99

²⁵ University of Queensland, 'Statistics', 2015, available at <https://law.uq.edu.au/research/research-activities/human-trafficking/statistics>

3. Vertical Decision-Making

In recent years, some progress has been made in advocating for a more ‘victim-centred approach’ to adjudication of anti-trafficking cases, with governments adopting additional policy measures to treat victims as rights holders.²⁶ However, the process of defining positive outcomes for those faced with exploitation is still primarily driven by donors and governments rather than the voices of trafficked persons themselves. Most major aid agencies now establish organisational performance indicators to which their implementing partners are required to contribute. While this standardisation of data can produce valuable comparisons, it also means that priorities are decided by bureaucracies located in headquarter offices—far away from their intended beneficiaries and the practitioners who work with them directly.²⁷

An important example of centralised decision-making on the normative outcomes of anti-trafficking work is the above-mentioned emphasis on prosecution of offenders. Rather than supporting trafficked persons to seek financial compensation or other remedies so that they can move on with their lives, many are re-victimised by criminal justice systems—forcing them to remain institutionalised without freedom of movement or the opportunity to work until their cases are resolved. A global review of the unintended impacts of anti-trafficking interventions in 2007 revealed that access to assistance and protection for trafficked persons is usually conditional on cooperation with law enforcement officials, often in the form of statements to be used as evidence in prosecuting suspected traffickers.²⁸ More recent reports confirm that survivors in many countries continue to face conditional and even forced assistance after being trafficked, with long and compulsory shelter stays delaying or even undermining their recovery.²⁹

It is only a fairly recent development that obtaining timely financial compensation for trafficked persons has emerged as a high priority issue, supporting the use of alternative mechanisms for redress such as mediation, administrative hearings and labour and civil court judgements. Traditionally, compensation has been viewed as the last step in the long and legalistic process of providing access to justice for trafficking victims, which often meant that they were repatriated before any compensation was paid.³⁰ The shift towards seeking more responsive remedies is in part due to increased funding of local NGOs and trade unions to deliver legal assistance services, which has served to highlight the personal priorities of trafficked persons. However, it remains something of an afterthought for a number of major anti-trafficking donors, including the US State Department’s Office to Monitor and Combat Trafficking in Persons which currently does not include any reference to financial compensation for victims within its framework of common performance indicators.

4. Quantitative Bias

The growing recognition of the gap in evidence within the anti-trafficking field has led to donor pressure on grant recipients to produce more data on their results. Unfortunately, it has also contributed to a significant methodological bias favouring quantitative over qualitative approaches due to the donor preference for ‘hard data’. This mirrors the trend in development research more broadly, in which qualitative methods are increasingly considered of secondary importance to empirical investigations.³¹ Examining why such biases exist, one evaluation expert has suggested that ‘numbers convey a sense of precision and accuracy even if the measurements that yielded the numbers are relatively unreliable, invalid and meaningless’.³²

²⁶ US State Department, *Trafficking in Persons Report*, Washington DC, 2015, pp. 80—356; European Commission, *Report on the Progress Made in the Fight against Trafficking in Human Beings (2016)*, Brussels, pp. 11—12.

²⁷ According to the USAID website, ‘Because the Agency needs to be able to report externally on the results produced by its development investments, USAID has identified some performance indicators as the best choices for characterizing progress in each of the sectors and technical areas in which it works. This set of indicators, called standard indicators, is to be given priority over alternatives wherever a particular standard indicator would be applicable.’ See USAID, *Standard Indicators*, available at <http://usaidprojectstarter.org/content/standard-indicators>

²⁸ Global Alliance Against Traffic in Women, *Collateral Damage: The impact of anti-trafficking measures on human rights around the world*, Bangkok, 2007, p. 14.

²⁹ R Surtees, *After Trafficking: Experiences and challenges in the (re)integration of trafficked persons in the Greater Mekong Sub-region*, UNIAP/Nexus Institute, Bangkok, 2013, pp. 6—7; European Commission, 2016, pp. 11—12.

³⁰ La Strada International, *Toolkit on Compensation for Trafficked Persons*, 2012, Amsterdam, pp. 12—15.

³¹ S Garbarino and J Holland, *Quantitative and Qualitative Methods in Impact Evaluation and Measuring Results*, DFID, London, 2009, p. 1.

³² M Q Patton, ‘Enhancing the Quality and Credibility of Qualitative Analysis’, *Health Services Research*, vol. 34, 1999, pp. 1189—1208.

Particularly for some of the private foundations and philanthropic funds that have become significant players in the anti-trafficking sector in recent years, the language and methods are largely borrowed from their heralded counterparts in the global health field, such as the Gates Foundation. While there is certainly reason to draw upon good practices from these actors given some of their notable successes, questions should be asked about how well-adapted the strategies are given the differences in clarity between measuring the outcomes of health and anti-trafficking interventions. It has been noted that due to their focus on quantification and ‘scalable solutions’, these approaches have in some cases just yielded more data rather than a conclusively better understanding of the complexities involved.³³

A former regional director of the Rockefeller Foundation described this trend among foundations as a regressive return to the positivist-style of development that was typical during the 1950s and 1960s, a paradigm which was heavily criticised for its reductionism.³⁴ In particular, increased insistence on randomised controlled trials as the only form of impact assessment that can be accepted as methodologically valid has proven an expensive and constraining article of faith.

Application of qualitative approaches that are critical, participatory and gender-responsive in measuring the results of anti-trafficking activities is sorely needed, not only for purposes of triangulating with and refining quantitative findings but also as a substitute in some cases. The value of using cost-effective and nuanced qualitative methods as an alternative to large-scale surveys should be more broadly recognised by donors. A technique that has proven effective for some practitioners is the ‘Most Significant Change’ method, which involves the collection of change stories in the field and the systematic selection of the most significant of these stories through in-depth discussion by panels of stakeholders and staff.³⁵

5. *Veneer of Objectivity*

Anti-trafficking work takes place within the broader field of international development projects where the parties involved are incentivised to present a picture of success—or at least not to examine shortcomings in any serious or public manner. Rather than objective assessment, M&E systems are typically designed to generate evidence that progress has been achieved, in what can be described as participation in an economy of bad faith.³⁶

While performance indicators for anti-trafficking initiatives are phrased in non-directional terms, they tend to be formulated for measurement of improvements that are quite likely to occur and which are not necessarily indicative of fundamental changes. The staff responsible for collecting data and analysing indicator results may also be susceptible to confirmation bias because they want to believe that their interventions are making a positive difference. Adequately identifying negative changes, a particularly critical concern for anti-trafficking interventions, requires deliberately setting out to capture such results from the disadvantaged groups most likely to have experienced them.³⁷

For the criminal justice response to trafficking, indicators such as victims identified, arrests, prosecutions and convictions are typically measured,³⁸ all of which may be subject to manipulation to show illusory progress. The NGO Empower has documented that before the US State Department’s TIP Report is released each year, ‘a few hundred migrants, mostly young women, are rounded up, detained and deported as victims of human trafficking to show that Thailand is doing its job to tackle trafficking in the sex industry’.³⁹ Although this demonstrates that law enforcement

³³ S Berresford, ‘What’s the Problem with Strategic Philanthropy?’ in *The Chronicle of Philanthropy*, 3 October 2010; A Feinstein, ‘International Philanthropy in Southeast Asia: Case studies from Indonesia and the Philippines’ in *Understanding Confluences and Contestations, Continuities and Changes: Towards transforming society and empowering people*, Nippon Foundation, Bangkok, 2012, pp. 88—96.

³⁴ R Sciortino, ‘“Learning Across Boundaries”: Grantmaking activism in the Greater Mekong Subregion’ in O Salemink (ed.), *Scholarship and Engagement in Mainland Southeast Asia*, Silkworm Books, Chiang Mai, 2016, pp. 154—155.

³⁵ R Davies and J Dart, *The ‘Most Significant Change’ (MSC) Technique: A guide to its use*, Cambridge, 2005, p. 8.

³⁶ S Molland, *The Perfect Business? Anti-Trafficking and the sex trade along the Mekong*, University of Hawai’i Press, Honolulu, 2012, p. 225.

³⁷ M Dottridge, ‘Research Needs Concerning the Monitoring, Evaluation and Impact Assessment of both Research about Human Trafficking and Projects and Programmes to Address Human Trafficking’ in *Human Trafficking: New directions for research*, IOM, Geneva, 2008, pp. 62—65.

³⁸ A T Gallagher and R Surtees, ‘Measuring the Success of Counter-Trafficking Interventions in the Criminal Justice Sector: Who decides—and how?’, *Anti-Trafficking Review*, issue 1, 2012, pp. 10—30, www.antitraffickingreview.org

³⁹ Empower, ‘US, Thailand must end scapegoating’, *Bangkok Post*, 2 March 2015.

officials definitely know how to raid brothels and massage parlours, it does little to prove that anything meaningful has been achieved in countering human trafficking.

When external evaluations are conducted, what many organisations seek is the appearance of impartial assessment to present a stronger case that their work is going well. Very few are willing to support or disseminate a truly critical examination of the results of an action. This has created a whole industry for professional evaluators who understand very well that their ability to continue to find work depends upon producing reports that do not reveal any serious concerns. Partly because of the inherent compromises involved, seldom are such exercises taken seriously enough to use them for decision-making about continuing or discontinuing an intervention. Instead, they are largely a contractual requirement to be fulfilled that at most suggest some minor adjustments to strategy. The financial link between the organisations implementing projects and evaluators remains too close for genuinely independent evaluations to regularly occur within the sector.

6. Capacity Limitations

One way in which gaps in M&E capacity manifest themselves is a restricted focus on counting the direct outputs of activities rather than the outcomes that are intended to flow from them (i.e. accountancy instead of research). While this type of M&E does have value, it relies on the rather large assumption that the outputs produced will lead to the envisaged outcomes without actually obtaining verification.

Because of significant limitations in the ability of local organisations and institutions implementing counter-trafficking activities to collect, analyse and report data, it is frequently decided to work around rather than through them in measuring long-term results. The temptation to invest in an external evaluation by a well-known expert that will provide a turnkey solution to satisfy donor requirements is strong. However, it greatly underestimates the importance of building trust with beneficiaries to obtain accurate information on an issue as sensitive as human trafficking. Working through rather than in parallel to local M&E systems is essential to achieving sustainable improvements in the evidence-base for anti-trafficking interventions.

A key strategy for more effective measurement of results should be to provide coaching on M&E for implementing partners, especially on assessment of longer-term outcomes. This requires significant effort by project staff—in developing tools,⁴⁰ providing training and working with local organisations on an ongoing basis to strengthen reporting—but it is essential for getting credible primary data. In particular, providing training on simplified methodologies for beneficiary tracing that any organisation can apply has shown promise in countries where prevention activities have been carried out. Findings from over 1,500 tracing surveys collected by migrant worker resource centres in Cambodia, Laos, Myanmar and Vietnam suggest that beneficiaries were more likely to use regular channels for migration because of services provided and felt that their rights were better protected as a result.⁴¹

Internal capacity within international organisations is also frequently insufficient to rigorously monitor and evaluate results. Although it is generally assumed that programmatic staff have some understanding of these matters, it tends to be an under-emphasised skillset in the trafficking sector, particularly in comparison to knowledge of the thematic area. The opposite situation, where specialised M&E staff are brought in without any significant thematic expertise can be equally problematic, as it assumes that approaches from other fields can be applied without a detailed understanding of human trafficking. The indications are that experience both in the complexities of anti-trafficking work and M&E methodologies is necessary for high-quality systems to be established.

An associated risk is a functional disconnect between the results obtained through M&E processes and project management decision-making. In such cases, M&E becomes a black box which sits on the shelf unopened because results are measured but not applied. Limitations in the capacity of management staff to effectively make use of data can lead to M&E systems that are a siloed and superficial exercise. Without regular review and utilisation of data for results-based management by those responsible for directing the course of the project, little is gained from efforts to improve the measurement of results other than the appearance of concern for evidence.

⁴⁰ See for example: *Monitoring and Evaluation Guide for Migrant Worker Resource Centres*, ILO, Bangkok, 2014, available at http://www.ilo.org/asia/whatwedo/publications/WCMS_313603/lang--en/index.htm

⁴¹ ILO, *GMS TRIANGLE Project Update October 2015*, Bangkok, p. 6.

7. *Reluctance to be rigorous*

Inadequate assessment of results is not always unintentional within the counter-trafficking sector. For some projects, there are concerns about measuring beyond the direct outputs of the project because it could reveal flaws in the underlying logic of the intervention. It requires a certain degree of confidence in approach to conduct a serious assessment of longer-term results.

A related habit is to vastly overstate what has actually occurred in the phrasing of indicators to cover the lack of sufficient evidence of long-term effect. Because a service has been provided to a beneficiary who is thought to be vulnerable to abuse, such as an irregular migrant worker, they may be counted as having been ‘removed from an exploitative situation’. The rhetoric has increased even further in recent years, with beneficiaries referred to as having been ‘liberated from slavery’ by some anti-trafficking organisations. Seldom are the veracity of such claims examined in any real depth as it is not in the interest of any of the organisations involved to find them lacking.

Exaggerated assessment of a project’s contribution to changes through an end-line survey or final evaluation is also a common occurrence for anti-trafficking initiatives. As a form of faulty logic, this can be referred to as a regression fallacy. Because a desirable outcome was determined to have occurred, it is assumed to be a result of the intervention. The change may in fact have had little to do with the activities implemented but associations can still be drawn based on close proximity or time of occurrence.

Perhaps the most questionable of such assertions relates to human trafficking legislation. Although decisions—by governments—to amend or enact legislation are inherently beyond the scope of anti-trafficking projects, providing support for policy-related research or dialogue is often enough to state that a major contribution was made. To obtain a better understanding of the reasons why legislative change occurred, in-depth process tracing studies should be carried out to assess the causal factors involved.

8. *Insufficient Investment*

Despite the emerging consensus on the need to improve the quality of M&E for anti-trafficking projects and programmes, the funding provided for this purpose continues to be decidedly inadequate. The small amounts allocated in budgets make it clear that the push for results-based management within the sector is still more rhetoric than reality. Research suggests this to be a false economy as the savings on M&E costs are likely to be lost through reduced impact.⁴²

Acknowledging the reluctance to invest in M&E systems, some donors and implementing agencies have established minimum budgetary requirements—generally 2–5% of project costs. Though it is a positive step for ensuring that more resources are directed towards measuring results, the budget allocated is still generally not sufficient to retain a qualified staff member to be dedicated full-time to developing and implementing M&E strategies. Perhaps even more detrimentally, the small amounts devoted to this purpose means that the task often becomes the responsibility of short-term consultants, who are retained to develop the strategies on paper but not to see them through to realisation. As a result, operationalising the M&E system sinks to the bottom of a long list of project priorities, with spending on implementation of more activities usually privileged over obtaining a clear understanding of what actually works.

Another particularly notable gap in funding is the amount allocated for assessment of impact. Few anti-trafficking projects make significant efforts to measure impact during implementation or after project closure due to the perceived complexity and high expense. This is justified in some cases as impact assessment is not appropriate for every project. Nevertheless, it is almost universally included as a criterion during evaluations. The lack of data upon which to base conclusions creates a methodologically unsound task for evaluators, essentially treating their personal opinion as evidence of impact.

⁴² KPMG International, *Monitoring and Evaluation in the Development Sector*, Zug, 2014, p. 7.

When more rigorous studies of the prevalence of trafficking and forced labour have been conducted by projects,⁴³ they are typically purposed to generate a figure which shows that exploitation is common in a particular location or sector for use in advocacy or strategy formation. Sufficient funding for follow-up research to assess changes and their causality is rarely available at the end of project cycles.

Though more resources are a clearly indicated need for strengthening M&E systems within the anti-trafficking field, the solution to doing M&E better is not simply to throw money at the issue. Lengthy and elaborate approaches to measuring results can become inward facing conversations among experts that have little practical value. Particularly due to the *ex post* timing and long feedback loop of many project evaluations, the findings produced may no longer have much value for organisational decision-making by the time they are received. Greater emphasis on regular monitoring of results is often a more strategic investment in improving M&E, allowing for actionable data to be obtained and applied to improve the results of both current and future interventions.⁴⁴

For example, through investing in training to improve data collection methods across 26 government, trade union and NGO partners, the International Labour Organization (ILO) has acquired detailed data on the outcomes of 1,014 labour rights grievances lodged by migrant workers in the Greater Mekong Subregion—including over USD 2 million in compensation awarded. Combined with qualitative case studies documented by these organisations, a very rich understanding of the progress made and challenges remaining in facilitating access to justice for migrants has been obtained. This has not only enabled the ILO's partners to better manage their cases but also helped to shape interventions to strengthen the relevant policy and institutional frameworks.⁴⁵

9. Gender-blind Indicators

Improving the gender sensitivity of programming has been identified as a key concern by many of the leading organisations working on human trafficking. Because of the enduring misconception of the issue as predominantly affecting women who are trafficked for sexual exploitation, responses have frequently resulted in restricted mobility and independence in order to 'protect' them from abuse, and/or neglected the exploitation of men entirely.⁴⁶

Reflecting this legacy, very few anti-trafficking projects include indicators that adequately measure gender differences in their results. At best, data is disaggregated by sex to determine success in reaching women and men beneficiaries. With the exception of projects that are designed specifically to address so-called 'sex trafficking,' indicators which show signs of change that are more specific to women or men are very limited. When they are included, they often measure results which are highly questionable, such as the number of women 'rescued' from sex work with little or no consideration of whether they wanted to be.

A case in point is provided by the *Handbook on Performance Indicators for Counter-Trafficking Projects*, the core of which provides a matrix of common indicators drawn from the experience of implementing 212 trafficking projects across 84 countries.⁴⁷ Among the list of 156 indicators catalogued, it can be argued that none are significantly gendered, with the closest reference being to indicators for reduced discrimination against 'vulnerable groups'. As about half of these are meant to be measured as simple yes/no or true/false dichotomies, they afford little opportunity to determine more complex gender differences within project results (though disaggregation of data between women and men is at least recommended in a later section).

Through conducting rigorous baseline research, performance indicators which are better suited to address the different ways in which women and men are exploited can be developed, including their intersections with contextual specificities. For example, a recent study of *Employment Practices and Working Conditions in Thailand's Fishing Sector* found that the majority of the cases of forced labour identified among male migrant workers on fishing vessels involved withholding of wages to limit their mobility.⁴⁸ As societal definitions of male success heavily emphasise the ability to provide for their

⁴³ ILO, *Employment Practices and Working Conditions in Thailand's Fishing Sector*, Bangkok, 2013; United Nations Inter-Agency Project on Human Trafficking (UNIAP), *Human Trafficking Sentinel Surveillance: Poipet, Cambodia*, Bangkok, 2010; UNIAP, *Estimating Labor Trafficking: A study of Burmese migrant workers in Samut Sakhon, Thailand*, Bangkok, 2011.

⁴⁴ KPMG International, 2014, p. 20.

⁴⁵ ILO, *Access to Justice for Migrant Workers in South-East Asia*, Bangkok, 2017.

⁴⁶ GAATW, *Beyond Borders: Exploring links between trafficking and gender*, Bangkok, 2010.

⁴⁷ IOM, *Handbook on Performance Indicators for Counter-Trafficking Projects*, Geneva, 2008.

⁴⁸ ILO, *Employment Practices and Working Conditions in Thailand's Fishing Sector*, Bangkok, 2013.

families, many migrant men have reported feeling unable to leave exploitative situations if it means returning home empty-handed.⁴⁹ Therefore, regularity of pay may be an important indicator of reduced vulnerability to forced labour among men in some cases.

Conclusion

A common thread running through these explanations for the lack of clear results in the anti-trafficking field is that limitations in the practice of M&E pose the greatest constraint rather than the clandestine nature of trafficking in persons. There are currently few incentives for practitioners to be rigorous in pursuing better data, especially on the contribution made to long-term reductions in human trafficking among target groups. Interventions continue to be designed and funded largely based upon donor foreign policy agendas—and the outsized supply of anti-trafficking organisations that are available to implement them—rather than results-based decision-making on what works.

Because evidence has not been prioritised within the anti-trafficking sector, claims without a strong empirical basis have remained unchallenged for years—particularly notable in some of the untested assumptions about the central importance of an effective criminal justice response. There is a need to reassess some of the gospel of counter-trafficking approaches in light of complementary emerging strategies such as addressing exploitation through strengthened protection of labour rights for migrant workers and other vulnerable groups. A closely related question to be considered is whether conviction of traffickers should remain the chief goal in pursuing justice for trafficked persons rather than other remedies, such as financial compensation, which may be more responsive to their needs.

Even when done in a committed and effective manner, M&E for anti-trafficking work is an inexact science. As a complex and contextual social phenomenon, it is not likely to ever achieve the level of causal assurance that public health interventions can provide in preventing or curing diseases. Moreover, there are significant concerns with presuming that the normative course of development for the field should adopt a similar positivist bent. It is important that practitioners carefully consider the limitations of data collected on trafficking issues and remain critical of statistical data that is presented with unqualified certainty (and sometimes deliberate mystification) within the field.

However, there is little doubt that more rigorous measurement of results and active utilisation of these findings in programming decisions would greatly benefit the anti-trafficking sector. To move beyond basic accountability for delivery of outputs and start leveraging learning, increased commitment by donors and practitioners to raise the standards of evidence for anti-trafficking projects is necessary, including a greater willingness to determine in vivid detail where interventions have failed to produce their intended outcomes.

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⁴⁹ R Surtees, *Trafficking of Men—A trend less considered: The case of Belarus and Ukraine*, IOM, Geneva, 2008, pp. 79—80.