Human trafficking between data and knowledge

Claudia Aradau, King's College London

Keynote talk for the conference on 'Data protection and right to privacy for marginalized groups: a new challenge in anti-trafficking policies'
Berlin, 25-27 September 2013

Human trafficking is now widely recognised as a complex issue, which requires differentiated measures or 'holistic' approaches as the literature names them. More effective anti-trafficking measures are connected with the limitations or lack of knowledge about human trafficking. 'Lack of knowledge' about the phenomenon is often identified as one of the main constraints on more effective governance. 'The need for better data' is now unanimously recognised by experts as one of the necessary steps for improving anti-trafficking strategies (Laczko 2002, 2007). It is now widely acknowledged that the data on human trafficking is insufficient, unreliable, incomparable and limited (Ogrodnik 2010). The UNODC Executive Director Antonio Maria Costa deems it a 'knowledge crisis' and goes on to explain its ramifications for anti-trafficking:

> Only by understanding the depth, breadth and scope of the problem can we address [...] how to counter it. So far we have not attained much knowledge and therefore initiatives have been inadequate and disjointed (UNODC 2009b).

So combating human trafficking, protecting victims of trafficking and preventing the phenomenon appear as dependent on the reduction of this systemic lack of knowledge. Ultimately, the implied reasoning is: If only we could acquire the data, we would solve the problems of human trafficking. However, the assumptions about the lack of data and the different ways in which the lack of knowledge is understood are not discussed. Acquiring data is immediately supposed to lead to better action, better protective and preventive mechanisms.

In these debates, the focus has been on responses in the absence of an analysis of whether the problem of data acquisition has been soundly formulated. As any social scientist knows, asking the wrong question will not lead to any right answers, however much one could try to refine the answer. This paper addresses the question of data in human trafficking governance by placing it in the broader context of lack of knowledge. What does it mean to say that we have a problem of lack of knowledge concerning human trafficking? I argue that the lack of knowledge about human trafficking needs to be understood as threefold: ignorance, secrecy and uncertainty. Each of these understanding of the lack of knowledge entail different implications for how data is acquired, how it is deployed and to what purposes. In each of these cases, I propose alternative ways to approach the problem of the lack of knowledge in human trafficking.

Ignorance: training and awareness raising

The lack of knowledge about human trafficking has been first presented as a problem of ignorance. Ignorance appears under many guises: the ignorance of victims of trafficking about migration possibilities, about legal rights or protection possibilities or the ignorance of authorities about the phenomenon of trafficking. A Manual for Journalists in Serbia, prepared by a local anti-trafficking NGO with OSCE support, summarises the extent and forms of ignorance:

> One of the circumstances human traffickers benefit from is the lack of knowledge, especially among young women, about actual possibilities of migration into Western European countries: they either have no or very little information about living conditions and employment opportunities in the European Union. They do not know their rights or if and how they can be issued legal working permits; they also do not know that they cannot work legally with tourist (Schengen) visa and are not aware of all the risks of working in the "black" labor market (ASTRA Anti-Trafficking Action 2009, 14).

These are seen as the main impediments to victims' self-identification and therefore to effective action to combat human trafficking. Further emotional factors such as fear of the traffickers, mistrust of authorities, psychological dependence upon the traffickers are also ultimately underpinned by forms of ignorance: e.g. of the fact that the traffickers can punished, authorities are protective and that the situation they are in is exploitative.

The problem of ignorance translates into the solution of awareness raising and training (for a discussion, see Andrijasevic 2007, Aradau 2004). Campaigns of awareness raising and extensive training modules for judges, policemen, border guards and so on have been implemented and proposed (ICMPD 2002, 2004, UNODC 2009a). What we have here is an extensive pedagogy of human trafficking, which is supposed to reduce ignorance across the board and therefore have not just protective but also preventive effects in the future. In training professionals to recognise victims of trafficking, more effective action is supposed to be put in place. The data about victims of trafficking informs the training manuals and handbooks, directing experts to recognise the 'signs' of human trafficking in cases where victims might be unaware of what might befall them or of the situation they are in.

However, there has been little reflection on either the idea of ignorance that the pedagogical practices of anti-trafficking rely on. These debates assume that there are experts who know what counts as knowledge and ignorance. They also know who is ignorant and about what. There are at least two problems with these assumptions. First, this approach does not consider women as epistemic agents. The knowledge that victims of trafficking might have about their situation is disqualified as 'ignorance'. In so doing, it is also excluded from useful data unless it fits already existing knowledge. Second, this approach implies that ignorance is reducible through the knowledge that only some experts have. Ignorance is presented as an absence, a gap in knowledge that can be remedied as knowledge is acquired, rather than as produced through social relations between different categories of experts or between experts and 'victims of trafficking'. The feminist scholar Nancy Tuana has

coined the phrase of 'epistemologies of ignorance' to capture the productive and produced function of ignorance (Sullivan and Tuana 2007). Ignorance and knowledge are both present, and any production of knowledge implies the production of ignorance. The question here is not about truthfulness or falsehood, but about how knowledge is rendered as illegitimate or simply not valuable. So we need to think more carefully about these assumptions of 'lack of knowledge', of ignorance when it comes to anti-trafficking strategies.

First, we need to understand knowledge as situated, rather than as lack. The assumption of ignorance renders particular voices less important or delegitimises them. Rather than starting from lack of knowledge, what it would mean to take their knowledge into consideration as knowledge rather than ignorance? Second, we also need to understand how ignorance can be strategically deployed for particular purposes. What does it mean to say that experts lack knowledge to recognise human trafficking? What if we are to take their situated knowledge as important rather than their ignorance? Finally, training and awareness-raising campaigns assume that knowledge changes what people do. Yet, these campaigns do nothing to transform the material conditions in which people live. Without an understanding of the conditions of action, learning and educational practices will continue to fail.

Secrecy: surveillance and identification mechanisms

A second important form of lack of knowledge emerges through the representation of trafficking as an underground phenomenon. As an Amnesty report notes, 'trafficking is an underground business and therefore it is very difficult to gain accurate information about its scale in the UK' (Amnesty International 2013). Human trafficking is shrouded in secrecy, as it takes place in the shadows of law. Therefore, dispelling secrecy becomes a new strategy that would make anti-trafficking more effective. This entails the acquisition of data about secret organisations, the underground economy, or those who appear associated with these underground or shadow economies.

Yet, in so doing, there is an important shift that takes place between secrecy and privacy, with effects on all those who are in a situation of trafficking. One of the traditional understandings of the right to privacy has been that of seclusion, isolation or opacity. As Warren and Laslett noted in his comparison of secrecy and privacy, 'In contrast to privacy, which is simply a withdrawal from the public order, secrecy operates in disregard of or opposition to that order' (1977). Unlike privacy, which is perceived as legitimate, secrecy appears as illegitimate when applied to individuals or particular non-state groups. If privacy was the area of personal knowledge where only intimates can have access, the problematization of secrecy in relation to knowledge renders the injunction to knowledge acquisition as an injunction to access to personal knowledge:

> From secrecy, which shades all that is profound and significant, grows the typical error according to which everything mysterious is something important and essential. Before the unknown, man's natural impulse to idealize and his natural fearfulness cooperate toward the same goal: to

intensify the unknown through imagination, and to pay attention to it with an emphasis that is not usually accorded to patent reality (Wolff 1950, 333).

This approach implies that surveillance is needed in order to access this secret world and identify that people who operate in it. In the case of trafficking, dispelling secrecy trumps the protection of privacy.

In representing the unknowns of human trafficking as simply the illegitimate secret of criminal organisations, anti-trafficking strategies reduce the scope for privacy concerns. Secrecy requires much more careful analysis than we have had so far in statements about organised crime. One thing that we need to recall in these debates is that secrecy has long been a strategy of the excluded and the marginalised, indeed, a way of evading the reach of power. As the sociologist Georg Simmel has shown, secrecy can be a form of protection: 'As a general proposition, the secret society emerges everywhere as correlate of despotism and of police control. It acts as protection alike of defense and of offense against the violent pressure of central powers' (Simmel 1906, 472). Moreover, Simmel cautions against the fallacy of seeing everything that is secret as important or as illegitimate. Secrecy is both an element of all human interaction and a particular strategy of protection for excluded groups. Just like ignorance, secrecy is produced as illegitimate in relation to different actors and groups. Secrecy is accepted when it is the prerogative of anti-trafficking experts – FRONTEX, for instance, argues that 'due the sensitivity of risk profiles' of victims of trafficking, these should be restricted to law enforcement only (2011). Here, the production of knowledge also produces non-knowledge, as secrecy legitimates particular actors as possessors of knowledge at the expense of others. Who is allowed to keep secrets? Secrecy remains unquestioned when relations of trust underpin relations of knowledge. Effectively, secrecy is disallowed in the absence of trust. So the question of lack of knowledge and secrecy is also a question about how trust is produced and withdrawn.

Uncertainty: data collection

The third understanding of the lack of knowledge concerns uncertainty. Human trafficking is recognised to be a rapidly changing phenomenon. Therefore, the collection and processing of data is thought to offer a better understanding of the future. Data collection is not only a remedy to the experts' supposed ignorance – rather, it is a remedy to the uncertain nature of the phenomenon. Protecting victims and preventing human trafficking presupposes a certain anticipatory capacity on the part of experts: how will traffickers act, what will be the victims' reactions and so on? Thus, the European Commission has proposed, in 'The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016', to create a system of data collection given the uncertainties associated with human trafficking:

> The trends, patterns and working methods of traffickers are changing in all the different forms of trafficking in human beings, adapting to changing patterns of demand and supply. Forms of exploitation are often merged and intertwined, making it hard to detect the exact form of exploitation victims are subjected to. This makes it even harder to identify victims. It is necessary

to be able to understand such trends quickly and ensure an effective response (European Commission 2012).

The EU has singled out human trafficking as one of the priority areas for data collection and focused on developing 'work on methodologies and data collection methods to produce comparable statistics on trafficking in human beings' (European Commission 2012). More and better data appears as a solution to the ineffectiveness of anti-trafficking policies. This is not simply a question of ignorance or secrecy, but a question of uncertainty. There is uncertainty about new methods that traffickers might find, about new routes, new victims, new forms of exploitation. A different preventive logic is at work here. You don't prevent by reducing ignorance or dispelling secrecy, but by managing uncertainty through data collection.

There is not much in the EU documents about the acquisition and processing of this data. As indicated in a report by Eurostat, this would imply the conversion of uncertainty into risk though statistical reasoning (2012). Historically, one of the solutions to uncertainty has been that of risk probability calculations, the creation of risk profiles and the assignation of risk. It uses the individual data to create new categories and profiles, without making visible this logic. This means that individuals cannot contest this logic because it is not available to them.

It is particularly in relation to data collection that concerns about data protection have been raised. I would like to end by making a couple of points about data protection. Data protection is an important right, but unfortunately it doesn't address the problems of statistical knowledge and risk profiling in response to uncertainty. By displacing the individual through categories of risk, data collection also makes the claim for data protection inoperative. While the various categories of data might appear helpful for our knowledge about human trafficking and largely inoffensive in terms of privacy rights, it is not data that is the problem but rather the way it is processed and then put to use by the various agencies. If you are a citizen of one of the 10 countries of origin, what implications does this have for your capacity of movement when you encounter consular or border authorities? As Antoinette Rouvroy and Yves Poullet have argued,

> [V]ast collections and intensive processing of data enable data controllers such as governmental authorities or private companies to take decisions about individual subjects on the basis of these collected and processed personal information without allowing for any possibility for the data subjects to know exactly which data would be used, for which purposes, for which duration and overall without control of the necessity of these proceedings in consideration of the purposes pursued by the public or private bureaucracies (Rouvroy and Poullet 2009, 68-69)

So, to end, it seems to me that the challenges in relation to anti-trafficking concern how to know responsibly rather than simply the postulation of knowledge at all costs and particularly how to know in ways that are not destructive of freedom and human dignity. One path I had suggested is to start from knowledge as situated and analyse the ways in which this knowledge might be ignored or rendered uncertain. Secondly, we need to get rid of the imagination that there is data there that is 'raw'

and will give us an understanding of how to act on the future, how to prevent human trafficking from reoccurring or happening. There is no such thing as raw data, nor is there any such thing as innocent data. Moreover, human rights have only limited efficacy against the logic of statistical data processing and preventive risk management. What is important is to make the ways of reasoning about data visible – dispel the secrecy in processing of data in order to create conditions for the exercise of human rights.

To conclude, knowing responsibly implies analysing what forms of lack of knowledge the agencies involved in human trafficking create themselves. What forms of ignorance, of secrecy – for instance about how the data is used by border agents – and of uncertainty as to how individuals would be treated emerge in this very process. These are not solved through more knowledge but through creating trust and empathy. Knowing more is, after all, neither knowing nor acting better.

Thank you very much for your attention.

References

Amnesty International (2013) *Scotland's Slaves. An Amnesty International briefing on trafficking in Scotland* 2013 [cited 20 September 2013]. Available from http://www2.amnesty.org.uk/resources/scotlands-slaves-amnesty-international-briefing-trafficking-scotland.

Andrijasevic, R. (2007) 'Beautiful Dead Bodies: gender, migration and representation in anti-trafficking campaigns.' *Feminist Review* no. 83:24-44.

Aradau, C. (2004) 'The Perverse Politics of Four-Letter Words: risk and pity in the securitization of human trafficking.' *Millennium: Journal of International Studies* no. 33 (2):251-277.

ASTRA Anti-Trafficking Action (2013) *Human Trafficking - Manual for Journalists* 2009 [cited 18 September 2013]. Available from http://www.astra.org.rs/en/pdf/novinari08ENG.pdf.

European Commission (2013) *Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* 2012 [cited 14 September 2013]. Available from http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf.

Eurostat, and DG Home Affairs (2013) *Trafficking in Human Beings*. Publications Office of the European Union 2012 [cited 20 September 2013]. Available from http://ec.europa.eu/anti-trafficking/EU+Policy/Report_DGHome_Eurostat.

FRONTEX (2013) *Situational Overview on Trafficking in Human Beings* 2011 [cited 20 September 2013]. Available from http://frontex.europa.eu/assets/Publications/Risk_Analysis/Situational_Overview_on_Trafficking_in_Human_Beings.pdf.

ICMPD (2002) Regional Standard for Anti-Trafficking Police Training in SEE. Vienna, Austria: International Centre for Migration Policy Development.

ICMPD (2007) *Regional Standard for Anti-Trafficking Training for Judges and Prosecutors in SEE* 2004 [cited 22 June 2007]. Available from http://www.icmpd.org/829.html.

Laczko, F. (2002) 'Human trafficking: the need for better data.' *Migration Information Source* no. 1.

Laczko, F. (2007) 'Enhancing Data Collection and Research on Trafficking in Persons.' In *Measuring Human Trafficking*, edited by ErnestoU Savona and Sonia Stefanizzi, 37-44. Springer New York.

Ogrodnik, L. (2013) *Towards the Development of a National Data Collection Framework to Measure Trafficking in Persons*. Statistics Canada, Canadian Centre for Justice Statistics 2010 [cited 14 September 2013]. Available from http://odesi1.scholarsportal.info/documentation/PHIRN/YCS/85-561-m2010021-eng.pdf.

Rouvroy, A., and Y. Poullet (2009) 'The Right to Informational Self-Determination and the Value of Self-Development: Reassessing the Importance of Privacy for Democracy.' In *Reinventing data protection?*, edited by Serge Gutwirth, Yves Poullet, Paul de Hert, Cécile de Terwangne and Sjaak Nouwt, 45-76. New York: Springer.

Simmel, G. (1906) 'The Sociology of Secrecy and of Secret Societies.' *American Journal of Sociology* no. 11 (4):441-498. doi: 10.2307/2762562.

Sullivan, S., and N. Tuana (2007) *Race and epistemologies of ignorance*: SUNY Press.

UNODC (2013) *Anti-Human Trafficking Manual for Criminal Justice Practitioners*. UNODC, 2009a [cited 20 September 2013]. Available from http://www.unodc.org/unodc/en/human-trafficking/2009/anti-human-trafficking-manual.html.

UNODC (2013) *Global Report on Human Trafficking*. UN.GIFT 2009b [cited 18 September 2013]. Available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf.

Warren, C., and B. Laslett (1977) 'Privacy and Secrecy: A Conceptual Comparison.' *Journal of Social Issues* no. 33 (3):43-51. doi: 10.1111/j.1540-4560.1977.tb01881.x.

Wolff, K. H. (1950) *The Sociology of Georg Simmel*. New York: The Free Press.