Chapter 4

Epistemic Communities and Best Practices: With a Hammer in One's Hand, Everything Appears as a Nail

This chapter enters the terrain of social epistemology and traces the ways in which international organisations have differently woven their perspectives on human trafficking along specific themes, notably human rights, migration, and crime. Far from being exhaustive in scope and depth, our attempt is but a first step towards locating areas in which a shared understanding of the problem may be gradually fostered. Our data consist of ideas expressed in policy documents and information materials from the websites of a number of governmental, inter-governmental, and non-governmental organisations active in the global struggle against human trafficking.

We begin with a conceptual discussion, emphasizing the need to come to terms with the normative assumptions underpinning a Best Practice (BP) and the socio-political terrain of application. We then contrast a selected number of approaches adopted by a number of epistemic communities and illustrate how similarities and differences are translated in policy agendas. We present some examples of BP to highlight diverse norms of assessment and the need for a more egalitarian approach to knowledge construction and standards of evaluation.

4.1 The Concept of Best Practice and Social Epistemology

Referring to the UN Centre for Human Settlements (UNCHS) database on Best Practices, Øyen (2002:16) tells how the concept supplies practical ways of partnership between communities, governments and the private sector: to improve governance; to eradicate poverty; to provide access to shelter, land and basic services; and to protect the environment and to support economic development. Defined by the international development community as an attempt to integrate internationally agreed norms in

the discourses and ways of functioning of state and non-state actors,[75] the concept and its introduction as a tool for the design of development programmes signifies a shift of emphasis regarding learning – from learning being receiving from above to a form of horizontal learning: experimenting and accumulating knowledge through engaging with the daily experiences *in situ*. Such a shift carries significant epistemological implications requiring attention.

Behind every practice and its dissemination exists a relationship between two or more knowledge systems that may not necessarily share the same beliefs and values.[76] Attempts to promote a horizontal form of learning need to consider the context of social action and participating individuals or collective entities as 'knowing and practising subjects'. Given that actions are guided by worldviews and values which shape motivation and behaviour, applying what is designated as BP does not occur in a neutral terrain, but in one where different values systems and motivation may blend, compete or clash with one another.[77] A horizontal form of learning therefore requires an extension of the view of epistemology (as the veracity of claimed knowledge) beyond the confines of academia, laboratories and research centres to accommodate the politics of knowledge in daily life.

Institutions and rules governing a particular policy domain and sites of implementation mediate BP. Neither the administrative characteristics

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75. Non-state actors include organisations in civil societies as well as private enterprises.

76. Truong's field work in Vietnam in Tuyen Quang Province in 1999 revealed the problem of non-permeability of agricultural knowledge in extension activities. For some time, ethnic minorities in the highlands continued to plant three corn seeds even though they were using High-Yielding varieties (HYV). In their traditional local knowledge, planting three seeds is a matter of security – assuming that at least one of them will grow. Because extension workers believed that household heads – the men – who received the training would transmit the knowledge on HYV to their wives who planted them, no effort was made to monitor men's practices after they left their training sessions at the research centre. After discovering the problem, extension workers organised training sessions in the field directly with those who farm (including women) to alter their belief on the necessity of this specific security practice when using the HYV seeds. This example shows that knowledge from research centres cannot be applied unless the knowledge behind quotidian practices of local users is also addressed.

77. Truong (1999) suggests that if we place knowledge in a matrix of everyday activities, what emerges is a network of different knowledge systems from which people choose (consciously or unconsciously) to guide their action. The co-existence between western medicine and other ways of curing illness in Asian societies is a case in point. Each way is derived from a particular vision of the body – as a body mass or as networks of energy-flow governed by specific nodal meridian points. Each system helps solve a specific range of problems, but neither can solve all problems.

nor the internal culture of implementing organisations can be ignored (Kabeer and Ramya Subrahmanian, 2000; Kabeer, 2001). The negotiation of administrative procedures and the validation of the 'known' as well as the status of the 'knower' in daily functioning play an important role in shaping practices. For example, despite their endorsement of UN CRC, institutions catering to the needs of asylum-seeking minors who migrate independently must administer their activities in ways that abide by governments' principles and regulations. Research findings show that a criterion for 'return' adopted by some countries in Western Europe has shaped practices which defy the objective of UN CRC. The policy involves the classification of countries which are in a stage of transition (from a situation of conflict to one of post-conflict) as 'safe for return' (which is verifiable by the existence of orphanages or relief agencies). Asylum-seeking minors from countries classified as 'safe for return' may apprehend their personal 'safety' differently from the norms of safety recommended by the above administrative criterion, yet cannot be assisted by civic organisations to claim their right to protection by the host state. Minors who are unable to validate their knowledge about their insecure conditions in their country of origin often disappear to unknown destinations, without the knowledge of institutions who act as their guardian (Schutte, 2003).

Assessing BP therefore cannot stop at the level of mere techniques and tools shown to perform effectively. Such an exercise should consider the links between a technique of doing things with its implicit worldview (including its inherent norms of validity) as part of the consideration on what may be categorised as 'best'. BP in international cooperation seeking to enhance the human rights protection of trafficked persons involves several dimensions of contesting knowledge – including the administrative dimension of a policy and the means of validating outcomes, the socio-anthropological dimension of social entities designated as target groups and the interpretation of their needs. It is therefore important to find ways to resolve administrative tension as well as to bridge the gaps of knowledge that exist within an epistemic community (e.g. child-focussed) and between two or more such communities (crime-focussed or poverty-focussed).

4.2 Epistemic Communities, Risks and Deference

Epistemic Communities

'An epistemic community is a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area. Although an epistemic community may consist of professionals from a variety of disciplines and backgrounds, they have (1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; (3) shared notions of validity - that is, intersubjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and (4) a common policy enterprise - that is, a set of common practices associated with a set of problems to which their professional competence is directed, presumably out of the conviction that human welfare can be enhanced as a consequence.'

(Peter Haas, 1992:3)

To trace the formation of communities of 'knowers' and their social interaction with policy-making bodies and with each other the concept of epistemic communities appears useful. Haas (1992) defines epistemic communities and their role in problem-solving in the context of international cooperation in terms of commonality of beliefs, notions of validity and policy enterprises. They are carriers of scientific knowledge into the policy field and 'channels through which new ideas circulate from societies to governments as well as from country to country' (Haas, 1992a: 27). Because of the knowledge they have, epistemic communities are able to penetrate government departments and make their ideas part of policy. Epistemic communities operate only in fields of policy where science is significant. In the field of human rights there is skepticism about the existence of such a community.[78]

Haas' perspective is useful for locating and defining the social formation of discourse and practices against human trafficking and the affiliated societal agents, but his usage of the term epistemic community requires some revision for a number of reasons. Both human rights legislation and the study of its implementation constitute a body of scientific knowledge in the humanities and the social science. Amartya Sen (2004: 354-356) suggests that human rights may be seen as 'pronouncements in social ethics, sustainable by open public reasoning. They may or may not be

78. http://globetrotter.berkeley.edu/people/Haas/haas-con3.html.

reflected in a legal framework through specific "human rights legislation", but there are also other ways of implementing human rights (including public recognition, agitation and monitoring)'. All these activities are mediated through a variety of forms of local knowledge and institutions. Hence analysing their functioning requires a view on epistemology that can address the politics of knowledge in operation *in situ*, and not only 'professional' knowledge defined as 'science'.

Organisations such as Anti-Slavery International, Coalition Against the Trafficking in Women (CATW), Global Alliance Against Trafficking in Women (GAATW), Human Rights Watch (HRW), Amnesty International (AI) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) have been active in laying the groundwork for governments' acceptance of human trafficking as a global reality. Although the concern for the protection of the rights of trafficked persons is shared, tension may be noted with regard to the relative emphasis each organisation accords to causal relationship (gender, class or ethnicity) and how they view the process of recovery. Public policy circles tend to view some organisations as more 'politically' correct than others and therefore are more inclined to defer knowledge authority to them.[79]

Buchanan (2004) offers the concepts of epistemic deference and risks in moral action. He coins the term 'epistemic deference' to mean the reliance on certain persons and institutions as knowledge authorities. Epistemic deference is inevitable because individuals and institutions depend on each other for information and knowledge to guide their action. Epistemic deference can be a risky venture in the sense that all institutions and persons are capable of being a source of error, or of holding partial beliefs while aspiring for holistic representation. Democratizing the claims to know and ensuring participatory methods in horizontal learning processes should serve to minimize both the partiality of accounts of reality and the risks of transferring such accounts into action.[80] We cannot ignore the purpose of cautious deference, particularly as concerns human trafficking.

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79. For example CATW derives its influence from its abolitionist position shared by many governments. By contrast GAATW resists repressive measures and seeks modification in the process of recovery that can be seen as sanctioning sex work, and thus their approach is seen as controversial.
80. As market principles increasingly extend over the field of policy research, unless certain conditions are ensured such rules may reduce rather than enhance the effectiveness of liberal institutions in mitigating epistemic risks. Buchanan proposes four such conditions: 1) tolerance and encouragement of free exchange of information and ideas; 2) creation and sustenance of an epistemic division of labour; 3) constraining epistemic reliance on experts by (a) merit-based competition for expert status and (b) appropriate limits on epistemic deference imposed by a broadly-based critical attitude of epistemic egalitarianism; 4) producing, preserving and transmitting the most practically important non-erroneous beliefs (Buchanan, 2004: 101).

4.3 Epistemic Communities and the Human Trafficking Policy Agenda

The United Nations and its specialised agencies have played a leading role in encouraging efforts to foster collaboration between different epistemic communities to implement international conventions protecting the rights of trafficked persons. Bound as they are by their mandates, internal culture and networks of like-minded professionals and partners, UN organisations tend to display policy profiles that manifest differences of emphasis and representation of the social worlds of human trafficking. Within the United Nations system there are differences of perspective, policy agenda and cooperation with the non-state sector. UN specialised agencies are also channels through which new ideas circulate from country to country and shape local practices. In this sense these agencies also act as epistemic communities apart from being policy-making bodies.

In this study we focus our analysis on a couple of agencies, keeping in mind that there are other ones active in this area.[81] The following section illustrates how the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF) address the human rights of trafficked persons including children. We contrast different approaches to migration adopted by the ILO, the International Organisation for Migration (IOM) and the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) to highlight key areas of policy tension in need of resolution. An observation on crime control at international level engineered by the Department of United States of America (US State Department) on the one hand and the United Nations Office on Drugs and Crime (UNODC) on the other hand are also included.

4.3.1 Human Rights

The human rights theme is the central concern of all epistemic communities working on human trafficking. Two frames for human rights issues can be discerned. One uses the definition of human trafficking by the Trafficking Protocol for trafficked persons, and the other follows the lines of socio-economic rights – taking the identification of poverty, gender, vulnerability and ethnic identity as causal factors.

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81. Among the other actors fighting human trafficking are national governments, the Office of the High Commissioner for Human Rights (OHCHR), Organisation for Security and Cooperation in Europe (OSCE), United Nations Development Programme (UNDP), United Nations Interregional Crime and Justice Research Institute (UNICRI), United Nations Development Fund for Women (UNIFEM), and the United Nations High Commissioner for Refugees (UNHCR).

The International Labour Organisation (ILO) whose original mandate is to protect the rights of organised labour has extended this mandate in the last decade to cover the rights of women, children and indigenous labourers in the informal sector. Its mandate is to 'promote social justice as the foundation of international peace, specifically by articulating and supervising fundamental human rights in the world of work.'[82] Throughout its standards-related work, the ILO has dealt with the issue of human trafficking in relation to forced labour, to the abuse of migrant workers – particularly where certain sections of society such as women or indigenous peoples are affected – and to its nature of the worst forms of child labour.[83]

The ILO International Programme on the Elimination of Child Labour (ILO-IPEC) was created in 1992 specifically to address issues of child labour and child trafficking. ILO-IPEC conducts action-research on child trafficking. The knowledge is used to support the efforts of governments, workers' and employers' organisations and civil society in the prevention of trafficking; and in the rescue, repatriation and restoration of the rights of trafficked persons.

Prior to the entry into force of the ILO Convention 182 in 1999 on the Worst Forms of Child Labour, ILO had been addressing child trafficking in the context of migrant workers in the framework of the ILO Convention 29 on Forced Labour. The ILO Convention 182 views child trafficking as a practice similar to slavery – requiring elimination. By August 2005, there were 156 ratifications for this convention, 49 of which are from Africa – the fastest pace of ratification since ILO was founded in 1919. The UN Convention of the Rights of the Child (UNCRC) also guides ILO's work.

ILO-IPEC's mandate intersects with the one of the United Nations Children's Fund (UNICEF) whose approach to children's rights extends beyond the world of work to cover the entire social universe of childhood. Recent reports by the UNICEF Innocenti Centre cover trafficking of women and children in over fifty African countries.[84] The Centre hosts a child trafficking research hub dedicated to data collection, knowledge transfer and the development of methodologies related to research on child trafficking.[85]

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82. http://www.ilo.org.
83. Coordination and cooperation with United Nations Children's Fund (UNICEF), International Organization for Migration (IOM), and United Nations Office for Drugs and Crime (UNODC) in certain projects.
84. The recent reports are *Child Trafficking in West Africa: Policy Reponses* (2002) and *Trafficking in Human beings, Especially Women and Children in Africa* (2003-2004).
85. Innocenti Child Trafficking Research Hub: http://www.childtrafficking.org; UNICEF Innocenti Research Centre website: http://www.unicef-icdc.org.

UNICEF recognises child trafficking as a global problem and draws its standpoint from the UNCRC. It views trafficking of children as a fundamental violation of children's rights. It recognises the links between child trafficking and a wide range of problems such as criminal activity and corruption, birth registration, child labour, discrimination, armed conflict, juvenile justice and gender-based practices such as early marriage. UNICEF accords greater emphasis to the link between children's rights, the social worlds of childhood and development.

Both organisations accept poverty and human vulnerability as root causes of trafficking. They also share a particular attention to poverty reduction and children education. Whereas UNICEF emphasises education as training for children's life skills, and the monitoring of school dropout rates and abuses at the local level, ILO-IPEC emphasises the provision of quality education, skills training and job creation, because this organisation is more concerned with issues related to the labour market than issues of childhood in school systems. UNICEF lobbies for child-focussed poverty reduction interventions and governments' commitment to education.

All UN agencies cooperate in lobbying for the strengthening of legislation and law enforcement to protect the rights of trafficked persons. UNICEF appears more concerned with 'the recovery and reintegration of trafficked persons', whereas ILO-IPEC exhibits a more pronounced profile on the rescue, repatriation, and restoration of the rights of trafficked persons, and the prosecution of offenders through the strengthening of the judiciary and police. Action at the sub regional level reinforces its in-country programmes, since the organisation believes that concerted action is needed in both sending and receiving countries to stop cross-border child trafficking.

Both UNICEF and ILO have extended or adjusted their mandates to address human trafficking as a sociological problem in order to enhance the protection of the rights of trafficked persons through legal measures. Adhering to its original mandate ILO derives its approach of human trafficking from the norms, values and standards of the world of work, now extended to cover the rights of vulnerable groups in exploitative work conditions – including women and children. UNICEF derives its child trafficking approach from the sociology of childhood and the conditions for its development and therefore appears to have given more holistic emphasis to the Convention on the Rights of the Child. The world of childhood in the purview of UNICEF covers an array of cultural practices and a variety of institutions such as family, school, places of incarceration and militia. Diverse sites of social power undermining children's rights, other than the workplace, constitute its key areas of concern. Consequently, at the risk

of over simplification, it can be said that UNICEF is more embedded in the cultural rights of children as a social group whereas ILO maintains its focus on socio-economic rights of children as a vulnerable group.

4.3.2 Migration

ILO, from its world-of-work standpoint, posits the belief that 'legal labour migration channels contribute to reducing both trafficking in children and women, and the smuggling of migrants' (ILO, 2002:12-13). A combination of migration policy with the labour market framework – supported by standards-based labour and human rights – constitutes the core of its activities on undocumented migrant workers. Its 'Special Action Programme to Combat Forced Labour' addresses issues of forced labour (in relation to irregular migration and human trafficking) in consultation with representatives of workers' organisations and academic resource persons.

ILO considers a global strategy for the protection of migrant workers led by trade unions as an important goal. It promotes the ratification of Conventions 97 and 143 on migrant workers, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In a number of industrialised countries ILO cooperates with unions which have opened their membership to undocumented migrant workers, and with those who work closely with the 'sans papier' movement to provide assistance to undocumented workers to achieve a legal status (ILO, 2003).

By contrast, the International Organization for Migration (IOM) is required – per pro its mandate – to protect humane and orderly migration from the perspective of 'migration management'.[86] The organisation has played a leading role of intellectual leadership on migration studies. Based on the explicit definition of various terms such as recruitment and deception and in line with the Trafficking Protocol, IOM identifies the technical differences between trafficking and smuggling. Owing to the complexity of human trafficking requiring concerted action by different organisations, IOM specifies the existence of 'a variety of bodies that seek to address it, including governments, NGOs, police and migration authorities. Each will define the problem from the perspective of its own mandate.'[87]

IOM has integrated concerns for the protection of migrants through its efforts to address trafficking (research and direct assistance) and to

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86. See www.iom.int/en/who/main_policies_trafficking.shtml.
87. Ibid.

conduct information campaigns about the risks of unauthorised migration (Taran, 2000). The IOM webpage maps out its policies and specifies the different ways of understanding migration and human trafficking.[88] It considers trafficking in persons as one of the most serious and urgent challenges to migration policy makers and practitioners around the world. Human trafficking poses a migration management problem to governments of sending countries as well as transit and receiving countries, because orderly migration and several types of national legislation – including migration legislation – are violated. Yet, contrary to the smuggling of migrants, institutions cannot consider the trafficking of people as a violation of the migration legislation of a country – by the victim – but rather as a severe violation of the human rights of the victim by those who participate in the operation of the process.

Human rights organisations such as Human Rights Watch and Amnesty International – and others – have criticised IOM for its greater focus on 'orderly migration' and 'voluntary return' of trafficked people, asylum seekers, and refugees rather than on protecting the human rights of trafficked persons, refugees and displaced people.[89] Here it should be noted that the tension emerging from the implementation of policy principles reflects the practical difficulty to apply international norms which define and categorise migrants. The act of defining the status of a migrant (refugee, asylum seeker, trafficked person) is a difficult political choice which is context-specific. A common challenge to all organizations working with illicit migrants is how to find a balance between the goal of human rights protection and the duty to abide by the principle of state sovereignty. In this respect, the concept of orderly migration also means the construction and coordination of humane and sustainable migration policies as well as a greater role of the state in ensuring safety for migrant workers.

Central to the International Migration Programme of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) is its aim to promote respect for the human rights of migrants, and to contribute to peaceful integration of migrants in society.[90] To fulfil this general goal the

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88. These ways of understanding include the contexts of (1) gender, (2) economics, (3) development - poverty induced, (4) health, (5) human rights, (6) state sovereignty, (7) migration.

89. See for example the Human Rights Watch report "IOM and Human Rights Protection on the Field: Current Concerns" a document submitted during the 86th Session of the IOM Governing Council on November 2003, also available on the HRW website http://www.hrw.org/.

90. See the UNESCO website or http://www.unesco.org/migration.

programme seeks to achieve five objectives, as follows: (1) increase the protection of human rights of migrants, (2) improve national policies to handle the impact of migration on society, (3) promote the value and respect of cultural diversity in multicultural societies, (4) contribute to the global fight against human trafficking and (5) strengthen the capacity, sustainability and effectiveness of diasporas networks. UNESCO activities also include promoting the ratification of the UN Convention on the Rights of Migrant Workers and Members of their Families.

Since 1996, UNESCO has been engaged in the fight against human trafficking, first in South-East Asia[91] and more recently in Africa[92] in its field of competence, namely education, science and culture.[93] UNESCO also focuses on strengthening research capacities by developing and mapping databases on trafficking numbers (UNESCO Trafficking Statistics Project), leading research and commissioning studies on structural vulnerability factors leading to human trafficking in pilot countries. It also promotes culturally appropriate awareness raising among local communities and develops training of policy-makers, community leaders and the media to better fight the phenomenon.

UNESCO collects Best Practices in addressing human trafficking based on the view that 'carefully documented case histories can be a source of information and inspiration to policy makers on how to design creative, successful sustainable solutions to the management of migration.'[94] UNESCO shares with others the recognition of the destructive role of global human trafficking, but does not conflate migration with crime. It endorses an enabling approach to migration management and views issues of international migration from the perspective of cultural diversity; thereby enabling migrants to exercise their rights and enabling governments to design creative solutions. A positive role is attached to Diasporas networks in fostering pluralism, and a cooperative role to the state. Implicitly the state is viewed as a flexible and permeable entity, and migrants as cultural assets rather than economic burdens.

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91. UNESCO is the lead UN interagency project on Human Trafficking in the Greater Mekong region. See UNESCO Bangkok Office Trafficking Project: http://www.unescobkk.org/culture/trafficking.
92. UNESCO Project to Fight Human Trafficking in Africa: http://www.unesco.org/shs/humantrafficking.
93. UNESCO is also the only UN specialised agency with a mandate on minorities under the Universal Declaration on Cultural Diversity.
94. See UNESCO website and Bendixsen, Synnøve and Paul de Guchteneire "Best Practices in Immigration Services Planning", UNESCO, Section for International Migration and Multicultural Policies, taken from UNESCO website, and project documents.

4.3.3 Crime

Approaching human trafficking as a crime is most strongly demonstrated by the United Nations Office on Drugs and Crime (UNODC). UNODC sees its mission to 'bring to the foreground the involvement of organised criminal groups in human trafficking and to promote the development of effective criminal justice-related responses'.[95] UNODC looks specifically at smuggling routes, methods of trafficking, and other mechanisms of exploitation and abuse. Its programmes have the dual perspectives of both victims and law-enforcement but are not gender or age-specific.[96] UNODC identifies its comparative advantages as: 1) being the key actor behind the formulation of the Trafficking Protocol in the context of transnational organised crime, (2) providing a criminal-justice perspective which recognises that in most cases organised crime is active in the recruitment, transfer and exploitation of persons, (3) taking a global or transnational perspective in investigating the criminal components of trafficking.

In the year 2000 the government of the United States of America passed the 'Victims of Trafficking and Violence Protection Act'. The US State Department views this piece of legislation as:

> 'An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.' [97]

A key rider to the act is a three-tiered ranking system adopted in the annual report produced since 2001, as an attempt to 'encourage' governments around the world to fall in line. This system reviews governments' compliance with a set of minimum criteria set by the US State Department for the application of the Victims of Trafficking and Violence Protection Act on a global scale. Tier 1 means full compliance; Tiers 2 and 3 infer different degrees of 'deviancy'. As pointed out by Chapkis (2003:934) only one person – a four-year old boy – had qualified for a T-visa (granted to victims and witnesses by the Act) during the first two years after its introduction.[98]

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95. See www.unodc.org and www.unodc.org/unodc/en/trafficking_comparative_ advantages.html.
96. UNODC was the host of the UN Global Programme Against Trafficking in Human Beings (GPAT) designed in 1999 in collaboration with the UN Interregional Crime and Justice Research Institute (UNICRI).
97. http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm.
98. A T-visa is a permit for temporary stay of the trafficked person in the receiving country for a 'period of reflection'. Often there are strings attached to this visa, including consent from the trafficked person to cooperate with police and intelligence networks in tracing and prosecuting smuggling networks. See for example Chapkis (2003:932).

Since 2004, the Tier placements have been linked to penalties and sanctions that the United States can declare. Countries in Tier 3 risk facing US opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions, specifically the International Monetary Fund and multilateral development banks such as the World Bank; but the Act specifies that all or part of the Act's sanctions can be waived upon a determination by the President that the provision of such assistance to the government would promote the purposes of the Act or is otherwise in the national interest of the United States. The Act also states that its sanctions shall be waived when necessary to avoid significant adverse effects on vulnerable populations, including women and children.[99]

4.4 Epistemic Communities and Plural Notions of 'Best Practices': Some Examples

The rapid increase in the number of actors involved in child trafficking and their contrasting approaches only adds to the complexity of evaluating actions and their outcomes (UNICEF, 2002:7). It is impossible to find a common parameter to assign the status 'best' to a practice: parameters appear to be context-based and organisation-dependent. For instance, Anti-Slavery International[100] looks at what is 'best' in terms of effective protection of the human rights of trafficked persons from the point of view of administration of justice and enforcement of the law. It puts forward a set of recommendations for the protection of trafficked persons' rights based on a comparison of practices in ten countries.

Save the Children-Sweden (2003:14) looks at human trafficking as a problem with two kinds of tension. One is between governments' obligations to protect and promote human rights and their desire to restrict irregular forms of migration (often regarded as a matter of state sovereignty). The other stems from the conflation of trafficking and prostitution, which often leads to an exclusive focus on sex trafficking. On sex trafficking, Save the Children-Sweden chooses the perspective of a demand-led problem, and therefore would support the view that the best practice to curtail demand

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99. One possible reason for the State Department to consider a waiver is whether a country has been placed on Tier 3 for the first time that year. Sanctions would not apply if the Department finds that after the report comes out and before the imposition of sanctions, a government no longer qualifies for Tier 3, i.e. it has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance; see http://www.state.gov/documents/organization/34158.pdf.

100. Anti-Slavery International (2003), *Human Traffic, Human Rights: Redefining Victim Protection.*

is the imposition of penalty on the clients, as well as the procurer and the employer – as in Swedish prostitution law.

UNDP has an anti-trafficking manual – funded by United States Agency for International Development (USAID) – covering thirteen countries in South-eastern Europe entitled 'Best Practice: Law Enforcement Manual for Fighting Against Trafficking in Human Beings'. Launched in Vienna in December 2003, as part of its Comprehensive Anti-Trafficking Training Strategy for South Eastern Europe[101] and bearing a distinct 'deterrence' perspective, the manual is primarily for law enforcers responsible for the investigation of 'criminal' elements of trafficking – police, border officials, immigration officers. The section on best practices includes specialist guidance on the treatment of trafficked persons, intelligence gathering, international judicial cooperation, joint pro-active operations and specialist pro-active investigative techniques. The manual seems far removed from the world of community organisers and grassroots workers engaged with 'persons living with human trafficking'.[102]

A major part of the US State Department annual report on human trafficking also singles out a few practices as best. Its descriptions of effective low-cost sustainable BP around the world are of mixed practices with different objectives. For example, campaigns which address child labour such as 'Red Card Against Child Labour'[103] in Africa are bracketed with those addressing the worst forms of child labour (child prostitution) – such as 'Discouraging Sex Tourism'[104] in Brazil and 'Public Awareness Campaign' in Mozambique. And actions which address prostitution and children affected by war and conflict situations such as the 'Listening to Exploited Children' radio programme in Sierra Leone[105] are also categorised as ones which address child trafficking. The criteria for judging a practice as 'best' are far from clear, aside from the initial suggestion that they are low-cost and sustainable. For instance, one practice of interception in Colombia, cited as best entails immigration and police officers in civilian clothes approaching 'potential' subjects of trafficking or people who look

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101. See http://www.undp.ro/governance/law_enforcement.php.

102. The term 'persons living with human trafficking' used here refers to those in detention without trial, or returnees shunned by their family and communities.

103. This was an Africa-wide campaign against child labour during the African Nations Football Cup Tournament. Fans travelling to watch the games were given 'red cards' to show their support to stop child labour. There was also a large component of television and radio broadcasts as well as public service announcements about the hazards of child labour.

104. The government of Brazil enlists the support of hotels and tourism establishments to discourage child prostitution on their premises.

105. Radio programme in Sierra Leone focussing on helping children affected by war and conflict recover from psychological and emotional traumas.

like they might be trafficked and asking them questions, giving advice and recommending that they do not travel.[106] The object of control appears to have shifted here from controlling traffickers to curtailing people's civil liberty.

An innovative but costly practice, which effectively identifies and rescues the children trafficked from South Asia to serve as camel jockeys on the racetracks in the United Arab Emirates (UAE), involves a random DNA testing of alleged parents and children whose 'looks' are questionable. Most of these children are trafficked through the use of false documents from their home countries attesting to higher ages, and false parents who accompany the children to UAE. Since January 2003, authorities in UAE have DNA-tested 446 children and exposed 65 false claims of parenthood by traffickers bringing these children into the country. During 2003 the practice succeeded in identifying over 250 children from Bangladesh and Pakistan (who were returned to their countries) and arresting many of their traffickers for prosecution. Other countries in the Gulf are adopting the DNA testing of child camel jockeys and their purported parents.[107]

The Centre for Crime Prevention under the UNODC is also preparing a manual or a Toolkit on promising practices by government agencies, international organisations and NGOs, focussing on four sectors: legislative reform, strengthening criminal justice responses, trafficked persons' protection and support, and international cooperation. It closely associates trafficking with illegal migration and prostitution or commercial sexual exploitation.[108]

Practices based on the principle of crime control generally exhibit more state intrusion in civil society and direct control of the social body. Pre-emptive actions to protect the integrity of national borders are also prominent. Although preventive measures that address poverty as a root cause appear as a major concern in the policy agenda, actual commitment reveals the wide discrepancy between words and deeds – as also demonstrated through voices from the field to be illustrated in the next chapter.

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106. The report described the practice as follows: 'The Government of Colombia has sent officials to the airports to identify and talk with likely trafficking victims as they are sitting and waiting to fly out. In many cases they have succeeded in educating women about the dangers of traffickers and many potential victims elected not to leave.' http://www.state.gov/documents/organization/34158.pdf.

107. http://www.state.gov/documents/organization/34158.pdf.

108. http://www.unodc.org/unodc/en/trafficking_programme_outline.html.

4.5 Concluding Remarks

Our review of the profile of epistemic communities active in the global struggle against human trafficking reveals a way of functioning which does not entirely fit the original meaning of the concept. In its original meaning an epistemic community carries scientific knowledge into policy making, and hence seeks to affect outcomes. In human trafficking such communities appear more bound or obstructed by the 'realist' politics of sovereignty and interests of nation-states. The knowledge generated by the humanities and social sciences does not yet seem to have made major impacts on policy decisions. Evidence produced on human trafficking is now subject to query from a methodological point of view. Processes of epistemic deference in policy choices are not transparent at many levels, and therefore the risks of making inappropriate judgement cannot be overstated. Socially meaningful ends such as human rights protection are currently being pulled in different directions by the disparate interpretations depending on which humans, which location and which interest.

Contending epistemological dispositions on human trafficking are closely linked with how international migration is explained in the contemporary context of globalisation. Despite the shared position that accepts human trafficking as an assault on human dignity and endorses the protection of the human rights of those trafficked, substantive differences regarding practical approaches are prevalent. There is no consensus on the objectives of BP nor is there a common understanding of causation. What is 'best', for whom, and under what specified conditions remains contested. The choice of a particular BP cannot be isolated from the shared causal beliefs, policy agenda, and notions of validity of a particular epistemic community choosing it. The concept of BP may merely serve as a heuristic device to raise questions about the relationship between different forms of social knowledge, power and policy.

It is important for organisations to clarify for themselves the epistemic dispositions they adopt in order to shed light on differences with others so as to set transparent parameters for negotiation of interests in ways which contribute to an enhancement of rights of trafficked persons. Without such a clarification, evaluative norms guiding the search for best practices cannot be freed from vested interests. Professional evaluators, for instance, might look for sustainability, reliability, and cost-effectiveness in a practice. Law enforcers will mainly consider how much a practice helps reduce crime. Immigration officials will likely pick out practices which enforce border rules. Trafficked persons in search of a secure life space might see a BP as one which safely allows for migration free from abuse, which upholds

norms of human dignity and which promotes equal treatment under the law. Citizens of low-income countries in search of work opportunities categorised as unskilled and informal work – who are in demand in higher-income countries but generally barred from entry – might see as 'best' those which allow them the same rights for mobility as the ones applicable to other categories of labour.