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Building bridges between dualities. Is there still room for optimistic views?

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Fighting human trafficking with new technologies: a new security approach?

Human trafficking is an international crime, defined by the Palermo Protocol, signed in 2000. Its definition requires three elements. First, trafficking is an action, such as recruitment or transport. Second, these actions are committed through specific means, such as coercion or abuse of vulnerability, to void the consent of the person. Third, trafficking is committed for a specific purpose, the exploitation of victims. Traditionally, the repression of trafficking rests on a security approach. It focuses on border control and criminal justice. Yet, later calls advocate in favor of a human rights approach, which is mainly based on the protection of victims and the early prevention of the offense.

As for many crimes, trafficking has been facilitated for years by new technologies what we call cyber trafficking. Yet, new technologies can also support the anti-trafficking actions of law enforcement authorities, civil society, and businesses. This could have nourished an optimistic view towards less exploitation and a better implementation of human rights. Yet, the hypothesis is highly questionable.

First, when anti-trafficking actions are implemented by the states, these are based on increased criminalization.

- The evolution of anti-trafficking actions focuses on investigations. Trafficking allows, in some states such as in Romania, to implement special digital investigation techniques, such as the interception of communications.
- The penalties can also be increased, such as in France, when the perpetrator contacted the victim through an electronic communication network.
- The range of potential perpetrators is also increased through the extension of the definition of trafficking. The US added, for instance, advertising and patronizing to the classical actions.
- In 2022 the European Commission published a proposal to amend the anti-trafficking directive. It only highlights that trafficking should be criminalized when its acts and means are committed through information and communication technologies.

Thus, state anti-trafficking actions facilitated by technology support a security approach.

Second, the comprehensive repression of cyber trafficking requires strong collaboration between all actors of society. Yet, their anti-trafficking actions facilitated by technology similarly lead to increased security and control.

- Digital actors such as Meta or Google try to moderate content linked to trafficking, in particular by controlling Internet borders through confusing and erasing sexual exploitation and sex work.
- Corporations in general develop digital compliance tools, such as survey and hotlines, to prevent exploitation in their value chains. Yet, many scholars criticize their inefficiency, and the risks to control workers and regarding data protection.
- Technologies can also support prevention of trafficking. In particular, it allows to widely share awareness-raising campaigns, news, documentaries and so on. Yet, their content is usually highly stereotypical. They share a specific vision of the ideal victim and the bad trafficker. Thus, they can't reach their goal to prevent a multi-faceted and complex phenomenon.

Thus, in general, anti-trafficking actions facilitated by technology seem to support a security approach and limit a human rights approach.

Yet, technology might be useful to protect victims and to prevent trafficking. However, this might require to overcome a victim approach and the limited topic of human trafficking. Actual or potential victims can be protected and empowered by online rights by increasing their control over their personal data. For instance, the right to be forgotten could be very important for victims of exploitation in the pornography sector. Prevention could go beyond raising awareness about trafficking. Online media could share information on job seeking, migration, affective and sexual education, and so on. All these individual and collective rights and actions could support, in the end, the fight against trafficking. But they remain to be developed and shared.