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The Politics of Human Trafficking

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Editorial Introduction: The Politics of Human Trafficking

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NEIL HOWARD AND MUMTAZ LALANI

In the twenty-first century, few issues command the public attention as powerfully as that of human trafficking. Dickensian images of voiceless children and powerless women caught in traps of violence and exploitation mix with newspaper accounts of illicit cartels and the ruthless brutality that underpin their trade. At the policy level the focus is no less intense: decried by President Bush as one of the great 'evils' of modern times, a staggering 900 institutions are registered around the world as involved in the global effort to fight the traffic in people.¹ The 'war on trafficking,' it seems, is a contemporary global imperative and the proliferation of anti-trafficking campaigns, the promulgation of recent international and regional conventions, and the new opportunities created by the global economy for extra-legal migrations have ensured that trafficking will remain firmly on the political and social agenda for the foreseeable future.

It is important, however, to juxtapose this 'war on trafficking' against a recent trend of emerging scholarship that has begun to problematise both the majority of anti-trafficking interventions and the central understandings on which they are based. It is argued that the United Nations (UN) framework upon which most national legislation is built focuses too narrowly on sexual exploitation in a way that both genders 'victims' and diverts attention away from other forms of trafficking.² Similarly, others claim, current policies take an overly state-centric perspective, leading to a draconian focus on the symptoms of a problem without properly addressing its causes.³ The securitization of the issue, it is asserted, serves not only to criminalise and thus demonize individuals who are otherwise survivors of gross human rights violations, but offers the state an opportunity to unduly extend its authority over its citizens, in many cases severely encroaching on civil liberties.⁴

By way of an introduction to this issue on 'The Politics of Human Trafficking,' therefore, we shall detail some of the major critiques of the anti-trafficking paradigm and situate the articles featured here by Rebecca Surtees, Patrizia Testai, Marco Gramegna, Meng-Hsuan Chou, Caroline Ausserer, and Mary Buckley squarely within the growing body of literature seeking to challenge that paradigm. At the root of many of these critiques are the feminist and critical theory positions which

see policy responses as conditioned by the operation of a trafficking discourse that is both narrow and restrictive.⁵ In highlighting how this discourse operates, then, this issue of the *St Antony's International Review* is part of a wider attempt to broaden its scope.

Trafficking and Prostitution: A Dominant Paradigm

Though much contemporary coverage depicts human trafficking as a terrifying new phenomenon situated within very original debates as to how it should be stopped, Kemala Kempadoo, amongst others, has detailed a historical context and discursive tradition that dates back over a century. In late nineteenth century Europe and North America, she explains, the increasing social and physical mobility of unaccompanied women provoked a conservative moralistic Victorian outcry against what was seen as a threat to the very fabric of society. The movement of unaccompanied, predominantly poor, white women to the 'New World' (often through organised channels and systems of debt-bondage, as the path to a new future) and the fact that many of these women found new levels of sexual and social freedom through extra-marital affairs, coupled with the significant rise in prostitution as many women turned (or were coerced) to sex work as a survival strategy, led to considerable public, media, and political uproar over what was termed 'the White Slave Trade.' To the conservative Christian male establishment and the bourgeois feminist reformers who worried for their 'fallen sisters,' it was impossible that a woman might choose independently to break from her social chains or engage her sexuality as an instrument of her labour. As such, Kempadoo states, forced movement was understood as the only possible explanation and so the efforts of both state and civil society were directed towards finding a solution. The first international conference convened specifically to discuss 'the traffic in women and children'⁶ and in 1904 the major powers ratified the first international instrument to suppress such a trade—The International Agreement for the Suppression of the White Slave Trade.⁷

Though there was little movement for many years after this, the new post-war UN ultimately built on this platform and in 1949 passed the Convention for the Suppression of Traffick in Persons and the Exploitation of the Prostitution of Others.⁸ Again there followed a lull in anti-trafficking activity for the immediate post-war decades, which lasted until the emergence of the Women's Movement in the 1960s and 70s, putting women's issues and women's oppression back on centre-stage. Concerned principally with the US military presence in Vietnam and the consequent importance of the 'sex industry' in that part of the

world, radical feminists such as Barry pushed for trafficking to once again be a focus of international attention.⁹ Again the spotlight was on prostitution as the cornerstone of trafficking and in 1991 trafficking for sexual exploitation was incorporated as an issue into the UN *Fora on Women*.¹⁰ Ultimately, a decade later, the UN elaborated what was seen as *the* definitive legal framework for dealing with the issue and adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention on Transnational Organised Crime, (otherwise known as the Palermo or Trafficking Protocol). In this document, the definition given is as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or deception to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or the removal of organs.¹¹

What should be apparent from this brief history is the fact that ‘historically, trafficking in persons has been equated with prostitution.’¹² Such an understanding, as Kempadoo argues, is the result of the intersection of radical feminist advocacy and ‘conservative Christian political agendas and ideologies.’¹³ Unfortunately, it is argued, even with the most recently elaborated international framework, such a situation seems still to have been apparent. Ditmore details what Anderson has characterized as the polarised debate between feminist abolitionist movements and those feminists arguing from a ‘sex workers’ rights’ perspective.¹⁴ While the former recognise no distinction between ‘forced’ and ‘free choice’ prostitution, arguing that all prostitution is a form of sexual slavery and that trafficking is intrinsically connected to prostitution,¹⁵ the latter sex workers’ rights view sees state actions which criminalise prostitution as a denial of human rights to self-determination.¹⁶ As Ditmore explains, however, the abolitionist group allied itself with the powerful, neoconservative, Christian, US delegation to force through its restrictive ‘anti-sex’ perspective in the final version of the Trafficking Protocol, against the wishes of the more liberal groups.¹⁷

The negative results of such a situation have been both many and varied and whilst most authors see these as unintended, there are those who argue otherwise. At the extreme Josephine Ho has described the case in Taiwan where she argues that the patriarchal state has used the anti-trafficking alliance between abolitionist feminists and the religious Right

to attack the sexual freedoms gained by women over the course of recent decades, outlawing not only prostitution but also any sexual activity on the part of teenage girls (and boys).¹⁸ Likewise, Ditmore contends that the emotive tactics used by abolitionist feminists (who characterized their opponents as 'pro-prostitution' during the Palermo Protocol negotiations in order to have them discredited) have closed the discursive space to such an extent that a conservative Christian administration in the US has been able to remove funding from any body internationally that supports sex-workers rights.¹⁹

The unintended consequences of the trafficking-prostitution paradigm are just as emphatic. Not only are those NGOs which are denied funding by the new US policy often those with the best track records in either tackling or mitigating the effects of human trafficking, but the Christian-moralist approach seems to have more general negative implications for 'victim protection' around the world. Patrizia Testai, for example, highlights in this volume how the Italian approach has been coloured strongly by the religious NGOs that offer 'rehabilitation' to trafficked sex-workers, to the extent that state policy is to offer 'victims' the chance to be 'morally reconstructed,' re-entering society as 'domestic servants' or in other 'honourable' professions. Such narrow choices, she argues, have denied many survivors the chance of realising the goal of economic autonomy.

Similarly, this paradigm has resulted in both a gendering of the concept of human trafficking and of any solutions put forward to try and curb the phenomenon. More than simply reinforcing an inaccurate stereotype of women as passive and vulnerable victims coerced into sex-work and in need of rescuing, Surtees here argues that the failure to expand the application and understanding of anti-trafficking efforts beyond those of prostitution and sexual exploitation has had the effect of denying harm done to persons who suffer similar abuses but who are trafficked for other purposes. In particular, she points to the omission of men from trafficking discussions and, by implication, in prevention and assistance paradigms. Where trafficking is seen as a prostitution-based women's problem, little space is offered for men to be seen as in need of assistance. In the words of Ditmore, 'trafficked men are invisible and their situations continue to be less recognised and therefore more difficult to address.'²¹

Rebecca Surtees develops this point further, arguing that trafficked men's lack of access to state or civil society protection measures is due, in part, to their reluctance to be identified as '*victims* of trafficking.' She demonstrates that there exists widespread male resistance to the term and identity of 'victim,' because it 'implies a powerlessness and fragility

which may not sit well with many trafficked persons,' particularly men for whom the 'hegemonic masculinity' demands strength and fortitude.²² As such, the narrow focus of 'trafficking as prostitution' seems to significantly reduce the effectiveness of many anti-trafficking measures.

Seeing Like a State:²³ The Securitarian Imperative and its (Un)intended Consequences

According to Kempadoo, states conceive of trafficking principally as a securitarian problem of law and order and forced migration. Indeed, the Palermo Protocol itself is no more than an addendum to the UN Convention Against Transnational Organised Crime and establishes human trafficking firmly as a problem of boundaries and state sovereignty, rather than one of human rights, in spite of the human rights content of the Protocol itself. Meng-Hsuan Chou argues that even the recent EU victim of trafficking directive (part of the European Convention on Action against Trafficking in Human Beings), which was hailed as a more direct instrument for the safeguarding of human rights, is likely to be ineffective when implemented specifically because of this securitarian perspective within which it has been framed. Such a framing of trafficking has resulted in state responses which rest predominately on criminal prosecution and tighter border controls. This has been argued to be problematic in a number of ways.

First, Kempadoo argues that adopting a lens of organised crime translates into policies that do not uphold the best interests of the individual.²⁴ Although trafficked persons are recognised by law as 'victims,' survivors of human trafficking are often only assisted by authorities if they 'co-operate with law enforcement officials' and agree to testify.²⁵ Otherwise, they are often treated as illegal immigrants in need of deportation. Mary Buckley in fact demonstrates that, in Russia, victim protection is offered specifically 'for those who are prepared to testify against traffickers.'²⁶ Furthermore, Meng-Hsuan Chou has argued that even in cases of cooperation, trafficked persons are liable to be deported, thus removing the 'critical incentives' for cooperation in the first place. Even more seriously, Dottridge has demonstrated that 'repatriations take place in the absence of any risk and security assessment ... leaving some people ... at risk of being re-trafficked.'²⁷

Second, in cases where states have tried to combat human trafficking with tighter border controls, serious consequences result. Such measures can simply divert irregular migrants into more dangerous and hidden migratory routes or towards new destinations. For example, Sanghera²⁸

asserts that 'lack of legal rights to mobility ... compels marginal and vulnerable groups to lead underground lives, enhancing their manifold vulnerability to harms such as trafficking.' It can also lead to a loss of individual freedoms. Whitehead et al. argue that in the case of West Africa, in order to preemptively prevent the trafficking in children, child mobility has been seriously curtailed. They refer to this as the 'institutionalisation of the constraint of children's agency' which has been cemented in national legislation.²⁹

More fundamentally still, Caroline Ausserer highlights that states' current conceptualization of trafficking facilitates a discursive obscuring of the structural problems at the root of trafficking. Kempadoo argues that this can be both intentional and unintentional on the part of states. Specifically, she asserts that the current securitarian approach, in which human trafficking is positioned as a problem of illegal migration, 'hijacks attention' from the global structural inequalities in 'the distribution of wealth and access to education, health care and social security, and gender-based or religious violence, and ethnic conflicts.'³⁰ More seriously than this however, Kempadoo and, principally Sharma, argue that not only are structural realities unintentionally obscured by the securitarian paradigm, but that states actively promote a false image of human trafficking and illegal migration in order to draw attention away from the dependence of big capital on the cheap and malleable workers that populate the unregulated and unprotected labour market.³¹

A Way Forward? Trafficking, Economic Migration, and the Importance of Structural Context

Given the problems outlined above, and the distraction that the majority of anti-trafficking policies provide from many of the structural conditions involved in the phenomenon, a number of authors have begun to argue for the importance of situating human trafficking and the responses to it within the broader context of the global political economy.³² Though, as Caroline Ausserer states, portraying trafficking as a problem specifically of forced migration can have negative instrumental consequences for both the trafficked and for other migrants, understanding trafficking as one form of migration in an 'age of migration' has been seen by many as an essential move forward.³³

In the words of Marco Gramegna, 'global mobility is not a new phenomenon. Migration has always existed in the history of human kind,'³⁴ while for Meng-Hsuan Chou 'human migration is an eternal' reality.³⁵ Both authors recognise the centrality of migratory flows to the

history of human societies and, in so doing, they each recognise the importance of economic considerations in the decision to move. For Marco Gramigna, 'these movements are motivated by wealth inequalities and different opportunities for people between countries of origin and countries of destination,' while again for Meng-Hsuan Chou 'although we may derive various motivations for human migration, it has been largely driven by the human instinct for survival.'³⁶ As such, Meng-Hsuan Chou concludes, 'this is the basic framework through which we must understand all movements of people, even human trafficking.'³⁷

Similarly, for Mike Kaye and Anti-Slavery International, the link and overlap between trafficking and other forms of migration is so important that, like Meng-Hsuan Chou, they feel that we must analyse them together.³⁸ Economic considerations are seen as central and, it is asserted, 'it is no coincidence that the growth in trafficking has taken place during a period in which there has been an increasing international demand for migrant workers.'³⁹ In line with this, Kapur claims, people are not forcibly relocated without a significant profit motive. That profit motive occurs in the gains to be made from providing low or no-wage labour in a competitive and globalised market economy: 'migration is a fact of a globalized economy.'⁴⁰

If trafficking is viewed from such a perspective, then, the dominant representations of helpless 'victims' kidnapped and forcibly relocated begin to look thin. Recent qualitative research has already made strides in challenging the 'victim' paradigm and, in doing so, has both reclaimed a degree of agency for (forced) migrants and once again re-focused some anti-trafficking attention on structural conditions. In the work of Rebecca Surtees, for example, trafficked persons are shown, very often, to have wished to migrate in the first place,⁴¹ while Iman Hashim, in her work in Ghana, has demonstrated how many children classed as 'trafficked' actually chose to move in search of better opportunities.⁴²

Crucially, then, Sanghera argues, 'the recent impetus for transborder trafficking, as well as smuggling or other clandestine forms of labour recruitment, is connected to striking imbalances between the increasing supply of unskilled, indigent jobseekers on the one hand and the availability of legal and sustainable work in places where the jobseekers have legal rights to residence or citizenship on the other.'⁴³ As such, therefore, to attempt to stop the flow of trafficked people with tighter border controls and more restrictive exercises of governmental biopower is, as both Caroline Ausserer⁴⁴ and Andrijasevic⁴⁵ assert, wholly counterproductive. A number of the authors featured here have recognised this and, in response, have suggested that one positive step that states could therefore take to combat the illicit flow of people

would be to allow for regulated movements of labour migration. Meng-Hsuan Chou⁴⁶ argues that a promotion of 'circular migration' to fill labour gaps and provide opportunities for willing migrants could be important while, according to Marco Gramegna, 'managed migration' is the key: 'The promotion of regular and managed migration based on demand, including the need for unskilled labour' is essential and, as such, 'trafficking would not occur with a well-managed migration policy where migrant workers do not have to resort to illegal methods of seeking employment.'⁴⁷

Intimately linked to this, of course, are the labour conditions and legal labour standards that represent the framework within which all migrant labourers, including trafficked persons, find themselves. Rather than describing a single, unitary act leading to one specific outcome, the term 'trafficking in persons' is used to describe an entire process which includes the recruitment, transportation, and exploitative control of a worker.⁴⁸ Sanghera explains, therefore, that for trafficking to occur these three components are essential and the fundamental, defining moment is, of course, exploitation at the point of arrival. As such, a positive governmental response might perhaps be an improvement of labour conditions in general, as opposed to a restriction of movement, as part of a wider campaign against exploitative labour practices. 'Just as trafficking becomes a crime in its final stage,' she states, 'the jobseeker and willing migrant becomes a victim at the destination point.'⁴⁹ A way to challenge this, therefore, would be to divert attention to the labour market and ensure that it is properly regulated. Such an opinion finds favour also in this issue with both Rebecca Surtees and Marco Gramegna, for whom 'the presence of formal and informal organisations of workers and the application and enforcement of labour standards, have a potential to reduce trafficking by offering migrants and other workers a mechanism which is safer and guarantees their labour and human rights.'⁵⁰

Conclusion

The above discussion has offered an exposé of the contemporary critiques of the dominant anti-trafficking paradigms and, in so doing, has attempted to provide a framework within which the following articles can be viewed. Rebecca Surtees demonstrates that the narrow interpretation of 'trafficking as prostitution' can lead to the omission of the issue of trafficked men from mainstream understandings, whilst Patrizia Testai highlights how the religious overtones of the debate on trafficking and the focus on prostitution have impacted upon the implementation of victim

protection legislation vis-à-vis trafficked sex workers. Meanwhile, Marco Gramegna and Meng-Hsuan Chou discuss the limitations of approaching trafficking from within a securitarian framework, whilst pointing to the significance of situating trafficking within the broader context of the international political economy. Caroline Ausserer, too, focuses on the securitization of the response to human trafficking but takes a critical theory perspective to argue that states instrumentally use the discourse of human trafficking as part of a Foucauldian extension of their biopower. Finally, Mary Buckley, though recognising the drawbacks of the current paradigm, offers a useful corrective to much of the critical literature by reminding us that this is a very real and tangible problem in which what is at stake, fundamentally, are human lives. ■

Notes

¹ Kempadoo, K. 'From Moral Panic to Global Justice: Changing Perspectives on Trafficking,' in K. Kempadoo, J. Sanghera, and B. Pattanaik, *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights* (Boulder, CO: Paradigm, 2005): xxix.

² See Surtees, this volume.

³ See, for example, Kapur, R. 'Cross-border Movements and the Law: Renegotiating the Boundaries of Difference,' in Kempadoo, et al. *Trafficking and Prostitution Reconsidered*; Sanghera, J. 'Unpacking the Trafficking Discourse,' in Kempadoo, et al. *Trafficking and Prostitution Reconsidered*; Thorsen, D., 'If Only I Get Enough Money for a Bicycle!' A Study of Child Migration Against a Backdrop of Exploitation and Trafficking in Burkina Faso,' Occasional Paper (Copenhagen: Centre for African Studies, University of Copenhagen, 2006).

⁴ See, for example, Kapur, 'Cross-border Movements,' 35.

⁵ See, for example, Doezema, J., 'Loose Women or Lost Women? The Re-emergence of the myth of white slavery in contemporary discourse on human trafficking,' *Gender Issues* 18:1 (2002): 23-50.

⁶ Kempadoo, 'From Moral Panic to Global Justice,' x-xi.

⁷ Surtees, this volume.

⁸ Ibid.

⁹ Barry, K., *The Prostitution of Sexuality* (New York: New York University Press, 1995).

¹⁰ Kempadoo, 'From Moral Panic to Global Justice,' xi.

¹¹ United Nations, 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime' (New York: UN General Assembly, 2000): Article 3, Paragraph A.

¹² Ditmore, M. 'Trafficking in Lives: How Ideology Shapes Policy,' in Kempadoo, et al. *Trafficking and Prostitution Reconsidered*, 105.

¹³ Kempadoo, 'From Moral Panic to Global Justice,' xi.

¹⁴ Ditmore, 'Trafficking in Lives' in Kempadoo, et al. *Trafficking and Prostitution Reconsidered*; Anderson, B., 'Motherhood, Apple Pie and Slavery: Reflections on

Trafficking Debates' Working Paper No. 47 (Oxford: Centre on Migration Policy and Society, University of Oxford, 2007).

¹⁵ Barry, *The Prostitution of Sexuality*.

¹⁶ Alexander, P. 'Feminism, Sex Workers and Human Rights,' in J. Nagel, ed., *Whores and Other Feminists* (London: Routledge, 1997).

¹⁷ Ditmore, 'Trafficking in Lives.,' Kempadoo, 'From Moral Panic to Global Justice,,' xxii.

¹⁸ Ho, J. 'From Anti-trafficking to Social Discipline or the Changing Role of "Women's NGOs" in Taiwan,' in Kempadoo, et al. *Trafficking and Prostitution Reconsidered*.

¹⁹ Ditmore, 'Trafficking in Lives,' 117-118.

²⁰ Ditmore, 'Trafficking in Lives,' 119.

²¹ Ditmore, 'Trafficking in Lives,' 109.

²² 'Hegemonic masculinity' is a term coined by Connell and, as Surtees shows in this volume, it 'is not the most prevalent masculinity, but rather is the most normative and socially endorsed form and embodies the most honoured way of being a man.'

²³ This is taken from Scott, J. C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

²⁴ Kempadoo, 'From Moral Panic to Global Justice,' xiv.

²⁵ Dottridge, M. 'Introduction' in M. Dottridge (ed.) *Collateral Damage: The Impact of Anti-trafficking Measures on Human Rights Around the World* (Bangkok, Thailand: GAATW, 2007), 1-24.

²⁶ Buckley, this volume.

²⁷ Dottridge, *Collateral Damage*, 10.

²⁸ Sanghera, 'Unpacking the Trafficking Discourse,' 8.

²⁹ Whitehead, A., Hashim, I.M., and Iversen, V., 'Child Migration, Child Agency and Inter-generational Relations in Africa and South Asia,' Working Paper Series T24 (Brighton: Migration DRC, University of Sussex, 2007): 40.

³⁰ Kempadoo, 'From Moral Panic to Global Justice,' xix.

³¹ Sharma, N., 'Travel Agency: A Critique of Anti-trafficking Campaigns,' *Refuge* 21:3 (2003).

³² Kapur, 'Cross-border Movements,' 29.

³³ Castles, S. and Miller, M.J., *The Age of Migration* (London: Macmillan Press Ltd: 1999).

³⁴ Gramegna, this volume.

³⁵ Chou, this volume.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Kaye, M. and Anti Slavery International (ASI), *The Migration-Trafficking Nexus: Combatting Trafficking Through the Protection of Migrants' Human Rights* (London: ASI, 2003).

³⁹ Ibid. 4.

⁴⁰ Kapur, 'Cross-border Movements,' 28.

⁴¹ Surtees, this volume.

⁴² Whitehead, et al. 'Child Migration,' 6.

⁴³ Sanghera, 'Unpacking the Trafficking Discourse,' 8.

⁴⁴ Ausserer, this volume.

⁴⁵ Andrijasevic, R., 'Problematizing Trafficking for the Sex Sector: A Case of Eastern European Women in the EU,' in S. Van Walsung and T. Spijkerboer, eds., *Women and Immigration Law: New Variations on Classical Feminist Themes* (London: Glasshouse Press, 2007).

⁴⁶ Chou, this volume.

⁴⁷ Gramegna, this volume.

⁴⁸ Anderson, B. and O'Connell Davidson, J. 'The Trouble with Trafficking,' in C. Van Den Anker, ed., *Trafficking and Women's Rights* (Basingstoke: Palgrave Macmillan, 2006): 13.

⁴⁹ Sanghera, 'Unpacking the Trafficking Discourse,' 15.

⁵⁰ Gramegna, this volume.

REBECCA SURTEES

Trafficking in human beings is most commonly associated with trafficking of women for sexual exploitation or of children for sexual exploitation, forced labour, or begging and delinquency.¹ Most studies and projects focus primarily, if not exclusively, on trafficking in women and children. Far less common is a consideration of trafficking in males, particularly adult men, with studies on the subject and targeted anti-trafficking interventions having been few and far between. Nevertheless, there are signals in many countries and regions that male migrants are also exploited and violated in ways that constitute human trafficking. This reality raises serious questions about the reason for a focus on women (and children) as well as the implications for practitioners, policymakers and, most importantly, trafficked men.

This paper considers the reasons for a focus upon trafficking of women (and children) in trafficking discourse and programming and, as a result, how trafficked men experience both their trafficking and post-trafficking lives. As importantly, I will discuss how anti-trafficking agencies and trafficked men themselves are situated in trafficking (and anti-trafficking) paradigms, in light of notions of trafficking, masculinity, and victim-hood.

This paper draws on data collected in the course of three studies conducted by the author for the NEXUS Institute to Combat Human Trafficking² (Vienna) in 2006 and 2007 in Southeastern Europe and Eurasia (SEE). The three studies involved fieldwork and primary data collection including extensive interviewing of trafficked persons, both men and women, adults and minors. *Leaving the Past Behind*—undertaken in Albania, Serbia and Moldova—considers the reasons why trafficked persons decline assistance, drawing on interviews with 42 trafficking victims, ten street prostitutes and 90 representatives of anti-trafficking service providers, police and other actors.³ *Listening to Victims* is based on interviews with 80 trafficked persons from five countries in SEE, including 12 males. The research was intended to enhance understanding of trafficked persons' experiences in relation to identification and assistance, including their positive and negative evaluation of these interventions.⁴ *Trafficking in Men, a Trend Less Considered* is based on primary data about 685 trafficked men (344 Belarussian and 341 Ukrainian) collected by the International Organisation for Migration (IOM) and its partner organisations between 2004 and 2006.⁵ This article also benefits from the author's previous research in Southeastern

Trafficking of Women and Children Versus Trafficking in Men

The focus on the trafficking of women and children⁶ over men in mainstream discourse is widespread and, arguably, has links to assumptions about gender and, in particular, a generalized notion of female vulnerability in the migration stream: 'whereas men (who migrate) are viewed as active, adventurous, brave and deserving of admiration, for the same behaviour women are pictured as passive, foolish and naïve deserving either rescue or punishment.'⁷ In human trafficking discourse and practice, these assumptions about gender, migration and vulnerability seem to have been emphasized such that female migrants subject to exploitation are often conceptualised as trafficked, while male migrants facing the same violations and abuse are seen more commonly as irregular migrants.⁸ This perspective potentially conflates trafficking and female migration,

[missing that the migrant woman's] very movement across borders, whether legal or illegal, challenges normative arrangements of gender, sex and culture. Through her cross-border transgressions, she brings to the fore women's ability to choose to move, and belies cultural assumptions that imagine women, particularly Third World women, as confined to the home, in an oppressive familial and cultural space.⁹

However, conditioned assumptions about women within family and society are contradicted by the reality of many women's lives. Trafficked women are often strong, risk-taking individuals who make rational choices and exercise their agency in deciding to migrate but who end up in exploitative situations.¹⁰ That many women suffer horrific violations as a result of trafficking and, thus, are in need of assistance and protection is an important point. We must recognise the traumas and difficulties endured by trafficked persons and respond appropriately.

However, their vulnerability is not all encompassing or self-defining. Nor is it inevitable that female migrants will be trafficked. This articulation of the 'female trafficking victim' neglects the fact that women are not a coherent group (even within a culture) and equally that women's victim-hood may be only one aspect of their identity and experience.¹¹ It is also consistent with a view of women as objects of what is done to them (victims of violence and exploitation), rather than

as actors with agency.¹² Further, this focus on female vulnerability also overlooks the current economic realities in which women, like men, are active contributors to the family income both at home and abroad and who successfully migrate for work.¹³ Men's ascribed breadwinner role makes migration more socially acceptable for men than for women, whose role as wives and mothers may demand that they remain at home and who may perceive decisions to migrate as a failure in these roles.¹⁴ When the justification for rescue and rehabilitation of trafficked persons rests on conditioned assumptions ascribing to female vulnerability, however, society's responses fall short of what is needed to address the problem in its complexity.

Beyond assumptions of vulnerability, at least some of this focus on trafficking in women over men is linked to the assumption that women are primarily trafficked for sexual exploitation. Labour trafficking (of both women and men), by contrast, has been largely overlooked in the trafficking debate. Early definitions of trafficking and initial recognition of the crime of trafficking focused on women and forced prostitution,¹⁵ recognised an 'obvious' form of abuse and excluded labour exploitation and associated violations from the discussion. Other forms of exploitation of women (for example, factory labour, domestic work and agricultural labour) were not part of early discussions of and responses to trafficking, despite being included in the UN Protocol, and are only now being raised as related issues. Many current laws and interventions are designed in ways that reflect this orientation toward sex trafficking. Until recently, trafficking in the Netherlands referred only to trafficking for sexual exploitation. The South Asian Association for Regional Cooperation (SAARC) *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* deals only with trafficking women and children for prostitution, as the title suggests, and makes little distinction between the two groups. Further, anti-trafficking initiatives in many countries have emerged almost exclusively from within debates around the legality or illegality of prostitution. In India, laws, enforcement initiatives, national plans of action (NPA), and protection initiatives are focused on sexual exploitation to the exclusion of other forms of trafficking, such as forced labour, and other types of victims, like men. For example, the *Immoral Traffic Prevention Act* (ITPA), while lacking a definition of trafficking, is primarily focused on trafficking for prostitution and is based on the assumption that the main victims of trafficking are those forced into prostitution by procurers, pimps, brothel-keepers, and madams. This focus omits trafficking for labour and the employers and companies who use trafficked labour;¹⁶ it similarly omits trafficking for other forms of exploitation which, it must be stressed, may be as exploitative and abusive as sex trafficking.

Failing to expand the application of anti-trafficking efforts beyond that of sexual exploitation effectively denies the harm done to persons trafficked for other purposes,¹⁷ many of whom may be men. Further, this distinction and focus on women trafficked for sexual exploitation is problematic for men whose experiences of exploitation (ones which legally constitute trafficking) are generally seen to be their choice (irregular migration, smuggling) and, by implication, their fault. While female migration and labour participation is not uncommonly accompanied by coercion and exploitation due to prevailing systems of sex and gender in sending and receiving countries,¹⁸ this does not mean that men are not similarly exploited and vulnerable. The stereotyping of women as trafficking victims is common such that, in many situations, authorities overlook the possibility that males may be trafficked and consequently exclude them from identification, assistance, and protection.¹⁹ Migrant men, generally with limited options at home, are also at risk of coercion and exploitation and yet go unnoticed in many situations and settings.

As such, the orientation toward trafficking in women over men not only unduly focuses on women (and women trafficked for sexual exploitation) but also leads to an omission of men from the trafficking discussion, and by implication, prevention and assistance paradigms. The overall assumption is that more women are trafficked than men and, equally, that women are more vulnerable to trafficking than men. However, consideration of different contexts throws this assumption into question. In Cambodia, many men are deceived by recruiters, forced to pay high recruitment fees subjected to hard and abusive work in construction and fishing in Thailand. Such conditions can constitute trafficking.²⁰ Respondents I interviewed in Cambodia echoed this sentiment:

In this province trafficking affects men too. It is very common that men are trafficked, but for construction and farm work.

We know it happens a lot but trafficking in men is not seen as a problem. Numbers show that more men go illegally to Thailand but with men there's a grey zone between trafficking and illegal migration. Their vulnerability isn't seen as as important as women's and children's.

In Mongolia, 105 presumed trafficking victims were assisted from January to October 2007, of whom 31 were males (30 adults and one minor) trafficked for forced labour.²² In SEE,²³ male victims—trafficked for labour, begging, and delinquency—accounted for a noteworthy minority of assisted victims in 2003 and 2004, as was the case in Belarus and Ukraine where male victims accounted for 28.3 per cent and 17.6 per cent respectively of the assisted caseload between 2004 and

2006.²⁴ Given that many victims are never identified or assisted, these numbers must be understood as a portion of men who face trafficking situations. That men appear to be less 'identifiable' for many anti-trafficking actors suggests that statistics about trafficked men are likely to be underestimates.²⁵

Importantly, an individual's identity cannot only be framed in terms of their sex and, thus, the focus on women as victims potentially misses other aspects of identity which may contribute to trafficking risk. Vulnerability may be equally informed by other personal identifiers—such as age, race, nationality, ethnicity, religion, and so on. One man—an Uzbek citizen of Russian ethnicity—described not only his country's poor economy as a trigger for migration, which resulted in trafficking, but also how his ethnicity coupled with emergent nationalism in Uzbekistan reinforced economic problems (preferential hiring of Uzbeks, nepotistic hiring practices) and created a sense of social unease and insecurity.²⁶ Similarly, in the Southeast Asian context, it might be argued that women and children are more vulnerable to trafficking because of the socially and culturally condoned 'relative inequality' of women and the hierarchical undervaluing of youth. At the same time, other factors which inform one's status, such as age, economic success, social status and education, affect men as well as women and, thus, render some men at least as, and sometimes more, vulnerable to trafficking than some women.²⁷ Age is another potential vulnerability factor, with both younger women and men having limited experience of dealing with difficult social encounters and therefore less knowledge of risk.²⁸ Class may also be a variable, with limits on migration impacted by the class and skills of the woman or man. That is, in spite of the global demand for cheap labour, there are more opportunities for middle and upper class women to migrate—and to migrate safely—than for poor women.²⁹ The causes of trafficking are myriad, co-determinous, often highly individual (e.g. a problematic family situation, poor economy, or desire for adventure) and linked to the socio-cultural environment itself, which affects both women and men. Therefore, generalisations about the links between sex and trafficking are difficult to make due to a range of cross cutting factors; analysing trafficking experiences should attend to this broader context.³⁰ The feminisation of labour in the global economy has, at times, been linked to exploitation and female vulnerability, but it is not inevitable and the extent to which femininity (vs. other aspects of identity) contributes towards vulnerability is unknown.

Given all of these dynamics, it is important that the issue of 'trafficking in persons' be understood in its broadest sense and complexity. I have argued elsewhere that trafficking is about gender and violence associated with gender, but at the same time, that it is about myriad other social and structural causes. It is about poverty and lack of opportunity, it is about

rising expectations and diminishing possibilities. It is about globalisation, commoditisation, corruption, and lawlessness. It is also about power structures, commercialisation, migration, and modernisation. It is about women and men. The generalized images developed around trafficking are detrimental to an appreciation of wider forces in the trafficking context as they reduce causes and realisations into simple frameworks. The result is that we fail to adequately appreciate an issue whose scope falls well outside that of only trafficking of women and/or trafficking of women for sexual exploitation. It is critical that we examine and question the range of assumptions that underpin trafficking discourse and, in so doing, grapple with the typology of trafficking to target all manifestations outlined in the UN Protocol while shaping each intervention in the context of the specific. Through this process, trafficking discourse can be deconstructed, disentangled, and challenged to speak to the lived realities, which include trafficked men and boys (and trafficking for more than sexual exploitation).

However, this is not an uncomplicated process. On the one hand, it requires a reorientation within the anti-trafficking community to be able and willing to recognise and assist a broad range of trafficked persons, including men. On the other hand, it requires that trafficked men are willing to be identified and assisted, a decision which is affected not only by men's socio-economic and migration circumstances but also by their perceptions and understandings of trafficking and notions of identity and self. Both issues will be discussed in turn.

Reorientation and Reconsideration

The first step in any anti-trafficking intervention is the identification of trafficked persons. To date, anti-trafficking organisations and actors in many regions have largely failed to identify trafficked men. One man from SEE, trafficked for labour, experienced a series of missed identification opportunities—by medical personnel (he was at one stage hospitalised for work-related injuries), border guards (when he tried to cross the border on his way home), and police and prison authorities (when he was arrested for illegal border crossing). In spite of relating his story to each of these actors, none took it seriously nor made any attempt to assist him. For example, when he was hospitalised, he explained his situation to the attending doctor who treated him for his injuries but returned him to his trafficker:

You know, when I was exploited there [in the destination country], I once fainted and the owner took me to the hospital. There the doctor asked me why I didn't have any registration. I told him that my owner didn't let me leave the territory

I worked. He seemed to have understood the situation I got into ... I felt safe at that moment. I thought I would stay there for a long time and I would be able to go home ... I was there for three days. On the third day the doctor told me that the treatment was over and the costs were covered by a charity organisation. When I went out of the hospital, I saw my owner waiting for me. Then he took me back to the place I had worked before.³¹

Similarly, in Australia, men have generally not been identified as trafficked in cases of forced labour noted in the manufacturing, construction, hospitality, and agricultural sectors in spite of case facts, like severe exploitation and debt bondage, which suggest trafficking. The case of one Chinese man held in debt bondage was not addressed by immigration authorities and similarly, four cases of male trafficking (which potentially involved 14 trafficked persons) were not investigated by the police, nor were any of the men offered anti-trafficking assistance or protection.³² This trend has also been noted in other regions.³³

Part and parcel of the same trend is that the identification of 'potential victims' (persons showing signals of being in the trafficking process) does not apply equally to males and females. Potential victims have increasingly been identified in transit in SEE and offered assistance within the anti-trafficking assistance framework. However, the identification of potential victims is highly gendered and males crossing borders under similar circumstances are generally considered to be 'irregular migrants' rather than 'potential victims,' even when minors, contrasting sharply with how similar cases of women and girls are often handled.³⁴

Further, the not insignificant number of men exposed to trafficking necessitates assistance tailored to their specific needs and interests. However, at present few anti-trafficking interventions target men and assistance is not designed in ways that respond to the needs of male trafficking victims. In many countries, assistance has been developed with a specific focus on women; particularly those trafficked for sexual exploitation. In Cambodia, for example, support for the reintegration of trafficked men was, at best, limited to some money for the trip home and the provision of shelter, since counselling or other kinds of reintegration support for adult males was largely unavailable.³⁵ Similarly, in SEE, men were not always able to access the services they needed, like accommodation. One male minor trafficked for begging was temporarily accommodated in the shelter for foreign (female) victims while his documents were processed but, because the shelter was not equipped to accommodate males and no other services were identified, he was sent home (unaccompanied) by train after a few days and in spite of his mother having been involved in his trafficking.³⁶ Longer term housing options were also not generally available to men. One man returned home after several years of exploitation to find his apartment occupied

and unsuccessfully petitioned the courts to have his property returned. Lacking a family, he was left homeless and, at the time of the interview (several years after his identification), he was still living temporarily with friends or in homeless shelters.³⁷ More attention needs to be paid to identifying and responding to the specific assistance and protection needs of male trafficking victims, linked to their trafficking experiences and personal socio-economic circumstances. Assistance must also take into account how men experience exploitation and assistance in different national, social, economic, and cultural settings.

In many cases, it is a matter of men not being seen as trafficked and, therefore, not being identified and assisted. This is due, in large part, to the way in which trafficking discourse has been constructed and anti-trafficking programmes and policies have been implemented, as explored above. That is, trafficking is generally framed within the debate about trafficking for sexual exploitation and the legality (or illegality) of prostitution. As relevant, is that trafficking is commonly seen within a paradigm of female vulnerability (linked in part to assumptions that trafficking is trafficking of women for sexual exploitation). Consequently, men may not be offered assistance because of social norms that accept women as vulnerable and simultaneously expect men to be able to care for themselves.³⁸ Certainly this perception and attitude is an issue amongst trafficked men and the communities from which they originate, something which is discussed in more detail in the subsequent section. Therefore it stands to reason that some (perhaps even many) anti-trafficking actors and organisations may have similar perceptions which inform their activities in identification and assistance. Explained one man trafficked to the former Soviet Union:

Some of the policemen were laughing at us, saying that we were idiots, that only fools could end up in a situation of exploitation like that ... Some policemen didn't understand that we were forced to work, that we were threatened with death ... They didn't believe that our passports were taken by the exploiters.³⁹

Beyond anti-trafficking actors and agencies, there is also a need for donors to recognise men as a category of trafficked persons and provide funding opportunities to assist this target group and/or allow flexibility within existing programmes to assist when trafficked men are identified. Many donors have provided funding exclusively for trafficking in women (and children) and often primarily focus on trafficking for sexual exploitation, with little attention paid to trafficking of men.

It is concerning that such a large segment of trafficked persons may be overlooked and neglected due to these discursive and ideological orientations, since these orientations have real life consequences. Many trafficked men may never receive any form of assistance or protection. In

some situations, failure to identify and assist trafficked men has led to re-trafficking or continued exploitation. One SEE man trafficked for labour was 'assisted' in escaping by a man who then exploited him for many months as a labourer on his own farm.⁴⁰ There is a need to improve identification and assistance efforts of anti-trafficking agencies globally to include men, an endeavour to be undertaken not only amongst law enforcement authorities but also within a range of spheres, including medical services, the social sector, agencies dealing with labour issues, and so on.

Notions of Exploitation, Victimhood, and Self-Representation

Even where anti-trafficking practitioners are aware of trafficking in men, this may not be adequate to address the issue, due in part to some men's resistance to the identity of 'trafficking victim.' On the one hand, this resistance is linked to some trafficked men not seeing their situation as one of trafficking. On the other hand, this resistance may be a rejection of the term and identity of victim. Both issues will be discussed in turn.

In many situations, men do not initially see themselves as having been trafficked. Rather, their exploitation is commonly seen as a normative aspect of migrant labour or as 'bad luck' rather than serious human rights violations. Further, as Brunovskis & Surtees have argued, while exploitation can have an objective meaning (for instance, in regulated areas of work life, when minimum standards for pay and working conditions are imposed), where employment falls outside the realm of regulated work, the concept of exploitation takes on a subjective quality.⁴¹ The perception of exploitation is also contingent upon a comparison with one's own situation. People are more likely to accept an exploitative situation if there are other conditions that (sufficiently) compensate them for the adversity of exploitation. One factor that may mitigate the exploitation and serve to justify one's situation is the possibility of helping one's family financially. While many trafficking victims earn little to nothing, others receive some payment, which, while often small, can serve as a deterrent to leaving their trafficking situation. Further, in many cases, trafficking victims are forced into their situation not necessarily by another person but by the circumstances they find themselves in. These cases pose particular challenges in terms of the trafficking definition, as it is difficult to determine where 'unfortunate circumstance' ends and 'coercion' and 'exploitation' begin. Others may feel that their own involvement with the trafficker (i.e., agreement to go abroad, complicity in illegal work, or border crossing) means that they are not really victims. In still other situations, where exploitation is

temporary, migrants may be sufficiently able to focus on the gains that they may not see their situation as one of exploitation.

Further, even where men may see their experience as one of exploitation (and trafficking), the terminology of 'trafficking victim' and the social construction that this entails is often problematic. Trafficked persons are often uncomfortable with notions of victim-hood and the victim category being applied to their situation and identity. The term 'victim' is, on the one hand, important in terms of recognising the crime or violation to which the individual has been subjected. In the area of human rights and protection, the term 'victim' is used to refer to someone experiencing injustice for which the perpetrator is responsible and for which the victimised person has the right to protection, assistance, and reparation;⁴² the 'victim subject' has typically allowed women (and men) to speak out about abuses that have been invisible in human rights discourse.⁴³ On the other hand, to be a victim arguably implies a powerlessness and fragility which may not sit well with many trafficked persons.⁴⁴ As such, being a 'trafficking victim' (or even 'victim' generally) may not be an identity which is comfortably embraced by trafficked persons. A recent study of trafficking victims who decline assistance found that accepting assistance meant accepting the role and identity of trafficking victim, which was difficult for many women. Whilst victim status affords certain rights, it may also be at odds with the way people view themselves. Some found it problematic to be on the receiving end of assistance because they were accustomed to caring for themselves. In many cases, victims of trafficking migrated in order to improve their living conditions (and those of their families), which shows initiative and courage, rather than passivity. Thus, assuming a victim identity may be experienced as relinquishing agency or a positive self-image as a 'provider' or 'caretaker.' In addition, many trafficking victims who were brutalised and traumatised tried to diminish the significance of their experience by refusing to be seen as trafficked which, in some respects, may be a way of managing their traumatic past. Problems in relating to the role of trafficking victim were also linked to being seen as a victim in general, with many women viewing the label as disempowering.

These dynamics are likely to also be relevant for men, both in terms of men's sense of self and the social ideal of manhood. While there are many variations on the concept of masculinity within and between cultures, it is nonetheless possible to generalize male behavioural norms within a given society, commonly known as 'hegemonic masculinity.'⁴⁶ Hegemonic masculinity in many social and cultural environments requires men to be strong, stoic, and self-sufficient. Men are commonly viewed as the breadwinner and/or the household head; the family protector; and the person most able to care not only for themselves but

also for their families.⁴⁷ Certainly, this was stressed by trafficked men from SEE:

In general in our community men are not to complain about anything. A man should be strong, to overcome all of the difficulties with fortitude.

Many men are ashamed of appealing for help, because our society does not really accept or approve of men who appeal for assistance. They must manage on their own.

Men think that they are stronger and they have to find a way out of a difficult situation by themselves without asking for help.

Many men don't tell about what happened to them. They are ashamed of the fact that they were tricked and lied to. They would never request assistance from organisations because they will be mocked and laughed at by their relatives. A man must manage his problems by himself.⁴⁸

This is consistent with masculinity in the Western Balkans where the ideal man was expected to protect his family; have strength of character; be successful; not be 'womanly, weak, or gay;' and be physically strong.⁴⁹ It is also consistent with assumptions about manhood and masculinity in northern Russia where researchers for a study on life style found that to the extent that it is possible to speak about a Russian mentality, it is based on admiration of strength—particularly mental strength—and the ability to cope and endure.⁵⁰ In Southeast Asia, where gender hierarchies are more complimentary, the expectation that men are strong and heads of the household nevertheless predominates. Since hegemonic masculinity defines successful ways of being a man, it makes men who do not conform to that ideal seem and feel inadequate and inferior and they may find themselves disadvantaged and discriminated against.⁵² While many men have positive experiences of women sharing their breadwinning role, others have found it difficult, particularly where their own economic opportunities stagnate or decline.⁵³ As such, it is unsurprising that trafficked men may struggle with the category of 'trafficking victim,' which clearly highlights their perceived failures as a man (read: strong, self-sufficient, breadwinner, household head). While it may be acceptable for women (and children) to manifest 'weakness' (read: being a victim), this is generally not acceptable for adult men. Further, sex-based stereotypes appear to be closely related to criminal victimisation. Women were often perceived to be more likely to be victimised by crime than men and, as such, victimisation is often perceived as a feminine and feminising experience. Further, blame (as crime victims) is often attributed to women in terms of characteristics that

conform to the female stereotype (passivity, trusting nature, carelessness) and to men in terms of characteristics that contradict the male stereotype (failure to fight back, looking scared, not trying to escape).⁵⁴

This perception, then, may translate into reluctance amongst many men to be identified or to seek assistance because of the stigma surrounding being a victim and a man unable to care for himself or his family. Trafficked men interviewed for a study on victim assistance in SEE made such observations:⁵⁵

Yes, at least where we live, people don't regard you well, if you ask for assistance from state organisations ... Usually, assistance is requested by drunkards or people that don't want to work to maintain themselves.

Most people do not believe that it was really impossible to exit the slavery. ... They think if such things happened to you, you are stupid. And stupid people do not stand high in people's esteem ... So, you should scramble out of the situation yourself.

... and blame too. I suppose that in my village people would blame me saying that "after such disgraceful behaviour, he doesn't deserve to be helped."

Decisions about assistance link not only to self-image but also to social perception. Assistance potentially identifies men as failed migrants or trafficked persons to others in the family and/or community, neither of which are socially acceptable. Here again, social constructions of manhood are salient:

When they come home they are glad that they can bring home at least some money. Otherwise, how can they explain their absence? And if they tell their families that they need some money for a treatment—the costs of a treatment are quite high in our country—then their secret can be disclosed.

I did not even believe that people like me [victims of trafficking] are helped ... It seemed to me there should not be such organisations which specialise in helping people like me, moreover, men. ... you know, people in our community think the following way: if a man got into such a situation, he is stupid.⁵⁶

As such, it was arguably only in dire situations that many men would accept assistance that requires acknowledging their status as trafficked:

Only if there are some serious problems with health or the man has nowhere to stay. As far as I know, men don't like losing time visiting doctors or to be far from families. As I have told you, it is more difficult for them to accept

assistance and when it is accepted, it should be immediately offered (until they change their mind) and in a short period of time.⁵⁷

The way that many anti-trafficking interventions are framed and offered may also be problematic for men. For example, the closed shelter model (with restrictions on movement, freedoms, and contact outside of the programme) is common in many countries, a model which men may not be willing to accept.⁵⁸ Similarly, in India, ‘assistance’ often involves the detention of the woman (in a protective home or corrective facility) and also the forced participation in medical exams and intrusive interviews,⁵⁹ conditions that men may be more likely to reject.

As a corollary, men spoke of how assistance should be framed in order to consider these biases and perceptions:

[The awareness-raising] message should be short and convincing and you shouldn’t use such word as “victim.”

I think that after an advertisement or announcement informing that men can be assisted, for example, medical assistance (but there shouldn’t be mentioned psychological assistance because many men are afraid of these words) or other kinds of assistance like legal assistance... I think that many men would agree to receive free medical assistance because many of them who were exploited don’t have money for this. The announcement can also be broadcast and the voice which reads the information about the possible assistance for men victims of exploitation (I think the word “exploitation” should be used because many men don’t understand what trafficking is). And if it is possible, even to avoid the word “victim” because men don’t like to be victims. This contradicts the image of a real man. It should be the man’s voice. I don’t think men will trust an announcement read by a woman. This should be done only by a man, maybe even by a man who has such experience. The message should be short and convincing in which the possible assistance is emphasized.⁶⁰

Equally the identity of victim, while important, is far from holistic, which may also inform men’s rejection of it. That is, the identity of ‘trafficking victim’ (and ‘victim’ generally) is presented as monolithic and all encompassing. However, trafficked persons do not generally construct their identity only in the context of their trafficking. Trafficking victims—whether male or female—have a multiplicity of identities (i.e., race, sex, class, ethnicity, nationality, and so on) and experiences (pre-, during, and post-trafficking) which cannot be collapsed into only that of trafficking. To do so is arguably disempowering, since it restricts victims to being viewed according to only one identity—often their most complicated and problematic one: ‘It is imperative to articulate a subject position in the domestic and international human rights arena that takes

into account the subject's complex and contradictory locations in relation to different arenas of power.⁶¹ Trafficked persons, therefore, should (and want to) be seen and understood in a framework which captures their multi-tiered realities, subjectivities, and identities.⁶²

Conclusion

Trafficking discourse and, by implication, the anti-trafficking paradigms are arguably unpalatable and inaccessible for many trafficked men, which raises serious questions about how anti-trafficking actors can proceed in ways which adequately take into account the needs of trafficked persons of both sexes.

Men around the world behave in ways that conform to their sense of what it is to be a man in their context. In light of this, there is a need to consider how these everyday practices affect anti-trafficking outcomes.⁶³ The importance of developing and implementing anti-trafficking interventions for men (and their individual and localised masculinities) must be emphasized. Many trafficked men are not able to live up to idealised forms of masculinity (like man as breadwinner) because of broader structural issues. Thus anti-trafficking interventions must consider, on the one hand, when and how men are disempowered and marginalised by their socio-economic environments or trafficking experiences, and on the other hand, appropriate methods for addressing this problem.⁶⁴ It is also important to understand and account for power relations between men of different classes, races, ages, wealth, and abilities, in addition to the power relationships between women and men.⁶⁵

Importantly, a considerable body of research shows that hierarchies of masculinity are patterns of hegemony, rather than patterns of domination based on force, and challenges to hegemony are common, with masculinities being constructed, unfolded, and changed over time. The possibility of changes within notions of masculinity allows for intervention entry points and expanded opportunities for appropriate anti-trafficking assistance. It may also be possible to detect contradictory commitments and institutional transitions that reflect different hegemonic masculinities and, thus, hold the seeds for change and intervention opportunities.⁶⁶

Toward affecting change, there is a need to better understand and appreciate the gender dimensions of trafficking. Equally important is to consider how men and women (and also different profiles of men and women) experience trafficking and their post-trafficking lives. It should be stressed that the solution is not an either/or approach, where the

focus in anti-trafficking efforts is either on men or women, but rather on the broad spectrum of victims and of trafficking experiences. It should equally be stressed that a better understanding of how men (and women) experience and process trafficking exploitation and the identity of trafficking victim requires direct engagement and discussion with trafficked persons. An important theme in work on gender issues is to counter public orthodoxy with private stories.⁶⁷ The hegemonic image of a strong man may be at odds with the private stories of male trafficking victims. As such, there is a need to explore trafficked men's private stories and realities, including how they may support or contradict public orthodoxies of masculinity. The stories of these trafficked men are important in providing needed signposts for governments and non-governmental organisations in constructing more effective and appropriate responses to the full range of manifestations of human trafficking, including cases involving men. ■

Notes

¹ The United Nation's *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (which supplements the UN Convention on Transnational Organised Crime, adopted by the UN General Assembly on November 15, 2000), defines 'trafficking in persons' as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 3(b) emphasizes that the consent of a victim of trafficking (in persons) 'to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used' (United Nations 2000).

² NEXUS Institute to Combat Human Trafficking is a Vienna-based, multi-disciplinary policy and research centre dedicated to developing more effective counter-trafficking laws, policies and practices. The NEXUS Institute is a member of the OSCE Alliance Expert Coordination Group and its advisory board includes IOM, the former OSCE Special Representative on Combating Trafficking in Human Beings, UNICEF Innocenti Research Centre, the Protection Project of Johns Hopkins University, and the European Training Centre for Human Rights and Democracy. NEXUS has produced a number of trafficking studies, including on when trafficking victims decline assistance; child trafficking for labour and begging in SEE; victims' experiences of identification and assistance; victim assistance programmes in SEE;

labour trafficking and anti-trafficking measures; traffickers profiles and behaviours; and child trafficking in Sierra Leone.

³ Brunovkis, A. and Surtees, R. *Leaving the past behind: when trafficking victims decline assistance* (Oslo: Fafo Institute and Vienna: Nexus Institute, 2007).

⁴ Surtees, R. *Listening to victims: experiences of identification, return and assistance in SE Europe* (Vienna: ICMPD, 2007).

⁵ Surtees, R. *Trafficking in men, a trend less considered—the case of Belarus and Ukraine* (Geneva: IOM, 2007).

⁶ Equating women and children as vulnerable categories treats adult women as children and, in so doing, undermines their agency and autonomy and denies them the rights attached to adulthood, including control over their own decisions and bodies. This linkage also obscures their role as breadwinner, even when women in many settings are often the primary breadwinner (Ditmore, M. & Wijers, M. 'The Negotiations on the UN Protocol on Trafficking in Persons, *Nemesis* 4 (2003), 83; Jordan, A. 'Human rights or wrongs? The struggle for a rights-based response to trafficking in human beings,' in R. Masicka, ed. *Gender, Trafficking and Slavery* (Oxford: Oxfam, 2002)). This linking was a contentious issue in the drafting of the Palermo Protocol with some advocates stressing that the Protocol must distinguish between adults and children and avoid adopting a patronizing stance that reduces women to the level of children, in the name of 'protecting' women (Doezema, J. 'Who gets to choose? Coercion, consent and the UN Trafficking Protocol.' *Gender and Development* 10 (1), (2002); Ditmore & Wijers, 'The Negotiations on the UN Protocol').

⁷ Wijers, M. 'Keep Your Women Home: European Policies on Trafficking in Women' (unpublished manuscript, 1998).

⁸ That being said, perceptions of trafficked women and men are, in reality, diverse and depend on who is viewing them. That is, while female trafficking victims are often viewed as vulnerable and passive by anti-trafficking actors, they may also be viewed by some others (for example, police, immigration officials, the general public) as 'liars,' 'illegal immigrants,' or 'prostitutes.' Similarly, views on men may be equally dependent on who is viewing them; some police, immigration officials and policy-makers may see them as 'criminals,' 'persons trying to take advantage of the system' and so on.

⁹ Kapur, R. 'The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in 'International/Post-Colonial Feminist Legal Politics,' *Harvard Human Rights Journal*, Spring (2002): 1-37.

¹⁰ Jordan, 'Human Rights or Wrongs?' Governments have implemented a range of anti-trafficking interventions which reflect assumptions about the vulnerability of female but not male migrants. India has imposed restrictions on the emigration of women, especially un- and semi-skilled, which, paradoxically, pushes them to migrate through clandestine means. The Emigration Act of 1983 allows the government to deny a permit to migrants on several grounds, including when the type of work is deemed against public policy or public interest and violates human decency and dignity. The government recently enacted this, defining women under 30 as an especially vulnerable group and prohibiting them from working as domestic workers in the Gulf and parts of Africa and Southeast Asia after reports of women being forced into the sex trade in Saudi Arabia (IOL 'Eye on maids to

curb sex trafficking,' IOL. May 15, 2007. <http://www.int.iol.co.za/index.php?set—id=1&click—id=126&art—id=nw20070515092414612C289825>; Kapur, 'India,' 129; Radio Australia 'India moves to curb sex trafficking,' May 22, 2007. <http://www.radioaustralia.net.au/asiapac/programs/s1930350.htm>). Similarly, Nepal's Foreign Employment Order issued by the Ministry of Labour prohibits the ability of women under 35 years to travel overseas without a male guardian's written consent and the Passport Order stipulates that women should have a letter of permission from their father if they wish to leave. (See Kapur, R. 'India' in M. Dottridge, ed. *Collateral Damage: The Impact of Anti-trafficking Measures on Human Rights Around the World* (Bangkok: GAATW, 2007), 133; Kapur, 'The Tragedy of Victimization Rhetoric,' 6). The Indonesian government in 1996 also announced that its citizens would not be allowed to work abroad as maids because of reports of abuse (Ditmore & Wijers, 'The Negotiations on the UN Protocol,' 82).

¹¹ Kapur, 'The Tragedy of Victimization Rhetoric,' 6.

¹² Mohanty, C. 'Under Western Eyes: Feminist Scholarship and Colonial Discourses,' in Mohanty, C., Russo, A. and Torres, L. eds., *Third World Women and the Politics of Feminism* (Bloomington & Indianapolis: Indiana UP, 1991), 56.

¹³ Kapur, 'India,' 129; Surtees, R. 'Cambodian Women and Violence: Considering NGO Interventions in Cultural Context,' MA dissertation (Sydney: Macquarie University, 2000), 115.

¹⁴ Kabeer, N. *Marriage, Motherhood and Masculinity in the Global Economy: Reconfigurations of Personal and Economic Life*, IDS Working Paper 290 (Brighton: Institute of Development Studies, University of Sussex, 2007), 31.

¹⁵ The first international conferences on trafficking were held in Paris (1895), London (1899) and Paris, and Budapest (1904), with the first international agreement (*International Agreement for the Suppression of the White Slave Trade*) signed in Paris in 1904 and focused on the trafficking of women for prostitution. Subsequently, in 1949, the United Nations passed the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* which equated prostitution with slavery, drawing no distinction between forced or voluntary prostitution (Surtees, 'Cambodian women and violence,' 106).

¹⁶ Kapur, 'India,' 114, 121-2, 128, 134-5.

¹⁷ Ibid, 137; See Dottridge, M. 'Introduction' in M. Dottridge, ed. *Collateral Damage: the Impact of Anti-trafficking measures on human rights around the world* (Bangkok: GAATW, 2007), 1-24.

¹⁸ Murray, A.. 'Debt-Bondage and Trafficking: Don't Believe the Hype' in J. Doezeema, & K. Kempadoo eds., *Global Sex Workers: Rights, Resistance and Redefinition* (New York & London: Routledge, 1998), 51-64.

¹⁹ Dottridge, M. 'Introduction,' 17.

²⁰ Derks, A. *From white slaves to trafficking survivors: notes on the trafficking debate* (paper presented at the Conference on Migration and Development, Princeton University, May 4-6 2000), 19; See Derks, A. *Trafficking of Cambodian Women and Children to Thailand* (Phnom Penh: IOM/CAS 1997), 31.

²¹ Surtees, 'Cambodian women and violence,' 15.

- ²² Email correspondence with Ruth Rosenberg, Consultant, IOM Mongolia, December 22, 2007.
- ²³ Surtees, R. *Second annual report on victims of trafficking in Southeastern Europe* (Geneva: IOM, 2005); see Surtees, R. *Labour trafficking in SE Europe: developing prevention and assistance programmes* (Vienna: Nexus Institute, 2007).
- ²⁴ Surtees, *Trafficking in men*.
- ²⁵ For example, in 2004, a number of (primarily male) victims of labour trafficking intercepted in Serbia were not identified as trafficked but rather were deported as illegal migrants (Surtees, Second annual report). And in recent studies in SEE and the former Soviet Union, numerous instances were noted of trafficked men not being identified at different stages and by different actors during the trafficking process. See Surtees, *Listening to victims and Trafficking in men*.
- ²⁶ Tyuryukanova, E. *Forced labour in the Russian Federation today: Irregular Migration and Trafficking in Human Beings* (Geneva: ILO, 2005), 39.
- ²⁷ Surtees, R. 'Cultural Factors and Trafficking' in R. Rosenberg ed. *Trafficking of Women and Children in Indonesia* (Indonesia: ICMC, ACILS & USAID, 2003); Surtees, 'Cambodian women and violence.'
- ²⁸ Alexandru, M. & Lazaroiu, S. *Who is the Next Victim? Vulnerability of Young Romanian Women to Trafficking in Human Beings* (Bucharest: IOM, 2003), 63.
- ²⁹ Kapur, 'India,' 133.
- ³⁰ Derks, *white slaves to trafficking survivors*, 21. Human trafficking involves a range of possible violations – including violence and abuse, psychological threat and coercion to the individual and his/her family, restricted freedom of movement, little or no unsupervised time, and confiscation of identity and migration papers; debt bondage; lack of payment; exploitative working and living conditions often at risk to one's health – and there is increasing evidence that trafficking involves a spectrum of abuse, with some individuals suffering a great number and types of abuse and others, less so. It is important that this diverse reality be recognised in discussions of trafficking, whether of women or men; for sex trafficking or other forms.
- ³¹ Surtees, R. 'Child Trafficking: Different Forms of Trafficking and Alternative Interventions,' *Tulane Journal of International & Comparative Law* 14, no. 2 (2007).
- ³² Pearson, E. 'Australia' in M. Dotteridge ed. *Collateral Damage: the Impact of Anti-trafficking measures on human rights around the world* (Bangkok: GAATW, 2007), 45, 53.
- ³³ See Derks, A. *Reintegration of Victims of Trafficking in Cambodia* (Phnom Penh, Cambodia: IOM/CAS, 1998), 11; Dotteridge 'Introduction'; Kapur, 'India'; Surtees Cambodian women, Cultural factors, Female migration; UNIAP Exploitation of Cambodian men at sea (UNIAP: Phnom Penh, Cambodia, 2007). Nonetheless, in some countries and within some organisations, there is increased recognition of the issue of male trafficking, which has led to an increase in overall referrals and, therefore, an increase in the number of assisted male trafficking victims. IOM's CTM database from 2005 and 2006 reveals an increase in the number of adult males assisted by IOM globally, having been trafficked for labour exploitation and sexual exploitation - 241 adult males were assisted in 2004, rising to 279 in 2005 and 361 in 2006 (Surtees, *Trafficking in men*)

34 Surtees, *Listening to victims*.

35 Derks, *Reintegration of Victims of Trafficking in Cambodia*.

36 Similarly, four Ukrainian men trafficked for forced labour in the construction industry in Montenegro agreed to testify against their trafficker and required residential assistance (and security) for the duration of court proceedings as they were witnesses in the case. However, the only accommodation available was an NGO shelter, which accommodated female victims of trafficking (Surtees, *Second annual report*, 402; Surtees, R. *An evaluation of victim assistance programmes in SE Europe* (Belgium: King Baudouin Foundation, 2006)).

37 Surtees, *Listening to victims*.

³⁸ This trend arguably links to patterns in social care provision generally where men's assistance needs are overlooked in settings where men are supposed to be strong and, thus, should not need assistance. In one study in northern Russia, it was found that adult men generally escaped the attention of health care workers and administrators. The focus on the poor and the traditionally weak groups in societies overlooked traditionally 'strong groups' including adult men (Nygard, V. et al. *Trying to be strong: a study of the impact of economy and culture on lifestyle choices and the use of healthcare institutions in the Murmansk region of Russia* (Oslo: Fafo Institute, 2003), 66, 68).

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Brunovskis & Surtees, *Leaving the past behind*.

⁴² Billings, D. et al., 'Violencia Sexual en México,' in *The Informe Nacional sobre la Violencia y la Salud de México* (Mexico: Ministry of Health, 2005); Surtees, *Second annual report*.

⁴³ Kapur, 'The Tragedy of Victimization Rhetoric,' 5.

⁴⁴ In the context of violence against women, it has been argued that it is important to classify women and girls as 'survivors' rather than victims and, in so doing, recognise the many creative ways in which victimized women cope and survive, as well as aspects of their identity beyond that of victim. This preserves women's ability to resist victimization, allows them to be helped on their own terms, and recognises that women can and should fashion their own ways of coping (Erez, E. *Women as Victims and Survivors in the Context of Transnational Crime*. Justice Studies Department, Kent State University, 2000. Available at: <http://www.ojp.usdoj.gov/nij/international/un—background.html>.) Further, it has been argued that the creation and reinforcement of a victim subject has not empowered women. In fact, there are hidden traps which might result in a setback to the broader recognition of women's human rights.... This subject risks denying women the agency that they in fact demonstrate throughout their lives, whether by leaving an abusive relationship, by soliciting for the purpose of prostitution, by participating in a beauty pageant, or by performing as a weightlifter (Kapur, 'The Tragedy of Victimization Rhetoric,' 32).

⁴⁵ Brunovskis & Surtees, *Leaving the past behind*.

⁴⁶ Connell, R. *Gender and power* (Sydney: Allen and Unwin, 1987); Connell, R. & Messerschmidt, J. 'Hegemonic masculinity: rethinking the concept' *Gender*

and society 19, no. 6 (2005). 'Hegemonic masculinity' is not the most prevalent masculinity, but rather is the most normative and socially endorsed form and embodies the most honoured way of being a man. Although other masculinities persist alongside it – aspects of hegemonic masculinity are contested by a variety of class, ethnic and other social movements – hegemonic masculinity is highly visible and has cultural authority and leadership, even when it is uncommon. Hegemonic masculinity is constructed not only in relation to other men but also in relation to women (Brandes, S. *Metaphors of masculinity: sex and status in Andalusian folklore* (Philadelphia: University of Pennsylvania Press, 1980)); Connell & Messerschmidt, 'Hegemonic masculinity,' Demetriou, D. 'Connell's concept of hegemonic masculinity: a critique.' *Theory and society* 30, no.3 (2001), 337; Donaldson, M. 'What is Hegemonic Masculinity?' *Theory and society. Special issue: Masculinities* 22, no. 5 (1993); Edley, M. & Wetherell, N. 'Negotiating Hegemonic Masculinity: Imaginary Positions and Psycho-Discursive Practices' *Feminism Psychology* 9 (3) (1999); Gutmann, M. *The meanings of macho: being a man in Mexico City* (Berkeley: University of California Press, 1996.).

⁴⁷ Demetriou, 'Connell's concept of hegemonic masculinity: a critique,' Donaldson, 'What is Hegemonic Masculinity?,' Gilmore 1990; Kabeer, *Marriage, motherhood and masculinity*; White, S. 'Men, masculinities and the politics of development' in Sweetman, C. ed. *Men and Masculinity* (Oxford: Oxfam, 1997), <http://books.google.at/books?hl=en&lr=&id=StkCRkvu3vcC&oi=fnd&pg=PA8&dq=masculinity+cultural+concept&ots=7jzSaAwYMf&sig=IBZB-02urJUbQH9e—UXe50ipKMc#PPA11,M1> (accessed December 3, 2007).

⁴⁸ Surtees, Listening to victims.

⁴⁹ Care & ICRW, *Exploring dimensions of masculinity and violence* (Washington: Care & International Centre for Research on Women, 2007), 16.

⁵⁰ V. Nygard et al., Trying to be strong, 49,65.

⁵¹ Not being able to realize these ideals can lead to 'crises of masculinity.' For example, in Russia the end of 'male as breadwinner' has had a negative impact on men and has been linked with low self esteem and associated problems like high alcohol consumption, suicide rates, domestic violence and depression. One study found that only four of the 17 men studied were able to find alternatives to their 'male as breadwinner/work-centric' perspective. In Laos, many husbands felt inadequate when their wives migrated for work because it meant that they, as men, were not able to support their families. Similarly, in Sri Lanka, women's overseas employment posed a serious threat to men's sense of masculinity and 'many men feel a loss of self respect and dignity...' Of note is that the 'crisis in masculinity' may disproportionately impact poorer and less privileged men who are most affected by this change and least able to live up to hegemonic models of masculinity which promote man as power brokers, household-head and providers (Kabeer, *Marriage, motherhood and masculinity*, 21, 31, 52). In the former Yugoslavia, men returning from war often also faced a crisis in masculinity as they were unable to recapture their status in the family or provide financially for their family (Care & ICRW, *Exploring Dimensions*).

⁵² Carrigan, T., et al., 'Towards a new sociology of masculinity,' *Theory and society* 14, no.5, 5 (1985); Cornwall, A. & Lindisfarne, N. 'Dislocating masculinity, gender, power and anthropology' in A. Cornwall and N. Lindisfarne eds., *Dislocating*

masculinities: comparative ethnographie (London: Routledge, 1994); Donaldson, 'What is Hegemonic Masculinity?'

⁵³ Kabeer, *Marriage, motherhood and masculinity*, 49; see Care & ICRW, *Exploring dimensions*, 8.

⁵⁴ Howard, J. 'The normal victim: the effects of gender stereotypes on reactions to victims,' *Social Psychology Quarterly* 47 (3), 1984, 270-71, 279. There is an assumption that some biological categories are excessively prone to being victims of crime – women, the elderly and the young – categories which are consistent with public perceptions of vulnerability. However, actual incidence of victimisation do not match these patterns and individual characteristics often have more to do with perceived rather than actual vulnerability (Howard, 'The normal victim,' 272).

⁵⁵ Surtees, *Listening to victims*.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Trafficked women also have issues with these restrictions, as discussed Brunovskis & Surtees *Leaving the past behind*; Surtees, *Listening to victims*.

⁵⁹ Kapur, 'India,' 122.

⁶⁰ Surtees, *Listening to victims*.

⁶¹ Kapur, 'The Tragedy of Victimization Rhetoric,' 29.

⁶² J. Sanghera, 'Preface' in M. Dotteridge, ed. *Collateral Damage: the Impact of Anti-trafficking measures on human rights around the world* (Bangkok, Thailand: GAATW, 2007); see Surtees, 'Cambodian women and violence'; Surtees, 'Cultural Factors and Trafficking.'

⁶³ White, 'Men, masculinities and the politics of development,' 15.

⁶⁴ Cornwall, A. 'Men, masculinity and 'gender and development'' in C. Sweetman, ed. *Men and Masculinity* (Oxford: Oxfam, 1997), 11. <http://books.google.at/books?hl=en&lr=&id=StkCRkvu3vcC&oi=fnd&pg=PA8&dq=masculinity+cultural+concept&ots=7jzSaAwYMf&sig=IBZB-02urJUbQH9e—UXe50ipKM#PPA11,M1>, (accessed December 3, 2007).

⁶⁵ S. Brandes, *Metaphors of masculinity*; Cornwall, 'Men, masculinity'; J. Hearn & D. Collinson 'Theorising unities and differences between men and between masculinities' in H. Brod and A. Kaufman, eds. *Theorising Masculinities* (LA: Sage, 1994); Sampath, N. 'Crabs in a bucket: reforming male identities in Trinidad' in C. Sweetman, *Men and Masculinity* (Oxford: Oxfam, 1997). <http://books.google.at/books?hl=en&lr=&id=StkCRkvu3vcC&oi=fnd&pg=PA8&dq=masculinity+cultural+concept&ots=7jzSaAwYMf&sig=IBZB-02urJUbQH9e—UXe50ipKM#PPA11,M1>, 48; White, 'Men, Masculinities and the Politics of Development,' 19.

⁶⁶ Brandes, *Metaphors of masculinity*, 11; Connell & Messerschmidt, 'Hegemonic masculinity,' 846-48.

⁶⁷ White, 'Men, masculinities and the politics of development,' 16.

Victim Protection Policy in Italy: Between 'Emancipation' and 'Redemption'

37

PATRIZIA TESTAI

The principle of 'victim protection' was established in Italy under Article 18 of the Italian immigration law (Law Decree n. 286/1998), which grants residence permits for 'reasons of social protection' to foreign victims of trafficking. This principle is not unique to the Italian context as, by the time the Italian law was passed, it had already been established internationally and included in a wider debate on trafficking in persons, which established a link between trafficking and sexual exploitation as modern forms of slavery.

Italy took an active part in this debate. During the works of an *ad hoc* group for the drafting of the United Nations (UN) Convention against Transnational Organised Crime and the additional Protocol against Trafficking, the Italian delegation demanded that slavery be included among the crimes involved, and proposed the protection of victims as part of the strategies to combat trafficking.¹ The final document signed in Palermo, 2000, known as the Trafficking Protocol, is the present international instrument against trafficking and defines it in terms of exploitation, including 'the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs' (Article 3, paragraph a).² Article 6, Section II, of the same document specifically provides that each state shall ensure the assistance and protection of victims of trafficking in persons.

The inclusion, within the scope of trafficking, of 'sexual exploitation' and 'exploitation of the prostitution of others' and their interpretation, within the trafficking discourse, as forms of modern slavery is particularly relevant to this paper since, as we shall see in a moment, Article 18 established a link between trafficking, prostitution/sexual exploitation, and slavery practices. To be sure, on a UN level, the inclusion of sexual exploitation and prostitution within the scope of the Trafficking Protocol was the result of the mobilization of feminist lobbies, in particular the American Coalition Against Trafficking in Women (CATW), which considered sexual exploitation and prostitution as the main field of exploitation of women and girls within trafficking. This activism, according to many authors, has influenced anti-trafficking policy in many

Patrizia Testai, 'Victim Protection Policy in Italy: Between
"Emancipation" and "Redemption,"' *STAIR* 4:1 (2008): 37-57.

countries as it left ample room for states—and Italy is one of them, as we shall see—to interpret anti-trafficking policy as anti-prostitution policy.³ On the opposite side of CATW, the Global Alliance Against Trafficking in Women (GAATW) argued that, since trafficking occurs in other labour contexts and prostitution can represent ‘legitimate labour,’⁴ the link between trafficking and prostitution should be broken. The result is an ambiguous definition of trafficking which, while formally accepting a gender-neutral language and including exploitation in sectors other than prostitution as instances of trafficking, gives special attention, in practice, to trafficking for the purpose of sexual exploitation/prostitution, popularly considered as a particularly degrading form of slavery.

As for the protection of victims of trafficking, the European Commission issued, in 2004, a Council Directive on short-term stay permits given to victims of trafficking and those who, subject to an action to facilitate illegal immigration, co-operate with relevant authorities.⁵ As noted by some commentators, the Directive’s aim of protecting and assisting the victims is entirely secondary to that of strengthening instruments to combat illegal immigration.⁶ It is clearly stated that protection and assistance are linked to the victim’s usefulness for the purpose of investigations as evaluated by the competent authority, her willingness to co-operate and the fact that she has severed all relations with those suspected of the given offence. In general, we can say that both the European Union (EU) and the UN treat victim protection policy as part of a strategy to obtain cooperation from the victims and, therefore, within a repressive framework.

To go back to Italy as a context where anti-trafficking policy has been applied, section III of Article 18 of the immigration law, entitled ‘Dispositions of humanitarian character,’ establishes that:

When, during police operations, investigations or proceedings related to the criminal offence provided for in article 3 of the law 20 February 1958, n. 75, or to the criminal offences provided for in article 380 of the penal code, or during interventions of local authorities’ social services, there are [...] situations of violence or of severe exploitation against a foreign person, and there emerge concrete dangers for his/her safety, as a result of his/her efforts to escape the control of an association dedicated to one of the above mentioned crimes, or of statements given in the course of preliminary investigations or during trial [...], the Chief police officer [Questore] [...] grants a special residence permit to allow the foreign person [...] to participate in a programme of assistance and social integration.⁷

While the law does not mention 'sexual exploitation,' it nevertheless refers to prostitution as one of the crimes of which the 'foreign person' may be a victim. Law n. 75/58 (mentioned in the text above) is in fact the law which regulates prostitution in Italy, and Article 3 provides for the punishment of third person involvement in the exercise of prostitution and makes brothel-keeping punishable. N. 6 of Article 3 in particular, punishes anyone who induces a person to move to another state or within it for the purpose of prostitution, i.e. anyone 'trafficking for the purpose of prostitution.'⁸ Article 380 of the penal code, on the other hand, refers to a range of criminal offences, among which use 'reduction to slavery' and organised crime.⁹

It has been noted by some that Article 18 is situated between a witness protection measure and an 'amnesty' law to regularize specific migrant groups, in particular women 'victims of trafficking.' In the mind of the legislator, it was this second aspect that distinguished Article 18 on a European level since it stressed 'not so much the protection of the witness, to guarantee the genuine nature of his/her statements, but rather the legalization of a foreign person (generally a woman) victim of trafficking-related crimes.'¹⁰ Article 18 allowed for an anti-trafficking policy which, while providing for punishments against perpetrators—by collecting testimonies from victims – stressed the humanitarian character of the law by providing for protection and assistance for the victims. The uniqueness of Article 18 as a victim protection measure, then, is that it can effectively separate the aspect of protection from the aspect of repression by allowing a foreign person to obtain a residence permit for reasons of social protection even if she—since in most cases the person is a woman—refuses to act as a witness of trafficking-related crimes. The central preoccupation lies in the victim's safety and protection in front of a tangible danger. Even if we make a comparison with other countries where similar measures have been applied, the Italian system remains the most advanced in terms of the importance attached to the humanitarian aspect of trafficking and its provision of a programme of integration which allows permanent settlement within Italian society. On April 13, 1995, Belgium passed legislation against trafficking in human beings which, for reasons of social protection, provided victims with a temporary residence permit that could be transformed into permanent residence rights. However, the latter provision is realized only if the victim co-operates with police investigations and if investigations lead to good results—i.e. they must lead to the conviction of traffickers.¹¹ For a victim to access Article 18 protection programmes, on the other hand, it is sufficient that she has integrated into Italian society during her 'rehabilitation' process.¹²

More recently, it has been noted that the emphasis on 'situations of violence or severe exploitation' means that Article 18 is different from similar anti-trafficking provisions because it does not apply exclusively to irregular, i.e. undocumented, foreigners who are found to be victims of trafficking but also to foreigners who have a regular residence permit.¹³ This point was made clear in 2006 by a legal provision (Law Decree n. 300/2006)¹⁴ which establishes that nationals of new member states of the EU who did not need a visa and had a regular residence permit could access social protection programmes under Article 18 of the immigration law if they were found to meet the conditions described by the same law article. This was certainly the case for many women from Romania who, by 2004, the year of the fifth EU enlargement, did not need a residence permit, but could still access Article 18 protection and assistance programmes. As noted by David Mancini, the de-linking of Article 18 from residence status makes victim protection in Italy a truly humanitarian instrument which would benefit those—even EU, and therefore Italian, citizens—who are victims/witnesses of serious crimes and, as such, are entitled to protection, assistance, and social integration through state-funded projects in which the voluntary sector and social services are also actively involved.¹⁵

With this paper I would like to argue that, in spite of this good legislative framework, the application of Article 18 can be quite difficult since it is influenced by a number of factors: the regional context in which programmes take place, the role of the voluntary sector and religious actors involved in social protection projects, and the priorities of local governments in relation to immigration control and prostitution policies. We should consider, for example, that Article 18 has allowed for a kind of policy orientation operational in Italy since the early 1990s, when many non-governmental organisations (NGOs), both religious and lay, began to work in the field of migrant prostitution, giving basic assistance and protection to migrant prostitutes. The grass-roots activities carried out by these NGOs paved the way for a policy framework which was progressively shaped by the knowledge, statistics, language, and ideas of field workers and professionals. Indeed, this policy framework also reflected a mixture of progressive instances of migrants' and women's rights groups on the one hand, and religious groups' and ordinary people's preoccupation with street migrant prostitution, viewed as the most degrading form of slavery, on the other. Behind the anti-trafficking campaigns and projects there were a variety of interpretations of the target-people involved (prostitutes, sex workers, victims of trafficking), the type of problem facing them (prostitution, trafficking, exploitation, slavery), methods (rigid/institutional control, flexible/harm-reduction/

empowerment method) and the aims of policy (eradication of prostitution, management of social conflicts linked with migrant street prostitution).

In what follows, I will present part of the results of the doctoral field research I undertook between Spring 2005 and Summer 2006 in three Italian cities where social protection programmes were implemented under Article 18. Before embarking on this research, I had accumulated some background first-hand information on a local level in Catania (Sicily), where I was involved in a sexually-transmitted diseases (STD) prevention project carried out by the local branch of the NGO Italian League Fighting against AIDS (LILA) and the local health authority.

I will analyse social protection programmes as applied in each of the three research sites studied which were Catania, in the Sicilian region, Lecce, in the Puglia region, and Rome, in the Latium region. I will provide quantitative and qualitative interview data, particularly about specific sex-market contexts and local approaches to prostitution and social protection. Although the original study was based on interviews with key actors working in social protection programmes, migrant women working as prostitutes and migrant women who were administratively identified as ‘victims of trafficking’—and thus accessed social protection programmes—I will, for the purpose of this paper, report only interview extracts with key actors. Particular emphasis will be devoted to questions of moral meaning in social protection programmes, to the way in which ‘slavery’ and ‘trafficking’ get conflated with prostitution, to the tension between repressive aspects (immigration and crime control) and human rights aspects (protection of victims), and finally to the way in which citizenship is linked to sexuality and gender. Before proceeding with the analysis, however, I will provide an outline of the specific cultural context in which anti-trafficking policy took place in Italy.

Article 18, Slavery and Prostitution: The Cultural Context

To the extent that trafficking was interpreted overwhelmingly as sexual exploitation of women and children, and that actions were addressed towards migrant street prostitutes through the work of social groups active years before the introduction of Article 18, we can conclude that policies in this field reflected the broader international debate on trafficking. In Italy, policy was further influenced by the domestic discourse around (migrant) prostitution, an area which, over the last decades, has offered opportunities for consensus building within local politics. On the other hand, local governments have also been influenced by pressure from various religious and non-religious, migrants,’ women’s, and sex workers’

rights groups for specific approaches to prostitution and, driven often by ideology but also merely by the need for funding, their responses have ranged from conservative—usually deploying the metaphor of slavery to describe migrant prostitution—to preventive, e.g. harm-reduction approaches, and sex workers’ rights measures—based on the principle that prostitution can be freely chosen as ‘work.’¹⁶

These approaches and their different positions on the issue of slavery have made the discourse on prostitution more contentious than ever, giving rise to cultural-ideological orientations which, as noted by Prina, are reflected in the various projects funded through Article 18 and can be summarized along the lines of the scheme shown in Table 1 below.

Action Towards	Considered as...	For the purpose of...
Individuals	Exploited, victims of trafficking	Redemption, salvation, social reintegration
	Migrant prostitutes with no rights	Support in becoming legalized and acquiring citizenship rights, promotion of autonomy
Social phenomena	Evil	Eradication
	Social problems causing conflicts	‘Management’ of problems and mediation of social conflicts

While during the first years of implementation of Article 18—between 1999 and 2001—all approaches were represented in the various projects, over the last years, and in particular after the tightening of the immigration regime by the centre-right coalition government led by Silvio Berlusconi in 2002,¹⁷ there has been a cultural and ideological shift towards a more repressive approach at the institutional level. At the social level, and in particular the actual integration phase, the accent has been on ‘social control’ with more power being shifted towards religious and moral entrepreneurs engaged in social protection projects. Going back to Table 1, emphasis has been placed on the consolidation of an approach which focuses on the slavery metaphor as a dominant category and defines the target population of Article 18 as passive victims/slaves, while reducing migrant prostitution, ‘trafficking,’ and ‘new forms of slavery’ to one and the same thing. This cultural shift has affected the dynamics between ‘emancipation’ and ‘redemption’ aims, and between institutional and social aims, in such a way that social actors working in social protection

programmes are increasingly constrained by institutional requirements dictated by a variety of considerations, such as:

- (1) the selection phase, linked to a definition of 'victim' consistent with the slavery rhetoric that depends on the victim's willingness to 'change her life;'
- (2) the role of denunciation, which acquires the status of 'proof' of radical change on the part of the victim and her willingness to change her life;
- (3) the aims of social programmes, with an emphasis on 'moral reconstruction' of the person on the one hand, and the suppression/eradication of prostitution as a manifestation of trafficking and slavery;
- (4) the instruments adopted, with an accent on institutional control, for example through community accommodation—flight houses—as opposed to autonomous accommodation, thus substituting 'control' with 'support;'
- (5) the work solution, oriented towards 'niche' labour markets, e.g. domestic work, rather than towards effective integration in the wider employment market or towards using women's personal resources and effective training schemes.

The institutional requirements listed above raise questions about the social control and the type of integration afforded to those people who are defined as 'victims' according to their sexual practice. The accent on moral reconstruction, for example, means that a greater emphasis is put on disciplining them to accept a sexual life oriented to 'good,' long-lasting relationships, such as marriage with Italian citizens, as opposed to commercial sexual relations, even when they are the result of a calculated choice. Next, I will look at how victim protection policy took place in the three research sites, with attention paid to the above mentioned dynamics between repressive and protection aims, and to the question of social control linked to the above listed institutional requirements.

The Three Research Contexts

The three sites where research was conducted offer different sex market contexts in terms of the numbers and types of groups involved in street prostitution, the migrant groups involved in social protection programmes, the types of organisations in charge of protection projects

Catania

Catania is the Sicilian city, after Palermo, most affected by migrant street prostitution. Over the last seven years there have been changes as to the way in which migrant prostitution is practiced, the groups involved, and the policy adopted by the local government. Until 1999 most migrant prostitution was practised in flats and houses within the town's historical 'red light district' area where since the late 1980s Italian women and trans-sexual people have worked together with women and transsexual people from Latin America, mainly the Dominican Republic and Colombia. From the early 1990s Latin American women were joined by Nigerian women, to the extent that by 1999-2000 the local LILA estimated a total of 270 prostitutes in the area, of which 240 were migrants. Most migrant sex workers were from the Dominican Republic (96) and from Colombia (89), followed by African women (51).¹⁹ At the end of 2000, a massive round up by the local police led to the removal of all migrant prostitutes from the area and the repatriation of some to their countries of origin. Those who remained in Catania were forced to work on the streets outside the traditional sex market area, such as roadways outside the city centre. From this moment there were more African women and girls involved in street sex work, whereas many Latin American women alternated between streets and flats. Between August 2003 and June 2004, the LILA mobile street unit estimated a total of 82 migrant prostitutes working in the roadways outside the city centre, of which 51 were African (from Nigeria, Ghana, Togo, Benin), 20 Latin American (from Colombia and from the Dominican Republic), 6 Romanian and 5 Albanian.²⁰

The authorities in Catania have not approached prostitution as a potential source of slavery and exploitation and instead they left the market to operate unregulated during the 1980s and 1990s, apart from a few symbolic raids. From December 2000, the official approach shifted to policies of repression and focused on mass repatriation. Following the adoption of this new policy framework, the metaphor of slavery has been used more heavily than before by the police, judiciary authorities and the voluntary actors involved in protection programmes. Yet, residence permits for social protection have been rare—the local police records only 2 permits from the year 2000, one of which was a renewal of a residence permit issued in another locality.

There are two groups mainly active in social protection, one adopting a non-religious approach based on 'women's rights' principles, and the second, a Catholic group, working under the premise that all prostitution is slavery and, as such, must be eliminated. The two groups work separately and co-operate with different police authorities even though they both work with migrant prostitutes who operate in the same area. All relevant institutions in Catania, namely the municipality, local health service—in particular the trans-cultural psychiatric service—and the police have established a close cooperative relationship with the Catholic group. The relationship with the non-Catholic group has been less fruitful, partly because the Catholic group enjoys more credit nationwide due to the popularity gained by its former director through television programmes and the press.

The fact that the municipality has established a more positive relationship with the Catholic group means that social protection programmes favoured a specific approach based on the principle of 'life change.' As a result, the route to social integration for many women and girls who accessed social protection programmes in Catania was marked by a 'moral' approach to anti-trafficking policy. The policy attached primary importance to the 'new life' initiated within a family or religious environment where they were 'educated' to new values linked to 'real affection' and 'real, hard work,' as opposed to 'commercial love' and the 'easy way to money,' and thus attached less importance to the acquisition of citizenship rights in the form of a residence permit or a work contract which would allow them economic independence. This approach to protection programmes for victims of trafficking is also translated, in the case of Catania, into an anti-trafficking policy which, during the selective phase, may not require the victim's cooperation as a witness of 'trafficking crimes.' In other words, it was not important for the victim to report the names of her 'traffickers' or exploiters prior to her access to protection projects, as we learn from an interview extract with the representative of the religious group in Catania:

It is not necessary that women make a report with names of traffickers. Often they don't want to do this out of fear ... for us the most important thing in the first contact is not to speak about residence permit, but to make friendship ... many of the girls did not obtain the residence permit but they managed to exit prostitution with our help. What we ask girls is to stay in families where they are treated like daughters. We don't force them. We ask them 'do you have a mother and a father? ... what would they say if they knew what you do in Italy?.' This question makes them unsettled.²¹

The methods of victim protection used in Catania were based on 'rehabilitation' and re-education to an 'honest' life within community/family accommodation and within religious institutes where girls were closely controlled: their mobile phones were taken from them to prevent them from 'falling back' into prostitution.

As to the link between prostitution, trafficking, and slavery, from the interview with the judge of the Catania court it emerged that, although anti-trafficking operations originally were initiated because there was a suspicion that people were smuggled from Sri-Lanka to be exploited in agriculture and in domestic service, Article 18 was applied only to prostitution cases:

As far as our experience is concerned, I must say that the crime of reduction into slavery was always linked to sexual exploitation, not to other sectors... We have found some cases of ordinary crime committed by some ethnic groups against people in the same groups, like money extortion and things like that, but not really something like slavery...

Article 18 is applied in cases of migrant prostitutes because the most striking cases were found among people who were exploited in prostitution, but also because in many cases where people are found in exploitative situations (domestic work, agriculture) they left their country voluntarily, and this makes the application of Article 18 impossible...

To summarize, in Catania the tension between the government's desire to control immigration and its commitment to protect women's human rights is played out at the expense of the latter; women's search for citizenship rights through a residence permit granted under Article 18 is frustrated by the predominantly religious approach adopted by the local Catholic group, for which the aim of 'getting a woman off the street' prevails over that of granting her real residence rights. Finally, the combined local government's, court's, and NGO's exclusive interest in prostitution suggests that here, as in most parts of Italy, (migrant) prostitution is seen as a serious problem linked to 'trafficking' and 'slavery,' and that persons subject to exploitation and abuse in other contexts, such as domestic work, stand little chance of being identified or assisted as victims of trafficking.

The first interesting aspect of this research site is its special position as a border city, situated as it is along the coastal area near the border with Albania—the nearby Otranto is only 70km from Vlora. From there, boats approached the Italian eastern coast unloading, during the second half of the 1990s and up to 2002, thousands of people from Eastern Europe, mainly Moldova, Ukraine, and Romania. The second important aspect of Lecce for the research concerns the role of the local detection centre—*Centro di Permanenza Temporanea e Assistita*, CPTA—as a collector of undocumented migrant people and potential victims of traffickers and smugglers. The centre, which was closed in 2005 as it was overcrowded and due to human rights violations, was co-funded by the Regina Pacis Foundation, a Church agency, and the Ministry of Home Affairs. The Regina Pacis Foundation was also responsible for the social protection project for victims of trafficking which used a section of the detention centre premises as a ‘protected house’ for women and girls who accessed protection projects. Although there was another project in Lecce, run by the Lecce province according to non-religious notions of women’s rights, it was, as in Catania, the Church-funded Regina Pacis Foundation that maintained a special, privileged, relationship with the prosecutor’s office and the local police headquarters (*Questura*). However, unlike Catania, this cooperation produced, between 1999 and 2002, a total of 150 residence permits for social protection granted mainly to women and girls from Moldova,²³ making Lecce a case of high production of residence permits for social protection in a context of low incidence of migrant street prostitution. As reported by Orfano and Ferraris, ‘the high number of residence permits is linked to the peculiarity of the Lecce area, on the one hand, as a territory of shipping of clandestine migrants, and, on the other, as a collector of applications of residence permits linked to facts of exploitation of prostitution which have taken place [...] in other geographic contexts.’²⁴ Unlike what happens in the great majority of projects for victim protection in Italy, in Lecce, victims were not contacted by social operators while they were working in the street during their outreach work,²⁵ but by the police in the detention centre where they were brought as soon as they arrived in the nearby port towns. Among the residence permits issued by the *Questura* in Lecce there were, therefore, those granted to women who had worked as prostitutes in other Italian cities.

Given Lecce’s exceptional situation, how did the institutional actors involved go about identifying victims and how did they establish the link

between trafficking, prostitution, and slavery? The following interview extract with the prosecutor in Lecce clarifies this point:

The women who arrived here in order to be exploited in prostitution were easily identifiable because our experience led us to understand this and also they spoke against their traffickers ... our criterion really was based simply on the fact that these women were young, they were in groups, and so it was assumed that they were transported here to be sexually exploited ... they had all been sexually exploited abroad ... there was evidence that there had been violence, although not from the country of origin, as normally these women voluntarily left their country.²⁶

While the Lecce case is usually cited as one where a purely 'social' approach to victim protection is applied, meaning that women are not asked to report or give testimony in trial against their traffickers, in reality, the Lecce 'system' is a mixture of social and judicial approaches whereby, after first contact between the woman and the volunteers of the detention centre, a second phase is initiated with the woman's decision to report against those who 'brought' them to Italy to be exploited in prostitution.

To summarize, Lecce, like Catania, has a predominantly religious approach to anti-trafficking policy, since the great bulk of social protection offered here is provided by the Regina Pacis Foundation, an agency linked to the Church. However, unlike Catania, Lecce was characterized by a high number of residence permits issued under Article 18 and benefiting predominantly women and girls coming from Eastern Europe who were identified within the Regina Pacis detention centre as 'victims of trafficking.' Prostitution was considered by the local administration and institutions as a serious and real problem related to 'trafficking' and slavery, as the interview with the prosecutor indicates:

I think 90% of trafficking concerns exploitation in prostitution. It is true that there are cases of trafficking concerning labour exploitation in general, and in fact in Italy 16 residence permits with article 18 were granted to men who were not working in prostitution. The new law on trafficking has also given more importance to cases of trafficking concerning labour exploitation, but in my experience in Lecce most cases were about prostitution not because of a deliberate interest in prostitution, but because obviously trafficking did involve mainly prostitution.

This leaves Lecce in the paradoxical position of having a high number of residence permits, suggesting a greater willingness to grant citizenship

rights not only to women exploited in prostitution but also to those exploited in the domestic sector—two such cases were registered by the non-religious project run by the *Provincia* authority. On the other hand, like Catania—without wanting to generalize for the rest of Italy—Lecce is characterised by an ‘unholy’ relationship between religious running of protection programmes and citizenship rights granted to women who are institutionally defined as ‘sexual slaves.’ In Lecce, as in Catania, social protection programmes acquire a moral meaning which grants a great deal of importance to ‘rehabilitation’ and to a ‘new’ life which ‘breaks’ with the previous prostitution experience. This is illustrated by the volunteer interviewed in the Regina Pacis centre:

... It’s easy to take a woman off the street, but it’s difficult to rehabilitate her ... she is an empty woman, deprived of her femininity, so she has to regain the ability to take care of her body, her hygiene, her sexuality ... they are people who’ve lost any guideline.

... Once the women accept to enter the protection programme they are asked to sign their commitment to adhere to the rules of the programme and to take all responsibilities ... if in the course of the programme they adopted a behaviour which is incompatible with the programme itself [i.e. to go back to the streets], there is a revocation of their residence permits.²⁸

As to the tension between ‘repressive’ and ‘human rights’ approaches taken by authorities, Lecce has not been affected by a policy of rounding up and massive deportation, but the absence of such policies is due more to the absence of a local street sex market than to a tilting of the balance in favour of a ‘human rights’ commitment. On the whole, however, women and girls detained in the Regina Pacis Centre were treated as real or potential sexual slaves, or ‘victims of sexual exploitation,’ as the interview with Judge I above suggests, but not as participants in criminal offences. In Lecce, perhaps more than in the other two research sites, social protection programmes were characterized by a marked paternalistic approach towards migrant women prostitutes. The metaphor of slavery was widely used in a way which reduced their roles as the programmes’ beneficiaries to mere objects of a disciplinary project that aimed to re-define their identities as women, workers, daughters, and mothers in opposition to an identity as prostitutes.

Rome is different from the two other sites in its particular organisation of protection programmes around the municipality. The latter coordinates all the groups involved and has decision-making power over individual programmes in terms of funding, supervision and services provided. The main characteristic of this research site is the great number and variety of groups, both religious and non—religious, as well as the projects included in protection programmes. A variety of methods are used, from rehabilitation on the same line followed in Catania and Lecce, to ‘emancipation’ according to women’s rights conceptions and prevention through a harm-reduction philosophy. In spite of this variety, however, programmes are all influenced by the institutional control of the municipality and the prosecutor’s office, whose discretionary power over granting residence permits remains crucial, in spite of his peripheral role under the letter of the law. With regards to the relationship between the migrant sex market and the anti-trafficking policy pursued under Article 18 programmes, Rome is the reverse of Lecce. According to data elaborated by the Parsec action-research group in 1996-1998, the Rome metropolitan area attracts fifty per cent of the total prostitution market in Italy, with 3,000/3,500 units out of a total of 5,537/6,989 units.²⁹ Within the Roman market there are all the national groups represented throughout Italy, with a predominance of Eastern European women coming mainly from Moldova, Romania, Albania and other ex-USSR countries, and women from Nigeria. There is a discrepancy between the large prostitution market and the low level of prosecutorial activities carried out by the Rome court, but one should note that Rome, like Lecce, is also a transit area for migrants heading towards other cities; it is perhaps for this reason that here ‘there were far more proceedings for smuggling of migrants than for trafficking in persons.’³⁰ The municipality of Rome acted both as a funding agency and as a promoter of projects of social protection, making the whole system of social protection under Article 18 a lot more structured around a central authority and providing all groups involved with funds, services, training, and expertise. However, relations between the municipality and the various NGOs and grass-roots organisations involved were not always smooth. According to one informant, NGOs sometimes lamented that the central administration adopted its own selective criteria and often denied protected houses to women already taken under their care.

Regarding links between trafficking, slavery, and prostitution, I will provide a quote from an interview with a judge in Rome, as it illustrates

the difficulty of using 'slavery' as a legal category, but, at the same time, its constant association with prostitution:

I'm involved in offences related to illegal immigration, exploitation of prostitution and introduction of women to be exploited in prostitution, not trafficking and reduction in slavery as such, although the women exploited are kept in conditions similar to slavery and are in actual fact prisoners of these exploiters. But it's not easy to contest an offence disciplined in the penal code, like reduction to slavery, through Article 18 ... I mean, within the anti-Mafia District Direction, once the slavery offence is contested it gets easily linked to prostitution related offences and exploitation of prostitution, so they are not two separate things altogether.³¹

As to the importance given to denunciation as a prerequisite for access to protection programmes, people working on the Rome project pointed out that it was a real problem and made Article 18 very limited in its application. According to a female psychologist of a non—religious group working on the Rome project:

In Rome it's impossible right now to apply for a residence permit under Article 18 without a full report. In reality it's always been like this, but in the past it had happened that if there were particularly dangerous groups involved and it was too risky for the girl to denounce them, the police would agree that they would use only our information leaving the girl outside the actual legal proceeding. This wouldn't happen anymore... They treat the granting of a residence permit as a reward for the woman who collaborates with the judiciary and the police. In other words the report with names of exploiters is essential. The last amendments to the law have led to an ever more rigid interpretation of Article 18, more than in any other city. As a consequence, if a girl who has already accessed Article 18 programmes goes to the police to have her residence permit renewed, she will have her fingerprints taken, then if they find out there was a past deportation order for her in their files, they will stop her and keep her in custody for a night. So, after she has started a social protection programme, she is suddenly treated like a criminal.³²

Within the project, access to social protection programmes was granted to a total of forty women as in June 2002, of whom three abandoned programmes and two decided to repatriate after a long wait for residence permits.³³ Of the 35 women in protection programmes who had been monitored by the municipality office during June 2002, two were without residence permits, whereas, among the residence permits granted to the other women, 22 were for work reasons, eight for social protection,

and two for family reunion.³⁴ It is further reported that only 15 women with residence permits for work reasons have maintained their jobs after the project was concluded, whereas the rest, including those with no residence permit at all, experienced precarious and discontinuous work. Among the reasons for this precariousness and discontinuity, the research carried out within the Rome municipality highlights women's difficulty in adapting to a work environment and life styles which they perceive as different and 'to the difficulty of accepting job offers which they perceived as unfavourable.'³⁵ Work in the black economy, long 'apprenticeship' periods during which women work irregularly, and contracts which are extremely 'volatile' and underpaid are also cited as reasons for work precariousness.³⁶ In terms of the types of work which are normally available for women who complete protection programmes, domestic and care work remains the most common solution in Rome, as in the rest of Italy.³⁷ However, as was reported by the project coordinator of the municipality office, 'there are some of them [women] who decide to get married and get a little job, or no job at all.' Another crucial weakness with regard to the job opportunities afforded by social protection programmes is the absence of trade unions as economic actors, which, as a psychologist woman in Rome pointed out, 'leaves a lot of room for risks of labour exploitation.'

In terms of the tension between 'repressive' and 'human rights' approaches used by the municipality, the emphasis on cooperation between the victim and judicial authorities as expressed by the psychologist above, means, among other things, that women are less and less treated like victims of human rights violation, and more and more as penal subjects—e.g. witnesses in anti-trafficking operations and illegal migrants when found with an expired residence permit. Although the municipality was keen to present its project in lay, non-moralizing terms, the 'religious' aspect emerged in this research site too, where a number of Catholic institutions and associations were involved in social protection programmes. Religious involvement, together with the 'repressive' evolution of protection programmes mentioned above, suggests that in Rome, as in Catania and Lecce, victim protection was applied according to a 'rehabilitation' principle which, again, marginalized the economic, i.e. work, and legal—residence rights—aspects of integration and privileged the ethical aspect centred on the regaining of an identity as 'good' woman, in opposition to an identity as 'prostitute.' The following interview extract illustrates the dichotomy:

She (the woman) is a destroyed person... She has no point of reference, she lost her dignity ... so we really have to help them to become conscious of what

happened to them, their experience of prostitution, to understand its meaning, how they found themselves in this situation, and then restart life as it was before...

The important thing in this process is to regain a sense of childhood, innocence, and all positive things they did before the bad experience. So it's important to understand and to forgive what they've done...³⁸

In the rehabilitation process the distinction between a 'real victim' and a 'fallen' woman is instrumental, and the justice system has an important role in the application of 'sexual' criteria for selecting a victim, as one of my interviewees pointed out:

In practice the women who enter Article 18 programmes have the feeling of being judged on a moral level, they begin to feel a sense of guilt, to feel dirty ... I have observed some pre-trial hearings, where the woman had to testify in front of the public prosecutor who questioned her ... in these circumstances some questions are really terrifying, like 'before you worked as a prostitute did you have sexual relations with men? How many sexual relations? With how many men?' ... this is the way they see whether the women are responsible for their prostitution or not ... the lawyers or judges ask these kinds of questions in order to help the woman, because in this way they demonstrate through legal proceedings the real innocence of the woman (Female flight house coordinator¹, non-religious group, Rome).

Conclusion

Discourse and policies on trafficking in human beings have tended, on an international level, to link trafficking to 'sexual exploitation' and exploitation for prostitution purposes. Within single states, there have been tensions with respect to 'humanitarian'—victim protection—*versus* 'repressive,' i.e. immigration and prostitution control, aspects of anti-trafficking policies, with some states emphasizing the former, others the latter. With the introduction of Article 18 of the immigration law passed in 1998, Italy has approached anti-trafficking policy decidedly—if only rhetorically—as a humanitarian issue, and in consequence has emphasized the protection of victims.

Field research in three Italian cities shows that social protection programmes have been influenced by an anti-trafficking campaign which, in Italy as elsewhere, is centred on the old image of the victim—that is the migrant/'trafficked' prostitute—as powerless and in need of

being restored to mainstream society's values regarding sexuality and work. In other words, to gain protection and assistance and to be able to stay and work permanently within the country, a victim of trafficking is to abide by specific institutional requirements related to her decision to 'break' with the exploitative environment, i.e. break with prostitution, and to 'change life.'

As interview data from the three research sites confirmed, prostitution was regarded as the main source of exploitation in 'trafficking' and a form of slavery linked to organised crime. It transpired that, in spite of the difficulty of 'slavery' as a legal category to be used in prosecutions, the term was nevertheless used in key actors' narratives of who was a 'victim of trafficking.' The research also demonstrated that religious groups play an important role in interpreting Article 18 based on 'redemption' from the experience of prostitution and on a disciplinary approach which effectively prevents the 'risk' of falling back into prostitution and is oriented towards 'good' (female) sexuality, e.g. as wife or mother, and 'good' work, e.g. as domestic worker.

Religious/redemptive narratives as opposed to principles of economic autonomy, the focus on prostitution as a form of slavery, and the evolution towards a judiciary/witness approach to Article 18 as opposed to social/human rights protection approach, mean that in the three Italian cities where research was conducted repressive principles prevailed over human rights principles. While the granting of a permanent residence permit is never straightforward and tends to depend on the victims' willingness to co-operate with the judiciary system, the process of social integration on which the granting of permanent residence and work rights depends is often turned into a form of social control. Women who are defined as 'victims' are subject to paternalistic measures designed to turn them into 'good women' and 'good workers,' rather than individuals whose citizenship rights are recognised through the facilitation of economic independence. ■

Notes

¹ See Spiezia, F., Frezza, F., and N. M. Pace *Il traffico e lo sfruttamento di esseri umani. Primo commento alla legge di modifica alla normativa in materia di immigrazione ed asilo* (Milano: Giuffrè, 2002).

² United Nations 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*. <http://www.uncjin.org/Documents/Conventions/dcatoc/final—documents—2/convention—%20traff—eng.pdf> (accessed February 7, 2008).

³ See for example Doezeema, J. 'Who gets to choose? Coercion, consent, and the UN Trafficking protocol,' in *Gender, Trafficking, and Slavery*, ed. R. Masika (Oxford: Oxfam, 2002), 24-25.

⁴ Ibid., 20. See also Raymond, J. 'The New UN Trafficking Protocol,' *Women's Studies International Forum* 25 (2002), 491-502, 494.

⁵ Directive 2004/81/EC, 'On the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who co-operate with the competent authorities.' European Commission. Official Journals, OJ L 261, 6/08/2004, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML> (accessed, February 18, 2008).

⁶ Curtol, F. et al. 'Victims of Human Trafficking in Italy: A Judicial Perspective,' *International Review of Victimology* 11 (2004), 111-141.

⁷ Law Decree 25 July 1998, n. 286, *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, www.parlamento.it/leggi/deleghe/98286dl.htm (accessed December 4, 2007). For a further discussion on the impact of Article 18 as an anti-trafficking/anti-slavery law see Virgilio, M. 'Libertà sessuale e nuove "schiavitù",' in *La tutela penale della persona. Nuove frontiere, difficili equilibri*, ed. L. Fioravanti (Milano: Giuffrè Editore, 2001).

⁸ See Virgilio, M. 'L'articolo 18 nel quadro della legislazione penale di contrasto della criminalità contro le persone migranti,' in *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei)*. Rapporto di ricerca, Ed. On the Road, 78 (Martinsicuro, TE: On the Road Edizioni, 2002).

⁹ While Article 18 includes 'reduction to slavery' as one of the crimes of which a foreigner may be victim, the Italian legislation provided in 2003 for a specific law against trafficking in persons and against slavery (Law n. 228/2003, which modified the penal code in those articles dealing with slavery and the slave trade). Law n. 228 of 2003 also provides, in Article 13, for assistance and protection programmes, but only for victims of slavery or slavery-like practices, whereas in Article 18 it is sufficient that a foreigner is found in 'situations of violence' or 'serious exploitation.' In practice, Article 18 has it made easier for the judiciary authorities to prosecute and convict persons involved in trafficking-related crimes. For a further reading, see the research by Pearson, E. *Human Traffic, human rights: redefining victim protection* (London: Antislavery International, 2002): 142. For a comparison with Article 13 of Law 228 against trafficking, see Mancini, D. 'La protezione sociale ex art. 18 del dlgs 286/1998 svincolata dallo status di cittadinanza: l'art. 6, comma 4 del decreto legge 300/2006,' in *Filodiritto. La legge-il diritto-le risposte* (10/01/2007), <http://www.filodiritto.com/index.php?azione=visualizza&iddoc=543> (accessed February 8, 2008).

¹⁰ Petrini, D., and Ferraris, V. 'Analisi dell'art. 18 nel quadro della legislazione sull'immigrazione e della lotta alla criminalità organizzata. Storia e premialità dell'istituto e dei suoi antecedenti,' in *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei)*. Rapporto di ricerca, ed. On the Road, 53 (Martinsicuro: On the Road Edizioni, 2002).

¹¹ See Pearson, 'Human Traffic,' 90. See also 'La dimensione comparativa,' 2.5 Belgium, in *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei)*. Rapporto di ricerca, ed. On the Road (Martinsicuro: On the Road Edizioni, 2002): 393-422.

¹² Ibid., 141; Mancini, 'La protezione sociale.'

¹³ Ibid.

¹⁴ The general title of the law is 'Prorogation of terms provided for by legislative dispositions.' See Mancini, *La protezione sociale*.

¹⁵ Ibid.

¹⁶ See Prina, F. 'I progetti e le forme di implementazione della norma: modelli organizzativi, sistemi di significato, articolazione della prassi,' in *Articolo 18: tutela delle vittime del traffico*. See also Picciolini, A. 'Il quadro normativo italiano sul problema del traffico internazionale finalizzato alla prostituzione e allo sfruttamento sessuale delle donne,' in *I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento sociale*, ed. F. Carchedi, et al. (Milano: FrancoAngeli, 2000).

¹⁷ Law 30 July 2002 n. 189 'Modifica alla normativa in materia di immigrazione e di asilo.' This law has introduced more restrictive measures concerning entry, the obtainment of a work permit and its duration, so that, even if Article 18 was not modified, its ability to allow for a regularisation of migrant women through a work contract has been affected, since workers, in particular domestic workers, which is what most women who complete Article 18 programmes end up as, are made completely dependent on their employers' willingness to renew the contract after one year.

¹⁸ According to data from the Equal Opportunities Department related to the monitoring of 42 protection projects carried out throughout Italy from March 2001 to March/April 2002, 1,194 women were lodged in flight houses, 428 women were lodged in autonomous housing, 190 in families, and 203 were lodged in other types of accommodations, including semi-autonomous lodging (47), community centres and friends. See Barberi, A. 'Analisi conclusiva dei dati relativi al monitoraggio dei progetti di protezione sociale,' in *Azioni in favore del reinserimento socio-lavorativo delle vittime della tratta. European Conference, Turin, October 24-25 2003*, ed. A. Barberi, 78 (Rome: Presidenza del Consiglio dei Ministri, 2004). [www.pariopportunita.gov.it/Pari—Opportunita/UserFiles/Il%20Dipartimento/versioneinternet\[2\].pdf](http://www.pariopportunita.gov.it/Pari—Opportunita/UserFiles/Il%20Dipartimento/versioneinternet[2].pdf) (accessed February 12, 2008).

¹⁹ Part of the results of the pilot research conducted by the local LILA are published in Nigro, L. et al., 'Prevalence of HIV and Other Sexually Transmitted Diseases among Colombian Female Sex Workers Living in Catania, Eastern Sicily,' *Journal of Immigrant Health* 8 (2006): 319-323.

²⁰ These are unpublished data from the street unit operators of the local LILA.

²¹ Representative of religious group, Catania.

²² Judge I, Catania.

²³ Orfano, I. and Ferraris, V. 'Lecce,' in *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei). Rapporto di ricerca*, ed. *On the Road*, 281 (Martinsicuro: On the Road Edizioni, 2002).

²⁴ Ibid., 285.

²⁵ For the modality of contacts with victims of trafficking see Barberi, A. 'Analisi conclusiva dei dati relativi al monitoraggio dei progetti di protezione sociale,' in *Azioni in favore del reinserimento socio-lavorativo delle vittime della tratta, European conference, Ottobre 24-25, 2003*, ed. A. Barberi (Rome: Ministero per le Pari Opportunità,

Presidenza del Consiglio dei Ministri, 2004). <http://www.pariopportunita.gov.it/Pari—Opportunita/UserFiles/Servizi/Pubblicazioni/azione-in-favore.pdf> (accessed December 23, 2007), See also Pearson, E. *Human Traffic, Human Rights*, in particular chapter 9 on the Italian case.

²⁶ Judge 1, Lecce.

²⁷ Ibid.

²⁸ Volunteer of religious project, Lecce.

²⁹ Carchedi, F. 'Le iniziative in atto e la prospettiva di un intervento integrato,' in *I colori della notte. Migrazioni, sfruttamento sessuale, esperienze di intervento sociale*, ed. F. Carchedi et al., (Milano: FrancoAngeli, 2000), 165.

³⁰ Curtol, F. et al., 'Victims of Human Trafficking in Italy: A Judicial Perspective,' 116.

³¹ Judge 1, Rome.

³² Female psychologist2, non religious group, Rome.

³³ Minguzzi, C. 'Risultati: indicatori quantitativi e qualitativi del Progetto,' in *Il futuro possibile. Tratta delle donne, inserimento social, lavoro*, ed. Minguzzi, C. (Rome: Comune di Roma, 2002), 171-172.

³⁴ Ibid., 172.

³⁵ Ibid.

³⁶ Ibid., 172-173.

³⁷ Alessandra Barberi reports that 'the greatest difficulty [...] consists in inserting people into a 'normal' occupational sector, that is a productive activity, whereas in reality they are 'parked' in pseudo-jobs consisting in most cases in domestic work.' See A. Barberi, *Azioni in favore del reinserimento socio-lavorativo delle vittime della tratta. European Conference, Turin, October 24-25 2003*: 78

³⁸ Female psychologist 2, religious group, Rome

Crime Control and Victim-Centred Approaches to Human Trafficking: A Response to Testai

HEIDI STOECKL AND GERNOT KLANTSCHNIG

Testai's article 'Victim Protection Policy in Italy: Between "Emancipation" and "Redemption"' adeptly captures the international debates on human trafficking, as well as their influence on the implementation of Italian anti-trafficking policy and the provision of services to victims of trafficking. Her article concentrates on the shortcomings of the Italian victim-centred approach. She further claims that these shortcomings are largely based on the policy implementers' own agendas and ideological beliefs.

The aim of this response article is to underline the importance of the Italian approach to human trafficking, despite its shortcomings. We will situate the Italian case within the wider international debate between crime control and victim-centred approaches to human trafficking and then use the comparative example of Germany to show how a crime control-centred policy impacts on the legal status and rights of trafficking victims. German policy is chosen purposefully, as it represents the predominant approach to human trafficking in European countries and helps to highlight the exceptional nature of victim-centred Italian policy. We will argue that, despite the hidden and ideological agendas interfering with victim protection in Italy, the internationally dominant crime control-centred approach to human trafficking has far more severe implications for victims of trafficking.

Crime Control Versus Victim-Centred Approaches

Besides the debate on whether prostitution constitutes human trafficking, Testai highlights a second major line of debate between crime control and victim-centred approaches to human trafficking. In her case studies, she shows that judicial and law enforcement considerations dominate over the social protection of trafficking victims in Rome, while social protection of victims remains the focus in Catania and Lecce. According to Testai, repressive crime control methods have been clearly gaining ground since 2002 and victim protection has increasingly served the purpose of prosecuting criminals rather than assisting victims of

trafficking. Whereas the Italian policy approach to human trafficking has been victim-centred, its implementation is moving towards crime control.

While Testai shows that the Italian conflict between crime control and victim protection reflects a larger European controversy as highlighted through the 2004 European Council Directive, we argue that the roots of this conflict can already be found in earlier international deliberations. The negotiations leading to the Trafficking Protocol of the 2000 Palermo Convention are a case in point. The Protocol was primarily negotiated as a law enforcement instrument and not a human rights treaty. It was developed within the UN Crime Commission, which is a body dominated by law enforcement rather than welfare or human rights officials.¹ National governments drafted the Protocol in order to combat the growth of transnational organised crime, in particular through policing and prosecution of traffickers. This approach clearly sidelined alternative views on anti-trafficking policy, held by the majority of NGOs involved in the negotiation process. These NGOs favoured a human rights approach which emphasized the protection and rehabilitation of trafficking victims rather than the use of victims to prosecute their traffickers.² Faced with powerful state interests, these alternative views had little effect on the final version of the Protocol.

As a result, the Palermo Convention and its Trafficking Protocol only established binding obligations in the field of criminal justice, through the prescription of penal measures against traffickers and criminal organisations. In contrast, the Protocol leaves the welfare of trafficking victims, as well as preventive measures, largely at the discretion of implementing governments. Even though the Convention is often portrayed as a landmark in the provision of human rights for trafficked persons, these measures remain purely rhetoric and secondary in the treaty.³ In essence, the 2000 Convention and most other international agreements promote an anti-trafficking norm biased towards crime control.⁴ Most signatory states adhere to this norm, with the exception of a few countries, such as Italy, which equally emphasize victim protection.

Trafficking Law in Germany

Testai's overall argument is that victim protection services in Italy, despite doing important work, are not achieving the full emancipation of victims, namely their recognition as independent citizens. We agree with Testai's argument in relation to Italy, nonetheless we want

to show that it is also crucial to see the Italian case in the context of wider European and international anti-trafficking policies. Most other countries, such as Germany, intentionally prioritise a criminal response to human trafficking. In these countries, the safety and welfare provided to victims is far below the Italian standard.

The debate on human trafficking and national policy in Germany differs from the Italian case. In contrast to Italy, German law regulates prostitution and officially regards prostitution as work. Prostitution is only considered as human trafficking if women are forced into it. In February 2005 a new criminal law on human trafficking was enacted to align German legislation with international and European requirements. The new law criminalises trafficking for sexual exploitation and trafficking for forced labour. The main aim of this law is to make criminal investigations more effective and to encourage women to testify against their traffickers.

In Germany, most victims of trafficking are foreign nationals and the decision on whether they can stay in the country is based on immigration rules. An exceptional leave to remain of four weeks (*Duldung*), not a temporary residence permit as in Italy, is given to any person who is identified by the German police as a potential victim of trafficking. During this four-week-period authorities determine the victim status of the trafficked person while this person can try to recover and make informed decisions as to their legal actions. In addition, trafficked persons are supposed to use this time to seek psychological and medical help, to secure financial support and to prepare the return to their home country. This exceptional leave to remain is restrictive and does not allow the victim to leave a certain location. Through these measures, the German state clearly exerts more direct control over trafficked persons and less support than its Italian counterpart.

Furthermore, according to German immigration rules, a foreign person's deportation can be suspended if it is in the public interest for them to remain in the country. As a result, trafficked persons who decide to co-operate with German authorities in the investigation of trafficking crimes can receive a suspension of their deportation. This is different from Italy since it is a statutory temporary suspension, not a temporary residence permit. The suspension is only valid for short periods and needs to be extended repeatedly. During the period of the suspension, trafficked persons are not allowed to work and remain dependent on a financial allowance which is below the minimum level of social welfare.⁵ Essentially, the deportation suspension, as well as the exceptional leave to remain, only allows victims to stay as long as they are useful to the German criminal justice apparatus.

The actual residency status of the victim is determined only after the criminal proceedings. A positive residency decision depends on the substantial and concrete danger to the victim's physical integrity, life, and freedom in her country of origin as a consequence of her participation in legal proceedings. It must be proved that this actual danger is present throughout the entire country of origin. If this is found to be the case, a longer-term residence permit is granted. Unsurprisingly, these conditions are difficult to prove, and therefore the number of temporary and permanent grants of residency in Germany is very low.⁶

Due to the strong emphasis on criminal justice in German human trafficking policy, several concerns over the rights and safety of the victims become apparent. First, the duration of the exceptional leave is clearly too short. In practice, trafficked persons need more than four weeks to stabilise themselves, given the psychological and health consequences of human trafficking and the safety issues they need to consider before agreeing to participate in criminal proceedings. The second major problem is the link between the residency status and the trafficked person's status as a witness in the trial against their traffickers. The residence permit should solely depend on the actual danger in the person's country of origin. In addition, the conditions to prove this danger are currently set too high. Finally, as trafficked persons acting as court witnesses are not permitted to seek work or vocational training, they cannot improve their economic position in their country of origin or in Germany. Effectively, the German approach does not even intend to solve any of the underlying factors of human trafficking. It is purely an instrument for the criminal justice apparatus to increase the number of arrests and prosecutions in Germany.

Conclusion

The analysis of German policy and assistance to trafficking victims shows marked differences to the Italian situation, in particular the German focus on crime control and the Italian focus on victim protection and rehabilitation. In Germany, victims of trafficking are mainly treated as instruments in the criminal proceedings against a human trafficker and most of the time they have to leave the country after four weeks or after the trial against their trafficker. Only very few women are granted full residency afterwards. This is in stark contrast to Italy's Article 18.

As a result of the different legal position of trafficked persons in Germany, non-government actors play a different role compared to Italy. Most anti-trafficking NGOs concentrate on supporting victims legally,

medically, and financially in the short period of four weeks. Attempts to change trafficked women's lifestyles are barely possible and also inappropriate since only women forced into prostitution are considered as victims of trafficking. Consequently, there is also less space for ideological and hidden agendas as in the Italian case.

From the perspective of the trafficked person, staying in Germany and taking part in criminal proceedings poses a high risk, since traffickers can identify who testified against them and threaten witnesses or their families. Trafficked persons who nonetheless act as witnesses in criminal proceedings can be considered very brave. These people definitely deserve better treatment than they currently receive in Germany and in most other European countries.

Comparing the situation in Italy and Germany shows that victims of trafficking receive much more support in Italy and that Germany has a much longer way to go in ensuring the dignity and safety of trafficked persons. Testai's analysis of Italian policy and practices is nevertheless of great importance. She highlights the more hidden challenges to the rights and welfare of trafficking victims even within a victim-centred approach to human trafficking. This response article has contrasted the Italian case with the more overt challenges to the rights and welfare of trafficked persons in the great majority of European states, which use crime control-centred approaches to human trafficking. ■

Notes

¹ Jordan, A. *Annotated Guide to the Complete UN Trafficking Protocol* (Washington: Initiative Against Trafficking in Persons, 2002).

² Anderson, B. and O'Connell Davidson, J. *Trafficking – A Demand Led Problem? A Multi-Country Pilot Study* (Stockholm: Save the Children Sweden, 2002).

³ Bruckert, C. and Parent, C. *Trafficking In Human Beings and Organised Crime: A Literature Review* (Ottawa: Royal Canadian Mounted Police, 2002).

⁴ Nadelmann, E. 'Global Prohibition Regimes: The Evolution of Norms in International Society,' *International Organisation* 44, 4 (1990): 479-526.

⁵ Kvinnoforum, *European Good Practice on Recovery, Return and Integration of Trafficked Persons* (Stockholm: Swedish Ministry for Foreign Affairs, 2003); Popova, D. *Darstellung aller finanziellen Möglichkeiten für die Opfer von Frauenhandel* (Potsdam: KOK- Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V., 2006).

⁶ Van der Kleij, A. *Provisions for Victims of Trafficking in Bonded Sexual Labour, i.e. Prostitution in Six European Countries* (Amsterdam: Bonded Labour in the Netherlands, 2003); Talens, C. and Landman, C. *Good Practices on (Re)integration of Victims of Trafficking in Human Beings in Six European Countries* (Amsterdam: Novib/Oxfam Netherlands, 2003).

Human Trafficking: Policy Needs and Political Responses

63

MARCO GRAMEGNA¹

Since the end of the 1980s, human trafficking has increasingly featured in the political agendas of governments, regional institutions, inter-governmental, and non-governmental organisations. It became a global issue in those years as evidence emerged of women from Eastern European and Asia being brought into Western Europe and forced into prostitution. Initially, civil society organisations denounced trafficking and were compelled to take action. Soon after this, intergovernmental institutions and governments followed suit. At present, human trafficking is on the action agenda of a huge number of private and public institutions. However, despite the increasing gravity of the problem, such action has not always been comprehensive or coherent nor, even less so, done in a coordinated way among all actors involved. Therefore, policy-making and implementation have seldom responded to the real need to eliminate this type of crime and rather have been restricted by the many social, political, ideological, and moral implications involved in human trafficking. This has also been reflected in the policies and practical activities against trafficking of some non-governmental organisations.

Three important elements will be taken into account in this analysis: the link between international migration policy and trafficking in human beings, the need for appropriate legislation on trafficking and the need for a well-structured policy assessment and monitoring of anti-trafficking activities.

Global Mobility and Human Trafficking

Much has been said on the relationship between trafficking in human beings and legal and illegal international migration. It would be wrong and unfounded to think that increased global mobility would lead to a growth in the trafficking of human beings, or of crime in general. Global mobility is not a new phenomenon. Migration has existed throughout human history. Modern technology, communications, and transportation have facilitated the mobility of people, services, and capital. Trafficked persons are often migrants who find themselves trapped and abused by traffickers. Trafficking usually implies a physical movement of the trafficked person from her/his place of living to the place of exploitation, which is either within or across international borders. These movements

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are motivated by wealth inequalities and different opportunities for people between countries of origin and countries of destination. Also, differences in education and employment opportunities, available resources, gender equality, governance, democratic structures, and respect for human rights make people move and cross borders.

Labour migration has been recognised as a necessity for developed countries in order to fill demographic and economic gaps,² to fight increasing irregular migration pressures, and smuggling and trafficking criminal networks. Fertility rates are lower and life expectancy is greater in developed countries, which leads to an ageing population, labour and skill shortages and increased taxes on the working population in order to support social benefits for the wider community.

Out of nearly 200 million migrants in the world today, close to 150 million are migrant workers and their families, whilst labour migration continues to increase as inequalities between countries grow. The decision to seek a better life abroad has always been part of human survival strategies. However, at present these moving masses are confronted with more restrictive regulations and immigration policies imposed by countries of destination, reducing the opportunities for regular migration and creating more opportunities for traffickers and smugglers to offer their migration and employment services to potential migrants.

The challenges posed by international migration to the international community and to individual countries are varied, and are linked to the political, economic, and social priorities of states as well as to the needs and rights of individual migrants. One of those challenges is that while the open flow of goods, technology, and capital is widely accepted and regulated, regulation of the flow of workers across borders is still not accepted. As a consequence, irregular migration is becoming a common denominator in most receiving countries due to the immigration restrictions and to the increasing wealth differences between sending and receiving countries. Destination countries in the European Union and North America, as well as some receiving countries in Africa, Asia, and Latin America are confronted with a massive and dramatic arrival of irregular migrants looking for a better future. In most of the countries of the European Union, officials are increasingly accepting the need for a realistic approach to migration which takes into account the economic and demographic needs of the region; only in this way can facilities for the legal admission of skilled and unskilled migrants to the Union be created through a coherent policy, respecting the principle of fair treatment of third country nationals. Yet despite such expressed policy commitments, most governments have continued to respond with a restrictive approach to immigration policies. This is due to the internal political pressures regarding immigration that push governments towards abrogating their international commitments. However, the result

of these restrictive policies is that they have not decreased immigration, but rather have left migrants and potential migrants more vulnerable to irregular forms of migration, including smuggling of migrants, and human trafficking for labour and other forms of exploitation.

Unfortunately, the opening of markets has also led to their deregularization and informalization. It is in this context that trafficking occurs, since most trafficked persons are forced to work in the informal, unregulated, and unprotected labour sectors. Despite this, most governments of industrialised countries continue to deny their dependency on migrant labour. Deregulation of labour markets has involved reduced state control and application of labour standards. In the unskilled sectors of labour there is almost no regulation or, indeed, the possibility for workers' organisation.

This is the case not only for the sex industry and domestic work, which have been traditionally informal, but also formerly regular sectors such as agriculture and construction, where subcontracting and contract work have been deregulated. The use of sub-contractors increases informalization due to the disappearance of a visible, responsible entrepreneur. In these conditions, labour is cheap, expendable, exploitative, and vulnerable to trafficking. This is even more acute in sectors such as domestic services or sex work, mostly done by women who migrate into these unskilled and unregulated areas, which are not recognised as work. This implies that these workers are not recognised by the formal economy and therefore lack employment rights, with the result that they are more vulnerable to exploitative working practices, smuggling, and trafficking.

Irregular migration in general, and human trafficking specifically, confront all countries with severe violations of the human rights and the threat posed by transnational criminal organisations. These problems are linked with the weak implementation in most countries of the existing international instruments, norms and standards for the protection of the human rights of all migrants, regular and irregular, and the absence of integration policies for migrants and their families. Given the increased involvement of women in international migration, migration policies still do not sufficiently consider this fact.

The promotion of regular and managed migration based on demand, including the need for unskilled labour, the protection of migrants' rights, the presence of formal and informal organisation of workers and the application of labour standards, have the potential to reduce trafficking by offering a mechanism which is safer and guarantees labour and human rights. Migration management should also focus on the benefits that well-organised migration would provide to the countries and persons involved. In this regard, trafficking in human beings can also be combated through the protection of migrants' human and labour rights. The European Union Tampere Council meeting recognised in 1999 that

the creation of a European area of freedom, security and justice required the development of common policies on asylum and migration that would offer guarantees to those who seek protection in the European Union through a more efficient management of migration flows and the necessity to secure the rights of the victims, particularly women and children.

In 2003, in Thessaloniki, the European Union states recognised the need for migration into the EU and stressed the need to establish quotas for entry for third country nationals as well as measures for the control of irregular migration. The European Commission has reiterated the link between managed migration policies and the fight against trafficking. Yet the fight against trafficking in human beings continues to focus mainly on the detention and punishment of traffickers. The profile of a trafficker, unlike that of a victim, remains difficult to draw due to a lack of analysis and information. However, what is clear is that traffickers fill different roles depending on the phase of the trafficking process: to use a simple categorisation, there are recruiters, transporters, and exploiters. However, different persons or social groups have different levels of participation in the process.³ The traffickers, men and women, may belong to the same family, friends, or community as the victim and act as recruiters or intermediaries. Criminal organisations that manage human trafficking, amongst other illicit businesses such as drug trafficking, have different roles depending on the structure of the organisation and its criminal and financial activities. Usually the top hierarchy of a criminal organisation has total control and manages all activities based on the information provided by the middle and lower strata, including those who assess the market and recruit and deliver trafficked persons. Their financial power allows them to act freely in different countries, essentially through corruption and a technical capacity which is sometimes superior to that of national law enforcement.

In order to combat trafficking, a comprehensive policy needs to address the entire trafficking chain, including countries of origin, transit and destination, recruiters, transporters, exploiters, clients, and beneficiaries. It should also cover prevention, prosecution and protection, acknowledge the demand for foreign labour, and avoid punishing victims of trafficking without looking at their condition as victims.

In general, migration policies are not gender sensitive and do not regulate and protect the labour sectors in which migrant women, particularly irregular ones, tend to carry out their work, exploited by traffickers and employers. Exploitation will affect all irregular migrants, male and female, who fill the demand for migrant workers until policy-makers recognise that they have to establish norms and procedures for an open and managed migration policy, which opens channels for regular migration and prevents vulnerable migrants being trapped by traffickers

and smugglers. This should be done in coordination with countries of origin and with respect to their needs.

Restrictive immigration policies have not demonstrated their effectiveness to prevent undesirable migration; rather they have created a fruitful market for irregular migration and trafficking in human beings controlled by criminal organisations. Trafficking would not occur with a well-managed migration policy where migrant workers do not have to resort to illegal methods of seeking employment, where employment is not illegal or occult, and where working conditions are regulated and protected.

Global mobility has caused policymakers to increase controls on border crossing and the movement of people. However, the abusive labour practices and exploitative conditions in which irregular migrants and victims of trafficking work have not been the focus of policy attention, thereby increasing victims' vulnerability. In a globalised economy, labour moves according to market forces and towards places offering better economic opportunities. However, if the informal labour market is not controlled or regulated, smugglers and traffickers tend to concentrate their labour force there.

The promotion of regular and managed migration policies and standard-based working conditions have the potential to prevent and reduce trafficking by offering migrants and other workers opportunities that are safer and guarantee their human and labour rights. Governments of destination countries should promote managed migration policies for skilled and unskilled workers that are gender sensitive and imply the establishment of clear and comprehensive laws and administrative arrangements to ensure that migration movements are mutually beneficial for migrants, societies, and governments.

From the Appropriate Analysis of the Problem to a Consistent Legislation

Trafficking in human beings is a complex phenomenon as it is connected to different fields of interest, thus permitting analysis from different points of view. These differences are reflected in the actions taken to curb the phenomenon. Migration, as discussed above, is only one element involved in trafficking. There are other important elements that need to be considered: human rights, organised crime, labour, gender, violence against women, poverty and the feminisation of poverty, prostitution and sexual exploitation, unequal international economic relations, and other factors. In order to be comprehensive, all those elements should be reflected at different levels, in the legislation, policies and strategies implemented by governments, non-governmental, and inter-governmental organisations. Solutions proposed against human

trafficking will depend primarily on a good definition and analysis of the problem. If trafficking is only defined as an organised crime issue, the solutions will be different than if it is defined as a human rights, poverty, or migration problem. A correct analysis of the trafficking phenomenon would clearly demonstrate that there is no single solution. Given the multi-faceted character of trafficking, interdisciplinary approaches are essential.

At present many anti-trafficking policies, strategies, and legislation have weaknesses, especially due to the way in which they narrowly conceptualise human trafficking. Some of them seem to have focused only on one aspect. For example, restrictive immigration policies, established with the purpose of curbing irregular migratory flows, in fact create a market for irregular migration, smuggling of migrants, and human trafficking. Similar is the so-called 'victim-centred approach,' which proposes to focus all legal efforts on the trafficked person, providing the necessary assistance and protection the person may need in the form of legal or health support, shelter and physical protection, reintegration or return assistance, job creation or education. All the above is very necessary when a person has been trafficked. However, as an approach, it is somewhat limited if the goal is to combat and curb trafficking as a criminal violation of human rights. Even if all strategies are valid as a contribution to a comprehensive approach to human trafficking, in order to effectively address trafficking in human beings, a holistic and integrated approach is needed. This should be based on the respect for, and promotion of, human rights as the paramount issue and should include a multidisciplinary approach involving all constituting elements of human trafficking, from repression of criminal activities and irregular migration, to tackling the root causes of trafficking such as poverty, inequality, and lack of information, to the empowerment of trafficked persons.

The existing international and regional legislative frameworks include two reference instruments for trafficking in human beings. The UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2003), supplements the *United Nations Convention Against Organised Crime* (2002), which provided a clear definition of human trafficking and guidelines relating to the punishment of traffickers and protection of, and assistance for, victims. The Council of Europe's *Convention on Action Against Trafficking in Human Beings* (2005) goes further on the definitions of the victim and the responsibilities of the states concerned. In the case of child victims, the United Nations Convention on the *Rights of the Child* (1989) should also apply as a general framework and from the migration perspective, the *United Nations Convention on the Protection of the Rights of all Migrant Workers and their Families* (1990) provides the international legal reference.

In order to be more comprehensive, national anti-trafficking legislation should reflect these international instruments and recognise both the nature of, and solutions to, all the constitutive elements of trafficking in human beings. Legislation should consider trafficked persons as victims of significant violations of human rights, facilitate legal proceedings against traffickers and protect victims as possible witnesses.

However, four years after the 2003 Protocol came into force, national anti-trafficking legislation, if it exists, presents a great variety of approaches and views on trafficking: reductions in levels of trafficking have been sought by criminalising prostitution, pimping and soliciting of sex services, or by combating irregular migration and illegal employment, either through gender-sensitive actions or through assistance to trafficked persons. It is not the purpose of this short article to describe or assess all the different forms of legislation in place, but to point out what should be the appropriate legislative approach to the modern and changing characteristics and trends of human trafficking.

Due to internal social, cultural, political, and moral pressures, some national anti-prostitution and anti-sex soliciting legislation is intended to combat trafficking. These pieces of legislation could have a certain impact on the reduction of the open sex industry and, therefore, on the number of trafficked persons working in it. Yet they fail to tackle the core aspect of trafficking, which is forced labour, by focusing only on the sexual exploitation aspect. Nevertheless, their immediate value is recognised as one more element to reduce the scope of activities of traffickers of forced prostitution. Their real long-term value has not yet been clearly demonstrated and the potential increase of underground forced prostitution has not been measured.

Consequently the first, and maybe more obvious, aspect is that whatever legislation is in place should cover trafficking in human beings for all purposes and not only for sexual exploitation. Despite recognising that sexual exploitation and forced prostitution of women and children are the most important forms of trafficking on all continents, an increasing number of trafficked persons are exploited in other areas, such as agriculture, tourism, domestic services, construction, petty crime, organised begging, and so forth. Here the crucial aspect is to realize that for traffickers, the main purpose of their trade is the exploitation of victims in whatever sector is available in order to produce financial gain. Sexual exploitation and prostitution has been a profitable sector for traffickers for decades. However, due to the increasing control of this sector by national authorities in many destination countries, traffickers tend to diversify their business towards less controlled industries. In this regard, the increasing proportion of male trafficking in all continents is notable particularly, but not only, for labour exploitation.⁴ Anti-trafficking legislation that addresses only one form of trafficking would

fail to cover the expansion of trafficking to other sectors and would not tackle forced labour.

Further, as it was explained in the first section of this paper, trafficking in human beings is not a synonym for irregular migration or smuggling of migrants. Misconceptions about the subject can lead to legislative errors. Accordingly, legislation penalising both irregular migration and trafficking in human beings is not able to deal with the crime of human trafficking, but rather serves to penalise the condition of irregular migration that most trafficked persons live in. A choice should be made between punitive policies and the protection of trafficked persons who have been forced into irregular migration. Respect for the rights of trafficked persons, their protection and preservation as witnesses against traffickers is crucial in order to establish effective criminal procedures.

Many countries have already established different institutional frameworks to deal with human trafficking. The mandate and functions of institutional frameworks depend on the orientation of national counter-trafficking legislation. One of the weaknesses of this institutional system is that traditional anti-trafficking legislative frameworks give law enforcement agencies the primary role in relation to human trafficking but leave governmental and, particularly, non-governmental social assistance institutions with only a minor role. Relatively few pieces of national legislation specifically include the responsibilities of civil society in the fight against human trafficking, despite their recognised crucial function. In this regard, the lack of cooperation among the different national institutions debilitates any enforcement of legislation. These weaknesses should be foreseen and through legislation should establish the role of each institution and the necessary cooperation among them.

An institutional framework should also include a National Coordination Mechanism to integrate all major actors in the fight against trafficking: national authorities on labour and employment, interior and police, migration, gender, health, foreign affairs and others, together with civil society agencies. This group should be responsible for the implementation of national strategies and action plans, monitoring, and the evaluation of implementation. Since the basic cooperation should be with data collection and the exchange of information gathered by all agencies, the National Coordination should also create networks among national, regional, and international structures for efficient information dissemination and feedback mechanisms.

The second level of the National Coordination should be the establishment of the National Referral Mechanism, a cooperative framework through which state actors fulfil their obligation to identify and refer trafficked persons to the appropriate institutions for their assistance, protection, empowerment, and integration.⁵

The third institutional level of national legislation efforts should be the creation of a structure for gathering and analysing information. A National Rapporteur on Trafficking in human beings would bring together existing information and data, identify gaps in the implementation of anti-trafficking policies, and propose actions to overcome these difficulties. This position should be independent from government and should not have an operational or policy-coordinating task.

The above three levels of national action against trafficking should ensure a holistic and integrated approach to trafficking, as well as well-defined functions for the collection and exchange of information, design and implementation of policies, coordinated assistance to trafficked persons and the evaluation of policy implementation. The same structures should be replicated at the European Commission, where human trafficking issues are the preserve of the Justice, Freedom and Security structure; failure to involve concerned actors in the Employment, Foreign Affairs, Development structures has produced an approach dominated by law enforcement concerns, with little consideration of the broader perspective.

In addition, anti-trafficking legislation should provide the following assistance for victims:

- A residence permit for an initial period of six months for the victims of trafficking wishing to stay in the country of destination and available particularly, but not exclusively, to those victims who want to file a complaint or make statements against the traffickers. This permit could be renewed every six months.
- Assistance by specialised shelters for the relief and assistance of victims. This should be done in coordination with the national referral mechanism put in place in the country.
- Witness protection for those victims who file cases against traffickers.

As a good practice, Belgian legislation—included in the national Criminal Code—was adopted, *inter alia*, because ‘the concepts of immoral behaviour and prostitution do not cover all cases of trafficking in human beings and the same applies in the area of the law on the Aliens Act which does not allow the possibility of suppressing the trafficking in human beings focusing on those who are illegal aliens.’⁶ The law defines trafficking in human beings, makes this offence a crime to be punished, reinforces the accessory penalties (deprivation of the exercise of rights and obligations; closing down the venues and broader confiscation), includes the necessary assistance and protection of victims, and establishes the structure and the resources for those actions.

The Belgium Federal Justice Department was assigned the task of co-ordinating the various agencies involved in implementing the governmental action plan and maintaining an overview of the initiatives. This integrated approach included assistance to victims and the creation of the three specialised independent centres to provide socio-psychological and legal aid to victims, as well as a system of multidisciplinary controls, actions and investigations targeting risk sectors, such as bars, exotic restaurants, cleaning services, textile companies, agriculture, and so on.

Assessment of Policies Towards Improved Policy Responses

A great number of activities, programmes, and projects aimed at curbing trafficking and assisting victims have been carried out on all continents in the past decade. Industrialised countries and regional organisations have disbursed funds for governments, intergovernmental and civil society organisations to prevent trafficking, assist victims, strengthen law enforcement agencies, and support judicial cooperation. Yet many of these programmes have not been subject to adequate monitoring and evaluation. This failure is due to a lack of political will in relation to using experience to provide an improved policy response to human trafficking. Also, most anti-trafficking activities have focused on practical humanitarian assistance, which is very much needed but not an effective method of tackling the roots of the problem. Consequently there has been an absence of assessment and measurement of the impact of the activities carried out. Given the big differences in anti-trafficking policies implemented across different countries, it is crucial to assess the implementation and impact of those policies. The creation and development of accepted indicators on trafficking in human beings could clearly facilitate the implementation of appropriate policies against combat trafficking by state and civil society organisations.

The development of clear indicators to measure policy development and action should be a target for all countries involved in the fight against human trafficking but particularly for donor countries and organisations, which do not often request systematic evaluations of the impact of their invested resources. Indicators should be concerned first of all with the evaluation of policies and legislation, actions taken, and their outcome and impact. This is needed in order to assist governments and institutions in enhancing their capacity to develop and implement policies and strategies in response to trafficking in human beings. The use of checklists and indicators would enable states to measure and assess the progress they have made in their counter-trafficking initiatives.

The Report of the European Commission 'Experts Group on Trafficking in Human Beings'⁷ presents a comprehensive list of

recommendations which demands the creation and development of indicators to measure improvements in trafficking policies, practices, and their impacts.

In December 2005 the EU Council approved the *Plan on Best Practices, Standards and Procedures for Combatting and Preventing Trafficking in Human beings*,⁸ which contained recommendations for immediate action by member-states and EU institutions to prevent and combat trafficking. These actions included a set of indicators directly related to the practical activities included in the Plan.

To complement these documents, it is necessary to develop a series of indicators on trafficking in human beings which would assist EU member-states and institutions in improving and standardising their policies and strategies in the fight against trafficking. Thus, it is important to identify and develop key qualitative and quantitative indicators to measure the progress of anti-trafficking government policies. The European Commission, supported by its Experts Group on Trafficking in Human Beings, has proposed a theoretical approach to the assessment of anti-trafficking policies.⁹ On the basis of an appropriate set of indicators, both quantitative and qualitative, a methodology should include the definition of indicators that aim at capturing a large number of elements in a complex interactive system while simultaneously showing how the result obtained is linked to ideal conditions. The basic assumption of SMART indicators is that the value of a chosen indicator is the result of many different options considered to arrive to a precise element to be measured.

In order to evaluate the political decisions of each country concerned with combating trafficking in human beings, some basic questions should be asked. The first is about the existence and comprehensiveness of the country's legislation as it is referred to the first part of this article. Second, is to assess whether the necessary coordination mechanisms are in place at the state level to implement and enforce legislation, and to coordinate and monitor policies on trafficking in human beings. In this regard, the usefulness of a national coordination structure, a national referral mechanism for victims, and an independent national rapporteur's office should be evaluated.

Migration policies and human trafficking are closely linked. Therefore, it is important to assess the opportunities for third country nationals to enter and work in a given country, particularly in sectors which often use forced labour. In this regard, the application of the International Convention on the Rights of Migrant Workers and their Families should be evaluated.

The establishment of institutions to combat trafficking must involve creating the appropriate technical capacity to carry out their work. Governments are responsible for the provision of training to reach the adequate level of expertise, equipment, and resources to perform

their tasks. In this regard, it is important to evaluate the presence of multidisciplinary teams to carry out these tasks.

Another key prevention element of human trafficking is information. Thus, it is important to assess the gathering of information and its exchange among relevant partners as well as efforts to increase awareness, particularly among potential victims, about the reality of human trafficking or the opportunities for help and assistance. The collection of information on trafficking in human beings in most of the countries of the European Union lacks systematisation and coherence. Some countries collect information on assisted victims, others on foreign sex workers, others on trafficking convictions, and on illegal immigration. NGOs and intergovernmental organisations gather information through their own assistance programmes for trafficked persons or keep incomplete databases which fail to show a general picture of the phenomenon. The Organisation for Security and Co-operation in Europe (OSCE: ODIHR), United Nations Children's Fund (UNICEF) and the Office of the UN High Commissioner for Human Rights (UNHCR) have made systematic efforts to collect annual information on policies and activities only in the South Eastern European and Balkan countries. The United Nations Office on Drugs and Crime (UNODC) has created a database containing trafficking trends and routes, as well as information about victims and traffickers so that policymakers, practitioners, researchers, and the NGO community can use the collected data for their own work. The International Labour Organisation (ILO) is working on the development of indicators on forced labour. EUROPOL created a database relating to child abuse and child trafficking. This data is available to law enforcement agencies but does not cover cases of trafficking of adults.

The adoption of a standard system for identification and protection of trafficked persons, the participation of governmental and non-governmental agencies in its implementation, the provision of a reflection period for the victim before any decision is taken, and access to assistance and protection should also be taken into account. In this regard, governments and agencies should view the assistance and protection provided to a trafficked person as the normal rights of a human being in distress and as the responsibility of the state to provide them without any mediating condition, such as cooperation with authorities. Access to these services and their functioning should be evaluated.

An important aspect of anti-trafficking activities is the protection and treatment of victims of trafficking as witnesses in legal and criminal proceedings undertaken against traffickers. In this regard, trafficked persons—including children—should be treated as victims of a crime and should not be charged, detained, or prosecuted for any activity they have been involved in as a consequence of their situation as a trafficked person. It should be ensured that trafficked persons are not adversely affected by legal proceedings, regardless of the degree of their participation.

Guidelines should be developed and assessed in connection with the right to respect of the victim, the right to information and advice, the right to privacy, the right to protection, and the right to compensation.

Law enforcement is a key area of anti-trafficking activity and should not be considered as counter to the rights of trafficked persons. Cooperation between law enforcement agencies and civil society organisations is a decisive element for the success of the fight against human trafficking. Assessment should include the establishment of specialised police units with the necessary expertise and capacity to deal with trafficking. These units should be able to develop techniques to detect cases of trafficking and secure convictions.

A correct assessment of the basic elements would provide a concrete picture of anti-trafficking policies and their implementation by states, thereby permitting action to be taken based upon the learning obtained from experience. There is little space for improved measures against trafficking in human beings without policy evaluation and an assessment of policy impacts. The establishment of indicators and their systematic application should be approved by states and regional organisations concerned with the issue of human trafficking in order to establish clear political guidelines to combat this crime. ■

Notes

¹ President of the European Commission's Expert Group on Trafficking in Human Beings. Opinions in this article are the responsibility of the author and do not necessarily reflect those of the European Commission.

² This is a defensible position for economic gaps, but more questionable for their demographic counterparts.

³ The Vienna Forum to Fight Human Trafficking, Background Paper 016, 'Profiling the Trafficker,' Vienna, 13-15 February 2008, <http://www.ungift.org/pdf/profiling-traffickers.pdf>, (accessed 15 February 2008).

⁴ See cases of Portugal, Spain, and Italy in the EU and South Africa in the African continent.

⁵ This mechanism is well explained in Kroeger, T., Malkoc, J., and Uhl, B. *National Referral Mechanisms. Joining the Rights of Trafficked Persons. A Practical Handbook* (Warsaw: OSCE/ODIHR, 2004).

⁶ Belgium Parliamentary Committee, 1995.

⁷ Directorate-General Justice, Freedom and Security, *Report of the Experts Group on Trafficking in Human Beings* (Brussels: European Commission, 22 December 2004).

⁸ Council, 2005/C 311/01.

⁹ Directorate General Freedom, Security and Justice, *Measuring Responses to Trafficking in Human Beings in the European Union: An Assessment Manual* (draft), (Brussels: European Commission, 21 September 2007).

The European Union and the Fight against Human Trafficking: Comprehensive or Contradicting?

MENG-HSUAN CHOU

Human Trafficking from a Migration Perspective

Human migration is an eternal phenomenon. Although we may consider various motivations for human migration, it has largely been driven by the human instinct for survival. This motivation is the basic framework through which we must understand all movements of people, even human trafficking. This paper addresses the politics of human trafficking from an EU migration perspective.¹ It shows that recent efforts by European governments to use the EU²—a multilateral and supranational platform—to combat trade in persons has not resulted in putting a comprehensive approach into practice. The comprehensive approach proposes to hold the interests of migrants, sending and receiving countries on an equal basis. By contrast, current EU efforts can be characterized as securitarian. The securitarian approach aims to maintain ‘security’ within the Union at the expense of sending and transit countries, and even those who have been trafficked into the EU. As a result, current EU migration co-operation cannot fully address the underlying factors behind the human trafficking phenomenon. Rather than eliminate these factors, EU efforts perpetuate them.

To substantiate this claim, this paper first examines the main EU migration policy instrument adopted for the fight against human trafficking, namely the Council Directive for ‘the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who co-operate with the competent authorities’³ (hereafter victim of trafficking Directive). Here, the brief analysis shows that the victim of trafficking Directive is unlikely to achieve its objective when implemented. This assessment is made based on the observation that in formulating this Directive, EU member states decided to water down the provisions so that national preferences may still be exercised in practice. This strategy renders a ‘European’ approach meaningless. Moreover, EU member states also ‘tightened’ these provisions so that migrants to whom they would ordinarily apply are

unlikely to avail themselves to protection. As a result, this paper suggests that European authorities are unlikely to obtain the valuable information necessary to prosecute suspected traffickers. To explain how a well-meaning EU proposal for victims of trafficking has resulted in a measure that contributes to perpetuating the human trafficking phenomenon, section two provides an overview of the institutional framework for EU migration cooperation. This overview starts by identifying the nexus between illegal migration and human trafficking within the political discourse of EU migration co-operation. The institutional framework of EU migration co-operation has been such that whilst the EU advocates a comprehensive approach for such co-operation, in practice the institutional framework lends itself towards implementing the security-maintenance aspect of this approach rather than victim protection and rehabilitation. Yet recent developments reveal that there is a concerted effort on the part of the European institutions to advance beyond this impasse. The final section of this paper addresses this development by considering how the Commission proposal for circular migration might potentially serve as part of a wider EU strategy against future human trafficking.

What EU Protection for Victims of Trafficking?

The victim of trafficking Directive is a unique measure because it is the only adopted EU policy instrument that explicitly addresses human trafficking from a migration perspective.⁴ This Directive is the culmination of more than a decade of developing EU strategy to combat illegal migration and it remains a cornerstone of a common EU migration policy.⁵ At the core is this simple objective: to encourage victims of trafficking to come forward and co-operate with European authorities in prosecuting suspected traffickers. In exchange, recognised victims of trafficking will be given a temporary residence permit that would entitle them to 'legality' and a range of associated benefits. By analysing the evolution of this EU Directive from proposal to negotiation and adoption, we may assess the effectiveness of this policy instrument when put into practice and its implications for the global fight against trade in persons.

The draft victim of trafficking Directive identifies two groups of migrants who qualify for protection as victims: those who have suffered at the hands of facilitators and those who have been trafficked.⁶ A facilitator is defined as a person who assists or tries to assist a migrant, usually for financial gain, in entering or moving within the EU or Schengen territories in situations where such an act would be in violation

of national migration law. Migrants are considered victims of trafficking if they have been exploited for their labour in conditions that can be equated with slavery, servitude, prostitution, or sexual exploitation (i.e. pornography) through one of the following ways: coercion, force, threat, and abduction, deceit or fraud, abuse by an authority (i.e. the victim had 'no real and acceptable alternative but to submit to the abuse involved'), 'payments or benefits are given or received to achieve the consent of a person having control over another person.'⁷ The draft victim of trafficking Directive applies only to those who are of age, but member states are free to extend these provisions to younger victims. Information concerning the short-term residence permits—valid for six months—may be given by investigating or prosecuting authorities, associations, or individual non-governmental organisations.

According to the draft Directive, victims of trafficking will be granted a thirty-day reflection period during which to decide if they want to co-operate with the authorities. If member states allow younger victims to testify, the reflection period may be extended. The reflection period officially starts when the victim has severed all ties with suspected traffickers. During this period, victims will be given suitable accommodation, emergency medical care, psychological treatment, necessary social welfare and means of subsistence, free legal aid and translation and interpreting services. Victims may not be deported during the reflection period, although expulsion orders can be issued against them. The reflection period can be terminated before the expiration of the 30 day period if the victims renew contact with suspected traffickers, if there are public order and national security reasons or if the authorities no longer find the victims 'useful.' Once the victims of trafficking have obtained short-term residence permits, they are entitled to access the labour market, undergo vocational and educational training, and obtain primary medical care, with special care given to pregnant or disabled victims as well as victims of rape and other forms of sexual violence. Younger victims may enroll in the member states' public educational system.

The draft Directive stipulates that the residence permit may be renewed for an additional six months if circumstances for its initial issuance remain valid or if judicial proceedings are ongoing. However, the renewal may depend on the victims' participation in a rehabilitation programme, which aims to either integrate the victims into the host society, or to prepare them for the return to their home, or another third country. Authorities may withdraw the short-term residence permit if they believe that the victims' complaints or testimonies are fraudulent, if the victims re-establish contact with suspected traffickers, or for

national security reasons. Member states' migration law will apply after the short-term residence permit expires. If member states fail to apply the provisions of the victim of trafficking Directive, they will be subject to penalties, to be collectively decided by member states at a later point in time.

The draft Directive underwent two years of intense debate, negotiation, and revision. On 29 May 2002, the Economic and Social Committee (ESC) gave its opinion, arguing that the permit should be issued for at least one year to all irregular migrants possessing information to prosecute traffickers and that it ought to be renewable.⁸ The European Parliament approved the proposed Directive with amendments on 5 December 2002. The Council working party on migration and expulsion examined the draft Directive twice—on 17 July 2003 and 1 September 2003—before transmitting it to the Strategic Committee on Immigration, Frontiers and Asylum, which debated the Directive on 22 September 2003.⁹ On 6 November 2003, the Justice and Home Affairs Council approved the new amendments. Member states formally adopted the victim of trafficking Directive on 29 April 2004. At the time of writing, Denmark does not participate in this Directive, and the UK and Ireland have not exercised their 'opt-in.'¹⁰

By examining the changes introduced to the draft Directive, as discussed below, we may make several observations concerning the overall EU strategy towards victims of trafficking. These observations in turn allow us to assess the likely effectiveness of the Directive in terms of its intended goal. Firstly, the provisions of the victim of trafficking Directive are 'watered down' to enable EU member states to maintain flexibility regarding the restrictions placed on their national administrations. Whilst the Directive will now apply to 'all third country nationals' who qualify, the non-discrimination clause has been moved from the main text to the preamble; thereby rendering its legal effect less direct. Moreover, the Council working party deleted the penalty clause, so EU member states that do not implement this Directive will not incur additional costs. EU member states are only required to provide 'an appropriate standard of living and access to emergency medical treatment as well as, where appropriate, psychological assistance' to victims of trafficking during the reflection period. What 'an appropriate standard' entails is not specified, and—given the diversity of health care systems throughout the EU—it is likely to vary. When they have obtained residence permits, victims are authorised to 'exercise an economic activity' rather than have access to the labour market. This ambiguity allows EU member states to impose the requisite work permit and the associated legal challenges should they wish to do so. Also, EU member states are only liable for

providing the ‘necessary’ health care required for the ‘average’ victim; again, no details are given as to what ‘necessary’ or ‘average’ mean in practice.¹¹ By decreasing the precision of the legal phrasing of the victim of trafficking Directive, EU member states increase the possibility that the Directive can be implemented quite differently throughout the Union. Moreover, the ambiguous phrasing in the Directive hinders the European Commission from monitoring its implementation in an effective manner. The uneven application of the Directive may lead traffickers, often part of complex and multilayered criminal networks,¹² to exploit the regulatory differences between EU member states and to relocate their ‘businesses’ to those European countries where there is least control of such activities. In such a scenario, watering down the provisions might contribute to both the ineffectiveness and the incoherency of the overall EU strategy against human trafficking.

Secondly, the changes made suggest that EU member states are more interested in having their current legislation adopted at the EU level than in a ‘new’ policy. This is best exemplified by the debate concerning the duration of the reflection period. The final adopted victim of trafficking Directive does not specify the duration of the reflection period because member states could not agree on how long it should be. For instance, the Netherlands argued that it should be three months—as in the current Dutch legislation—whilst Belgium supported a period of 45 days as in the Belgian legislation. France upheld the Dutch position. Greece, Spain, and Austria all voiced that a reflection period of 30 days was far too long. The Spanish delegate went even further in suggesting that seven days was a more appropriate period. Germany and Sweden both advocated a more ‘flexible’ approach. The German government proposed to alter the text to ‘at least thirty days’ and the Swedish delegate indicated that member states should fix what they perceived to be an appropriate reflection period.¹³ Whilst consistent with all EU negotiations, this development reveals that when it came to the ‘nuts and bolts’ of the victim of trafficking Directive, the emphasis was less on how to ensure that victims will come forward to help European authorities and more on how to reconcile the different positions of EU member states. In fact, this example is representative of the approach towards formulating this Directive. In the introduction to the victims of trafficking Directive, the Commission has explicitly stated that the directive is ‘not a victim protection or witness protection measure.’¹⁴ This statement allows us to ask how effective a counterintuitive approach can be in practice, an aspect addressed more at length in the next section.

Finally, the changes introduced to the victim of trafficking Directive reveal that EU member states removed several key incentives that might

have encouraged victims to come forward and co-operate with competent authorities. For instance, EU member states eliminated the possibility that victims' family members could also obtain short-term residence permits. Translation and interpretation are no longer provided free of charge; free legal aid is also removed. In addition, the duration of the short-term residence permit has been altered to not exceed six months 'or as long as it is deemed necessary for the proceedings.' These changes suggest that EU member states decided to 'tighten' these provisions so that they will not be open to abuse by unscrupulous 'victims.' This contradictory approach reflects the inconclusiveness of the current debate concerning the nature of irregular migration, in which an unauthorised migrant can be seen as both criminal and victim.¹⁵ Another important change made by EU member states is that only competent national authorities may inform victims on how to obtain a short-term residence permit. Given that religious associations and other migrant non-governmental organisations are usually quite involved in this process, this change is likely to result in a narrow application of the Directive.¹⁶ Moreover, we may also question how many victims of trafficking are likely to come forward as it has been firmly established in the literature that migrants who are trafficked do not ordinarily trust authority figures.¹⁷ Added to this is the possibility that recognised victims of trafficking may be deported at any time during or after they have fully co-operated with authorities. In sum, by removing some of the critical incentives for victims of trafficking to duly co-operate with European authorities, the valuable insider information necessary to prosecute suspected traffickers might not be forthcoming from this source.

The analysis presented in this section suggests that the victim of trafficking Directive will not be as effective in practice as it sets out to be. This conclusion is reached by situating the changes introduced to the draft EU Directive in both the wider EU and human trafficking contexts. Within the EU framework, by watering down the provisions EU member states undermine the creation of a common European approach towards human trafficking. Given the elusive nature of trade in persons, it will become increasingly difficult to regulate the abuse of unauthorised migrants within an internally borderless EU. Moreover, as scholars have empirically demonstrated, by 'strengthening' the EU external border EU member states also increase the likelihood that migrants will turn to traffickers for entry into the Union.¹⁸ In the human trafficking context, by removing important incentives that might encourage victims of trafficking to co-operate with competent authorities, EU member states detract from the intended goal of the victim of trafficking Directive. If the sole contribution of the EU Directive is to legalize co-operative victims'

stay whilst proceedings against traffickers are ongoing, it will certainly be ineffective because in practice many migrants who are victims of traffickers enter the EU legally and overstay. Hence, it is unlikely that these very same migrants will jeopardize their assured, yet 'illegal' residence and labour 'opportunities' for a status they confidently know to be both transient and insecure. If a comprehensive EU counter-trafficking strategy were to consist of three elements—prosecution, protection, and prevention¹⁹—the formulation of the victim of trafficking Directive could be seen as a manifestation of the *prosecution* component of this approach. The evaluation presented in this section does not purport that a victim-focused approach is the best strategy forward. However, the analysis does suggest that without being comprehensive, the EU strategy towards combating human trafficking remains contradictory and likely to perpetuate the phenomenon. To identify the source of this securitarian approach, the next section considers the institutional framework chosen for EU migration co-operation.

Institutionalizing the Non-Comprehensive Approach

This section explains how a securitarian approach for EU migration co-operation emerges in policy formulation and negotiation even though the EU advocates a comprehensive approach. It is argued that this outcome has been the result of the nexus between human trafficking and illegal migration and that the institutional framework chosen for EU migration co-operation perpetuates this nexus. By subsuming human trafficking under illegal migration concerns, the security discourse EU member states use to debate illegal migration has permeated discussions concerning victims of trafficking. Moreover, the institutional arrangement for EU migration co-operation until 2005 was such that the security discourse dominated. It is important to stress that given the scope of this paper, the following discussion only presents a snapshot of the evolution of EU migration co-operation. This brief overview suggests that by examining the political discourse concerning illegal migration and human trafficking and the institutional context within which EU migration co-operation is conducted, we can better explain the preference for the securitarian approach identified earlier.

The confidential Strategy Paper on Migration and Asylum Policy tabled by the Austrian presidency during the latter half of 1998 embodies the security discourse commonly found in EU debates concerning illegal migration.²⁰ To start, the strategy paper criticizes EU progress in the field of migration, finding the results lacking with regard to the intended effects. For instance, the strategy paper notes that 'the Union is still not

able to give accurate information regarding *the number of third country nationals* illegally on the territory of its member states.²¹ Ironically, in light of this statement, the strategy paper then asserts that 'since 1994 numbers of asylum-seekers have stabilized ... *but without a drop in the total number of illegal immigrants.*'²² The strategy paper observes that there has been a general shift in EU member states' policy focus from asylum and temporary protection to 'general questions of migration, *problems of combating facilitator networks and expulsion issues.*'²³ Finally, the strategy paper suggests that 'solutions can only be European, and in two senses: on the one hand, the migration problems in Europe can be solved only by all its countries acting together and, on the other, Europe will have to solve these problems itself and not expect any help from outside.'²⁴ Interestingly, in view of this proclamation, this 'European' strategy will require close co-operation with third countries.

The Austrian strategy paper proposes that the EU adopt a 'model of concentric circles of migration policy.'²⁵ At the heart of this model is the migration control already in place by the Schengen countries for border regulation. The northern EU member states and Schengen members will constitute the first circle. Associated states and Mediterranean EU members will act as the second circle; their primary task will be to bring their migration control up to Schengen standards. The third circle will include the former Soviet states, Turkey, and North African countries; they will be asked to implement 'transit checks and combat[ing] facilitator networks.' Lastly, China and countries in the Middle East and sub-Saharan Africa will make up the fourth circle; they will be assigned the task of addressing push factors that encourage migrants to leave. To ensure that these countries will comply with the EU request, the strategy paper suggests that EU member states make economic aid to third countries conditional on the re-admission of their nationals or persons who have transited through their countries using facilitator services. In fact, the strategy paper recommends that all future bilateral agreements the EU concludes with third countries incorporate a 'migration clause' outlining such obligations. By making aid subject to third countries' co-operation in the return of migrants, the approach proposed by the Austrian strategy paper appears to prioritize EU migration objectives at the expense of transit and sending countries.

After the Austrian strategy paper was leaked in September 1998, public pressure led to the revision of its controversial recommendations,²⁶ but we still find its security discourse within the subsequent policy agenda for EU migration co-operation. For instance, this is the case for one of the key elements of the 1999 Tampere Programme, the 'management of migration flows.'²⁷ To manage migration flows, the Tampere European Council suggested that the EU engage in extensive co-operation with

third countries. More specifically, it suggested using a comprehensive approach. According to the Tampere declarations, this comprehensive approach would address the 'political, human rights and development issues in countries and regions of origin and transit' such as 'combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states, and ensuring respect for human rights, in particular rights of minorities, women and children.'²⁸ This broad strategic overview proposes that the comprehensive approach is mainly concerned with addressing the 'root' causes which force migrants to leave their countries of origin for the EU. Yet reading further we may identify another element pertaining to the comprehensive approach. To improve the management of migration flows, the Tampere European Council also suggested that the EU assist third countries in the voluntary return and readmission of migrants. Moreover, the Council was asked to conclude readmission agreements and introduce similar clauses into future agreements with third countries.²⁹

The unique institutional framework for EU migration co-operation under the Amsterdam Treaty ensures that the security preference of EU member states remains intact. It has been suggested that the Amsterdam Treaty established EU competence in migration regulation when it 'communitised' migration co-operation.³⁰ However, the decision-making procedure for EU migration co-operation post-1997 did not reflect the Community Method³¹ as it is commonly understood. Indeed, EU member states 'froze' the decision-making procedure for supranational migration co-operation as agreed under the Maastricht Treaty. The Maastricht Treaty stipulated that all policies originating from EU migration co-operation could only be adopted after unanimity had been reached in the Council and solely after the Parliament had been consulted and its opinion taken into consideration. The right to initiate EU migration policy proposals was to be shared by the Commission and EU member states. Given the legal nature of the policy instruments available for EU migration co-operation under Amsterdam, the Court of Justice exercised its traditional role, but legal scholars such as Peers remarked that the Amsterdam Treaty did not make this clear.³² This decision-making procedure lasted until 2005, although it was scheduled to expire in May 2004.³³ In sum, before 2005 the decision-making power in the field of migration largely remained in the hands of EU member states, and, by implication, the security discourse underpinning illegal migration was sustained.

The choice for this unique decision-making procedure for EU migration co-operation stems from the unresolved question of competence, i.e. whether the EU truly has authority in regulating entry, movement, and residence of non-nationals. Within EU law, third country nationals

have an ambiguous legal status. As family members of EU citizens, they are entitled to free movement within the Union in situations where EU nationals exercise their right of free movement. The privilege accorded to family members of EU nationals sets this group of third country nationals apart from other migrants. This legal ambiguity provided the context for the Commission to successively claim EU competences in migration regulation throughout European integration since its early years.³⁴ Whilst we may advance arguments concerning both the relative success and failure of European institutions in this endeavour, the debate remains ongoing. What is more crucial for our current discussion is the response that the competence debate provoked. Beyond the formal decision-making procedure for EU migration co-operation post-Amsterdam, EU member states also extended their control over this development by institutionalizing working groups outside the traditional framework for such co-operation.

EU member states institutionalized the High Level Working Group on Asylum and Immigration (HLWG) in 1998 to provide cross-pillar support by bridging the internal and external dimensions of migration policies. More specifically, the HLWG was to 'help reduce the influx of asylum seekers and migrants into the Member States of the European Union. Its main aim is to analyse and combat the reasons for flight taking account of the political and human rights situation.'³⁵ Interestingly, given its mandate, the HLWG is institutionally situated within the General Affairs and External Relations Council (GAERC) rather than the Justice and Home Affairs Council, which ordinarily addresses all migration issues. Moreover, in contrast to its GAERC colleagues, who tend to be from member states' foreign ministries, HLWG officials are usually from ministries of justice or the interior.³⁶ What this means in practice is that justice/interior officials continue to determine all policies containing a migration component, even if some of these aspects have traditionally been decided by foreign ministry officials.

The institutionalisation of the HLWG has important implications for subsequent EU migration policies, because, given that their mandate is to ensure 'safety' within the country, justice/interior officials tend to be more security-oriented than their foreign ministry colleagues.³⁷ The preference for maintaining security is reflected in the five country-specific action plans adopted by the HLWG and submitted to the Tampere European Council. The process through which the action plans were formulated suggests that in practice the EU notion of 'partnership with countries of origin' is less about both partners obtaining shared advantages, rather than about enforcing a unilateral EU strategy for achieving its migration objectives. For instance, the 'Introductory Note' submitted to

the Committee of Permanent Representatives in 2000 remarked that it had been difficult to establish conversations with Afghani officials since the EU and its member states had severed diplomatic relationships with Afghanistan.³⁸ It is hard to imagine how '*partnership* with countries of origin' could be implemented if the EU cannot even establish contact with one of the partners concerned.

The brief overview given in this section suggests that the institutional context matters in explaining the usage of the securitarian approach in addressing the human trafficking phenomenon. The entrenchment of the security preference and the issue of competence have been such that, at the time of writing, the EU has yet to adopt any measure concerning labour migration, which has been argued to be critical in implementing a truly comprehensive approach.³⁹ Indeed, a proposal for a Council Directive on 'the conditions of entry and residence of third country nationals for the purpose of paid employment and self-employed economic activities' was not approved even after the Council debated it for over two years; the Commission finally withdrew the proposal on 17 March 2006.⁴⁰ Yet there has been a concerted effort on the part of the European Commission to move beyond this impasse. For example, the Commission issued a Green Paper on an EU approach to managing economic migration in January 2005.⁴¹ The Green Paper was transformed into a Commission communication on a 'Policy plan on legal migration' in December 2005.⁴² These two documents in turn formed another Commission communication in 2006, when migration issues were explicitly linked with development objectives.⁴³ Although the Commission will table several proposals for Council Directives concerning legal migration in 2008 (seasonal workers and remunerated trainees) and 2009 (intra-corporate transferees), the outcome remains to be seen. Yet these recent efforts on the part of the European Commission illustrate that there is a push towards a comprehensive approach. The next section considers one of the newest Commission proposals in the field of legal and labour migration in light of its possible contribution towards the global fight against human trafficking.

Circular Migration as Key to Counter-Trafficking

This section starts from the premise that given the structural differences in international economies and governance, the push and pull factors⁴⁴ underlying human migration are likely to persist if no internationally coordinated effort is made. Put simply, unless all countries and state agents are willing to co-operate fully, and with appropriate measures, in

the fight against human trafficking, the phenomenon will continue and even grow in proportion. Such a starting position does not mean that engaged political actors such as the EU should not, or could not, attempt to eliminate (some of) its effects. In fact, by focusing on the EU, this paper is particularly interested in how it can independently contribute to the global fight against human trafficking. Here, it is argued that the notion of 'circular migration' could serve as part of the foundation for all future EU counter-trafficking policies because it fosters the possibility of labour migration for third country nationals.

The concept of circular migration has recently gained currency in the EU. The Commission proposed in a 2007 communication that certain EU member states could engage in a 'mobility partnership' with interested third countries.⁴⁵ The aim of mobility partnerships is twofold: first, to allow EU member states participating in such a scheme to engage the co-operation of third countries in readmitting illegal migrants who are their nationals or who have been found to transit through their territories; second, in return, to permit nationals of these co-operative third countries to legally migrate to the EU for employment, study, or training purposes. The latter aspect, the Commission explains, would also help EU member states address labour shortages. Hence, it is implied, a mobility partnership results in a 'win-win' scenario for the EU. Central to mobility partnership is the notion of circular migration, which the Commission defines as 'a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries.'⁴⁶

According to the Commission communication, two groups of third country nationals will be encouraged to participate in the circular migration scheme: those currently residing in third countries and those in the EU. More specifically, third country nationals falling into the former category may enter the EU for the following activities: seasonal employment, study, training, research, intercultural exchange, and unremunerated voluntary service. The EU may facilitate their entry by establishing a 'fast track' visa application procedure, which will grant them certain rights and obligations. For instance, multi-annual and multi-entry visas and special 'statuses' will be issued to and conferred on migrants who participate in the circular migration scheme; the Commission considers that these will act as incentives for migrants to return to their home countries at the end of their current stay. Moreover, the Commission envisages establishing joint EU visa processing centres in countries where it is currently difficult to obtain consular services. The Commission believes that third country nationals in the latter group—such as doctors and professors—can help mitigate effects of 'brain drain'

by conducting part of their professional activities in their countries of origin. To encourage this possibility, the Commission suggests that member states ensure that these third country nationals will not lose their legal status upon their temporary absence from the EU.

Circular migration is a provocative idea simply because it advocates the creation of legal labour migration channels through which third country nationals may enter the EU. Whilst its current conception also hinges on third countries being involved in the mobility partnership schemes to 'do their part' in readmitting their nationals or those who have been found to transit through their territories, EU member states should still be encouraged to consider the notion given the circumstances of migrants who use trafficking routes to gain entry into and employment within the EU. Research in the field of human trafficking has shown that not all migrants who use the services of traffickers are coerced or tricked. According to Andrijasevic, 'women are rarely kidnapped or coerced into migrating but [...] rely on trafficking networks to realize their migration projects *whether geared towards sex work or some other type of work*.'⁴⁷ This finding suggests that the lack of opportunities for work in their home countries and the availability of work elsewhere, coupled with the increase in restrictive border regimes, prompted these female migrants to use the services of traffickers. In fact, this paper proposes that it might be more useful to consider traffickers as providers of services, i.e., traffickers aid migrants—for profit—in entering a third country where their entry, movement, employment, and residence may or may not be illegal. By creating labour migration channels through which third country nationals may enter the EU legally, European countries effectively enter into competition with traffickers who provide such services.

In promoting circular migration as part of a future EU counter-trafficking strategy, this paper addresses two elements inherent to the human trafficking phenomenon: the availability of labour opportunities and the question of legality. This perspective stems from the observation that migrants do not take unnecessary risks if they can control their political, economic and social environments. To better explain this and also illustrate how circular migration can apply to migrants who use services of traffickers for employment purposes, two examples will be given. First, as a result of few (desirable) job opportunities, migrants who can ordinarily enter the EU legally decide to use traffickers because they provide a comprehensive package consisting of transport, housing, and employment. In this instance, circular labour migration can act as a competing *option* by presenting the migrants with an alternative possibility to realize their economic objective. Second, also due to the

minimal availability of labour opportunities, migrants who cannot enter the EU legally use traffickers both to gain entry and for employment. In this scenario, circular labour migration presents these migrants with a choice to achieve their economic goal. What these migrants ultimately do remains to be seen, but the existence of a circular labour migration scheme introduces or strengthens the element of agency often missing or weak in the current reality of human trafficking.

By focusing on legal labour migration opportunities, this paper does not intend to make light of the physical and psychological abuse often suffered by those who use the services of traffickers or the political and social realities underpinning migrants' reasons for leaving their countries of origin. Rather, the proposal of circular migration is an attempt to challenge the binary perception in the political discourse of irregular migrants as both victims and criminals; the current debate needs to move beyond this dichotomy.

Circular migration is proposed as a *part* of an overall future EU counter-trafficking strategy. Only a comprehensive approach can effectively combat global trade in persons. Indeed, a truly comprehensive approach must also include informational campaigns in third countries, criminal prosecution against traffickers, and development assistance in sending and transit countries.⁴⁸ Moreover, EU member states must also face difficult questions concerning the regulation of the labour sectors in which most irregular migrants using the services of traffickers find themselves. These sectors include domestic health care services, sex work and entertainment, construction, food processing, and hotel services as well as garment manufacturing. These labour sectors are often marked by informality and, in the case of prostitution, characterized by an intense moral and social debate concerning the nature of the 'work.' EU countries interested in addressing global trade in persons must confront the ethnic and gender divide in their labour markets as part of a truly comprehensive approach against human trafficking.

Migration and Human Trafficking

People migrate to improve their economic, social, and political positions or those of their families. Migrants who are trafficked—whether or not they exercised a choice in this process—are no exception. This paper unpacks the political discourse surrounding the debate on human trafficking at the EU level, identifies the explicit and implicit policy objectives and evaluates the key EU migration policy instrument adopted to fight trade in persons. It demonstrates that the debate has been framed

within a security-maintenance discourse, which contradicts the implicit objective of victim protection. Although this paper did not argue that a victim-focused approach is the best and only option, it suggests that victim protection, i.e. a *protection* component, should be a key objective within any comprehensive approach. Only a truly comprehensive approach can effectively address the phenomenon of human trafficking. The paper concludes by explicating how current EU considerations on circular migration may assist ongoing EU efforts against human trafficking. Circular migration serves as a viable legal and labour migration channel for third country nationals who would like to enter and—temporarily—reside in the EU to work. To conclude, if European countries are serious about combating human trafficking through the EU framework, they need to open up more labour migration routes for those third country nationals who are not the most educated, financially stable or well-off, or politically privileged citizens in their countries of origin. ■

Notes

¹ Other perspectives include human rights, crime, health, gender and police. By analysing these efforts strictly from a migration viewpoint, this paper adopts a different approach than the feminist critique of human trafficking, which emphasizes the role of violence, coercion and gender in this development (for an overview, see Andrijasevic, R. 'Problematizing Trafficking for the Sex Sector: A Case of Eastern European Women in the E.U. in S. van Walsung, and T. Spijkerboer eds. *Women and Immigration Law: New Variations on Classical Feminist Themes*, (London: Glasshouse Press, 2007), Askola, H. *Legal Responses to Trafficking in Women for Sexual Exploitation in the European Union, Modern Studies in European Law* (Oxford, Portland, Oregon: Hart Publishing, 2007). In so doing, this paper intends to engage the reader in examining how migration regulation can simultaneously exacerbate and alleviate the human trafficking phenomenon.

² The EU is the current manifestation of over fifty years of close economic, and subsequently political and social, co-operation between a group of European countries. It officially came into existence after its member states signed the Treaty on European Union, also known as the Maastricht Treaty, in 1992. Before 1992, it was variably referred to as the European Community (EC), European Communities, or European Economic Community (EEC) depending on the specific policy area and treaty. The 1957 Rome Treaty established the EEC, one of the three European Communities. The Maastricht Treaty changed the name of the EEC to EC in an attempt to differentiate existing cooperation from defence and police cooperation. To avoid confusion and for simplicity, in this paper I will use the abbreviation 'EU' to refer to both the organisation formed in 1957 and the forum in which cooperation continues to this day.

³ European Commission, '(71 Final) Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration

or Trafficking in Human Beings Who Co-operate with the Competent Authorities,' (Brussels: Office for Official Publications of the European Communities, 2002).

⁴ Whilst the EU has adopted measures concerning illegal migration and expulsion of irregularly resident third country nationals, the victims of trafficking Directive is the only migration policy instrument specifically concerned with trade in persons.

⁵ We may trace the origin of the victim of trafficking Directive to a Belgian initiative following the Vienna conference in June 1996, see European Commission, '(567 Final) Communication from the Commission to the Council and the European Parliament on Trafficking in Women for the Purpose of Sexual Exploitation,' (Brussels: Office for Official Publications of the European Communities, 1996). The Belgian proposal suggested the possibility of issuing a temporary permit of stay for recognised victims of trafficking. After the political impetus given to EU migration co-operation by the 1999 Tampere summit, the Commission tabled a proposal for a Council Directive on victims of trafficking on February 11 2002.

⁶ In so doing, the EU approach conflates the difference between 'trafficking' and 'smuggling' and contributes to the tension underpinning the ongoing political debate on irregular migration. Human trafficking and smuggling are traditionally understood as two distinct phenomena by EU member states. For instance, the UK defines people smuggling as the 'facilitation of illegal entry, entering the UK in breach of immigration law,' Great Britain, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (London: Stationery Office, 2001). It follows that those who have solicited the services of human smugglers are considered 'complicit and are effectively customers ... [this] can be a simple business transaction between the criminal and the illegal entrant,' Ibid. By contrast, the UK describes human trafficking as the 'transporting [of] people in order to exploit them, using deception, intimidation or coercion. Those who can truly be described as trafficking victims have usually been treated as little more than a commodity,' *ibid.* See also Wijers, M. and Doorninck, V.M. 'Only Rights Can Stop Wrongs: A Critical Assessment of Anti-Trafficking Strategies,' (available at <http://www.nswp.org/pdf/WIJERS-ONLYRIGHTS.PDF>). I thank one of the reviewers for pointing this out.

⁷ OJ L 203/1, 'Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings,' (Brussels: Official Journal of the European Communities, 2002).

⁸ OJ C 221/18, 'Opinion of the Economic and Social Committee on the "Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings Who Co-operate with the Competent Authorities,'" (Brussels: Official Journal of the European Communities, 2002).

⁹ Council Document, '(12958/03) Outcome of Proceedings from Strategic Committee on Immigration, Frontiers and Asylum on 22 September 2003 for "Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings Who Co-operate with the Competent Authorities,'" (Brussels: Council of the European Union, 2003).

¹⁰ Whilst they fully participate in the negotiations of all EU migration policies, adopted EU justice and home affairs measures are not automatically applicable to the

UK, Ireland, and Denmark. The rules governing their differentiated participation are outlined in two protocols annexed to the Amsterdam Treaty.

¹¹ Council Document (2003), 12958/03, Council Document, '(11698/03) Outcome of Proceedings from Working Party on Migration and Expulsion on 17/18 July 2003 for "Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings Who Co-operate with the Competent Authorities,"' (Brussels: Council of the European Union, 2003), Council Document, '(12228/03) Outcome of Proceedings from Working Party on Migration and Expulsion on 1/2 September 2003 for "Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings Who Co-operate with the Competent Authorities,"' (Brussels: Council of the European Union, 2003).

¹² Three studies commissioned by the European Commission illustrate the penetration of criminal networks in human trafficking and how traffickers frequently relocate—both internally within an EU country and also between EU member states—to escape detection, see European Commission, 'Research Based on Case Studies of Victims of Trafficking in Human Beings in 3 E.U. Member States, I.E. Belgium, Italy and the Netherlands,' (Brussels: European Commission, DG Justice and Home Affairs, Hippocrates programme, project number JAI/2001/HIP/023, 2001).

¹³ Council Document (2003), 12958/03.

¹⁴ European Commission (2002), emphasis added, 7. We may assume that this is a Commission strategy given the legal basis cited for the Directive, i.e., Article 63 of the Amsterdam Treaty, which states that the Council is to adopt 'measures on immigration policy within the following areas: (a) conditions of entry and residence...; (b) illegal immigration and illegal residence.' At the time of writing, the Commission does not have competence in witness protection matters.

¹⁵ This dichotomy is highlighted by Aradau, C. 'The Perverse Politics of Four-Letter Word: Risk and Pity in the Securitisation of Human Trafficking,' *Millennium* 33 (2004).

¹⁶ See studies commissioned by the European Commission in three EU member states.

¹⁷ See Andrijasevic 'Problematizing Trafficking,' Anderson, B. and O'Connell Davidson, J. *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study* (Geneva: IOM International Organisation for Migration, 2003).

¹⁸ According to Andrijasevic, 'Quite paradoxically then, increased control over migrants' mobility is not likely to curb transnational crime, but rather to heighten its involvement in migration, due to the increased profits that accrue from trafficking activities,' 'Problematizing Trafficking,' 92.

¹⁹ Askola, 4. The 1996 European Resolution stated that it 'considers that a common policy on trafficking in human beings must be aimed at *prevention, deterrence, prosecution and rehabilitation*,' emphasis added, paragraph 7, OJ C 032, 'Resolution on Trafficking in Human Beings,' (Brussels: Official Journal of the European Communities, 1996).

²⁰ Austria, 'Strategy Paper on Immigration and Asylum Policy,' (1998).

²¹ Austria, emphasis added, paragraph 10.

²² Ibid.

²³ Austria, emphasis added, paragraph 14.

²⁴ Austria, paragraph 31.

²⁵ Austria, paragraphs 59 and 60.

²⁶ Sterkx notes that other controversial measures include 'supplementing, amending or replacing the 1951 Geneva Convention; the enforcement of repatriation of illegal immigrants to their countries of origin; the military interventions to prevent migratory flows since they can dramatically affect the security interests of the Member States,' see Sterkx, S. 'The Comprehensive Approach Off Balance: Externalisation of E.U. Asylum and Migration Policy,' University of Antwerpen Working Paper, Department of Politieke Wetenschappen PSW Paper 2004/4 (2004): 12.

²⁷ Council Document, 'Tampere European Council Conclusions, 15-16 October 1999,' (Brussels: Council of the European Union, 1999).

²⁸ Council Document (1999), paragraph 11.

²⁹ Practitioners question the efficacy of readmission agreements, see Bouteillet-Paquet, D. 'Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and Its Member States,' *European Journal of Migration and Law* 5 (2003).

³⁰ Oudenaren, J.V. *Uniting Europe: An Introduction to the European Union* (Lanham, MD: Rowman & Littlefield, 2005).

³¹ The Community Method refers to the decision-making procedure where the European Commission possesses the sole right of initiative, the Council of Ministers and European Parliament share joint legislative power and the Court of Justice has judicial review over all policies adopted.

³² Peers, S. *E.U. Justice and Home Affairs Law* (Harlow: Longman, 2000).

³³ Currently, the following decision-making procedure applies: the Commission possesses the sole right of initiative, but it must also consider any proposals from EU member states. The Parliament and the Council jointly decide future EU asylum and migration policies (i.e., the 'co-decision procedure'). Hence, we may conclude that until 2005, the European institutions could not exercise their traditional competence in EU migration cooperation.

³⁴ For elaboration of these so-called 'competence skirmishes,' please see Papagianni, G. *Institutional and Policy Dynamics of E.U. Migration Law* (Leiden: Martinus Nijhoff Publishers, 2006).

³⁵ Council Document, '(5337/99) Strategy on Migration and Migration Policy,' (Brussels: Council of the European Communities, 1999).

³⁶ Chou, M-H. 'E.U. And the Migration-Development Nexus: What Prospects for E U-Wide Policies?' *Centre on Migration, Policy and Society*, Working Paper WP-06-37 (2006).

³⁷ Interview with British Home Office official, June 28, 2006.

³⁸ Council Document, '(8939/00) Introductory Note: Adoption of the Action Plan for Albania and the Region and Implementation of the Action Plans for Afghanistan and the Region, Iraq, Somalia and Sri Lanka,' (Brussels: Council of the European Communities, 2000).

³⁹ See Tampere Conclusions. Member states have adopted legal migration measures such as Council Directives that aid third country nationals wishing to pursue their studies or conduct their research in the EU, see respectively Council Document, '(71/05) Council Directive on the Admission of Researchers,' (Brussels: Commission of the European Communities, 2005), Council Document, '(114/04) Council Directive on the Admission of Third Country Nationals for the Purposes of Studies, Pupil Exchanges, Unremunerated Training or Voluntary Services,' (Brussels: Commission of the European Communities, 2004). However, in practice these Council Directives would not address the human trafficking phenomenon because migrants are rarely trafficked into the EU for research and studying purposes.

⁴⁰ European Commission, '(386 Final) Proposal for a Council Directive on the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Paid Employment and Self-Employed Economic Activities,' (Brussels: Office for Official Publications of the European Communities, 2001).

⁴¹ European Commission, '(811 Final) Green Paper on an EU Approach to Managing Economic Migration,' (Brussels: Office for Official Publications of the European Communities, 2005).

⁴² European Commission, '(669 Final) Communication from the Commission: Policy Plan on Legal Migration,' (Brussels: Office for Official Publications of the European Communities, 2005).

⁴³ European Commission, '(735) Communication from the Commission to the European Parliament and the Council: "the Global Approach to Migration One Year On: Towards a Comprehensive European Migration Policy,"' (Brussels: Office for Official Publications of the European Communities, 2006).

⁴⁴ For example, the following reasons are cited in the 1996 Commission communication on trafficking of women for sexual exploitation: 'the lack of opportunity in the countries of origin, extreme poverty in many developing countries and marginalisation of women in the source countries. Poor or non-existent education is also of critical importance, and in areas where unemployment is high, women tend to be more severely affected than men,' 5; we may consider these as 'push' factors. The comparatively robust EU economies and the existence of 'employment' in turn serve as 'pull' factors. European Commission, '(567 Final) Communication from the Commission to the Council and the European Parliament on Trafficking in Women for the Purpose of Sexual Exploitation.'

⁴⁵ European Commission, '(248 Final) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Circular Migration and Mobility Partnerships between the European Union and Third Countries,' (Brussels: Office for Official Publications of the European Communities, 2007). Mobility partnership is the Commission's term for 'mobility packages,' as mentioned in the Communication on 'the Global Approach to migration one year on,' European Commission (2006).

⁴⁶ European Commission, '(Memo/07/197) Circular Migration and Mobility Partnerships between the European Union and Third Countries,' (Brussels: Office for Official Publications of the European Communities, 2007). In the actual communication, the Commission acknowledges that it will be necessary to establish a 'common definition of the concept of circular migration,' 8.

⁴⁷ Andrijasevic, 'Problematizing Trafficking,' emphasis in original, 95. Indeed, in proposing that EU member states engage in mobility partnerships with interested third countries, the Commission communication implicitly acknowledges that the 'strengthening' of the EU external border, i.e., the creation of border regimes, has led to the increased usage of traffickers.

⁴⁸ In highlighting these three elements, this paper does not propose that these different aspects are unproblematic. Indeed, in a recent contribution Andrijasevic highlights the challenges facing an effective counter-trafficking campaign: 'By exaggerating the perils of migration, counter-trafficking campaigns identify all prostitution as forced and advocate the private sphere as the safest location for women.' Andrijasevic, R. 'Beautiful Dead Bodies: Gender, Migration and Representation in Anti-Trafficking Campaigns,' *Feminist Review* 86 (2007): 42.

‘Control in the Name of Protection’: A Critical Analysis of the Discourse of International Human Trafficking as a Form of Forced Migration

CAROLINE AUSSERER¹

‘Traffickers fish in the “stream of migration.”’²

A typical depiction of human trafficking portrays naïve women who leave their country, run into the arms of exploitative mafia networks and are forced into the sex industry. The emphasis often lies upon the hazards involved in migration and sexual exploitation. This straightforward narrative not only creates a particular ‘trafficked’ subject, but also constitutes a specific and rarely questioned representation of international human trafficking.³

For governments, as well as for several inter-, quasi-, or non-governmental organisations, trafficking has become an emotive political priority. The growing international concern around the issue has led to an increase in studies that examine the whole process of trafficking, with the aim of developing counter-trafficking projects and strategies.⁴ The majority of these studies limit themselves to describing the practice of trafficking, highlighting the actors involved, the routes taken, the exploitation and possible mechanisms to fight it. Thus, there is a stress on creating programs to combat this ‘evil’ at the expense of a better understanding of its complexities.⁵

In the present article I question the common interpretations of trafficking by analysing them as a form of discourse as understood by Michel Foucault. My argument is that the phenomenon is constituted through discursive practices and specific narratives that underpin trafficking. I assess the tendency to relate it to different issues, like sexual exploitation, organised crime, or forced migration. All of these perspectives influence the debate on human trafficking as each approach wants to impose its specific perspective as the dominant conception of trafficking by determining what it considers as the appropriate ‘solution’ to the problem according to its diagnosis.

The importance of the discursive approach lies in the analysis of the political implications of the different discourses. Depending on how

Caroline Ausserer, “‘Control in the Name of Protection’: A Critical Analysis of the Discourse of International Human Trafficking as a Form of Forced Migration,” *STAIR* 4:1 (2008): 96-114.

the problem is defined, the solutions vary.⁶ For Marjan Wijers there are different ways to find a solution: she differentiates between repressive strategies and strategies of empowerment.⁷ While repressive strategies can turn themselves against trafficked persons, the empowerment approach focuses on guaranteeing their rights and restoring control over their lives.⁸

In this paper I explore the functioning of one specific discourse around trafficking, the analysis of the proposed solutions to combat it, as well as the political implications, especially for ‘trafficked’ persons. The aim is to deconstruct the conventional discourses on trafficking and show them to be instruments used to strengthen a specific order – that of the nation-state. Such discourses perpetuate the traditional dichotomy present in mainstream theories of International Relations (national versus international), rather than offering a more nuanced understanding would challenge the conventional conception mainly by transcending the established frontiers between these two realms.⁹

The next section outlines the definition and questioning of trafficking as a form of forced migration; a discourse that goes as far as recognizing almost every migrant as a potential victim of trafficking. In order to show this, I will present the construction of the migrant as the *other*, who has to be controlled and policed. In my argument, this discourse is based upon a racial discursive logic that opens the possibility for the establishment of regimes of exclusion and discrimination. In turn, these are unmasked as necessary for the constitution of the figure of citizen and, hence, also for the foundation of political communities.

Trafficking as a Problem of Forced Migration

The perspective that interprets international human trafficking as a problem of migration associates it with forced or non-documented migration. According to a study of the United Nations (UN) there are four forms of migration: permanent migration, labour migration, refugee, and non-documented migration.¹⁰ Following the definition of this research, trafficking is considered part of the last category.

The elements of force and coercion are also present in the definition of trafficking in the Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children of 2000, which constitutes part of the UN-Convention Against Transnational Organised Crime. Article 3a states:

- a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power

or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹¹

Thus, according to the Trafficking Protocol, there must be elements of coercion, of violence, and of deception, particularly in the first stage of the trafficking process for it to be considered a form of trafficking. However, there are several analyses which disagree with this definition, arguing that trafficking can also arise from forms of *voluntary* migration, like labour migration. Further, they question whether there always exists a clear differentiation between forced and voluntary migration. 'The vagueness of the notion of deception, in combination with force, coercion and exploitation as core/distinctive components of trafficking establish an oversimplified and ultimately erroneous demarcation between voluntary and involuntary processes of migration.'¹²

In that sense, Rutvica Andrijasevic defends the importance of also recognising the possibility of exploitation in the process of *legal* migration.¹³ As her research shows, legal and illegal elements are often interlinked in the migratory process.

The conflation of trafficking with undocumented migration sustains and strengthens the representation of trafficking as a form of illegal migration. It relies on an over-simplified distinction between 'illegal' and 'legal' migration. (...) Trafficking may have legal elements such as legally obtained visas. Conversely, legal migratory processes may involve illegal components like requests for high fees advanced by the agencies or even illegal payments asked by Consulates.¹⁴

Likewise argue John Salt and Jeremy Stein: 'Trafficking ought not be considered simply a form of illegal migration, for traffickers clearly exploit legal as well as illegal methods and channels of entry, thus blurring conceptual distinctions between legal and illegal migration.'¹⁵

Furthermore, Andrijasevic questions the linear paradigmatic image of the trafficking process. The understanding that exploitation is only present at the end of the migratory process ignores the variety of ways in which people can be exploited during that process.¹⁶ Her research shows for example, that two women from Moldova and Ukraine who travelled to Italy without valid documents had to pay a trafficker at each border-crossing.¹⁷ Without money, they repaid the trafficking agents with sexual work during the migration process, which in the end lasted longer than expected.¹⁸ Andrijasevic further demonstrates that stricter migration controls, instead of avoiding trafficking, transform it in an even more dangerous activity: 'Hence, my work suggests that stricter immigration controls adopted to curb trafficking increase the costs of "doing business,"

raise the value of migrants as “commodities,” and ultimately serve the economic interest of third parties.”¹⁹

According to Antoine Pécoud and Paul de Guchteneire, the costly investments in migration controls contrast with their cost-effectiveness. They argue that not even sophisticated border-controls can stop potential migrants, but just increase the risks. ‘Of course, some migrants are caught crossing the border while others are expelled, but motivated migrants manage to escape controls by taking more risks, crossing in new border areas, and relying to a greater extent on professional people smugglers.’²⁰

Whilst trafficking *can* involve ‘illegal,’ non-documented, or irregular migration, it is easy to confound with the practice of smuggling. Several scholars call for a clearer distinction between the two practices. For Marjan Wijers, for example, while smuggling relates to a facilitation of ‘illegal’ migration and constitutes thus an offence to the state; trafficking is defined according to the Trafficking Protocol (see above) representing a violation of the human rights of the individual.²² John Salt explains the difference in the following way:

[S]muggling is clearly concerned with the manner in which a person enters a country and with involvement of third parties who assist him/her to achieve entry. Trafficking is a more complicated concept, in that it requires consideration not only of the manner in which a migrant entered the country but also his/her working condition and whether he/she consented to the irregular entry and/or these working conditions.²³

Several authors question the possibility of a clear distinction between the two practices and demonstrate a certain overlapping of both. For Jaqueline Bhabha and Monette Zard, for example, the dichotomy has the effect of strengthening the constitution of two subjects: on the one hand there is the ‘accomplice-subject’ of the smuggling process, who has to be considered guilty and criminal; while on the other hand there is the ‘victim-subject’ of the trafficking process, who deserves protection, because she or he has not *decided* to migrate ‘illegally.’²⁴ They argue that in practice it is difficult to find ‘pure’ cases of smuggling or trafficking; the majority of strategies of migration essentially challenge this simple categorisation.²⁵ John Salt calls for integrating the practice of smuggling into the definition of trafficking, i.e. using it as a more generic term, which includes ways of crossing borders in a so-called ‘illegal’ way. ‘[T]rafficking may sometimes involve an element of what has come to be defined as smuggling, particularly when it uses the same routes, forged documentation, and organisational networks as the smugglers.’²⁶

Hardly ever is the desire to migrate taken into account as an important factor related to trafficking. The idea of a right to mobility and, at the

same time, the uneven access for many people to this right shows that '[g]lobalisation has made mobility the most powerful and most coveted stratifying factor.'²⁷ In this sense, Andrijasevic proposes understanding trafficking as an alternative system of migration for those who have no access to so-called legal migratory channels. 'This shift of perspective would allow us to move away from the conceptualisation of migrant women as duped into trafficking and bring to the fore the complexity of desires and projects migrant women articulate in their demand of social and material mobility via trafficking systems.'²⁸

While for the mainstream literature on trafficking the focus on the definition of trafficking lies still in the elements of deceit, force, and violence, several scholars question this narrow definition and outline a variety of ways to enter trafficking networks. Critical perspectives question furthermore the thesis of an increase in trafficking because of flawed border measures; they affirm rather the contrary: the widespread tendency towards restrictive migratory policies creates conditions for the emergence and proliferation of trafficking.²⁹

Migrants as the Other

[G]roups of 'strangers' – trafficked women, illegal immigrants, foreign workers help to substantiate the place of the citizen in the nation-state.³⁰

The discourse that interprets trafficking mainly as a problem of migration identifies trafficked persons as 'undesirable aliens',³¹ and thus presents the difficulty of controlling non-documented migration as the crucial problem that has to be solved. The discourse has to constitute a particular subject in order to operate; that is produced through the imaginary of the *other*. The foundation of this imaginary is an understanding of migration as a form of invasion, as a threat to national integrity and to an assumed national homogeneity, which causes fears and anxieties. This, in turn, establishes possibilities for implementing mechanisms of control of so-called 'illegal' migrants.'

[M]uch of this nebulous anxiety over the narrowing capacities of the nation-state to designate, to contain, and to protect the political community has landed on migrants, refugees, and other 'unpopular strangers'.³²

Michel Foucault differentiates between two technologies of power: the disciplinary power and the biopower.³³ While the first is directed mainly towards individuals, the second aims at regularising a 'multiple body,' a new legal figure appearing in the 19th century, namely the population.³⁴ The distinction is not absolute, as both mechanisms are interrelated.³⁵

The issue of trafficking could be placed at the intersection between both technologies, because it affects bodies (by exploiting them), but it also aims at constituting a part of the population as a particular category (i.e. illegal migrants) and – at the same time – as potential ‘victims’ of trafficking.

For Foucault, the strategies of political control express themselves through the rationality of so-called governmentality,³⁶ which acts in a form of biopower to regulate the population or one part of it.³⁷ Governmentality means ‘the way in which the conduct of human beings might be directed,’³⁸ and can be understood as a technology of power which constitutes subjects. According to Jenny Edkins, in this axis of power, the subjection of the political subject occurs, producing ‘subjected and practised, bodies, “docile” bodies.’³⁹

In this sense, I propose to analyse the discourse on international human trafficking as a mechanism of control, which exerts disciplinary and regulative powers. Instead of an assumed protection of potential ‘victims’ of trafficking, the discourse produces not only a specific category of subjects, but also legitimises the adoption of social control mechanisms. Thus, restrictive migratory policies, as well as the constitution of the category of the migrant could be considered regulative mechanisms, in the sense that they aim at guaranteeing the welfare of the national population by protecting them from the apparently ‘dangerous migrants.’

Rather than representing something ‘natural,’ the category of migrant denotes a social construction, a result of a constant negotiation, as Nira Yuval-Davis explains.⁴⁰ According to Claudia Aradau, the ‘invention of the dangerous individual’ subsequently requires an installation of social defence mechanisms.⁴¹ Hence, an exclusion of a specific category is conditioned by the prior production of this group, i.e. by the attribution of a dangerous identity, for example, to migrants.⁴² The author states: ‘Trafficked women are risky only in relation to their agency as migrants.’⁴³ According to Peter Nyers, migrants are increasingly cast as ‘objects of securitised fears and anxieties, possessing either an unsavoury agency or a dangerous agency.’⁴⁴ Both types of agency result from the process of othering, i.e. of a construction of the ‘illegal’ migrants as *others*. While the dangerous agency is more related to an understanding of migration as a form of threat, the unsavoury agency recalls the negation of rights to an ‘object class of global migrants.’⁴⁵

This constitution of the category of migrants as *others* that have to be controlled and regularized is justified through a crucial element of the discourse on the migrant; namely racism. The biological camp of the population is fragmented with racism in order to individuate the particular category of migrant, i.e. the emergence of the biopower inserts racism as a fundamental technology of power into the mechanisms of the

state.⁴⁶ Through the biopower of the state, the constitution of this specific group is possible. According to Foucault, modern racism is not related to mentalities or ideologies, but rather to technologies of power.⁴⁷ For Nira Yuval-Davis, '[r]acism occurs when the construction of "otherness" is used in order to exclude and/or exploit the immutable "other."' ⁴⁸ Through racism, then, a difference is established that constitutes the migrant as the *other*; we could say through the process of othering as part of racism the difference between the *self* and the *other* is determined.

The reaction to the *other* can be summarized in what Naeem Inayatullah and David Blaney, drawing on writings of Tzvetan Todorov, call the 'double movement.'⁴⁹ According to them, the first step towards differentiation is attributing to the *other* the status of inferiority. This interpretation justifies subsequent discriminatory treatment. In a second movement, a common humanity is recognised, but the fear of the difference still results in a demand for assimilation. In this way, the *other* is mainly seen as threat, leading to the domestication or destruction of difference in order to reach 'the empire of uniformity.'⁵⁰ The double movement, thus, precludes the recognition of the other as different and equal, and represents, at the same time, a form of splitting between the *self* and the *other*.⁵¹ According to Inayatullah and Blaney, this splitting surges from the endeavour to produce some kind of purity or 'absolute difference.'⁵² This, in turn, is dangerous since it can be responsible for acts of violence, as Nizar Messari explains:

Otherness becomes thus not only the object of exclusion, but also of violence. The value of the self is exalted whereas the value of the other is deflated, justifying moral superiority. The missionary objective of conquest and violence, in order to bring civilization to the other and make it equal to self, becomes a natural consequence of a 'legitimate' cause.

The discourse of the migrant as the *other*, thus, establishes the necessary difference in the sense of an inferiority used to justify the violence against her or him. At the same time, this narrative produces justifications for interventionist policies, strengthening a vision of an imperialist world divided between 'receiving countries/we/the *self*' and 'sending countries/them/the *other*,' which constructs, in Peter Nyers' words, a 'moral cartography of abjection.'⁵⁴

The Reversal of the Problem

The conception of migration and migrants as threats is part of a powerful discourse, which is adopted also by the United Nations Development Program (UNDP). The UNDP has included migration in its lists of new

threats, together with unchecked population growth, environmental degradation, excessive narcotics production, trafficking, and international terrorism.⁵⁵ 'This linking of migrants to insecurity ... sustains a radical political strategy aimed at excluding particular categories of people by reifying them as danger.'⁵⁶

From this strategy emerges the metaphor of the invasion. Rutvica Andrijasevic outlines the 'historical amnesia' of Europe, which represents itself as a region of emigration and as a 'passive recipient of 'new' mass-migration,' constructing 'narratives of eviction,' forgetting about its active part in this process.⁵⁷ Taking Italy as an example, she clearly shows how social crisis, economic insecurity, and other fears are projected onto the immigrant, who becomes 'an ideal enemy indispensable as the repository of hostile sentiments and as the "Other" of Italian society that imagines itself as a solid and stable nation.'⁵⁸

In addition to being considered a threat or danger, the discourse of the migrant as other is thus part of a discourse of exclusion, which interprets migration as a threat to the national identity.⁵⁹ Andrijasevic, together with other authors,⁶⁰ unmasks the notion of invasion as a myth to create panic and urgency to solve the problem. What occurs here is denounced as a reversal of the problem: instead of perceiving the migrants *in* danger, they are interpreted *as* danger.

In terms of migration, the populations that are at risk are the migrants who move across borders to escape war, persecution, and hunger. However...it is the migrants themselves who are seen as threatening to the receiving country's population.⁶¹

This discourse not only implicates a reversal of the paradigm, but also legitimates new fears: '[X]enophobia and racism are represented as reactions to a threat and not as threats themselves.'⁶² Thus, the principal constitutive element of this narrative is a form of 'new racism,' in the sense that it readapts a racist discourse based on two concepts, as explained by Maggie Ibrahim: (1) on the cultural difference which substitutes the biological difference, and (2) on a fear of the *other*.⁶² 'The defining feature of new racism is that cultural pluralism will lead to interethnic conflict which will dissolve the unity of the state.'⁶⁴ The reification of racial and cultural differences is associated with the threat to the integrity of the state: 'Immigrants are seen as threats that appear from nowhere and destabilise and undermine the security and coherence of the sovereign project.' Trafficked women function as 'the most perverse facet of the European fortress and its treatment of others.'⁶⁵

Hence, foreseeing that difference would lead to a societal breakdown, a fear of cultural difference is produced, which is used to guarantee the continuation of the culture and the nation.⁶⁶ Nevertheless, when

migration is considered a threat to the identity of the national society, the implicit understanding is a supposed homogeneity of the political community. 'If the principal fiction of the nation-state is ethnic, racial, linguistic, and cultural homogeneity, then borders always give the lie to this construct.'⁶⁷ This interpretation perpetuates a conception of the clear distinction between the domestic and international spheres. While the domestic is considered to represent order, culture, the civilised *self*, the international is associated with disorder, nature, the barbarous and not-civilised *other*.⁶⁸ The differentiation between the interior space of the state as the safe inside and the exterior space as the morally inferior outside constitutes the foundation of politics of identity. According to Inayatullah and Blaney, this distinction has been created to deal with the crucial question of difference. Not even the creation of the modern nation-state could solve the problem, as it simply shifted it to the international sphere.⁶⁹ The attribution of difference to the one outside of the national sphere justifies the installation of mechanisms of protection in the inside, which, in turn, enable the constitution of the *self*, as Messari explains: 'According to this understanding, representations of alterity are in a certain way representations of self. Otherness can be defined as a discourse on difference, particularly on the difference of those who are outside the domestic realm.'⁷⁰

To disrupt this discursive logic, Inayatullah and Blaney propose to substitute the 'double movement' with the 'ethnological movement,' in which the *other* is not separated from oneself, but represents an intrinsic part of the *self*. Recognising the *other* as a source for critical auto-reflection would lead to alternative conceptions of difference, like, for example, 'dialogical' instead of 'monological' encounters with the *other*.⁷¹ According to these authors, it would be in these 'contact zones' where new possibilities of a deeper understanding of difference could arise. Their proposal focuses on a co-constitution between the *self* and the *other*, invoking identities that overlap, i.e. in which the self is present in the *other* and vice-versa.

The social construction of the migrant as a form of threat to 'national security' produces the image of the migrant as *other* or as 'undesirable alien' that has to be monitored and policed, enabling the establishment of regimes of exclusion and discrimination. The attribution of a dangerous identity to potential migrants and trafficked persons puts in motion biopolitical control mechanisms, leading, paradoxically, to a higher vulnerability of 'object' persons like potential migrants/strangers or trafficked persons.

Conceiving of identity in relational terms means that the identity of the *self* needs the *other* to establish itself.⁷² Nicolas De Genova illustrates how the production of so-called 'illegal migrants' is based on racial and spatial concepts. The importance of the racial dimension of the frontier between the U.S. and Mexico, for example, shows the production of a relationship between the racialisation and criminalisation of these migrants, leading to a systematic exclusion of Mexican migrants and *chicanos* (Mexican Americans) from work opportunities and social benefits in the U.S.⁷³ The spatial dimension, in turn, reproduces the physical frontier in the interior of the national territory, through being present in the everyday life of so-called 'illegals' by means of the fear of being deported, which thus converts them into 'disposable commodities'.⁷⁴ This fear is generated not just through the fact of deportation, but also through the ever-present threat of it: 'deportability' plays an important role in the constitution of the migrant as the *other*.⁷⁵

Whilst this 'abject-subject'⁷⁶ is seen as an element of a cheap work force, forming part of an 'internationally mobile underclass,' he is also considered part of the category of the non-citizens.⁷⁷ The citizen as a 'political pure inclusive subject' needs the migrant as an 'apolitical purely exclusive subject' to establish himself, as Nyers explains:

As the embodiment of exclusion, the abject[s] are prime candidates for 'hidden, frightful, or menacing' subjectivities to define their condition. Understood politically, they stand in contrast to the purity of citizenship, i.e. the authoritative, articulate, visible, and political subjectivity. Instead, the abject suffer from a form of purity that demands them to be speechless victims, invisible and apolitical. In a twisted reversal, the impurity of the abjection becomes the purity of the abject.⁷⁸

The process of negation of political rights to the abject is part of the attribution of rights to the citizen. The maintaining of clear limits between the two conceptions, hence, is the condition for the preservation of the political order. 'Our received traditions of the political require that some human beings be illegal.'⁷⁹ Therefore, representing the counterpart of the political figure of the citizen, these 'abject' categories (e.g., strangers, migrants, and trafficked persons) exercise an important role in the foundation of political communities through the way in which these related narratives constantly re-found them.⁸⁰

As such, the constitution of the differentiation between *us* and *them* not only permits the installation of mechanisms of exclusion and the negation of related rights, but also allows a 're-foundation' of the political

community. Furthermore, the action of the constitution of difference can be interpreted as the result of an 'act of force,' in the sense that the designation of a special status is a matter of arbitrariness, even if it is represented as a 'natural' condition.⁸¹ As Nyers explains, "'being abject" is, in fact, always a matter of "becoming abject."'⁸² This transformation into an abject which occurs in the process of *othering* and expresses the difference especially in the attribution or negation of rights, then, has to be denaturalised to disrupt the acting discourse of trafficking as a problem of forced migration.

Thus we need to see this rejection of migration as stemming from a new racial discourse which has equated migrants to risk. At such, we need to 'identify racism as a specific and significant object, to comprehend it as a part of a web of discourse, to see that it has a knowable history, and to appreciate its social implications in the exercise of [the] biopolitical powers.'⁸³

Another characteristic of the constitution of the *other* is the definition in negative terms, that is to say, the integration into a logic of negation.⁸⁴ According to Dal Lago, for example, non-documented migrants can be defined as 'non-persons' since the concept of person depends upon an attributed humanity.⁸⁵ He lists different strategies of 'depersonalisation,' such as linguistic revocation.⁸⁶ In that sense, the fact that the categories attributed to the 'illegal' migrant could be characterised in terms of negations represents a form of 'depersonalisation;' the migrant is frequently a 'non-European, he's not a native, not a citizen, not legalized and is not part of us.'⁸⁷ Besides the negation of rights, this extreme *othering* leads further to a disqualification of migrants from the category of humans. The attribution of animal names as a common way to denominate abject categories, for example, represents another strategy to justify violence and exclusion. Besides the denomination of smugglers at the Mexican-U.S frontier as *coyotes*, *loups* in Gibraltar-Morocco-Spain or *snakeheads* in China-Hong-Kong, 'illegal' migrants are called *chicken*, *sheep* or *killer bees* (if they are in many).⁸⁸

This reclassification of undocumented entrants as other than human is another aspect of the liminality of the border zone ... Once stripped of their humanity, they can be hunted down, like the wild animals which some of them are taken to represent.⁸⁹

Furthermore, De Genova develops the idea of the constitution of spaces of non-existence through the official negation of an 'illegal' presence in the state territory. These 'illegal' spaces imply a forced invisibility, an exclusion, subjugation, and repression of these abjects, implicating 'an erasure of [their] legal personhood.'⁹⁰ One dimension of this 'non-

existence' is expressed, for example, in the restricted physical mobility of 'illegal' migrants—a highly paradoxical condition, given their initial mobility and desire for mobility at the beginning of the migratory process.⁹¹

As such, the classification of 'illegal' migrants as *others* or as beyond human not only justifies mechanisms of exclusion but also practices of violence. At the same time, parts of this discourse represent the naturalisation and racialisation of these *others*, considering the difference as a fixed characteristic inherent in their bodies. This discourse calls for the protection of the national 'body' and proposes as solution to the assumed threat the disappearance of these 'non-persons'.⁹²

This conception of the symbolic elimination of the *other*, finds its material realization in the practice of deportation. The Trafficking Protocol dedicates more than half of its own text to the specification of the reinforcement of border regimes, and aims at the 'protection' of trafficked persons, especially, in terms of 'repatriation'.⁹³ According to the Trafficking Protocol, then, states are advised to adopt effective methods to promote cooperation between them, to prevent human trafficking through information and education of the public, to ensure assistance and protection to trafficking victims, and to arrange, in appropriate cases, the voluntary return of the victims to the countries of origin.⁹⁴

However, research studies indicate a high probability that returned or deported migrants will try to migrate again. These works ascertain that the efforts to suppress migration conflict with the interests of migrants.⁹⁵ Among those interviewed by Adriana Piscitelli, for example, the greatest concern is not centred upon trafficking, but rather upon repressive actions of the government in relation to prostitution and irregular migration; that is, the main fear is deportation.⁹⁶ Also Kemala Kempadoo emphasizes: 'They don't want to be saved, they want to feel safe. They don't want to go back, they want to go on.'⁹⁷ Likewise, Laura Agustín denounces the danger of being re-trafficked, as well as the use of narratives against trafficking to establish stricter anti-migratory policies. 'And when migrants are referred to as "trafficked" they are assumed to have been wrested away against their will, allowing immediate unsubtle deportation measures to appear benevolent (and to be characterised by some ironic activists as "re-trafficking")'.⁹⁸ In this sense, deportation constitutes part of the discourse which establishes the migrant as the *other*, representing a consequence of the constituted difference, as Jaqueline Berman explains:

They [state institutions] remake these 'popular strangers,' into 'unpopular' foreigners, into illegal immigrants whose deportation becomes part of the price paid for the reiteration of state sovereignty. (...) The rapid deportation of 'illegals' and 'victims' empowers the state to contest this threat and to protect

the political community while in practice placing more barriers before migrants, increasing the likelihood that they seek traffickers' assistance and creating more opportunities for their exploitation.⁹⁹

If, therefore, we analyse governmental answers to the 'problem' of irregular migration as the result of the production of knowledge through the working of the discourse, it is possible to state that biopower exerts its most cruel expression through deportation. The basis of the discourse rests on racism which individuates the 'illegal' migrants as not belonging to the national territory and imposes the expulsion of these persons; a fact that Foucault terms 'indirect murder'.¹⁰⁰ By trying to control the migratory process the state in fact creates an 'abject diaspora,' or as Nyers calls it: a 'deportspora'.¹⁰¹ Current migration policies may represent a threat for migrants, but also for human rights and democratic principles, as Pécoud and De Guchteneire explain, claiming that '[t]he values that guide societies cannot stop at their borders; they must also inspire attitudes toward outsiders'.¹⁰²

Finally, I assert that the reversal of the problem refutes any proposal of solutions to trafficking interpreted as a form of 'illegal' migration; on the contrary, stricter migration policies lead to a deterioration of the situation of abject persons and to an increase in the practice of trafficking.

Conclusion

The interpretation of international human trafficking as a problem of forced migration results in a simplification of the complex phenomenon, as anti-trafficking policies focus on fighting so-called 'illegal' migrants instead of supporting potentially trafficked individuals and their right to migrate.

In a world that is supposed to be more accessible to everybody, the right to migrate still represents a privilege. A process of 'rebordering'¹⁰³ is taking place, which is not contributing to the expected decrease in international human trafficking. I stress the increase of mechanisms of control over the mobility of migrants, which, instead of eliminating the practice of trafficking, serve to create the conditions for the emergence and proliferation of trafficking.¹⁰⁴

In this context, critical perspectives expose the participation of the state in the production of the logic of 'illegality,' and how beneficial this is to the state. The production of the 'illegality' of the migrant is unmasked as an instrument to legitimise the increase of control against the targeted subjects who, in turn, are characterised by their vulnerability to the

omnipresent possibility of deportation ('deportability'), constituting cheap and disposable work forces.

Further, the identification of the trafficked person as an 'illegal' migrant constitutes him or her as the *other*. The image of migration as form of invasion releases fears and anxieties which are projected onto this *other*. In this sense, both migratory policies and the constitution of this *other* represent part of the mechanisms of control articulated through biopower. This concept uses racism to fragment the biological camp of the population in order to constitute the category of the 'illegal' migrant, attributing a different and inferior identity to justify discriminatory treatment.

A reification of certain categories of persons as a danger establishes a political strategy that aims at the exclusion of these persons.¹⁰⁵ This discourse constructs a naturalisation and racialisation of these *others*, establishing difference as a fixed and inherent characteristic of the bodies of 'object subjects.' Furthermore, the understanding of the *other* as 'illegal,' equates him or her to a criminal that has to be punished. The attribution of the status of 'non-persons,' in turn, takes away their humanity, justifying the exclusion of the political community with the related rights.

The analysis of the discursive logic shows the production of 'illegality' as a condition for the preservation of the political order, in the sense that the *other* is necessary to constitute the *self*. Besides the exclusion mechanisms and the negation of rights, this discourse establishes the bases for a re-foundation of the *self*, of the identity of the political community. Thus, the constitution of the migrant as the *other*, together with the implementation of more restrictive migratory policies are identified as regulative mechanisms and technologies of power to 'protect' the population of citizens from the population of migrants. In this context, the reversal of the problem occurs: xenophobia and racism are presented as reactions to threats instead of as threats in themselves; and citizens are converted into 'victims of invasion,' while migrants become 'perpetuators of aggression.'¹⁰⁶ In the same way, the discourse casts migrants as danger, instead of conceiving them in danger.

Part of this discourse culminates in the claim for the elimination of this *other*, and finds its material expression in policies of deportation. In this sense, my discursive analysis demystifies the narrative of the migrants as *other* and shows it to be a justification for the increase of mechanisms of control. These, ultimately, instead of eradicating the practice of 'illegal' migration—together with the associated international human trafficking—paradoxically, lead to an increase in these practices. Thus, far from representing a solution to the problem, the analysed discourse entails alarming political implications, strengthening governmental

power instead of the rights of the persons who migrate or who are trafficked, ultimately leading to more control than protection. ■

Notes

¹ The article is based on the author's research for her thesis 'Control in the Name of Protection: Critical Analyses of Discourses about International Trafficking of Persons' for the Master's Program of International Relations at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). The thesis, completed in June 2007, is available in Portuguese at <<http://www.maxwell.lambda.ele.puc-rio.br/cgi-bin/db2www/PRG—0490.D2W/INPUT?CdLinPrg=pt>>.

² Jagori, 'Migration, Trafficking, and Sites of Work Rights and Vulnerabilities,' in *Trafficking and Prostitution Reconsidered – New Perspectives on Migration, Sex Work, and Human Rights*, ed. K. Kempadoo (London: Paradigm Publisher, 2005): 160.

³ See Andrijasevic, R. *Trafficking in Women and the Politics of Mobility in Europe* (Doctoral thesis, University of Utrecht, supervisor Rosi Braidotti, 2004): 10.

⁴ See Laczo, F. 'Data and Research on Human Trafficking,' *International Migration* 43 (2002), 5-16, 6.

⁵ Bruckert, C. *Trafficking in Human Beings and Organised Crime: A Literature Review*. (University of Ottawa, 2002), 7, <<http://www.rcmp-grc.gc.ca/pdfs/traffick—e.pdf>>, (accessed June 3, 2006).

⁶ See Wijers, M. (w.d.), *Only rights can stop wrongs: A critical assessment of anti-trafficking strategies*, <<http://www.nswp.org/pdf/wijers-onlyrights.pdf>>, (accessed May 13, 2006).

⁷ As part of the repressive strategies, she theorizes the perspectives which see trafficking as a moral problem, as a problem of organised crime and as a problem of migration. Ibid.

⁸ Ibid.

⁹ See Buss, D. 'Introduction to 'Sexual Movements and Gendered Boundaries: Legal Negotiations of the Global and the Local,' *Social and Legal Studies* 14:1 (2003), 5-15, 6.

¹⁰ See United Nations, *International Migration Policies* (New York: United Nations, 1998): 6.

¹¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. A/AC.254/4/Add.3/Rev.1. Article 3 (a), 55. In the following I call it the Trafficking Protocol.

¹² Andrijasevic, R., 'Trafficking in Women,' 39.

¹³ Ibid.

¹⁴ Ibid., 46.

¹⁵ Salt, J. and Stein, J. 'Migration as a Business: the Case of Trafficking,' *International Migration* 35:4 (1997), 467-494, 484.

¹⁶ Andrijasevic, R., 'Trafficking in Women,' 40.

¹⁷ Ibid., 191.

¹⁸ Ibid., and see also Ibid., 41 and 42.

¹⁹ Ibid.

²⁰ Pécoud, A. and De Guchteneire, P. 'International Migration, Border Controls and Human Rights: Assessing the Relevance of a Right to Mobility,' *Journal of Borderlands Studies* 21:1 (2006), 69-86, 71.

²¹ See Salt J. and Stein, J., 'Migration as a Business,' 470.

²² Wijers, M. (w.d.), 'Only rights can stop wrongs,' 5, (accessed May 13, 2006).

²³ Salt, J. 'Trafficking and Human Smuggling - an European Perspective,' *International Migration*, Special Issue 2000/1, 31-56, 33.

²⁴ Bhabha, J. and Zard, M. 'Smuggled or trafficked?,' *Forced Migration Review* 25 (2006), 6-8, 6.

²⁵ Ibid., 7.

²⁶ Salt, J., 'Trafficking and Human Smuggling,' 34.

²⁷ Pécoud, A. and De Guchteneire, P., 'International Migration,' 76.

²⁸ Andrijasevic, R., 'Trafficking in Women,' 60.

²⁹ Pécoud, A. and De Guchteneire, P., 'International Migration,' 71, and Andrijasevic, R., 'Trafficking in Women,' 182.

³⁰ Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and the Panicked State of the Modern State,' *European Journal of International Relations* 9:1 (2003), 37-86, 57.

³¹ Ibid., 44.

³² Ibid., 55.

³³ See Foucault, M. 'Em Defesa da Sociedade – Curso no Collège de France (1975-1976),' Tradução por Maria Ermanita Galvão (São Paulo: Martins Fontes, 1999, [1976]): 288

³⁴ See *ibid.*, 293.

³⁵ Ibid., 300.

³⁶ Foucault, M. 'Naissance de la biopolitique,' in *Dits et Écrits 1954-1988 III (1976-1979)*, édition établie sous la direction de Daniel Defert et François Ewald avec la collaboration de Jacques Lagrange, (Paris: Gallimard, 1979), 824.

³⁷ See Foucault, M. 'Em Defesa da Sociedade,' 289.

³⁸ Foucault M. 'Sécurité, Territoire, Population – Cours au Collège de France 1977-1978,' (Paris : Gallimard/Seuil, 2004, [1978]): 406.

³⁹ Edkins, J. *Poststructuralism & International Relations – Bringing the Political Back In* (London: Lynne Rienner Publishers, 1999): 51.

⁴⁰ See Yuval-Davis, N. *Gender & Nation* (London: Sage Publication, 1997): 73.

⁴¹ See Aradau, C. 'The Perverse Politics of Four-Letter Words: Risk and Pity in the Securitisation of Human Trafficking,' *Millennium – Journal of International Studies* 33:2 (2004), 251-277, 259 and 263.

⁴² See Ibid., 267.

- ⁴³ Ibid., 276.
- ⁴⁴ Nyers, P. 'Abject Cosmopolitanism: the politics of protection in the anti-deportation movement,' *Third World Quarterly* 24:6 (2003), 1069-1093, 1070.
- ⁴⁵ Ibid.
- ⁴⁶ See Foucault, M., 'Em Defesa da Sociedade,' 304.
- ⁴⁷ Ibid.
- ⁴⁸ Yuval-Davis, N., 'Gender & Nation,' 49.
- ⁴⁹ Inayatullah, N. and Blaney, D.L. *International Relations and the Problem of Difference* (New York: Routledge, 2004): 10.
- ⁵⁰ Ibid., 3.
- ⁵¹ See Ibid., 187.
- ⁵² See Ibid., 11.
- ⁵³ Messari, N. 'Alterity and the study of International Relations – A Critical Approach,' paper presented at the Annual Congress of the International Studies Association (ISA) (2006), 4.
- ⁵⁴ Nyers, P., 'Abject Cosmopolitanism,' 1073. He defines abject as 'someone who is cast-out, discarded and rejected.' See also Ibrahim, M., 'The Securitization of Migration: A Racial Discourse,' *International Migration* 43:5 (2005), 163-186, 171.
- ⁵⁵ UNDP (2002) quoted in Ibrahim, M., 'The Securitization of Migration,' 169. However, migration has not always been associated with danger and insecurity, on the contrary, migration has been a decisive factor for the production and the development of capitalism. See Ibrahim, M., 'The Securitization of Migration,' 167. See also Mezzadra, S. *Diritto di fuga – Migrazioni, cittadinanza, globalizzazione* (Nuova edizione. Verona: Ombre Corte, 2006, [2001]).
- ⁵⁶ Ibrahim, M., 'The Securitization of Migration,' 171.
- ⁵⁷ Andrijasevic, R. 'Europe and Migration: The Myth of Invasion and the Danger of Historical Amnesia,' *Leggendaria* 23 (2000), Special Bilingual Issue English/Italian on European Women's Studies, <<http://www.let.uu.nl/filRutvica.Andrijasevic/personal/rut—leggendaria.pdf>>, (accessed December 25, 2007).
- ⁵⁸ Ibid.
- ⁵⁹ See Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 51. The danger consists in the possible fragmentation of the imagined homogeneity of the nation, the so-called domestic 'balkanization,' as it is termed by David Campbell. See Campbell, D. 'Violent Performances: Identity, Sovereignty, Responsibility,' in *The Return of Culture and Identity in IR Theory*, ed. Yosef Lapid and Friedrich Kratochwil, (London: Lynne Rienner Publishers, 1996): 170.
- ⁶⁰ See Dal Lago, A. *Non-persone – L'esclusione dei migranti in una società globale* (2nd edition, Milano: Feltrinelli, 2005, [1999]).
- ⁶¹ Ibrahim, M., 'The Securitization of Migration,' 169.
- ⁶² Andrijasevic, R., 'Europe and Migration.'
- ⁶³ Ibrahim, M., 'The Securitization of Migration,' 165.
- ⁶⁴ Ibid., 166.

- ⁶⁵ See Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 57.
- ⁶⁶ Ibrahim, M., 'The Securitization of Migration,' 166.
- ⁶⁷ Donnan, H. and Wilson, T.M. *Borders: Frontiers of Identity, Nation and State* (Oxford: Berg, 1999): 1.
- ⁶⁸ See Jahn, B. *The Cultural Construction of International Relations: the Invention of the State of Nature*, (New York: Palgrave, 2000), and Walker, R.B.J. *Inside/Outside: International Relations as Political Theory*, (Cambridge: Cambridge University Press, 1993): 151.
- ⁶⁹ Inayatullah, N. and Blaney, D.L., 'International Relations and the Problem of Difference,' 44.
- ⁷⁰ Messari, N., 'Alterity and the study of International Relations,' 8.
- ⁷¹ See Inayatullah, N. and Blaney, D.L., 'International Relations and the Problem of Difference,' 181.
- ⁷² See Messari, N., 'Alterity and the study of International Relations,' 3.
- ⁷³ De Genova, N.P. 'Migrant "Illegality" and Deportability in Everyday Life,' *Annual Review of Anthropology* 31 (2002), 419-447, 433.
- ⁷⁴ See Ibid., 438.
- ⁷⁵ Ibid.
- ⁷⁶ Nyers, P., 'Abject Cosmopolitanism,' 1073: 'abjection ... describes a degraded, wretched and displaced condition.'
- ⁷⁷ Donnan, H. and Wilson, T.M., 'Borders: Frontiers of Identity, Nation and State,' 109.
- ⁷⁸ Ibid., 1074.
- ⁷⁹ Ibid., 1089.
- ⁸⁰ Ibid., 1075. See also Andrijasevic, R., 'Europe and Migration.'
- ⁸¹ Nyers, P., 'Abject Cosmopolitanism,' 1074.
- ⁸² Ibid.
- ⁸³ Gilroy (2004), 163 quoted in Ibrahim, M., 'The Securitization of Migration,' 178.
- ⁸⁴ See Nyers, P., 'Abject Cosmopolitanism,' 1074.
- ⁸⁵ Dal Lago, A., 'Non-persone,' 208.
- ⁸⁶ Ibid., 211.
- ⁸⁷ Ibid., 213. Likewise Donnan and Wilson emphasize the identity of the 'non-documented,' defined in negative terms. See Donnan, H. and Wilson, T.M., 'Borders: Frontiers of Identity, Nation and State,' 113.
- ⁸⁸ Ibid., 134 and 135.
- ⁸⁹ Ibid., 135.
- ⁹⁰ De Genova, N. P., 'Migrant "Illegality",' 427.
- ⁹¹ See Ibid. and Andrijasevic, R., 'Europe and Migration.'

⁹² See Dal Lago, A., 'Non-persone,' 222.

⁹³ See Trafficking Protocol (2000), article 8, 56.

⁹⁴ See Van Impe, K. 'People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking,' *International Migration*, Special Issue 2000/1, 113-131, 123.

⁹⁵ See Kempadoo, K. 'Mudando o debate sobre o tráfico de mulheres,' *Cadernos Pagu* 25 (2005), 55-78, 69.

⁹⁶ See Piscitelli, A. 'Antropologia, Direitos Humanos e o Debate sobre a Indústria Transnacional do Sexo,' paper for the Symposium about human rights, sexual and reproductive rights in the 25th Brazilian Conference of Anthropology, Goiânia, June 13, 2006, 14 and Piscitelli (in print), 'Traficadas ou autônomas? A noção de consentimento entre brasileiras que oferecem serviços sexuais na Espanha,' in *Dilemas jurídicos do enfrentamento ao tráfico internacional de seres humanos* (Ministério da Justiça, Brasília), 20.

⁹⁷ Kempadoo, K., 'Mudando o debate sobre o tráfico de mulheres,' 69

⁹⁸ Agustín, L. 'Daring Border-Crossers: A different vision of migrant women,' in *Sex Work in a Changing Europe*, ed. Ward, H. (Kegan Paul), 85-94, 89.

⁹⁹ Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 37-86, 53 and 59.

¹⁰⁰ Foucault, M. 'Em Defesa da Sociedade,' 306.

¹⁰¹ Nyers, P., 'Abject Cosmopolitanism,' 1070.

¹⁰² Pécout, A. and De Guchteneire, P., 'International Migration,' 74.

¹⁰³ See *Ibid.*, p. 80.

¹⁰⁴ In this sense, a vicious circle is initiated, which is also perpetuated in mainstream studies of International Relations, where a clear distinction between inside and outside - attributing to the outside elements of disorder, anarchy and chaos, while the inside is seen as pacific, just and ordered - represents the basis of several theories.

¹⁰⁵ See Donnan, H. and Wilson, T.M., 'Borders: Frontiers of Identity, Nation and State,' 171.

¹⁰⁶ Andrijasevic, R. 'The Southern Gate to Fortress Europe,' in *Policy Perspectives: Islam and Tolerance in Wider Europe* (Open Society Institute: Budapest 2006), 30-51.

Human Trafficking from Russia: Political Responses and Public Opinion¹

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MARY BUCKLEY

The objects of this case study on the Russian Federation are fivefold: first, to locate contemporary patterns of migration within, from, and to the former Soviet space, focusing ultimately on human trafficking as one form of migration; second, to underscore how research agendas on migratory processes in different parts of the world may be framed by very different concerns, questions, and perceptions, and may not accept the defining narratives of other regions; third, to indicate the complexities of defining 'human trafficking' and the significance of different approaches to it; fourth, to show how the Russian political system responded to pressures made on the state for action specifically against human trafficking; and finally, against this background, to discuss original data from a nationwide public opinion poll in Russia concerning attitudes towards the process of trafficking and conclusions about the contemporary state's institutional capacity to deal with it.

This contribution does not set out to offer a new theoretical approach, although it does briefly explore the inadequate and restrictive binaries of 'smuggled/trafficked' and 'victim/non-victim,' suggesting that discussions need to move on from stalled dichotomies and 'either/or' prisms. Rather, it stems from questions posed in the interdisciplinary field of area studies, broadly focused on the historical, political, socio-economic, and attitudinal significance of changes and continuities in Soviet and post-Soviet Russia. Questions of migration and trafficking can thus be approached through attempts to grasp the significance of other macro issues of systemic significance—such as the nature of disintegration, 'transition,' 'managed democracy,' 'sovereign democracy,' 'corporate bureaucracy,' political agenda-setting, uneven regional economic developments or changing life strategies, social attitudes, and public opinion.

Enquiry here is predicated upon the conviction that a Russian case study involving engagement with social and political actors, familiarity with public opinion, a reading of Russian newspaper articles, exposure to television channels, and viewing of films generates what Clifford Geertz would call 'thick descriptions' of local situations, where crucial on-the-spot developments, conceptualisations, perceptions, and linkages are seen as part of the process of understanding the dynamics of changing

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and unchanging social and political realities.² In so doing, I do not automatically assume that the shape of political dynamics, attitudes in society, or patterns of migration and human trafficking are necessarily neatly replicated elsewhere in other states. Much depends upon the nature of conjunctures in multivariate circumstances, despite the shared communalities of being in a globalised world. Similarities and differences may, or may not be obtained and they require the convincing evidence of reliable and valid data. Across many issues and notwithstanding commonalities, Russian actors have often defined their lives and socio-political realities quite differently from citizens in the West. This includes questions of migration, criminality, and economic survival.

In the 1990s debates in Russia about migration differed 'significantly' from debates in West European societies. As Hilary Pilkington has shown, they did not then come from similar preoccupations with, either human rights on the one hand, or with the welfare 'burden' of immigrants on the other hand. Rather, in Russia the local issue of the state's relationship with its 'near abroad' framed the discourse.³ Similarly today, geopolitics, territorial size, the relationships between diverse nationalities and ethnic groups in state building and demographic processes are some of the key variables that affect the research questions posed across Eastern Europe. Both empirical and theoretical research questions have been historically and regionally shaped, very much framed by local concerns and issues of identity and nationhood and the nature of the gender order that is left behind, all of which may differ in key respects from other regions. This perspective needs to be taken into account in generalisations made elsewhere.

In the new millennium an increasingly rich literature on migration, forced labour and human trafficking is being produced inside the Russian Federation not only within the research institutes of the Academy of Sciences, most notably by Elena Tiuriukanova and Liudmila Erokhina, and in university departments and committees of the political system, but also in crisis centres and non-governmental organisations such as by Natal'ia Khodyreva's gender centre in St. Petersburg, in the Moscow hotline Sestry (Sisters) and in the umbrella organisation of the Angel Coalition, as well as by area specialists and criminologists in the West.⁴ Whilst some Russian researchers' findings are cited in Western publications, or written into reports of the International Organisation for Migration, many are not so readily accessible to those who do not read the language or are unseen if published within a specialist area-studies literature. One unfortunate result is that some recent omissions in the literature have actually been addressed by researchers in a part of the world from which huge numbers of the trafficked and/or smuggled

are drawn. In particular, many complexities of the process said to be unknown are, in fact, known to others. The unfortunate distances that can sometimes develop between the empirical findings of area studies and the theorising of other fields can mean that some results and regional concerns are overlooked in discourses and debates elsewhere. Moreover, on a practical level, the issues enthusiastically promoted by activists in one state can be downplayed in another, thereby serving to inadvertently undervalue them without fully appreciating the circumstances elsewhere. It may be productive if theorists in international relations and migration studies came closer together with those working more empirically in area studies.

In the post-Soviet space, migrations have been various and the theoretical discussions are concerned with questions of state collapse, state building and state capacity, and their implications for citizens. The widespread use of bonded male labour, particularly from Central Asia, on building sites across Moscow and in many Russian cities is examined through wider concerns about the nature of uneven development across the region, ethnic labour exploitation, issues of regulation, registration, housing policy, and corruption.⁵ Similar questions could be asked about the teams of Uzbeks organised and controlled by 'brigade leaders' in the Russian countryside where they build dachas for urban dwellers, repair old houses, and tend gardens. The kidnapping or sale of children into begging rings inside or outside Russia and co-optation of the elderly and infirm into 'begging pitches' in St. Petersburg is approached by Russian criminologists through the several variables of organised crime, police complicity, human rights abuses, and nature of the current political system.⁶

Recent research into different patterns of out-migration of Russians and Ukrainians from Kazakhstan, Kyrgyzstan, Azerbaijan, and Uzbekistan proceeds in terms of the consolidation of national identity of the majority population seen through the prism of redefining nationhood.⁷ Another project discusses the gendered impact of migration on the donor country, the significance of new informal families developed abroad and their impact on 'grass widows' at home. 'New' female heads of household left behind may confront disempowerment and shame, sometimes resulting (as in the cases of Uzbekistan and Kyrgyzstan) in the agreement to become second wives in order to mitigate vulnerabilities associated with the 'revival of traditional stereotypes.'⁸ Anthropological research shows large variability in the gendered composition of 'migration streams' out of the states of Central Asia and how these have differential impacts on countries of origin.⁹ Other projects focus on patterns of *tolerantnost*,

or 'toleration,' towards incomers to Russian towns and regions.¹⁰ Anthropological studies by academics have much to offer.¹¹

Issues can be very differently couched and received in different parts of the world. For instance, Western worries about 'alarmist' panics arising from concern about mafia gangs, 'unscrupulous snakeheads,' and 'all-pervasive organised crime networks' is taken in a matter-of-fact way in Russia, even though gangs are known to exist, some with deep roots in the Soviet past, rackets have been acknowledged and protection money paid by many businesses.¹³ Moreover, Russian state and society work in many informal ways, shaped over time.¹⁴ Patterns of criminality and informal connections are part of the picture in many known and documented stories of migration, but they are elements alongside others and do not necessarily touch all migrants. Similarly, concerns among Western scholars that the trafficked are depicted homogeneously as undifferentiated women passing through similar processes ignores quite rich data showing that in Central and Eastern Europe the trafficked are recruited, transported, and received in different ways, variously respond and are not all destined for the sex industry. Diverse stories have been told about *prinuditel'nyi trud*, or forced labour, of males and females in different jobs. Pictures are acknowledged to be complex in destination and donor states, whatever their communalities. Researchers are also generally quick to point out the methodological problems of dealing with 'self-selecting' samples and fully realize the limits to generality when discussing 'hidden populations.' These limits, however, do not prevent the documentation of patterns and tendencies.

There is thus a danger of stereotyping the way in which researchers interested in human trafficking have proceeded and this tendency does some of them a disservice, as it may be only selectively applicable. Serious work by Russian researchers and crisis centres over recent years has painstakingly documented the various ways in which women, men, girls, and boys have been recruited by traffickers (male and female), whether through job agencies, newspaper advertisements, marriage bureaux, neighbours, friends of friends, or purchased from parents, or from orphanages or by kidnapping. Much at the outset may be done by the client out of apparent choice, not necessarily involving physical violence. Many leave Russia quite legally via a trafficker, using their own passports, whereas others have fake documents provided by traffickers: passports may need to have the age altered to comply with recent immigration rules in the United Arab Emirates, or a tourist visa might be faked, or illegally obtained.¹⁵ Transit may be by plane, train or car, and quite visible and legal; visible and semi-legal; or illegal across a border in the boot of a van or by boat.

What happens upon arrival, which may be inside Russia itself, within the territory of the former USSR, in East/Central Europe, Turkey, Israel, the United Arab Emirates, China, Japan, Germany or the UK, or as far-flung as the USA, can vary too. Men may find themselves behind barbed wire on construction sites in Portugal, males and females may be in domestic labour in Turkey, girls may be picking tobacco or other crops in Central Asia, and girls and women (even the over-50s in a minority of cases from Nizhni Novgorod sent to Italy) are highly likely to be in prostitution in many different countries of the world. Russian researchers are not basing these conclusions on 'shoddy' data¹⁶ nor are they exaggerating when they point out, in many cases, the role of mafia gangs, militia complicity or the role of officials issuing false visas. They have also noted that women once trafficked may, as a survival strategy, move up the work hierarchy and become a recruiter of other women in the service of an owner, moving themselves out of the role of prostitute. A woman then may repeat the pattern of deception that she herself endured. It is worth noting that the literature of psychology might usefully be drawn on here, too, to understand some patterns. Certainly, there is data which illustrates that both women and men are involved in deceiving and in trafficking others, which may indeed include sanctioning violence. When researchers and politicians condemn the process on reasonable grounds, it seems harsh to criticize them for 'strong moralistic positions' or for being 'alarmist.' I find it odd that processes of abuse should not be condemned.

What muddles discussions is that critics can have particular targets in mind who can indeed be sanctimonious in tone, such as the religious Right in the USA and some government and agency officials. Existing comment on their narratives, however, constitute generalized critiques. Researchers into trafficking elsewhere do not necessarily adopt these arguments, but find themselves in defensive positions as a consequence. Nor should research into trafficking be devalued on these grounds or because the trafficked are felt to be unfairly privileged. All forms of migration, trafficked or not, need to be investigated in order to understand the processes, the role of agency, and the consequences, as well as situations in which the space for agency might be constricted. Lopsided stresses either way on 'victimhood' or 'agency' do both a disservice. Similarly, defence of a woman's right to be a sex worker should she so 'choose,' should not result in a downplaying of the harm done to those trafficked unknowingly and unwillingly into prostitution. Khodyreva's research indicates that those who expect to work in prostitution have a different attitude when trafficked into it from those who do not.¹⁷ Prior expectations have a huge impact on the psychological results and defence

of the right of the willing should not mean an underplaying of the effect on the unsuspecting.

It is evident that some recent Russian press reporting on trafficking into prostitution, most notably in *Pravda*, *Komsomol'skaia Pravda*, and *Moskovskii Komsomolets*, is sensational and sometimes alarmist, but in a different way. Prostitution is generally accepted, rather than condemned, and there are occasional demands for legalisation. *Pravda's* target is 'sex mania' in Western Europe and criminal gangs who appear to be from the Caucasus, rather than from Russia. Some of its articles tap into nationalist discourse at a time of Russian national self-assertion. Its markers are Slavic innocence contrasted with the decadent West. The duality of 'poor Russia' and 'rich West' is thereby recycled around a new issue. Many press articles, however, particularly since 2004, such as those in *Izvestiia*, *Nezavisimaia gazeta*, *Rossiiskaia gazeta* and even, on occasion, *Argumenty i fakty*, have provided good investigative journalism, often imparting the results of academic research and informing the public.¹⁸ The same is true of recent, well-produced Russian television documentaries such as NTV's screening on Sunday 24 June 2007 of *Nalozhnitsy*, or '*Concubines*.' The programme told the stories of two women trafficked to Turkey and Germany, the various problems faced and how they successfully overcame their predicaments. They are both shown as 'objects' and 'agents,' victims (in the 'unloaded' sense) who do eventually overcome.

Whilst many critics most reasonably regret that a focus on human trafficking by politicians leads to the neglect of those migrants not trafficked but who suffer many similar problems, it is worth noting that in the Russian case human trafficking was a social problem that *still* needed to be identified, named, and grasped in political arenas. There had been a huge Russian literature on the long-standing concept of *migratsiia*, but no recognition of trafficking and eventually an outright denial of it. Thus, preoccupation with human trafficking into prostitution was not the 'dominant paradigm.'¹⁹ Amongst academic researchers, the wider term of 'forced labour' is far more common and applicable not just to forced prostitution.

In the new millennium many Russians, including some social scientists, hesitated over what *torgovlia liud'mi* (literally 'trade in people') means. Slowly this notion entered professional discourse followed by the awkward adaptation imported from English of '*treffiking*.' The two were used synonymously, even though the former could logically include 'smuggling' too, although that is *not* its connotation. From the evidence of focus groups and multiple conversations, it is clear that citizens prefer to use *rabstvo*, or slavery, since it is more familiar to them than the odder

sounding constructions of *torgovlia liud'mi* and *treffiking*. The only way of saying 'smuggling' in Russian is *zanimat'sia contrabandoi* (literally – to be involved in contraband), a term not linguistically associated with trade in people, but rather with objects such as cigarettes or booty.

Thorny Questions of Definition and Theoretical Approach

All concepts in political science—ranging from the classics of 'the Good,' 'rights,' 'freedom,' and 'justice' to contemporary notions such as 'ideology'—have contending definitions, so that methodological essays have long dwelt on the 'slipperiness' of central terms. This applies across the social sciences and it would be odd if the concept of 'human trafficking' was immune from contestation. Moreover, the different mixes of its possible characteristics, as shown from empirical analysis, feed into questions about what its boundaries, contours, and content are.

In 2000, the United Nations (UN) attracted a positive response in some quarters when it distinguished between 'human trafficking' from 'smuggling,' arguing that the former involved deceit at the outset whilst in the latter a citizen attempted knowingly to move illegally from one state to another. A loose working consensus developed among the international policy community, notwithstanding some reservations. Building on this agreement in 2005, the Council of Europe introduced a new Convention on Action against Trafficking in Human Beings. Chapter I, Article 4 defines trafficking much in line with recent definitions from the United Nations, to mean:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of the person having control over another person, for the purpose of exploitation.²⁰

This definition, too, was the one around which Russian legislation was finally framed and which Russian academics have adopted in their research.

Those who work in sociology and migration studies have noted several confusions generated by this distinction.²¹ First, migrants who are smuggled, not trafficked, may nonetheless suffer deceit and ill-treatment too, rendering the 'voluntary/involuntary' dichotomy unhelpful in many cases. Moreover, the official distinction serves to

downplay the significance of the abuse to the smuggled and to prioritise attention on 'the trafficked' or to suggest that they are more 'deserving.' This is questionable from a human rights perspective. Second, more widely, all migrants—whether smuggled, trafficked or neither—may endure huge difficulties, poverty and harsh treatment, whether in the transit process or later by 'owners,' employers, bureaucracies, or host populations. Third, what happens to those who are formally 'trafficked' is heterogeneous; indeed the same applies to the formally 'smuggled.' Their fates may vary according to country of origin, transit, destination, and thereafter. Fourth, some have expressed reluctance to view the 'trafficked' necessarily as 'victims' in need of 'rescue.'²² Here the issue is further and in many ways, unfortunately, clouded by heated questions concerning whether or not work in prostitution is consensual or forced, whether or not prostitution should be legal or illegal, and whether or not it is helpful to see women as 'victims,' since these debates underplay agency and strategies of coping, reinforcing essentialist gender notions of women's frailty. Moreover, sex workers advocate the right to choose to work in prostitution and criticize the international clamour against it. One result is that it is now hard to use the term 'victim' neutrally as it has become 'loaded' in ways not always intended by user.

I have already noted elsewhere that building on the conclusions of Marjan Wijers, Chris Corrin has observed that starting points can bring negative consequences.²³ She indicates that moral perspectives may stigmatise the trafficked, whereas researchers examining criminality may view the trafficked as 'guilty.' Those researchers focusing on migration may become preoccupied with border controls and ultimately defend state interests over the individual. Analysts concerned with human rights may concentrate on 'rights' to the exclusion of other factors. Researchers who look at health issues may support control by medical examination. Economists may prioritise state benefits.

Indeed, all conceptual approaches in all fields mean that some independent variables are highlighted and others played down for the analysis to proceed. All starting assumptions and conceptual prisms carry wider implications. However, it does not *necessarily* follow that those who condemn details of the processes of human trafficking and smuggling and who object to a situation of forced labour whether in prostitution, domestic labour, or on the factory floor, dismiss the migrant as evil if they engage in prostitution. Such an assumption does not follow logically. Those concerned with criminal dimensions may be much more interested in documenting the roles played by criminal gangs and by corrupt police than in branding the trafficked 'guilty.' Often they are keener, certainly in the Russian case, to foster a 'legal

state.’ Likewise, those who track migration trends are not just simply interested in border controls, although they are one relevant variable in the analysis. It is short-sighted to assume limited analyses will be the inevitable outcome. Furthermore, the scope of the dimensions necessary for understanding the problem of ‘trade in people’ widely understood, or of the *manipulirovanie liud’mi*, namely ‘manipulation of people’ as also used by Tiuriukanova, does demand both breadth and interdisciplinary or multidisciplinary collaboration.

The Historical Imperative

In a case study on Russia the relevance of history should not be underplayed. The final political disintegration in 1991 of the Soviet Union and the earlier collapse of state socialism in Eastern Europe had a huge impact upon citizens’ feelings of stability, identity, and predictability, and produced a redefinition of expectations, horizons, and aims throughout the new Russian Federation, Central Asia, the Baltic States, and East/Central Europe. These developments were reinforced by capitalist ‘turns,’ which brought new opportunities for investment, capital mobility, exploitation, and labour migration in a context of inflation, unemployment, a growing gap between increasing poverty, and a ‘new rich,’ and expanded opportunities to cross borders legally and illegally.

Whilst all statistics on migration and trafficking are known to be estimates, they should be treated with caution rather than ignored entirely.²⁵ Given this loud health warning, it can be seen that each year an estimated 50,000 to 60,000 people are trafficked out of the Russian Federation to states in Europe, the Middle East, Asia, Scandinavia, North America, and Australasia.²⁶ Individuals are also trafficked into Russia from China and from the former Soviet space, either in transit to other countries or else to work in Russian cities or the countryside. There are also patterns of trafficking within Russia from small towns and the countryside to large metropolitan areas, particularly to Moscow and St. Petersburg, as well as flows into the countryside for agricultural work.²⁷ Whilst one cannot say how large the margin of error is, one can safely conclude that several ‘thousands’ have been trafficked out of Russia. Ranges of estimates have been given elsewhere and differences noted.²⁸

Reliable data from many Russian studies documents how the trafficked go through a process of deception, coercion and varying degrees of humiliation, bullying, and violence (useful data in English can be found in Hughes 2001 and Shelley 2002). Their security is seriously

undermined and the space for agency variously redefined by others. 'Security' as a concept has for a long time been seen in political science as a state-centred notion about national interest. More inclusive and useful definitions applicable here extend to individuals, their personal safety, and their right not to be violated against their will.²⁹ In addition, it is helpful to see that the process of trafficking foists on citizens of the world a political situation akin to Foucault's 'non-freedom'.³⁰ This is not to deny that non-trafficked migrants may often endure such dangers and hazards. They frequently find themselves in situations of non-freedom and lack of security, although many migrants have happier experiences, whether as a student from Samarkand attending the London School of Business Studies or as a hairdresser from Kiev in a Glasgow salon. Migration does not automatically mean bring non-freedoms, or non-freedoms of identical kinds. There is a wide spectrum of experiences.

Dynamics in Conventional Russian Political Arenas

Initially many politicians in the Russian Federation either denied or ignored the existence of human trafficking. Ultimately, the weight of international political opinion expressed through non-governmental organisations, such as the International Organisation for Migration, through the US, Swiss, and Swedish embassies in Moscow and in the US State Department's annual Trafficking in Persons (TIP) Reports, exerted sufficient pressure for the Russian system to respond. Academic critics in the West may regret the political and moral judgements that they see in the TIP reports, but they should not fail to see the political pressures that they do exert on states which are often welcomed by activists and thereby contribute to decision-making processes. Nor should Western analyses ignore the role that embassies can play in promoting messages contained within reports, which are not necessarily negative in all respects. For instance, is the granting of money by an embassy for conferences on human trafficking in a country that would otherwise not hold them, necessarily a reactionary development? If it brings together NGOs, women's groups, politicians, and police with a view to imparting and swapping information and experience, is this not a constructive step in an otherwise halting and protracted political process? Simultaneously, Russian women's groups, crisis centres, and academics in the institutes of the Russian Academy of Sciences and in universities also called upon the state for action. In 2002, the Duma Legislation Committee, consulting NGOs, Russian academics and international experience, put together

a draft anti-trafficking law, pushed forward by people's deputy Elena Mizulina.³¹

When the bill was put to the floor of the State Duma for debate, however, fewer than ten deputies bothered to attend. It was evidently a low priority issue for most in a chamber of four hundred and fifty members. Various arguments were circulated at this time which suggested that action was unnecessary. They included: it happens 'there' (*tam*) in other countries, not here, so there is nothing we can do; the women are stupid to be trafficked in the first place, so deserve what they get; and they are, in fact, prostitutes anyway, so not to be defended. Dismissive attitudes towards women and a lack of concern for personal security and human rights characterised the various negative responses. A case can be made that, in the 1990s and early 2000s, political indifference prevailed.³²

In 2001 and 2002, in its annual TIP Reports, the US State Department categorised Russia in Tier 3, its lowest tier. This category was reserved for states doing nothing, or very little, to tackle human trafficking. Named and shamed for inaction and with consistent pressure from the USA, President Putin in 2003 advocated amendment of the Criminal Code which the Duma approved.³³ At a meeting of members of the Russian government, Putin described trafficking as an 'evil' and 'one of the most serious and burning problems' of the day for Russia. He called upon law enforcement agencies to use all legal means and opportunities to fight it. Putin linked human trafficking to organised crime and international terrorism.³⁴ Putin's political lead here was essential for challenging indifference. His suggested link between trafficking and terrorism gave the amendment greater political legitimacy than it would otherwise have carried. In fact, the official Memorandum that circulated in the Duma in connection with the new amendment linked trafficking to terrorism, Chechnya and criminality, such as the sale of kidneys and other human organs. Another political justification for the anti-trafficking clauses was that other 'civilised' states had such legislation, therefore so, too, should Russia.³⁵ That Russia was either aspiring to be a 'normal' and 'civilised' state, or already was one, had been part of political rhetoric since the Gorbachev era.

The resulting amendments to the Criminal Code, however, did not amount to the full-blown anti-trafficking law in its own right that Russian women's groups and the US government had wanted, but it was a constructive step in what was a protracted political process of transformation from an alleged non-problem to a live issue on the agendas of law enforcement, legislature, and judiciary. Now, as a first step, traffickers could be punished under anti-trafficking clauses. As a

consequence, the US State Department ranked Russia in its 'Tier 2' in 2003, subsequently lowering it again in 2004 to the 'Tier 2 Watch List' for not delivering on all of its promised policies. It is of note that this was at a time when Russia viewed 'partnership' with the USA in its 'war on terror' as a way of returning to the world stage (after a period 'out in the cold' caused by the loss of empire, collapse of Union, and hostility to NATO intervention in Kosovo), but was lagging behind in its clout in the 'war on trafficking.' The US government, however, viewed both wars as high priority.

An issue, however, can be on political agendas but still not acquire the necessary multi-dimensional *policies* to deal with it. First, it can remain a low status issue, even on formal agendas; second, policy formulation is a process. It takes time, political will, an agreed division of responsibilities, political coordination, and an allocation of resources to have any effect upon the situation. It would be premature, four years after the Criminal Code was amended, to say that the Russian political system had a fully worked-out policy on human trafficking in place. For this reason, Russia in 2007 was still ranked on the Tier 2 Watch List, failing to have moved up again. Indeed, academics and activists such as Tiuriukanova and Khodyreva have suggested a number of constructive policy improvements, but also criticized the slow pace of progress to date. Similarly Dr Juliette Engel of Miramed, in her capacity as organiser of the umbrella organisation the Angel Coalition, has—along with others—been frustrated in her efforts to advance a national plan.³⁶ Problems of budgetary resources and the reluctance of institutions to add responsibilities for human trafficking to their briefs have compounded the policy process. Worldwide, bureaucracies do not wish to overstretch themselves if it is not clear if funding will be provided.

Police investigations of trafficking cases in Russia, however, increased from 26 in 2004 to 80 in 2005, and 125 in 2006. Greater commitment to action was evident and at least 13 traffickers were convicted in 2006. Moreover, fresh legislation passed in 2006 on asset forfeiture means that traffickers' assets can now be seized. Yet although the number of police investigations has been increasing, this activity appears not to be a deterrent to traffickers and there continue to be many incidents of complicity and corruption by law enforcement agencies.

The US government had also pressed Russia to pass a special victims support law for trafficked persons. Again, the Duma did not go this far but it did pass a general law on witness protection which became effective in January 2005 and which can be applied to the trafficked. This, in principle, offers protection for those who are prepared to testify against traffickers. In addition, it is worth noting that a new Counter-

Trafficking Unit was set up in 2007, although it is too soon to judge its record. Speaking in Moscow in early 2007 at an international conference organised by the Angel Coalition, Nikolai Khomiakov of the Department of Criminal Investigation of the Ministry of Internal Affairs announced that 'soon a National Plan of Action for Implementing Programmes on Cooperation between CIS Countries for 2007-2010 will be accepted at the national level.' Many observers, including the community of Russian feminist researchers and workers in crisis centres, hope that this will produce worthwhile results.³⁷ Some Western academics who theorise about migration and trafficking may rightly observe that the calls of criminologists for police action may fail to address the multitude of complexities within the migration process, but it is important to stress that on the ground, the perceptions and worries of local analysts and activists welcome that action. Indeed, some activists who work with trafficked women have a deep suspicion of Western academics. 'Why are you here?' one Russian asked of me. 'Are you just an academic? What will you do with this information?' Also for the first time in 2007, the Russian government gave grants to three non-governmental organisations. One of these, an organisation which provides rehabilitation assistance to victims, received around US\$17,000—a contribution, though perhaps not so huge given the tasks required.

Overall, then, once the political system officially recognised the existence of human trafficking due to persistent domestic and international pressure, there was some legislative and investigative progress, followed by a small number of prosecutions, convictions, and prison sentences. Politics, however, geared priorities around questions of tackling criminality and terrorism rather than finding finance for social policies to rehabilitate the trafficked who manage to return to Russia. This remained very much the preserve of established NGOs, crisis centres, and new initiatives for Russia coming out of the International Organisation for Migration. A systematic and comprehensive policy had not been carefully worked out and implemented by government, although women's groups and a small number of members of the law enforcement community who take trafficking seriously have been calling for a national plan on trafficking.

Russian Public Opinion

In recent years, data gathered by Russian academics and crisis centres from interviews involving returnees to Russia has produced much anecdotal information about how the women who worked in prostitution

are often blamed by friends and family and stigmatised for what has happened to them. Thus their return to Russia has often been highly unpleasant, involving rejection, and continued social exclusion. Seeking to obtain more representative data and working with the Levada Centre in Russia, I commissioned a public opinion survey on attitudes towards human trafficking. Questions were posed to a sample of 1,600 citizens (725 male, 875 female), across regions, generations, and employment categories. The Levada Centre is one of Russia's foremost polling organisations, running regular monthly Omnibus surveys on a range of social and political views.

The first question was designed to gather information about attitudes concerning the reasons for which people are trafficked. It tapped into the discourse of Russian political culture which over the centuries has repeatedly asked in difficult situations, 'Who is to blame?' (*kto vinovat*?) The question ran 'In your opinion, are women and girls who find themselves trafficked into prostitution...?' followed by nine possible answers, including 'don't know.' Due to the complexity of the issues involved, respondents could name more than one option since they may have thought the blame to fall in several quarters.

The largest percentage of the sample, almost 41 percent, believed trafficked persons are to blame, with 43.3 percent of male respondents pointing the finger at the trafficked women and a slightly lower 38.8 percent of women doing the same. The second highest option among both sexes showed agreement that they were 'looking for work abroad because of the lack of job opportunities inside Russia.' There was thus some recognition of the push factor of the lack of employment opportunities which prompted citizens to migrate. 37 percent of the sample named this factor. Just over a third of public opinion also believed that the migrants are 'in the main, prostitutes hoping to earn more in other countries.'

Recognition of the role played by criminal gangs is evident, although perhaps less than might have been expected given the mushrooming of criminality after the collapse of the USSR and widening opportunities for rackets, extortions, and deceit, which are visible and known to most citizens. Just under 33 percent overall considered that the women and girls were 'duped by criminal gangs,' a view held by 30.9 percent of men and 34.5 percent of women. Certainly, the 2000s were not the wilder and more unstable 1990s but, even so, criminality had been far from stamped out, and militia complicity persisted. Indeed, what Louise Shelly dubs the 'criminal/political nexus' was well-known and widespread, part of many people's lives and the butt of numerous black political jokes.³⁹

A lower percentage of 29.6 percent held that the plight of the trafficked was, in fact, 'a manifestation of the breakdown in the social order and a lack of morality.' A slightly higher percentage of female respondents, 31.5 percent believed this explanation, in comparison with 27.3 percent of men, but overall the rank ordering across all options by men and women was the same. Few seemed to believe that sex markets in the West were to blame, unlike the recent articles in *Pravda*, mentioned earlier, which had underscored the importance of this factor. The international political economy of sex and the growing demand from Western men had been the targets of reporting in *Pravda* in the years 2003 and 2004.⁴⁰ However, less than 14 percent of respondents interpreted the trafficked as 'victims of the demand in the West for Slavic prostitutes.' Likewise, both women and men ranked in seventh place an explanation blaming parents or friends for selling the trafficked into slavery:⁴¹ an overall percentage of 9.1 chose to include this option. Those who suggested reasons different from those listed or who protested that they did not know were negligible. Although it is unfashionable among Western academics to dwell on 'victimhood,' two focus groups conducted in Russia in 2007 in Moscow and Vladimir with a stratified sample of citizens, overwhelmingly described women who had been trafficked into prostitution against their will as '*zherity*' or victims, however assertive or combative they may have been in the process. In their eyes, the injustice of being deceived and subsequently treated badly merited the label. The term, however, as they used it was unclouded by Western debates about passivity and agency.

Public opinion has low hopes of human trafficking being deterred or its problems solved. There is very little expectation that any political or social institution from the top of the system down to grass roots can make a real difference. In response to the question 'Which institution is likely to be the most effective in tackling the problem of human trafficking?' only 9.5 percent named the President of Russia, 2.7 percent named regional and local authorities, and just 2.1 percent named parliament. Ministries, however, fared slightly better; the Ministry of Foreign Affairs was selected by 10.4 percent of respondents and the Ministry of Internal Affairs/militia topped the institutions with 11.7 percent. These percentages still reflect a very low regard for effectiveness. The judiciary fares worse at 2.7 percent, non-governmental organisations a little better at 8.8 percent, the Orthodox Church at 4.2 percent and the United Nations at 3 percent. Not one Russian institution receives over 12 percent support from its people in a poll in which respondents can pick only one answer.

These results may suggest that most respondents either do not know how this problem can best be tackled or fear that no institution can address it; 21 percent chose the option 'don't know' and 23.2 percent gave the pessimistic answer that 'no one' could tackle the issue effectively. These comments are being made at a time when two focus groups that we organised in Moscow and in Vladimir stressed that Russia was much more stable under Putin in the last full year of his presidency and in some respects 'normalising.' It therefore suggests low expectations from the state in terms of what it can deliver on social policy and crime. Indeed, both focus groups also dismissed the effectiveness of president, State Duma and militia and condemned the militia for the involvement of some of its members in prostitution and in the abuse of prostitutes.

Across all answers in the opinion poll there was very little difference in reactions according to gender. Findings overall revealed that Russian public opinion has a pessimistic view about the possibility of tackling human trafficking through mainstream political institutions. Responses to other questions showed some confidence in education programmes, media reports, and the development of psychological counselling to aid returnees. So despite support for ideas about what could constructively be done, state capacity was deemed too weak and ineffective to deliver them.

Conclusion

The research priorities of academics in states which predominantly 'receive' migrants can revolve around very different political issues and agendas from those researchers in states undergoing rapid socio-economic upheaval in changing political contexts, which might be a point of origin, transit and/or destination for forced labour. Many in the West are troubled that migrants' rights are linked to their migration category, as defined by the state in which they find themselves. If categorisations privilege the 'trafficked,' as officially defined, over the 'smuggled,' this is considered both unjust and muddled due to overlaps between them. A very different concern in Russia, however, has been to press for politicians first to recognise the very *existence* of human trafficking and what it might mean for Russian citizens who are trafficked: to name it, take it seriously, legislate, and develop strategies to help returnees from situations of forced labour in which they did not wish to find themselves. There are also calls for scrutiny of patterns of bonded labour within Russia and the 'near abroad.'

Of priority today for Russian researchers, NGOs, and crisis centres is for their government to conceptualise and prioritise programmes which rehabilitate individuals. Higher conviction rates to punish and

deter are also needed locally so that the risk/reward balance for those who deceive others can be altered. It might help if local militias did not put investigations into 'trade in persons' in the same department that dealt with illegal trade into antiques, video cassettes and piracy, thereby according individuals a low status priority.⁴² Wider political imperatives include calls for an attack on the organised criminal networks which *do* exist (although they may not be the only channels) and on the corrupt officials in law enforcement agencies who benefit from them. Investigations of fake job recruitment agencies, travel companies, and marriage bureaux which feed forced and bonded labour supplies would be constructive steps. Indeed, one NGO working in many Russian regions has already taken the initiative in one locality to scrutinise local recruitment centres.⁴³ Safe transit solutions for migrant job-seekers need to be distinguished from hazardous ones. To this end, states could attempt to produce 'safe' lists.

Finally, on a conceptual level, Western studies may find it productive to adopt 'trade in people' as an analytic tool to overcome the unhelpful binary of 'trafficked/smuggled,' but for comparative work in Russia this approach would involve broadening the connotations of *torgovlia liud'mi*. Similarly, studies need to move away from the paralysed cul-de-sac of 'victim/non-victim' to recognise that elements of both may obtain in various complex mixes. It could also be beneficial if loaded associations did not automatically accompany the term 'victim' since they thereby disallow a term that often analysts and activists in donor states wish to use. ■

Notes

¹ A shorter version of this article was presented in a talk to the Hat Club, Hughes Hall, Cambridge, on October 17, 2007. I am grateful to the British Academy and Russian Academy of Sciences for research trips to Russia in 2004 and 2007 and to the British Academy for an additional small research grant which funded a third trip in June 2007 for a nationwide public opinion survey and two focus groups. Thanks are due to Alexsei Grazhdankin, Alexey Levinson, and Svetlana Koroleva of the Levada Centre with whom I liaised.

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³ Pilkington, H. *Migration, Displacement and Identity in Post-Soviet Russia* (London: Routledge, 1998): 23.

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⁵ Tiuriukanova et al, *Prinuditel'nyi Trud v Sovremennoi Rossii* and 'Gendernye aspekty migratsionnoi statistiki.'

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- ³⁷ Angel Coalition International Conference, February 27-March 1, 2007.
- ³⁸ It should be noted that nationwide polls do not generally define concepts for respondents but merely react to the questions put.
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- ⁴¹ For data on the sale of minors globally consult Bales, *Disposable People*.
- ⁴² Interview with Natal'ia Khodyreva, April 2007.
- ⁴³ Interview at the Moscow office of the Kesher Project, April 2007.

Elina Penttinen. *Globalization, Prostitution and Sex-Trafficking: Corporeal Politics*.

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ANITTA KYNSILEHTO (Tampere Peace Research Institute)

The dismantling of the Soviet borders created a new icon in the Finnish popular discourse: that of the 'Eastern girl.' The tag refers to a prostitute of any age of Russian or Baltic origin. Such women are engaged in prostitution in Finland and can be understood as constituting the embodied objects, the social others, of globalisation. Elina Penttinen's book, *Globalization, Prostitution and Sex-Trafficking: Corporeal Politics* sheds light on the lives and situations of such 'Eastern girls.'

Penttinen's book begins with a discussion of the theory and practice of international relations (IR), with the first chapters devoted to laying out the book's theoretical framework. She criticizes mainstream IR globalisation discourses for their seemingly exclusive focus on gendered effects of globalisation rather than on what she sees as a dangerously gendered construction of globalisation. The second chapter, in particular, discusses the processes of subjectivity based on the Foucault-Butler axis of analysis. Drawing on their theoretical work, Penttinen proposes that the subject of globalisation of the world economy ought to be addressed as a form of 'governmentality.' This comparison facilitates an understanding of the system as one that is conducive to international prostitution and also one that attaches sex-specific and ethnicised subject positions to particular groups of women. While complicating the analysis, an appreciation of governmentality shies from simplistic approaches that look through a lens of push-and-pull factors when trying to understand trafficking in women.¹ This section is followed by Penttinen's tracing of Arjun Appadurai's framework of globalisation. Appadurai's theory posits a complex of global flows that operate through intertwined landscapes of globalisation, referred to as *ethnoscape*, *technoscape*, *financescape*, *mediascape*, and *ideoscape*. Penttinen adds to each of these concepts another layer of understanding, namely that of the global sex industry as the shadow landscape, or *sexscape*, of globalisation. Silent participants in these parallel forms of globalisation are Russian women engaged in prostitution, Finnish men as their clients and the researcher

as participant observer in the sense that she is 'read' along gendered and racialised lines as other actors involved in these scenes.

The second part of the book (chapters four to six) is written in narrative form, using methodological insights from new ethnography. Penttinen uses a first-person narrative to situate herself in the field; the author employs this rhetorical device to make clear her presence not as a distant observer of corporeal practices, but as a gendered participant in the performances she is to witness. These chapters are the most fascinating part of the book. They are composed not as a peep show into Finnish sex bars, but rather as an exposé of the embodiment of otherness, the 'other' being the researcher and the research subjects. Penttinen's chosen mode of narrative writing also serves to erase some of the distance easily created in a context where the capabilities to 'swim in the streams and flows'² of market-oriented global neighbourhoods vary among those located differently in these landscapes. The situations described are in different places: sex bars and erotic clubs in the South of Finland where much of the fieldwork was conducted; in parking lots in remote areas of Northern Finland; over coffee with friends when reflecting on experiences in the field; and in the scholarly domain of international relations.

Emphasising simultaneously the neo-liberal logics of global governmentality inscribed on the bodies of women-prostitutes and the space for agency resulting from their adjustment and adaptation to these logics, Penttinen contributes to our understanding of the phenomenon of sex trafficking in a way that does not portray the women simply as victims. It is also a touching example of how the narrative turn in the discipline of IR continues to change individual and group viewpoints.



Notes

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² Ibid., 36.

Christien L. van den Anker and Jeroen Doomernik.
Trafficking and Women's Rights.

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ISBN 1403949956

COURTNEY B. JENKINS (St Antony's College, University of Oxford)

Human trafficking demands cross-disciplinary analysis and global perspective, whether construed as an issue of irregular migration and forced labour or as one of human rights and gendered exploitation. Recent discussion of the topic has reflected a palpable shift in prioritising immigration control over social justice, but the centrality of women within this illicit global economy and their consistently disproportionate representation amongst the international migrant workforce, warrant further study beyond this recognised debate.

So it is fortunate that women and children are the focus of *Trafficking and Women's Rights*, the result of a series of workshops and conferences organised by the Network for European Women's Rights (NEWR). Seeking to shatter the existing anti-trafficking paradigm, editors Christien L. van der Anker and Jeroen Doomernik suggest that a more inclusive definition of trafficking, exploitation, and forced labour is necessary in order to combat the escalation of an already booming industry. The 12 articles within the volume all contribute to this umbrella thesis, and range in subject matter, from philosophical stances on prostitution and pornography, to the potential of international law as an enforcement mechanism. Although there is a certain danger in attempting to traverse such divergent subject matters in such a short volume, the regionalised focus on Europe, the United States, and Great Britain unifies the collection by grounding the case studies within a limited and intelligible framework.

Given the number of legislative attempts to define trafficking over the last decade, it is fitting that the theme of definitional ambiguity emerges throughout as being of paramount importance. Julia O'Connell Davidson and Bridget Anderson rightly argue that the imprecise nature of the term 'trafficking' serves to exacerbate problems caused by the vague distinction between legal and illegal migration, as when voluntary migrants trapped in slavery-like practices are excluded from protection under international law. Future research and policy-making are also hindered by this ambiguity since legislation adopted in the name of human rights often proves to be grievously hostile to mobility. O'Connell Davidson and Anderson's sequential approach of addressing linguistic and conceptual challenges in the study of human trafficking before tackling concrete case studies is therefore a well-founded and strongly reasoned contribution to anti-trafficking efforts. That said, critiques of the current paradigm only go so far without ideological or practical alternatives, and this approach is

where many of the articles fall short—they repeat the same acknowledged methodological challenges, conceptual ambiguities and theoretical debates without presenting anything wholly original. While questions of proper data collection, the agency of prostitutes, and the possibility of universal codes of justice without global governance certainly merit further study and consideration within the anti-trafficking paradigm, modern research efforts should to some extent offer possible solutions.

Accordingly, the most valuable discussions in the volume are those that contribute fresh, plausible ideas to the discourse. Anna Marie Gallagher's piece, *Strategies for Pursuing Protection and Legal Status in Countries of Destination*, considers the right of trafficked women to claim asylum or refugee status in Europe. She posits that applying the principle of *non-refoulement* to victims could serve as a stop-gap measure both to reduce the numbers of re-trafficked women and to limit cases where escaped sex workers are victims of retaliation or persecution. Gallagher's discussion of victim assistance and protection—with Italy and Belgium serving as prototype programs—is vital to the wider scholarly discourse for two chief reasons: firstly, because it restores the element of humanitarian focus so often lost within discussion of organised crime and patterns of laboured migration; and secondly, because her ideas are fundamentally applicable and realisable.

The relative absence of gender theory within the selections, however, proves problematic. With the exception of Donna Dickenson's stunning article, 'Philosophical Assumptions and Presumptions about Trafficking for Prostitution,' there is disappointingly little attention given to the feminisation of the trafficked person, the conflation of gender oppression with globalisation, the masculinisation of capitalism, or the denial of agency and subjectivity to women as victims. The lack of attention paid to individual sexuality in the selections is equally surprising as it has the indirect—and likely unintentional—effect of homogenising the female body and experience. Dickenson's work effectively counteracts these trends by challenging the assumption that women's bodies qualify as property that can be sold or traded like any other good or service. Her ability to seamlessly connect trafficking to other economic 'transactions' involving women's bodies, such as surrogate motherhood, is both impressive and novel. More such gender-focused perspectives would have added a valuable dimension to this volume.

Despite these objections, the cross-disciplinary approach taken by the editors—touching on a plethora of wider questions about labour, migration, globalisation, poverty, policy-making, and global security—is, on the whole, quite effective in illustrating the sheer complexity of the issue and providing direction for future research. *Trafficking and Women's Rights* deserves the attention of interested academics and policy-makers alike, and it presents a comprehensive and thought provoking look at the diversity of discourse on the subject. ■

Gilbert King. *Woman, Child for Sale: The New Slave Trade in the 21st Century.*

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ISBN 1596090057.

JULIE DROLET (Thompson Rivers University, Canada)

Gilbert King's *Woman, Child for Sale: The New Slave Trade in the 21st Century* is a journalistic account of human trafficking. Through short vignettes, statements by world leaders, legal cases, government sources, and numerous press reports and papers, King explores the complicated question of how women become victims of trafficking. The author aims to create awareness of human trafficking during this era of globalisation. King's project presents three snapshots of human trafficking in order to contextualise the history of slavery: the perspectives of victims, profiles of traffickers, and the process itself.

'Every ten minutes, a woman or child is trafficked into the United States for forced labour. Around the world it is estimated that 27 million people are living in slavery, and human trafficking has become a \$12 billion a year global industry.'¹ As the title hints, *Woman, Child for Sale* helps us to understand human trafficking by focusing on individual cases of women and children. Short case studies illustrate the experiences of abuse faced by women in numerous countries around the world. The strength of this book lies in its vignettes. Examples from many contexts provide a rich understanding of the problems, although the book is mostly silent on potential solutions.

According to the author, the increase in human trafficking is directly attributable to criminal involvement. King explains that, with the accelerated pace of globalisation, both legal and illegal human movements between borders have increased, particularly those from poor to wealthier nations. He argues that international organised crime has been able to exploit world business trends and attributes the increase in human trafficking to the legality or tolerance of prostitution in many countries, where legal authorities are more inclined to 'go after the prostitutes themselves than [to go] after the traffickers.'²

In the fourth chapter, King uses the US Department of State's *Trafficking in Persons Report* to identify each country's laws, policies, and practices. The report provides a system whereby countries are ranked into three 'tiers' based on whether they fully comply, are making significant efforts to comply, or do not fully comply with the minimal standards of monitoring traffickers and the trafficked; its purpose, consistent with that of King's book, is to increase public awareness of the global

state of human trafficking globally. Case studies from law enforcers provide examples of ‘how truly difficult it is to battle this grotesque problem.’³ King favours new ways to combat trafficking as deployed by the US Agency for International Development’s anti-trafficking strategy. This strategy states that ‘organisations advocating prostitution as an employment choice or which advocate or support the legalisation of prostitution are not appropriate partners for USAID anti-trafficking grants or contracts.’⁴ While King remains sympathetic to the plight of female human trafficking victims, he lacks a structural socio-economic and gender framework that incorporates the debates surrounding prostitution itself. The author could have reframed his position in light of the debates at the heart of this discussion.

The author addresses a number of complex issues that confound human rights perspectives and, unfortunately, his conclusions are not encouraging. While the book provides a useful introduction to human trafficking, it is best read as a popular account of the industry. As noted by King in the final chapter, ‘there is no greater obstacle in combating human trafficking than the cultural tolerance of the practice.’⁵ For this reason *Woman, Child for Sale* increases awareness of human trafficking but does not highlight global, national or local strategies for challenging the practice. Nevertheless, this easy-to-read book will no doubt be a welcome addition for various readers across the disciplines. ■

Notes

¹ King, G. *Woman, Child for Sale: The New Slave Trade in the 21st Century* (Chamberlain Bros., 2004), 19.

² *Ibid.*, 76.

³ *Ibid.*, 162.

⁴ *Ibid.*, 164.

⁵ *Ibid.*, 180.

Global Alliance Against Traffic in Women. *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World.*

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Bangkok: Amarin Printing & Publishing Company 266 pp.
Access at www.gaatw.net, (ISBN 978-9748371924)

JOHN DAVIES

There is no doubt that this anthology is an important contribution to the trafficking literature, exposing the use of trafficking to pursue immigration control and other agendas in the guise of protecting women and children. Case studies investigate the human rights of trafficked people in Australia, Bosnia, Brazil, India, Nigeria, Thailand, the UK, and USA and provide a fascinating comparative consideration of how a variety of rights have been compromised by these different states.

The catalogue of how the various nations surveyed have responded to harms experienced by trafficked people, by increasing controls on the mobility of the poor and especially poor working class women, is a compelling lesson in the *realpolitik* of trafficking. The case studies reveal that many supposed protections for trafficked people only exist on paper and that many anti-trafficking interventions are really driven by the migration control agendas of state actors. As such, the book clearly demonstrates that although human rights should be considered indivisible, certain 'rights' are conveniently prioritised over others when the mobility of the poor is at issue.

The comprehensive accounts and accompanying analysis of how anti-trafficking policy and practice are failing to protect the human rights of trafficked people should be compulsory reading for anyone interested in the trafficking phenomenon. The anthology should, in particular, be used by actors designing anti-trafficking projects to anticipate and then avoid negative outcomes. Nevertheless, the title of the book reflects a possible political naïveté regarding trafficking. Given that the book repeatedly recounts the restrictive interventions that are supposed to prevent trafficking but that in reality allow increased barriers to the mobility of the poor, it is hard to believe that such repeated abuses are unintentional 'collateral damage.' It is far easier to see anti-trafficking policy as an increasingly contrived device that is deliberately used by state actors to introduce arbitrary policy that criminalises irregular and benign migration networks. It would have been interesting to read more about the contributors' thoughts on why forced labour linked to mobility is being prioritised over forced labour *per se*.

The need for women to self-identify as trafficked to avoid prosecution as prostitutes in the BiH is an example of how trafficking is constructed by states, which co-opt civil society actors into caring for, or detaining, the trafficked victim until she 'volunteers' to return home. However, constraining the mobility of women as a protective measure must be the most consistent and worrying trend identified by the various accounts, especially as described in the sections on Brazil and India. As migration has become increasingly feminised, the mobility of women has moved up the agenda of various states. The convenience of using trafficking as a gender-specific device to justify the control and constraint of women migrants is clearly demonstrated in the case studies as a principal interest of many state actors.

In summary, the book describes how trafficked women have proved a useful boon to various political actors seeking to promote agendas regarding irregular migration and paid sex. While the book could have benefited from the inclusion of accounts from trafficked women and others who have experienced so-called 'collateral damage,' it offers a clear and insightful analysis of matters that need to be moved to the centre of the trafficking discourse. ■

Anthony M. DeStefano. *The War on Human Trafficking: U.S. Policy Assessed.*

Brunswick: Rutgers University Press, 2007. 175 pp. £19.50 (hbk).
ISBN 0813540593.

Craig McGill. *Human Traffic: Sex, Slaves and Immigration.*

London: Vision Paperbacks, 2003. 288 pp. £10.99 (pbk).
ISBN 1904132170.

NANCY JANUS (Eckerd College, Florida)

In *The War on Human Trafficking*, journalist Anthony DeStefano provides an insightful analysis reminiscent of academic research. The quality of his work is demonstrated by examination not only of government policy statements, but also various court reports and little-known agency data on the prosecution of traffickers. The author focuses particularly on U.S. policy. He consciously makes the decision to avoid the temptation to provide the lurid details of the lives of trafficking victims or perpetrators; instead he offers short and objective analyses of some of the most significant cases prosecuted by the government. The case studies presented serve to illustrate the varied forms of human trafficking with which human smugglers become engaged.

The War on Human Trafficking offers its readers a detailed delineation of the steps that both the United States and other governments took through in the development of international anti-trafficking protocols. Repeated struggles occurred over notions as basic as the definition of human trafficking and who could be labelled a trafficking victim. Whilst an illustrated timeline might have helped the reader consecutively follow the legislative steps required to draft anti-trafficking legislation, DeStefano's work does contain a detailed examination of the Trafficking Victims Protection Act and the later Trafficking Victims Protection Act Revision.

DeStefano expresses considerable concern over the ways in which the human trafficking agenda has become politicised in the United States. He sees the Bush administration, buoyed by the conservative right, ignoring other forms of forced labour such as field and factory work, begging, and domestic servitude in the interest of pushing an abolitionist agenda against prostitution. By comparing statistics related to the prevalence of sex trafficking and forced labour, DeStefano highlights the sensationalism that puts sex trafficking at the forefront of the worldwide

trafficking agenda. At the same time, he raises the politically-charged issue of whether prostitution is a viable career choice for women.

DeStefano states that responses to trafficking must include protection, prevention, and prosecution. He shows by detailed analysis that, of these three approaches, prosecution is the area which government policy is most focused on addressing. The author provides the reader with statistics to show the extent to which such efforts have been successful, along with a careful analysis of the methodology used to acquire these statistics. The prevention component of current U.S. policy grows primarily out of the conservative notion that prostitution leads to trafficking, and that the banning prostitution is the only viable means of stemming the tide in human traffic. DeStefano does an excellent job of presenting the flaws this unsubstantiated argument.

Finally, the author elucidates the ways in which the Trafficking Victims Protection Act and its 2003 reauthorisation offer protection to victims through programs such as the so-called 'T visa,' which allows victims to remain in the receiving country if return to their home countries would be in some way dangerous. The author clearly feels that more emphasis needs to be placed on protection, and that the government's abolitionist policies fall far short of recognising trafficked persons as victims.

The primary weakness of *The War on Human Trafficking* is its analysis of geographic trafficking patterns. While DeStefano explicates a lot of the common worldwide trafficking routes, a map would have enhanced the discussion by providing the reader with visual illustration. He explains why some of the destination countries are fertile markets for trafficking victims, illustrated by case examples. However, the reader would have benefited from a more thorough analysis of the cultures of the source countries in order to make it entirely clear what compels victims to respond to the overtures of the traffickers. The focus is largely on economic issues without examination of the gender and class issues that also impact upon the worldwide traffic in persons.

Overall, *The War on Human Trafficking* does an excellent job of analysing U.S. policy and the development of legislation to combat the worldwide problem of human trafficking. Case studies are carefully and intelligently selected to provide an illustrative rather than a sensationalist focus. This book would be useful both to members of the public interested in human trafficking as well as academics focused on human right issues.

Craig McGill's *Human Traffic: Sex Slaves & Immigration* is a quick-paced and highly readable book that takes the reader into the world of international illegal immigration. McGill, unlike Stefano, emphasizes the worldwide nature of the trafficking problem and focuses primarily

upon the perceptions of those directly involved: the traffickers and the victims whom they transport.

McGill's title, however, is a bit inaccurate in that sex and slavery do not feature prominently in the book, but rather make up only a part of the total picture of illegal people-moving. While we encounter stories of women who have been trafficked into forced prostitution, the people whom we meet in this book are largely individuals paying to find a better life elsewhere in the world. It is in describing the experiences of these people and those of the smugglers who take their money that *Human Traffic* is at its best.

McGill is a Scottish journalist who sought the real voices of illegal immigration: those of the immigrants and equally those of the smugglers. He does not make much of the distinction between the legal definition of human trafficking that involves deception of the immigrant coupled with forced labour once moved, versus illegal smuggling that involves payment by immigrants for movement illegally within countries and across international boundaries. Many of his immigrant case studies involve people who have paid, often dearly, in order to find a better life in another part of the world. In every case the movement of the migrant has been dangerous, with low chance of success.

Human Traffic is divided into two parts. The first half of the book is devoted to the immigrants themselves. Interspersed with their personal stories are immigration statistics and some passing explanations of domestic and international laws that affect the entry of immigrants into their destination countries. This book in no way educates the reader about law and policy in the depth evident in DeStefano's book.

McGill's book begins with the story of a Chinese immigrant, Xie, who makes his way to Canada hidden in a cargo container on a ship along with 33 other illegal immigrants. Finally, he arrives on American soil in the boot of a car. Following Xie's story, the reader encounters stories of people being smuggled across the Mexican border into the United States, others from Indonesia into Australia, and still others from Africa and the Middle East into Europe. Against too predictable cultural variations, their stories feature four common elements: smugglers receive a large sum of money; they hide the would-be immigrants in cars, trucks or ships; they fabricate immigration papers for their clients; subsequently threaten those smuggled and their families if all expenses are not paid in full.

The second half of *Human Traffic* is made up of the stories of the smugglers themselves. Oddly enough, McGill states, 'some of the nicest people I met while researching Human Traffic were the criminals, who saw themselves as businessmen providing a service.'¹ McGill clarifies the cost to the immigrants for the service provided: thousands of dollars paid up front; debts incurred to the smugglers by the immigrant and his or

her family; years of labour for the smuggled in the destination country; or, most shockingly, the removal of an organ which the smugglers can sell for considerable profit.

Through *Human Traffic*, McGill does a wonderful job of uncovering popular smuggling routes and of clarifying the reasons why immigrants might choose to emigrate. As with DeStefano's work, an illustrated map would greatly enhance the dramatic visual aspect of the stories he relates.

Towards the end of *Human Traffic*, McGill finally takes up controversial questions regarding illegal immigration that are encountered throughout the world. While illegal immigrants utilise many of the social services provided for nationals of the receiving countries, they are also essential to the economies of those countries. From a humanitarian perspective, McGill states that 'perhaps governments everywhere will realize one day that all people should be treated fairly and given the opportunity to earn a decent wage.'² He closes with the idea that immigration should be viewed as an opportunity rather than as a difficulty to be overcome. He exhorts all governments to help their citizens realize the possibility of a life with adequate food, shelter, and finance, so that the need for illegal immigration will cease.

Unquestionably, Craig McGill's *Human Traffic* is a more lively read than DeStefano's *The War on Human Trafficking*. However, the latter provides a much more in-depth examination of American anti-trafficking protocols as well as a serious critique of the current Administration's abolitionist policies. McGill's work is highly informative about trafficking around the world; DeStefano focuses his attention on worldwide issues only as they are related to U.S. policy. Both books are extremely informative in their own right and complement each other in providing a detailed picture of the worldwide human trafficking problem. ■

Notes

¹ McGill, C. *Human Traffic: Sex, Slaves and Immigration* (London: Vision Paperbacks, 2003), 289.

² *Ibid.*, 211.



The Politics of Nuclear Technology in the Twenty-first Century Call for Papers

Abstracts due May 31, 2008

Papers due August 31, 2008

With the end of the Cold War, the threat of global nuclear conflict appeared to fade. Since then, however, the number of states which possess nuclear weapons, or are suspected of pursuing them, has increased. Among the security challenges posed by this proliferation, the risk of terrorist groups acquiring such weapons remains a potential scenario. At the same time, the use of nuclear power as part of strategies for economic development and managing climate change has received much greater attention. These new challenges, which sometimes feature conflicting priorities, call into question the roles and capabilities of existing political institutions and agreements, both domestically and internationally. The ongoing struggle over Iran's nuclear programme is but one pertinent example. In light of these problems, the *St Antony's International Review (STAIR)* invites academics, young researchers and policy experts to submit abstracts of papers that explore one or more of the following topics related to the politics of nuclear technology in the early twenty-first century.

International Organisations and Multilateral Cooperation

Some have claimed that the very utility of major international organisations, such as the International Atomic Energy Agency, has been obviated by changes in the post-Cold War political and security environment. How can these institutions adapt to the changing circumstances? Might new frameworks for multilateral cooperation, such as the Six-Party Talks on North Korea's nuclear program, point the way toward effective solutions in other difficult multilateral negotiations?

Nuclear Power and Sustainable Development

The spread of nuclear technology is not only of concern to the developed world; much of the world's uranium deposits are located in the developing world, and these countries are often suggested as locations for waste disposal. How do these issues shape economic development strategies in developing countries? How can spent fuel and nuclear waste

be disposed of while maintaining sufficient standards for environmental protection? Does the extraction of uranium or disposal of nuclear waste exploit developing countries? Can nuclear power be a useful tool in the fight against climate change, or are the risks too great?

Nuclear Strategy

The new nuclear age challenges traditional understandings of the concept of deterrence and its role in strategy. Is the long-standing 'nuclear taboo' at risk of being shattered by the development of 'tactical' nuclear weapons for battlefield use? Will the new nuclear age witness the first use of such weapons? What implications will this have for deterrence strategy and nuclear proliferation?

Transnational Groups and Non-State Actors

What role do transnational actors play in the new nuclear age? The potential for terrorist groups to acquire nuclear materials has introduced new uncertainties and challenges into security studies. What role have non-state actors played in advocacy for, or opposition to, nuclear technology and weapons? Will development organisations support the expanded use of nuclear energy?

National Identity and Nuclear Technology

Debates within countries over the desirability of acquiring and using nuclear technology and weapons are often linked to questions of national identity. These concerns can involve party politics, constitutionality, issues of historical memory, and competing definitions of the national interest. How do these issues affect policy decisions? For example, what is the role of nationalism in the new nuclear age?

In conjunction with this general call for papers, *STAIR* also seeks to publish book reviews of works that adhere to the advertised theme of the issue.

Notes for contributors are available at www.stair-journal.org
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Transnational Firms and Global Governance Call for Papers

Abstracts due July 01, 2008
Papers due October 15, 2008

Many global challenges of the twenty-first century necessitate a form of governance that extends beyond the state. Economic and political globalization has expanded both the power and reach of transnational firms, which are assuming responsibilities previously undertaken by states. As they challenge the sovereignty based legal order, establish norms and regulatory standards, and participate in the development of emerging markets, questions arise as to whether private authority is part of the problem, or the solution, in establishing the structure of global governance. The *St Antony's International Review (STAIR)* invites academics, researchers, and policy experts to submit abstracts that examine this relationship. Areas of enquiry may include, but are not limited to, the following:

Privatization

The increased complexity of providing social order and justice, and the persistent problems of economic growth, have led states to privatize some of their traditional functions to firms on a for-profit basis. What evidence exists for firms assuming traditional state roles? Is responsibility for the provision of public goods best shared? Can firms be valuable and credible actors in global governance? How should a state-based political order accommodate these changes? How have norms diffused from the public sector to the private sector, and vice versa?

Development

As states struggle to facilitate even basic development in some countries, devolving authority to firms presents itself as a possible alternative. However, what kind of development might they provide, and what are the problems associated with relying on private authority? Does redirecting authority to firms promote certain discourses of development? How do firms respond to human rights challenges? What roles do firms play in conflict zones? What is the relationship between firms and other civil society actors?

Regulation of Transnational Firms

Transnational firms' increased involvement in the political and economic development of countries raises complex questions about transparency, responsibility, and accountability. How should the activities of firms be regulated, if at all? Is self-regulation a viable strategy? What responsibility, if any, do transnational firms have for the observation of international norms?

Policy-making

Powerful firms have always played an influential role in political lobbying. How, if at all, is this different in the contemporary period? What impact does their ability to influence state policies have for global governance?

State of the Debate

STAIR also seeks articles assessing the state of contemporary debates on transnational firms in global governance. How does the current discussion differ from earlier debates? Which factors and groups influence and shape this discourse? Historical and comparative analysis of past debates may enrich our contemporary understanding.

Of particular interest are case studies, papers from a regional or comparative perspective, and analyses that theorize challenges associated with moving beyond the state as the primary provider of public goods and overseer of governance.

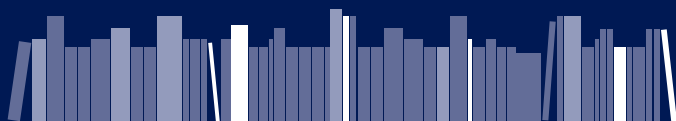
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