

# *Trafficking in People, 20 Years On: Sex, Migration and Crime in the Global Anti-Trafficking Discourse and the Rise of the 'Global Trafficking Complex'*

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## *Abstract*

Trafficking in people has been at the forefront of international, regional and bilateral intervention in the global north for over two decades. During this time, the issue has been profoundly explored, researched, theorised and analysed (for an extensive literature review, see Segrave et al 2009; Lee 2011; Schauer and Wheaton 2006). The body of literature on the topic is so vast that it is almost impossible to keep up with the burgeoning works that emerge from a range of sources; academics, politicians, policy-makers, law enforcement analysts, human rights advocates and activists are relentless in dissecting the issue and offering best-practice intervention that will protect victims and punish offenders. Such unprecedented interest in the topic has only sporadically been accompanied by rigorous investigation and critical research to assist us to better understand the trafficking phenomenon and, importantly, to consider the factors that have driven and sustained trafficking as a key focus of criminologists, sociologists and policy-makers.

## **Introduction**

This article considers contemporary engagement with trafficking in people, from 1990 onwards, in order to trace the origins, developments and the impact of present-day global anti-trafficking interventions.<sup>1</sup> Although the issue has been debated at several key junctures during 20<sup>th</sup> century, it was during the 1990s that the 'trafficking problem' captured the attention of the international community and especially the global north; importantly, it was during the following decade that anti-trafficking intervention was defined and enforced. Thus, rather than exploring the language and discourse of trafficking in the 1900s, this

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<sup>1</sup> For more information on 'white slavery' panic and 20<sup>th</sup>-century engagement with trafficking, see Daly (2010); Doezema (2000); Segrave et al (2009); Lee (2011).

article focuses on the ‘resurrection’ of anti-trafficking in the 1990s and 2000s in Europe and the United States, and their role as key powerhouses in the international anti-trafficking debate (‘global anti-trafficking discourse’<sup>2</sup>), as well as the underlying causes for such a revival. In so doing, this article identifies the underpinning themes in the contemporary global anti-trafficking framework, especially ideological, legal and institutional engagement with this phenomenon. By outlining the origins and development of global anti-trafficking discourse through analysis of those themes, the article highlights the impact of this intervention on women (perceived to be) vulnerable to and victimised by trafficking.

This article has three sections. The first analyses trafficking frameworks used by global anti-trafficking interventions. The second chronologically traces the emergence of an anti-trafficking framework in the developed world and the formation of what we call the ‘global trafficking complex’ — a network of institutions and actors that engage in global anti-trafficking debate. The chronological analysis maps a trajectory of a growing global network of actors, institutions, organisations and state agencies engaged in ‘combating’ trafficking. The final section explores the failures of the past 20 years of engagement, and raises questions about the future of the global anti-trafficking intervention. We propose the deconstruction of the current global anti-trafficking response and revisions to anti-trafficking policies, and call for greater accountability of all participants in the global trafficking complex.

## **The trafficking nexus: Sex, migration, and crime**

The contemporary global anti-trafficking framework rests on a conceptualisation of trafficking built on three key pillars: sex, migration, and crime. These pillars, individually and together, have been instrumental in the process of the development, application, validation and evaluation of current global anti-trafficking strategies.

### ***Pillar 1: Sex (trafficking as a ‘moral crusade’)***

The re-emergence of anti-trafficking discourse in the second half of the 20<sup>th</sup> century was intrinsically linked to the process of reconstructing prostitution as sex work — the increasing recognition of women’s agency and rights in relation to sex work and the diminution of positions that considered sex workers as inherently vulnerable and exploited, and the object of rescue missions. The peak of this transition was in 1986 at the International Committee of Prostitutes’ Rights in Amsterdam and Brussels (Day 2010; Leidholdt 2004), which formed not only an International Charter of Prostitutes’ Rights, but also demands for the decriminalisation of sex work, access to healthcare and other services for sex workers and a change in public opinion about sex work (Day 2010:816). Such development prompted a fierce response from the global north’s radical feminists and activists alike (led by Andrea Dworkin, Catherine McKinnon and Kathleen Barry), who considered sex work as violence against women, prompting what Weitzer (2005) calls ‘sex wars’ among Western feminists and academics. Radical feminists vociferously urged the international community to stop this new ‘threat’ to the women’s rights agenda (Leidholdt 2004), even though much of the argument against them had been won precisely on a women’s-rights platform. However, their argument around ‘prostituted victims’ who need to be rescued was insufficiently potent to mobilise the broader public and policy-makers in a coherent, articulated position.

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<sup>2</sup> The authors acknowledge the importance of understanding the process of dissemination of this agenda to the global south. However, the restricted space for this article prevents us from addressing this issue.

The emergence of sex trafficking as a new hot topic on the international women's-rights agenda, however, managed to do just that. As Weitzer and Ditmore note (2010:325–6), sex trafficking as a most explored form of human trafficking has been utilised in a 'moral crusade' as:

a type of social movement that defines a particular condition or activity as an unqualified evil and sees its mission as a righteous enterprise with both symbolic goals (attempting to redraw or bolster normative boundaries and moral standards) and instrumental ones (providing relief to victims, punishing evildoers).

A new wave of Western radical feminists (led by the Coalition against Trafficking in Women's ('CATW') Co-Executive Director Janice Raymond and American feminist scholar Donna Hughes) successfully produced 'inflated claims about the magnitude of the problem' and 'present[ed] horror stories about a problem, in which the most shocking cases are described and presented as typical' (Weitzer and Ditmore 2010:326; see also Pearson 2002:1; Bernstein 2010). The discourse of trafficking as 'globalized prostitution' (Leidholdt 2004), with evil traffickers as 21<sup>st</sup>-century folk devils, led to a notion of a 'rescue' of enslaved (usually global south) prostitutes as a righteous enterprise by 'the 21<sup>st</sup> century abolitionist movement' (US House of Representatives 2006). Led by CATW and 'internationally recognised experts' in the field, this new 'Coalition of the Willing' presented 'the facts' about trafficking as universal truths, and promoted precarious research and guesstimates of millions of women trafficked into sex work (Raymond et al 2002; Leidholdt 2004). Importantly, knowledge about trafficking was based on problematic methodology and uncertain definitions that did not distinguish between trafficking and sex work. For example, in one of her first research reports on the topic, Donna Hughes, a leading abolitionist scholar on the issue, claimed that '[t]he sex trade is a form of contemporary slavery and all indications predict its growth and expansion into the 21<sup>st</sup> century' (Hughes 1999). Much-cited research by Raymond and Hughes that served as a basis for streamlined 'truths' about trafficking in the early stage of the trafficking debate was based on 40 interviews (Weitzer and Ditmore 2010:341). Such an approach not only created confusion about what trafficking is, but also sidetracked the trafficking intervention and arguably allowed the development of the global trafficking complex that went on to have serious negative implications to women and men who found themselves in the midst of the anti-trafficking intervention in the 1990s and 2000s.

Trafficking in people was, therefore, profoundly linked to the milieu of sex, women's sexuality and sex work (Catalyst 2009; see also Chapkis 2003). Global media attention fuelled this approach, ever-interested in 'topics related to women and sexuality, especially when constructed as a simple narrative of good and evil' (Berman 2010:85–6). Interestingly, even the most persistent critics of this 'moral crusade' did not challenge weak claims such as the one that sex trafficking incidents increased dramatically after the fall of the Soviet Union (see Weitzer and Ditmore 2010; Chew 1999; Chew 2005; Friesendorf 2007; Apap et al 2002). The literature at this early stage of the intervention also rarely challenged the estimate that 80 per cent of those trafficked across borders were women (Lee 2011), and that violence, similar to sex work, is omnipresent in trafficking (Weitzer 2007). Another unchallenged 'truth' about trafficking was a claim linking trafficking with illegal migratory processes.

### *Pillar 2: Migration (trafficking and regulating women's bodies)*

It is no coincidence that the 'rediscovery' of trafficking coincided with 'the unsettling of the European order by the end of the Cold War' (Wylie and McRedmond 2010:3), in which '[t]he unprecedented mobility [was] one of the consequences of the collapse of the Soviet

Union' (Shelley 2003:232). Fears about migration, the process of opening borders, organised crime, state sovereignty, and the unknown that was looming behind the Iron Curtain were also instrumental in the development of the global anti-trafficking framework (Lee 2011; Segrave et al 2009). It was at this point that trafficking was inextricably linked to irregular migratory processes. For example, it was argued that:

a massive illegal movement of people from the transitional socialist states ... [and t]he enormous size, lack of state control or citizen protections has made the former USSR, the locus of massive illegal trade of people from and through its territory. ... The lack of physical control over territory has made the former Soviet states, a major route for Chinese and Afghans, Indians and Pakistanis seeking to move to Western Europe. *Tens if not thousands* of illegal migrants now reside in Russia and Ukraine (Shelley 2003:231 emphasis added).

The merging of potential global threats and local fears (Aas 2007) resulted in the transformation of migration and border policies in the global north. The initial openness of the early, borderless Schengen initiative in Europe was replaced by more restrictive policies, ending a period of the Schengen as commercially oriented scheme to a system of control and monitoring of people (Apap et al 2002:7; see also Lobasz 2009; for more on development of Schengen, see <[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/133020\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm)>.) In this process, as Apap et al (2002:7) note, 'trafficking was not treated separately from the overall migration policy approach to intensify controls and repress illegal immigration'. Moreover, as will be argued later in this article, trafficking was effectively used as a generator to mobilise restrictive immigration policies. Today, almost all definitions include 'movement across borders' as a key feature of trafficking (Aradau 2008:22).

Migrant women heading towards the global north to engage in sex work were located in the very centre of this new trafficking discourse. As will be argued in the following section, the panic around migrant sex workers quickly transformed into a trafficking problem, driven by Western non-governmental organisation ('NGO') reports and law enforcement 'data' (Galiana 2000; Anti-Slavery International 2002). This narrative was mainly concerned with the vulnerability of women from the global south, who 'were left with limited opportunities to function in the legitimate economy, a situation, which served the traffickers who thrived on the vulnerability of women' (Shelley 2003:234). Rescuing innocent victims was perceived as consensual *conditio sine qua non* of every anti-trafficking intervention, and a mobilising factor for the implementation of restrictive law and order and immigration policies. Researchers have long argued that the women's-rights agenda was appropriated for more precarious intervention: women's movement across borders questions a state's ability to control both its borders and bodies 'at an historical moment when the state is already under considerable duress from forces associated with globalization' (Berman 2010:86). Restoring order at the border and reinstating paternal control over female border-crossers have been key priorities of the trafficking intervention, embedded in the approach that prioritises policing borders, arresting migrants, prosecuting traffickers and deporting victims (Segrave et al 2009; Berman 2010).

This 'rescue' narrative was accompanied by 'a concomitant anxiety about being overrun by dark, menacing, foreign criminals who threaten "our" families, homes, way of life — a fear closely aligned with the anti-immigrant sentiments' (Berman 2010:85) that plagues contemporary Europe (see also Apap et al 2002). In this context, traffickers were represented in accordance with 'common assumptions of criminalization of eastern European societies in the post-1989 period', which 'fuels the fear of Russian Mafia's expansion westwards' (Andrijasevic 2007:34).

### *Pillar 3: Crime (trafficking, 'folk devils' and 'ideal victims')*

Closely intertwined with moral panics around women's sexuality and immigration invasion following the fall of Communism was the notion that trafficking is driven by organised crime networks, often coming from the global south (in Europe: Eastern and Central Europe). As Shelley (2003:232) argues, '[w]ith the disintegration of the Communist system, trafficking and smuggling of human beings has become an important element of the second economy in both Russia and China'. The 'development of a network of "businessmen" (for which the term "red mafias" has recently been coined) has been identified as a consequence of the fall of the Soviet Union (Galiana 2000:1). The process of European Union ('EU') accession of former Communist states additionally exacerbated the problem as 'the mafias of central and eastern Europe [tightened] their grip on organized crime across the continent' (Minder, cited in Berman 2010:85).

Transnational crime (and trafficking as a significant part of transnational organised crime) was perceived as 'the dark side of globalisation, threatening and damaging democracy and the economic basis of societies, weakening institutions and confidence in the rule of law' (Apap et al 2002:7; see also Lee 2011). As will be argued, trafficking was located in the context of transnational organised crime in 2000s. Trafficking networks were defined as 'highly organised, extremely violent, and often involved in other criminal activities, such as drug smuggling', which 'constitutes a danger to law and order and national security' (Galiana 2000:11; see also Apap et al 2002; Petersen 2001; Lasocik 2010). It has been argued that trafficking 'has become such an attractive activity for organised criminal groups that they have grown to control a major segment of it' (Lasocik 2010:22). To date, the sources used to confirm the links between trafficking and organised crime are often newspaper stories and law enforcement reports (see, for example, Galiana 2010; O'Neill Richard 1999).

The narrative of traffickers as 'folk devils' was established on a simple pattern of abuse and control. Reaching again for the worst-case scenario, traffickers were constructed as brutal, violent, cunning criminals, who used various methods of control over women. As Berman (2010:85) describes it, trafficking is pictured as '[a] nefarious underworld populated by "dark", haunting criminals; hundreds of thousands of young, innocent, "white" girls kidnapped and violated; sovereign borders transgressed under the cover of the night'. On the flipside of the 'ideal offenders' were 'ideal victims' (Christie 1986) — violated, physically and psychologically abused women and girls, forced into the sex industry. Heartbreaking stories about 'Natashas' — a generic term used for girls and young women from the Eastern bloc — swamped the media and shocked Western nations (Aas 2010). They were 'drugged, beaten, isolated from other women, physically tortured — by cigarette burns, knives or electric shocks — or sold to other pimps, and/or have all their personal belongings confiscated' (Galiana 2000:13). In developing this narrative, the ruthlessness of traffickers is intertwined with the perceived ease of trafficking operations and the ineffectiveness of or lack of interest from criminal justice agencies. As Galiana (2000:1) notes, once '[o]rganised criminal gangs have discovered how easy and profitable it is to move women across frontiers ... [as] simply crossing a few borders can increase their annual earnings twentyfold, since fines and prisons are relatively low'. While there were studies that echoed the diversity of trafficked migrants' experiences (Lee 2011), the simple-to-understand and digestible accounts of 'ideal victim' and 'ideal offender' took the central stage in the global anti-trafficking debate.

In developing this argument, similar to the guesstimates around the number of victims worldwide, profit estimates of trafficking were scattered — from US\$9 billion, as estimated

by the FBI, to US\$32 billion per annum (Holmes 2010). Claims that trafficking is the third-if not second-largest source of profit for organised crime globally (surpassed only by drug trafficking) were widespread in popular media and academic works (Apap et al 2006:6). Despite problematic methodologies including discrepancies in source and scale, these numbers were rarely challenged (see Salt in Anderson and O'Connell Davidson 2004; Doezema 2000; Kelly 2005; Milivojevic and Segrave 2010). Yet, as Kempadoo (1998:15) noted, 'to any conscientious social scientist, such discrepancies should be cause for extreme suspicion of the reliability of the research, yet when it comes to sex work and prostitution, few eyebrows are raised and the figures are easily bandied about without question'.

The three pillars of sex, migration, and crime were instrumental in developing the trafficking discourse into what we call the global trafficking complex — an ever-expanding, transnational anti-trafficking framework that routinely calls for swift and uncompromised law and order action. As Beare and Naylor (1999:1) argue, '[t]he mention of the words "organized crime" has the power to draw the press, win votes, acquire law enforcement resources, gain public support for various legislative or enforcement crackdowns'. Indeed, the intersection of trafficking-organised crime, trafficking-sex and trafficking-migration narratives had the potential to galvanise and — importantly — *deliver* various agendas promoted by anti-trafficking crusaders. The three pillars above were used as foundations for staging major anti-trafficking interventions and platforms for the principal torchbearers of the global trafficking complex, with dubious outcomes for the institutionalisation of (anti-)trafficking.

## The institutionalisation of anti-trafficking: A chronology

### *The early stage: 1990–99*

After arguably losing the sex work/pornography debate in the United States 'sex wars' in the 1980s and early 1990s by failing to generate the expansion of anti-sex work policies, abolitionist feminists shifted the debate to the human rights field, 'in which they were more likely to prevail' (Bernstein 2010:50). The process of reframing trafficking as a human rights and women's rights issue started in 1983, at the 'Global Workshop to Organize against Traffic in Women' in Rotterdam. It was at this forum that tensions between pro-sex work and abolitionist organisers of the conference emerged for the first time in the context of trafficking (Chew 2005), resembling the polarisation of feminist movement during the 'sex wars'. In 1988, the abolitionist group 'Women against Pornography' organised another international conference on the issue called 'Trafficking in Women'. Funded by anti-sex work activist (as Leidholdt (2004) testifies, Laura Lender, '[a] leader in the anti pornography movement' was instrumental in providing funds for the conference, through her engagement in Skaggs Foundation), the primary goal of the conference was to 'get feminists and others to rethink the pornography and prostitution issues from the vantage point of the women who are most victimized by the institutions and simultaneously flaunted and made invisible' (Leidholdt 2004). Defining trafficking as 'globalised prostitution' — encompassing and not distinguishing between 'American pornography, temple prostitution in India, military prostitution in the Philippines, street prostitution in Peru, sex tourism from Europe to Asia' (Leidholdt 2004), the conference firmly established trafficking as a moral issue requiring mobilisation among feminists. Shortly thereafter, CATW was born and the abolitionist gaze was firmly cast on both sex work and sexual violence, as well as other issues that require state intervention, such as 'surrogacy, marriage and adoption' (Leidholdt 2004). Interestingly, a '[s]imultaneous and similarly profound shift occurred during the

same years within the US evangelical movement', with churches and faith-based organisations moving into the human rights arena, especially trafficking (Bernstein 2010:50). A 'trafficking problem' was starting to feature frequently in speeches delivered by prominent abolitionist feminists and church leaders in the global north (Hughes 2000; MacDonnell 2002; Franken 2002).

This process coincided with the evolving 'migration crisis' in Europe in the early 1990s. Following the fall of the Berlin wall, a series of regulatory interventions at the bilateral and multilateral levels were introduced, the most invasive being the Schengen Agreement (signed on 14 June 1985), 'which reveals the political intention of the signatory member states to construct a culturally homogeneous and economically protected area' (Andrijasevic 2004:61). 'Fortress Europe' was created, and new regulatory initiatives soon focused on trafficking into the sex industry as a key rationale for the reinforcement of the external European border (Apap et al 2002). As Nelken points out, criminals from the East replaced Communism as the pre-eminent global threat and served as 'a *suitable enemy* for the reinforcement of State power' (2010:490 original emphasis). The panic about the 'Red invasion' was replaced with the panic about 'prostitutes from the Eastern bloc' who were expected to migrate to Western Europe, but often found themselves 'pawns in a vicious, illegal worldwide trade. In the most extreme cases', it was argued, 'the criminals buy and sell women and children as if they are objects or animals' (Caldwell et al 1997:10).

Since the 1990s, the EU and the Council of Europe ('COE') have engaged in a range of activities with the aim of eradicating trafficking, through managing and restricting migration processes to and within Europe. In 1991, the COE organised a seminar on trafficking in Strasbourg. While identifying that trafficking needs to be clearly separated from sex work, and on face value moved away from the moral pillar of the trafficking debate, the conference sought greater definitional precision: trafficking was defined as 'the coerced transport of people across national or regional borders' (Leidholdt 2004). From the 1990s onwards, acknowledging the potential of the civil sector in regulating migratory processes in Europe, the EU started pouring money into anti-trafficking programs, attracting a range of governmental agencies, NGOs and international agencies, organisations, committees, commissions, and academics to engage with the issue (see Kelly 2005). Posters, brochures and campaigns populated public spaces in Eastern European states and the former Soviet Union, warning about the danger of trafficking (Andrijasevic 2007). One of the key executives of the EU's migration policy was the International Organization for Migration ('IOM').

As an inter-governmental agency, the objective of the IOM was to 'curtail migrant trafficking and protect the rights of migrants caught up in the practice, through awareness raising campaigns, return and reintegration activities and capacity building with governments' (IOM 2001:2). The trafficking 'phenomenon' was meticulously documented in the IOM's monthly newsletters (Mameli 2002) and this organisation was instrumental in setting up a trafficking research program through its attempts to measure the scale of the trafficking problem. During 1995 and 1996, a series of studies conducted by the IOM concluded that 'some 500,000 women were trafficked, most of them illegally, to the countries of the European Union' (Vocks and Nijboer 2000:379). These estimates were directly linked to the new constellation of European states after the fall of the Berlin Wall (Vocks and Nijboer 2000), as well as the demand for sex work in destination countries, large profits by traffickers, and lack of criminal justice intervention (IOM 1995). In this early phase of the development, trafficking victims were portrayed as 'Trafficking Cinderellas' (Doezema 2000) — naive, innocent, Third World women who, once faced with the strain of their inability to pursue culturally prescribed goals, make rational decisions to leave their

countries of origin (Aghatise 2004). At some point during this process victims are tricked or lured into sex work by vile, unscrupulous traffickers and exposed to various avenues of victimisation, rape and humiliation (see, for example, Shelley 2003; Vocks and Nijboer 2000; Doezema 2000). In accordance with this narrative, the IOM prevention campaigns were almost exclusively based on victimised images of women's bodies. The dominant narrative was of the danger of crossing borders and of unscrupulous predators, who will ultimately manipulate naive women to be 'sold like a doll' (Sipavicine 2002: see below) and exploited.

The threat of imminent danger associated with border crossing and 'dreams' that will ultimately 'shatter' if migratory journeys are pursued has been used in reports by other anti-trafficking actors (such as UNICEF report in Laos: UNICEF 2010). The message sent to potential victims was clear: do not leave home or you will be victimised (Doezema 2000). As Davies (2002:4) argues, '[i]t seems likely that trafficking was co-opted in the nineties as a device by which it was attempted to control the growing migration of women through the use of fear of rape'. Dreams of improving their lives (in any range of ways: work, marriage, study, travel) beyond the borders of their country of origin were inextricably bound with their potential victimhood. Importantly, prevention campaigns aimed at regulating migration patterns in Europe were increasingly complemented by a law and order response to the trafficking 'problem'.

In 1994, Europol — the EU's law enforcement agency — was given a mandate on trafficking (Mameli 2002). At this time, Europol's standpoint was that trafficking and illegal migration are 'inter-linked problems. This requires that any solution to the trafficking in human being problem be likewise coordinated with the solution for illegal migration' (Europol 2003). Soon after, two EU programs were launched (the STOP and DAPHNE projects), aiming to assist public officials who enforce anti-trafficking agendas and develop productive relationships between NGOs and other authorities in the anti-trafficking coalition. The goals of these programs were, among other things, to 'encourage networking, the dissemination of information and the improvement of scientific and technical research', to 'facilitate participation by countries that have applied to join the EU in the projects that are developed' (EUROPA 2001) and to 'promote transnational actions ... to ensure exchange of information, best practice and cooperation ... and public awareness' (EUR-Lex 2000).

By 1996, a moral crusade was in full swing: financially supported by the EU (European Commission 2001), NGO activists (abolitionists and radical feminists) travelled across Europe, visiting law enforcement agencies and NGOs in developing countries, suggesting that 'something has to be done about trafficking' (according to representatives of an international NGO working on trafficking, in conversation with one of the authors in 1996). 'Less conventional' (Gastler 1998) research, such as that conducted by Global Survival Network ('GSN') — in which GSN established a dummy company that purportedly specialised in importing foreign women and 'successfully gained entry to the shadowy operations of international trafficking networks in Russia and beyond' (Gastler 1998) — was promoted and widely accepted as pioneering work in the area of trafficking. Based on 'more than fifty' (Caldwell et al 1997:10) interviews with women trafficked for sex, pimps and traffickers, police and government officials in Russia, Western Europe, the US and Asia, the researchers concluded that '[t]rafficking networks flourish in large part because governments, officials and citizens fail to speak out and to act' (Caldwell et al 1997:11). The 1997 documentary *Bought and Sold*, a GSN production, further fuelled the trafficking moral panic and the perception of traffickers as ruthless criminals associated with transnational organised criminal networks. Featuring approximation about trafficking, worst-case



scenarios of abuse and exploitation, and projections that ‘thousands of women are trafficked every year from Russia and the newly independent states to locations throughout the world’ (Witness 2007:3:48), the film was used to ‘educate’ government officials and NGO activists across Eastern Europe about the dangers of trafficking (Saunders and Soderlund 2003). In 1998, after their visit to Serbia, several NGO activists were invited to the international conference on trafficking, organised in Budapest by abolitionist NGO network La Strada International. After their return to Serbia, NGO activists started working on trafficking, first by organising screenings of the film ‘Bought and Sold’ across Serbia (ASTRA 2003). While NGOs were mostly receptive to ‘the cause’, governments of the global south were resisting: ‘I visited the Ministry of Justice, the Ministry of Social Protection, the Ministry of Internal Affairs. They knew nothing, and they had no interest. The level of consciousness was zero’ (Stana Buchowska, from NGO La Strada, reporting on a visit to Ukraine in 1996; cited in Galiana 2000:12).

Such disengagement was quickly assessed as a result of the unwillingness of ‘many Eastern European countries’ to stop trafficking, as ‘the women send money home to support their families’ (Galiana 2010:12). However, developed countries were highly receptive to these messages as the dominant narrative did not disrupt preferred north–south relations, migration laws and economic policies that might be implicated.

In November 1997, the United States and the EU agreed on a joint initiative — ‘New Transatlantic Agenda’ — to combat trafficking from Russia and Eastern Europe, based on ‘an information campaign, warning potential victims and an education program for law enforcement, customs and consular officials to heighten their awareness of the problem’ (Miko 2003:18). The demise of trafficking was believed possible if women were more informed about the danger associated with migratory processes, and therefore would make better decisions by not responding to the recruitment of traffickers. The Agenda was implemented by the IOM, whose above-mentioned education campaign sought to tackle trafficking by redressing women’s ignorance and naivety; if this could be achieved, then trafficking would be curtailed. These campaigns were then expanded to educate lawmakers and law enforcement parties. Similarly, if they could better understand and enforce laws, then trafficking could be eradicated.

By 1999, anti-trafficking rhetoric was sharpening, prioritising law and order interventions: the EU adopted the Framework Decision (Council Framework Decision (2002)) on combating trafficking in human beings, which requires member states to modify their legislation and imposes common sanctions, law enforcement and judicial cooperation (Goodey 2004). In May 1999, the EU’s engagement with trafficking had been regulated by Title VI of the *Treaty of Amsterdam* (which covers law enforcement and judicial cooperation) (Sjolinder 2002; Goodey 2004). Other campaigns by the EU and European Commission heavily focused on the prosecution of traffickers (European Commission 2001). Following the Beijing Platform for Action and intense activity of NGOs, the European Commission initially defined ‘trafficking in women’ as ‘the transporting of women from third countries to the EU ... for the purpose of sexual exploitation’ (cited in Galiana 2000:3; see also Vocks and Nijboer 2000). The definition was later broadened to include forms of sexual exploitation other than sex work and forced marriage (Pearson 2003; Galiana 2000). This process of apparently shifting the focus from the sex/moral component of trafficking signalled the beginning of the second stage of the development of the global trafficking framework; the process started with the drafting the *UN Convention against Transnational Organised Crime* and the *Palermo Protocol*.

### *Palermo and beyond: 2000–12*

While the ‘sex wars’ continued during the drafting of the *Palermo Protocol* (Leidholdt 2004), sex as a moral prop of the trafficking phenomenon faded somewhat. Although the declaratory intent of the *Palermo Protocol* was to safeguard the rights of victims of trafficking (Nelken 2010), this instrument firmly located trafficking within the context of transnational organised crime, with its trafficking–migration and trafficking–crime nexus as central pillars. The Protocol focused on the criminalisation of trafficking and was set up as an instrument for nation states to enact their national legislation to combat trafficking (Chew 2005). Although it was claimed that ‘[t]he fact that trafficking is formally integrated into the sphere of the combat of transnational organized crime does not mean that it has nothing more to do with human rights’ (Chew 2005:75), the shift towards the punitive, law and order-driven state intervention was strident and largely unchallenged (see Segrave et al 2009).

The EU continued with its tough law and order policies, which were almost exclusively based on loose estimates of the scale of trafficking. For example, Europol justified its anti-trafficking intervention by arguing that although the overall number of victims trafficked to the EU is still unknown, it was clear that the number of victims is much higher than the official statistics from investigated cases in member states (Europol 2000). Similarly, the European Commission in 2001 estimated that up to 120 000 women and children are trafficked to the EU every year. There was no evidence as to how these estimates were calculated (Laczko et al 2002).

In addition, in the post-9/11 world and in the context of the ‘war on terror’, trafficking has emerged as the new evil empire and ‘the greatest non-military threat to national security’ (UN 2000:1). As early as 2002, the language of engagement had changed to ‘combating trafficking’ (Council Framework Decision 2002) and ‘war against trafficking’. The new explicit ‘moral’ language of anti-trafficking was closely aligned with the rise of the right in the United States and the politico-religious front that was leading other ‘wars on’ across the globe. As Bernstein (2010:46) notes, ‘a remarkably diverse group of social activists and policy makers — a coalition composed of abolitionist feminists, evangelical Christians, and both conservative and liberal governed officials’ — was formed on local, national and international levels. This unlikely coalition, justified by the notion that ‘no one could possibly claim to be “for” trafficking’ (Zimmerman, in Bernstein 2010:46), was further enforced by George W Bush’s administration, which returned to the sex/moral pillar of the trafficking nexus. In 2003, President Bush highlighted ‘three challenges’ regarding ‘urgent attention’ and ‘moral clarity’ among the international community: ‘the war against terror’; ending the proliferation of weapons of mass destruction; and fighting against those who trafficked and exploited innocent victims of ‘sexual slavery’ (Lee 2011:109). Trafficking had emerged as a key humanitarian initiative and ‘a crime that is [an] affront to human dignity’, while guesstimates about the size of the problem skyrocketed to four million people affected by this crime (Apap et al 2002; Office of the Press Secretary 2003).

At the same time, voices in the trafficking debate that did not adopt the ‘three pillars’ approach to addressing trafficking (especially the moral/sex pillar) were increasingly silenced. In 2001, the Bush administration established the Office of Faith-Based Community Initiatives, which secured significant funding for abolitionist and evangelical domestic anti-trafficking initiatives (Bernstein 2010). The most prominent anti-sex work scholar, Donna Hughes, even argued that the right and faith-based organisations stepped in as leaders of the women’s-rights movement (Chesler and Hughes 2004). The ultimate outcome of this process was a blurred distinction between trafficking and sex work and an official policy of

restricting funding to organisations committed to the project of abolishing sex work (for more, see Weitzer 2005; Chapkis 2003; Lobasz 2009). We have witnessed first-hand how some Eastern European NGOs were denied further funding on the spot as they refused to officially declare sex work to be a key cause of trafficking.

Thus, '[t]he ultimate type of institutionalization [that] involves changes in government discourse, policy, and law' in which 'the [crusade] movement's central goals become a project of the government' (Weitzer and Ditmore 2010:341) occurred during the Bush administration and soon spread out across the global north. As Weitzer and Ditmore (2010) argue, this institutionalisation was demonstrated in the public pronouncements of government officials, the official positions of government agencies, the United States Trafficking in Persons Report and other key reports produced by government agencies, and the laws passed by legislators. At the same time, 'the border' became the site at which trafficking would be mitigated. As a single physical point in the trafficking process, the border was now considered an ally in halting the traffic. The leading role in this process was given to both national law enforcement agencies and international organisations. For example, the IOM objective in 2004 was 'to curtail migrant traffic and protect the rights of migrants caught up in its practice' (Wong, in Schendel and Abraham 2005:77).

Behind supposed intervention to 'rescue the innocents' lies a neo-colonial and punitive, anti-immigration agenda. Harsher law and order policies, including criminal and economic penalties against traffickers, omnipresent pursuit of successful prosecutions of traffickers and 'johns', limited mobility and other measures that ultimately harmed victims themselves were the output of this crusade. As Chapkis (2003:930) accurately notes, trafficking has been utilised 'to define "compassionate conservatism": a willingness to provide assistance and protection for a few by positioning them as exceptions, proving the need for punitive measures used against the many'. In addition, as Nelken (2010:490) points out:

[t]he campaign against trafficking stands at the intersection of a number of controversial issues: the loss of sovereignty of the national State and the shift of power to higher and lower levels; the rise of the threat of transnational organized crime, the regulation of immigration and informal labor, the fight against violence and discrimination against women, the control of prostitution and sex work, the patrolling of State boundaries and the sharpening of the line between citizens and mere 'denizens'.

Twenty years after anti-trafficking intervention began, it is now time to assess the outcomes of such engagement.

## **New horizons: The changing nature of the trafficking debate**

Considering the above, there are compelling grounds for the deconstruction of the global anti-trafficking response that has dominated the last 20 years of trafficking intervention. We agree with Berman that:

trafficking in women has become a site marked by phantasmatic fears of foreigners, immigrants, criminals, terrorists and globalization, so much so that it is often difficult to disentangle these fears from actual concern over the fate of trafficked women themselves (2010:85).

The tangled web of agendas, priorities, policies and ideological underpinnings that define the contemporary global trafficking complex is unlikely to be untangled any time soon. While there is an important shift towards recognising trafficking for the purpose of labour

exploitation (USDOS 2011), the issues that characterised two decades of engagement with trafficking are still unaddressed, and continue to plague the trafficking interventions. Thus, it is time to assess the accountability of participants in the trafficking intervention: the state (especially those driving the global anti-trafficking discourse), international agencies, policy-makers, 'trafficking professionals', feminists, and academics. It is also time to revisit and revise current anti-trafficking policies and to seek a new, more effective framework in which to engage with trafficking.

First, we need to acknowledge that we still lack good, basic knowledge about trafficking (Nelken 2010), its context, victims and offenders. Even though a body of literature has recently emerged challenging existing estimates about trafficking, they continue to be presented as facts, with no critical engagement or viable alternative (Milivojevic and Segrave 2010). As Daly (2010) argues, the current consensus continues to rely upon rumour. The 'risk' of trafficking is constantly debated, managed and policed; yet we are not entirely sure what that risk might be. Research findings are stripped to black-and-white narratives, perpetuated in the media, by politicians and policy-makers, and used as a device for pursuing their own agenda. (For more details about recent moral panic in the United Kingdom, for example, see Davies 2009.) Simultaneously, the notion of the 'ideal offender', distinctively created in anti-trafficking narratives, continues to prevail in contemporary anti-trafficking interventions. The panic about the survival of the nation, this time against transnational organised crime and illegal migrations, is the very first pillar of anti-trafficking intervention that is yet to be deconstructed. While we acknowledge the complexities about researching clandestine areas and difficult-to-reach populations, as well as ethical, moral and personal difficulties researchers have in engaging with this topic, we need to promote greater scholarly integrity when researching and writing about trafficking. At the very least, we need to refrain from 'telling the truth' about trafficking while simultaneously failing to expose or actively minimise the potential harm of the global anti-trafficking intervention.

Anti-trafficking coalitions associated with the global trafficking complex — namely trafficking 'experts' and 'professionals' who, in the last 20 years, have what Becker (1967) calls the 'hierarchy of credibility' in discussions around trafficking — need to be exposed to scrutiny. As Kelly (2005:236) suggested, publications in this field 'may primarily reflect a claims-making process, vying for influence over how the issue is understood and where it is located intellectually, symbolically and materially'. It is time to reflect on the 20 years of trafficking writing and policy-making, and to revise the way we engage with the issue in times to come.

In engaging with trafficking, academics, policy-makers and feminists seem to repeat old mistakes. As Lin Chew (1999:15) warned, '[o]ne danger ... of calling attention to these human rights violations of women is that nations are inclined to take repressive measures when they decide to act'. We agree with Bumiller (2008), who noted that the human rights framework is often used to justify military intervention and reproduce violence. We agree with Weijers (cited in Doezema 2000:46), who stated back in 1998 that:

given the history of the use of anti-trafficking measures to police and punish female migrants and female sex workers and to restrict their freedom of movement rather than to protect them from violence and abuse, serious doubts are raised as to appropriateness of the existing anti-trafficking framework.

Trafficking is still deeply entrenched as an issue where powerful states and international actors use supposedly vulnerable women's bodies as the justification for anti-trafficking intervention that deploys their (moral, migration, security) agenda, rather than 'combats'

trafficking. Nation-states' interest in trafficking, as Anderson and O'Connell Davidson (2004:14) argue, is 'often grounded in concerns about irregular immigration and/or transnational organised crime, which are viewed as a threat to national security'. Thus, contemporary anti-trafficking policies have been located within 'traditional security solutions', which prioritise border security, deportation of trafficked persons, and the survival of the sovereign state (Lobasz 2009). Or, as the officials from the European Commission bluntly put it, 'the fight against trafficking is an essential element of the EU's effort to improve the checks and surveillance at the external borders and to enhance the fight against illegal immigration' (cited in Lobasz 2009:327). Trafficking has been a tool for 'governing through globalised crime' policy (Nelken 2010:479), largely serving to maintain order at borders and on national and international levels. It is now time to deconstruct or, at the very least, *revise* anti-trafficking policies and locate them within the intended goal of the human rights framework. We need to resist the appropriation of a human rights agenda and ring the warning bell when we see it happening.

The intersection of 'rescue' in what Bernstein (2010) calls 'militarised humanitarianism', and law and order frameworks situated in 'carceral feminism', has had vast and far-reaching consequences. Trafficking is 'perhaps the most explicit example we have to date of how good intentions, passions, and progressive words may have turned into boomerangs' (Kapur 2005). In this context, the state is still 'considered to be the primary provider of benevolent (masculine) protection' and a rescuer from external threat of transnational organised crime (Segrave et al 2009:xviii). In addition, the growing number of initiatives in which hegemonic masculinity intersects with militarised humanitarianism is a worrying sign. The 'rescue-restore' model of the International Justice Mission (also adopted by some highly prominent public figures, such as influential *New York Times* columnist Nicolas Kristoff), in which (white) male employees of the organisation investigate brothels in the global south and engage in 'rescuing' missions with local police, is replicated by numerous faith-based, but also feminist, organisations and individuals in the global north (for more on the notion of 'white-men rescue', see Bernstein 2010; Soderlund 2005; Segrave et al 2009).

Criminalising 'the other' and marginalised populations, stricter border and visa regimes, surveillance of women travellers and the sex industry, shelters that victims compare with prisons, and an almost inevitable trajectory that leads to 'home' as a 'safe space' for victims of trafficking are just some of the disturbing potential effects of anti-trafficking intervention. Anti-trafficking intervention based on rumour, moral panic and shoddy research impacts sex workers, women from the global south and young people, embodied in tougher immigration control, violations of their labour rights and deportations. As Zedner (2003) argues, security, although posited as a universal good, presumes social exclusion and erodes civil liberties. The burgeoning research and evidence suggests that trafficking interventions often create more harm to those they seek to protect (Milivojevic and Pickering 2008; Segrave et al 2009; Milivojevic and Segrave 2010; Lee 2011; Gallagher and Pearson 2010). We must keep examining and evaluating anti-trafficking policies and searching for ways in which these policies can be articulated and implemented.

The organised crime/moral panic/immigration nexus through which trafficking has been both constructed and largely explained (and engaged with) fails to rationalise the nature, elements and characteristics of trafficking. It also fails to provide assistance to those impacted by this practice, and to combat the criminality of trafficking. Scholarly and other engagement with the trafficking phenomenon — as well as the global trafficking complex — continues to grow. There is still no answer to the question:

whether this is because there has been a real increase in the phenomenon of trafficking itself, or that the consciousness of the activist and development agencies to the issue has increased, or that they have discovered that trafficking is a popular issue, especially with development funders' (Chew 2005:78).

We might be closer to resolving it by observing what is going to happen to the 'trafficking issue' once funding reduces and the donor fatigue some are predicting takes place. Importantly, it is time to conclude that, after 20 years of 'rescue' intervention, 'these policies have done relatively little to redress the situation of women who find themselves caught in trafficking networks' (Berman 2010:86).

## Conclusion

With all this in mind, the question is: Has anything changed in 20 years of anti-trafficking intervention? With President Obama in office, the trafficking/sex pillar has been to some extent abandoned, especially in terms of the language and content of the *Trafficking in Persons Report*, which acknowledged that the vast majority of victims of trafficking are not exploited in the sex industry (USDOS 2011). Yet the policy to refuse funding to organisations that support legal state-regulated sex work still stands (Weitzer and Ditmore 2010). On the other hand, on 15 March 2013, the United States Deputy National Security Adviser Denis McDonough explained that the Obama administration holds firm that trafficking is a national and international security issue because it sits at the 'nexus of organized crime' and is 'a source of funding for transnational terrorist groups' (Suh 2012). At the same time, success is still measured by the number of successful prosecutions (Nelken 2010; Suh 2012). Similar rhetoric can be found with other actors in the global trafficking complex (see, for example, IOM 2012; EUR Lex 2012)

Carceral law and order approaches to trafficking and militarised intervention at the border and beyond are still intact. Importantly, mobility, although 'celebrated as a central pillar of globalisation, has not translated into increased mobility for all; rather, it has become highly stratified and accessible only to members of particular groups and populations' (Milivojevic and Segrave 2010:38). Mobility is still reserved for those who occupy the upper tiers of the 'hierarchy of mobility' (Bauman 1998), and is a commodity from which many have been, and still are, profiting. At the same time:

those trapped in what could be coined as 'liquid immobility' — immobility that can (with great difficulties) be transformed into legal mobility, but is more likely to lead to illegal migratory processes and in worst-case scenario, various types of exploitation — seek the way out (Milivojevic forthcoming).

If not assisted with appropriate solutions — such as legitimate migratory and labour options — this will lead to more exploitation, and the global anti-trafficking framework will fail (again). Yet this is precisely the new global regulatory horizon that is required.

Finally, 'as long as the border regime and the interests of the nation state drive responses to trafficking, efforts to address trafficking in persons will continue to have limited, if any, impact in working towards the eradication of all forms of cross-border exploitation' (Milivojevic and Segrave 2010:53). A new regulatory dawn requires an understanding of the complexities of global migrations and gender relations, abandoning the harmful aspects of the global anti-trafficking framework and shifting the intervention towards enabling transnational mobility and labour options for both women and men on the other side of the border.

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