



# Human Trafficking

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Edited by  
**Maggy Lee**

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University of Essex and the University of Hong Kong  
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## Chapter I

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# Introduction: Understanding human trafficking

*Maggy Lee*

### Introduction

The trafficking of human beings has attracted considerable public and political concern in recent years. It is commonly understood to involve a variety of crimes and abuses associated with the recruitment, movement and sale of people (including body parts) into a range of exploitative conditions around the world. Media stories of international human trafficking typically conjure up images of all-pervasive organised crime networks, underworld mafias and unscrupulous snakeheads taking advantage of the illicit opportunities and unprecedented ease of communication and transportation offered by the new social and technical infrastructures in an increasingly globalised world.

Yet trafficking is nothing new. Trafficking and smuggling has been described as a diverse form of trade that is 'as old as trade itself', even though there is great diversity in what is trafficked, what trade is prohibited, and by whom over time. 'Depending on the political winds and dominant social norms of the day, what is an illegitimate trade in one era may be a legitimate trade in another' (Andreas 1998: 78).<sup>1</sup> Indeed, human trafficking has historical parallels with the traffic in and exploitation of black Africans in previous centuries, when the colonial slave trade was considered not only a lawful but desirable branch of commerce by European empires.

Today, human trafficking has become the subject for much empirical research, academic debate and advocacy in diverse disciplines and fields such as criminology, politics, law, human rights, sociologies of

migration, gender, and public health. It has been variously understood as the new white slave trade, transnational organised crime, an illegal migration problem, a threat to national sovereignty and security, a labour issue, human rights violations, or a combination of the above. Global and regional responses to the problem have been phenomenal, so much so that trafficking has arguably been transformed from 'a poorly funded, NGO [non-governmental organisation] women's issue in the early 1980s', into 'the global agenda of high politics' of the United States Congress, the European Union (EU) and the United Nations (Wong 2005: 69).

Yet there remain considerable limitations in our knowledge and understanding of human trafficking. Indeed, the trafficking debate has been criticised by some for its 'shoddy research, anecdotal information, or strong moralistic positions' (Sanghera 2005) and emotive manipulation of 'wobbly' statistics (Murray 1998). Anti-trafficking programmes and the development of state policies also reflect conflicting agendas and strategic policy goals in the control of all those who cross borders illegally. Whilst there is obvious concern to protect victims and to prevent a range of trafficking harms, states also tend to conflate anti-trafficking with immigration and asylum controls. Many of the counter-trafficking initiatives, punitive sanctions and border controls that have emerged alongside the (re)discovery of the 'trafficking problem' have been contentious and paradoxical, arguably pushing a larger proportion of unauthorised and forced migrants into the hands of professional smugglers or traffickers, making limited impact on the social causes of trafficking, and generating troubling consequences for the irregular migrants.

This edited volume aims to inject some conceptual clarity and critical insights into our understanding of the complex social phenomenon of, and responses to, human trafficking. It does so by considering the debates and controversies around several key themes: trafficking as a historical phenomenon rather than a purely modern 'problem'; the nature, patterns and extent of global human trade; the social organisation and processes of trafficking and re-trafficking; the links between trafficking and other forms and dynamics of migration and exploitation; and state-sponsored responses to trafficked persons and all those considered as non-citizens. There are important reasons to examine the core concepts, definitions and diverse frameworks within which trafficking has been understood over time, as the approaches that are chosen will shape the strategies used to address the trafficking problem. For example, when the problem is defined as a moral, crime or public order issue, there is a tendency to opt for solutions

that involve control or punishment; when the problem is defined as a social or human rights issue, strategies of empowerment may be preferred. Equally, it is important to reflect on areas of agreement and disagreement in the trafficking debate across disciplines and to unravel the many contradictions in the smugglers/traffickers discourse and attendant controls. Such an analysis enables a more balanced and nuanced understanding of the different dimensions and policies of trafficking as well as a more critical assessment of the role of the state in human trade.

## **What is human trafficking?**

Human trafficking is an imprecise and highly contested term.<sup>2</sup> So what are the various conceptions of trafficking/traffickers/trafficked victims?

### *Slavery*

First, human trafficking has been conceptualised as a form of 'slavery' (Bales 2005; Ould 2004). Slavery has been held up as the worst possible exploitation in human history. Although old forms of slavery, with kidnapping, auction blocks and chattel slaves forced to work in chains, may be rare incidences today, scholars have argued that there are parallels between traditional and modern forms of human trading in that desperate and vulnerable human beings are taken advantage of and treated as commodities in contemporary conditions akin to slavery. From this perspective, human trafficking as a contemporary form of slavery is marked not by legal ownership of one human being by another or long-term enslavement, but by temporary ownership, debt bondage, forced labour and hyper-exploitative contractual arrangements in the global economy (Bales 2000; Bales 2005). Miers (2003), for example, identifies the main forms of slavery that have persisted or emerged by the end of the twentieth century: bonded labour systems and forced labour in sweatshops, private households and on farms not only in poorer regions such as South Asia but also in Western Europe and the US; the exploitation of children as labourers in cottage industries or quarries on the Indian subcontinent, as camel jockeys in the Gulf States or as soldiers in Africa; and servile marriage in South Asia and Muslim societies. Scholars who insist on the value of using the term 'slavery', argue that it alerts us to the 'underlying and essential elements' of 'violence

and its threat, absolute control, economic exploitation' (Bales 2000: 476) and that it 'guarantees a wider audience' in the fight against present injustice (Anker 2004: 19). Others, however, warn of the need to avoid sensationalism (Anderson 2004) and conceptual slippage, and advocate the term 'slavery-like practices' to 'signal the commonalities and distinctions between legal enslavement and forced, waged labour' (Kempadoo 2005: xx).

### *Prostitution*

Second, definitions of human trafficking have coalesced around contested positions on issues of prostitution, individual agency, and consent. The notion that trafficking is synonymous with the traffic of women for commercial exploitation can be traced back to public concerns about the 'white slave trade' of women and young girls into prostitution at the end of the nineteenth century. Some scholars have suggested that the emergence of a social panic about white slavery was linked not only to welfarist concerns but also to broader anxieties about growing transatlantic migrations and fears directed at white, European or American women's mobility and sexual freedoms (Chapkis 2003; Doezema 2000; Keire 2001; Scully 2001). A series of international agreements adopted in the early part of the twentieth century on the 'traffic of women' include: the 1910 White Slavery Convention, the 1919 Covenant of the League of Nations, the 1921 Convention for the Suppression of the Traffic of Women and Children, the 1933 Convention for the Suppression of the Traffic of Women of Full Age and, notably, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.<sup>3</sup> Then as now, trafficking narratives have relied heavily on the paradigmatic images of female powerlessness and childlike sexual vulnerability and the spectacle of transgressive bodies.<sup>4</sup>

Notwithstanding recent international instruments that recognise people can be trafficked into sectors and settings other than prostitution, trafficking of women and children for sexual exploitation has continued to be the dominant paradigm in the fields of research, enforcement and prevention (see Di Nicola, Piper and Lindquist, Chapters 3 and 7, this volume). Such conceptualisation of trafficking as exclusively linked to sexual exploitation meant that other forms of exploitation tend to be ignored in anti-trafficking initiatives even though there is increasing evidence that suggests global trafficking for labour exploitation is also prevalent in domestic labour, agriculture, construction and other 'dirty, dangerous, degrading' industries

(Anderson 2004; Anti-Slavery International 2006; Sharma 2006).<sup>5</sup> Children may be kidnapped, trafficked and sold not only into sex trade but also as casual labourers, soldiers or camel jockeys (Anti-Slavery International 2002; Dottridge 2002; Human Rights Watch 2002a; International Labour Organization 2001). Significantly, as Bastia (2005) suggests, child trafficking may be widely practiced but unrecognised as such because they are embedded in traditional forms of child patronage and cultural attitudes towards child labour. Ambiguities and tensions remain, as the feminist anti-trafficking agenda is split along ideological lines on their views of prostitution as 'work', women's agency in relation to prostitution, and the distinction between 'voluntary' migrant sex work and 'forced' trafficking (Doezema 2000; Doezema 2002; Kempadoo 2005; Murray 1998; Sullivan 2003). Critics have also pointed to the criminalising and moralising tendencies of the abolitionist discourse about sexual slavery, and argued that anti-trafficking measures have been used not so much to protect women from exploitation, but to police and punish female migrants and sex workers (Chapkis 2003; Kapur 2002).

### *Organised crime*

Third, human trafficking has been conceptualised within a framework of organised crime. The role of criminally sophisticated, transnational organised crime groups as a driving force behind the highly profitable trade of smuggling and trafficking unauthorised migrants or asylum seekers has been commented upon widely (Bruinsma and Meershoek 1999; Budapest Group 1999; Shelley *et al* 2003; Williams 1998; Williams 2002). Indeed, an important aspect of the institutionalisation of the 'trafficking-as-organised crime' approach has taken place vis-à-vis the 2000 UN Convention Against Transnational Organised Crime (see below).<sup>6</sup> In the UK, the government regards the problem of 'illegal trade in people' as primarily instigated by 'organised crime groups', to be dealt with under the rubric of its overall organised crime strategy and as a priority of the new Serious Organised Crime Agency (Home Office and Scottish Executive 2006). Since the 1990s, the transnational criminal trafficker has also been the target of anti-trafficking legislations in the US (notably the Trafficking Victims' Protection Act of 2000) and a plethora of action-oriented programmes under the EU justice and home affairs policy, and multilateral initiatives around the world (Andreas and Snyder 2000; Goodey 2005; Green and Grewcock 2002).

The 'trafficking-as-transnational organised crime' approach has



been premised on two contrasting views of the relationship between the state and the trafficking problem. The first view, epitomised by what Taylor and Jamieson (1999) have termed the use of 'the Mafia shorthand' and an alarmist interpretation of the threat posed by foreign gangsters and organised crime networks, takes border control as the basis of the state's sovereignty and as intrinsic to its logic of being. Indeed, the regulation and monitoring of cross-border flows has been central to the modern state's claims of territorial sovereignty and, in the European context, to 'the cultivation of a hegemonic European character built upon principles of exclusion' (Green and Grewcock 2002). From this perspective, trafficking is seen as a serious and unambiguous threat to the peace and security of the developed world, and hence legitimises state response of increased surveillance and tighter immigration controls. The blurring of issues of organised crime involvement in trafficking with the more symbolic issues of national security, sovereignty and the role of borders has been referred to as indicative of the 'militarising of social problems' (Beare 1997). As Andreas (1998: 86) suggests, using 'old security institutions and technologies' and intelligence services to fight against 'new' security targets of smugglers, traffickers, terrorists and unauthorised border crossers may be 'an awkward and expensive fit', but there are 'bureaucratic incentives and political pressures' which continue to push in this direction in the post-Cold War (and post-September 11) era.

An alternative view takes issue with the simplistic – even misleading – imagery of nation states fighting valiantly against global organised crime groups, and points to the symbiotic relationship between the state and transnational organised crime (Andreas 1998; Williams 2002). The extensiveness of organised crime and its penetration of the political sphere especially in Latin America and the former Soviet States have arguably led to a criminalisation of the political process and a weakening of the rule of law (Shelley 1999; 2003). Crucially, critics have argued that the illicit movement of people would not thrive as it does in particular regions without the complicity of public officials (Phongpaichit *et al* 1998; Ruggiero 1997). Others have questioned the dominance of transnational organised crime groups and have problematised their role in human trade. Indeed, there is a growing body of work that emphasises the diverse agents and beneficiaries of human trafficking and smuggling – for example, the more nebulous crime networks operating in particular locales; short-lived 'mom and pop' type operations; opportunistic freelance criminals; and intermediaries or employers otherwise engaged in