## Contents

*List of Tables and Figures*  
*Acknowledgements*  
*Notes on Contributors*

**Introduction: The Wider Context of Trafficking for Forced Labour**  
*Christien van den Anker and Ilse van Liempt*

**Part I Root Causes and Responses to Trafficking and Migrant Exploitation**

1. Kosovo and Trafficking in Persons: Trends and Responses  
   *Bronwyn Jones and Tihana Leko*  
2. Moldova: Women’s Rights and Trafficking  
   *Cezara Nanu*  
3. An Ethnography of Migrant ‘Illegality’ in Sweden: Included yet Excepted?  
   *Shahram Khosravi*

**Part II Immigration Approaches to Migrant Rights**

4. Migration Controls and Their Perverse Consequences  
   *Jeroen Doomernik*  
5. The Ethics of Regularization Policies: The Case of Belgium  
   *Gily Coene*  
6. ‘The Right to Always Wear a Smile’: Migration Policies and the Exploitation of Domestic Workers’ Labour in Germany  
   *Maria Teresa Herrera Vivar*

**Part III Labour Rights Approaches to Migrant Exploitation**

7. Speaking with a Forked Tongue: Contrary Political Discourses and the Irish State’s Construction of Human Trafficking  
   *Deirdre Coghlan and Gillian Wylie*  
8. Hidden Labour: Knowledge Production of Trafficking Illustrated by a Swedish Case Study  
   *Madeleine Hulting*  
9. The Right to be Exploited: Vietnamese Workers in Poland  
   *Monika Szulecka*
### Part IV  Human Rights Approaches to Migrant Rights

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Recent Developments in the Human Rights of Trafficked Persons</td>
<td>193</td>
</tr>
<tr>
<td></td>
<td><em>David Weissbrodt and Stephen Meili</em></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>A Cosmopolitan Approach to Migrant Rights: Global Citizenship or Local Hospitality?</td>
<td>208</td>
</tr>
<tr>
<td></td>
<td><em>Christien van den Anker</em></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Anti-Trafficking and Human Rights: Uncomfortable Bedfellows?</td>
<td>224</td>
</tr>
<tr>
<td></td>
<td><em>Blanka Hancilova and Petra Burčíková</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conclusion</td>
<td>246</td>
</tr>
<tr>
<td></td>
<td><em>Christien van den Anker and Ilse van Liempt</em></td>
<td></td>
</tr>
</tbody>
</table>

*Index* 248
Introduction: The Wider Context of Trafficking for Forced Labour

Christien van den Anker and Ilse van Liempt

Human rights and migration

The main themes of this book, human rights and migration, are both controversial and in combination even more contested. Migration between nation-states – or transnational migration – has been restricted by increasingly complex regulations in many places where people move across borders, but especially where this occurs from generally poorer to, on average, richer countries. These restrictions have dramatic impacts on the accessibility of many of the human rights of migrants, yet they are in themselves also a direct interference with the two most basic rights of migrants: the freedom to move and the right to have rights. These are not simply interesting theoretical discussions. Annually many migrants die on their way to their destinations (Carling, 2007; Nevins, 2007; Hinkes, 2008) or in destitution without safe access to adequate healthcare (Khosravi, Chapter 3 in this volume). While working on a European-wide project on trafficking for forced labour the contributors to this book realized the importance of the wider context of human rights and migration for the understanding of the exploitation of migrants. This became apparent in several ways. In multidisciplinary workshops we problematized the common distinction between ‘deserving’ victims of trafficking and ‘undeserving’ ‘illegal’ migrants – positioned as having committed migration crimes. As the Refugee Convention 1951 does not capture all circumstances under which people are compelled to leave their homes and, moreover, no human being is illegal, these distinctions do not stand up against ethical scrutiny. From research on smuggling it became clear, too, that the distinction between smuggling and trafficking as practices where either the migrant was ‘guilty’ or the migrant was a ‘victim’ did not coincide with the stories people told. Instead, many situations were a complex mixture of decision-making by the migrant and constraints provided by circumstances, for example openings in migration regimes, law enforcement officials discovering routes, or the barriers put by other actors in the ‘migration industry’, such as prices for destinations, violence along the way and connections
between facilitators of travel and agents of employment (Khosravi, 2010; Van Liempt, 2007). Many migrants are grateful to their facilitators, even if the circumstances on arrival are hard. In most cases trafficked persons do not at first see themselves as such due to feelings of guilt and responsibility for decisions made to pursue a risky migration strategy (van den Anker, 2007). Of course in some cases, especially in trafficking of minors, there may not be such agency. Interviews with migrants who had their human rights violated showed that in some cases all three elements of the trafficking definition were present; that is, recruitment and transportation, force or deception, and exploitation at the point of arrival. Yet other cases of forced labour and exploitation where there was no clear link between recruiters and exploiters were no less unjust (MRCI, 2007). These findings motivated us to attempt in this book to grasp the complexity of human rights violations of migrants beyond the niche of narrow conceptions of trafficking.

In the exchange of work at joint workshops and in panels at larger conferences we further discovered that steps towards increased codification of migrant rights, better enforcement and more activist claiming of migrant rights were all limited by the lack of understanding of the barriers to accessibility of human rights for migrants. The condition of deportability, the xenophobic environment and the lack of awareness of their rights among migrants require rethinking of the values underpinning approaches to making migrant rights accessible. In this book we do this by engaging with migration regimes, labour rights, human rights, global citizenship and hospitality as arenas of contest for social change. In the remainder of this introduction we will discuss the development of the wider debate around trafficking and migrant exploitation and list the main argument of each chapter.

Human trafficking draws attention

Human trafficking is high on many agendas. By 2010 it had evolved from a poorly funded women’s rights non-governmental organization (NGO) issue in the late 1980s into a global concern affecting every level of politics. Many academics now call themselves ‘experts’ on trafficking (O’Connell Davidson and Anderson, 2006) and students increasingly write on the subject. Large conferences are organized around the theme and new publications appear on many aspects of trafficking, regional particularities and analytical and normative approaches to the topic. Increasingly, small local NGOs as well as well-known international NGOs are working in the field of victim support, lobbying and public awareness-raising. They now get inundated by requests for information by academics, media and filmmakers. Films on the subject are used for further informing a wider public, for example with Lilya 4ever, Ghosts or Sex trafficking. The wider public is indeed becoming both better informed and more committed to action. However, public opinion is frequently running ahead of theoretical understanding and factual evidence. There are now several
analytical approaches to trafficking, yet there are also still many limits to our understanding. Moreover, valuable insights in academic discourse do not spread widely and clusters of expert opinion on root causes like patriarchy, xenophobia and global inequality do not easily translate into impacting the public perception of trafficking as an issue of sex and crime (van den Anker, 2008).

Policy responses by international organizations and individual governments have resulted in a wealth of documents and fora for discussion while at the same time failing so far to make a big difference to many trafficked persons (Anti-Trafficking Monitoring Group, 2010). Problems reported include lack of identification of trafficked persons by relevant officers, treatment as ‘immigration criminals’ instead of victims of human rights violations, deportation and re-trafficking. Even with the recent European Convention which specifies standards for victim support, in practice there is a lot of variation in experiences of assistance due to diverse interpretations of requirements and eligibility as well as ignorance. Although police forces and other statutory agencies have increased their understanding of the issue, an integrated approach is lacking and in many countries existing support is stereotyping trafficked persons as ‘victims’ instead of recognizing agency. The worst outcome of the recent progress in putting trafficking on the agenda is that a category of ‘deserving victims’ (‘who were enslaved against their will’ in a commonly used phrase) is used to contrast with the ‘migration criminal’ or ‘illegal immigrant’ who is undeserving of support. In our recent research we found that these categories are extremely unhelpful and many people’s stories do not fit neatly into categories of trafficked, smuggled or undocumented migrant (van Liempt, 2007). Some migration theorists (Anderson, 2008) conclude therefore that the term trafficking is no longer useful and that the anti-trafficking movement hinders the fight for migrant rights. Here we try to show that trafficking may be a lens on other forms of human rights violations of migrants and that with active efforts the public can be made aware of this. Moreover, by working in coalition between groups campaigning for women’s rights, migrant rights and human rights, anti-trafficking claims can link in with wider campaigns for an end to violence against women, sanctuary and regularization of undocumented migrants, and better protection of the right to decent work. Recent international documents on trafficking call for long-term prevention, local responses and partnership working (European Convention, 2005). These are, however, hard to implement as long as there are such deeply contested approaches and policy responses to trafficking; these debates are situated within the wider politics of human rights for migrants and are also related to the contestation of the concept of trafficking itself.

What is human trafficking for forced labour?

Human trafficking is often classified as a form of contemporary slavery. The commemorations and celebrations in 2007 to mark the 200 years since the
abolition of the slave trade in the UK provided a vehicle for the growing attention to trafficking (van den Anker, 2007). A detailed comparison between slavery during the Transatlantic slave trade and contemporary forms of slavery was first made by Kevin Bales (2005) and has been added to by Joel Quirk (2008). Bales shows that where the main feature of slavery used to be ownership of another person, slave labour nowadays is defined as work without pay under the threat of violence. Whereas for a long time it was generally assumed that slavery had been abolished in 1807, it is now clear that there are various contemporary forms of slavery. Some theorists argue that these have been intensified by the processes of globalization (van den Anker, 2004) while others view them as historical instances of the same unavoidable pressures of the economic system (Munck, 2010).

Forced labour is equally a term we know from historical usage of prisoners of war or of people under dictatorships. The term has been reintroduced for emphasis of trafficking in industries other than the sex industry. Human trafficking is therefore not only something new, it is also a highly contested, imprecise and ill-defined term. Many different definitions of trafficking have circulated, with much confusion as to what exactly is meant by it. Salt and Hogarh (2000) found 20 different terms in a literature review of trafficking before the entry into force in December 2003 of the United Nations Convention against Transnational Organized Crime and its Protocol on trafficking in persons officially put an end to this analytical confusion. However, in practice it is still often not clear what is meant when the term trafficking is used. There are different conceptions in different countries, but also between stakeholders in counter-trafficking, and in places there are a lot of negative side-effects to how the term is used. Above, we mentioned trafficked persons depicted as victims without agency having resulted in patronizing programmes of victim support (Nanu, 2010); yet there are also more life-threatening issues with stigmatization of former sex workers, deportation with resulting violence, re-trafficking to escape mindless jobs in International Organization for Migration (IOM) return programmes and lack of witness protection in cases where trafficked persons decide to cooperate with the police against their traffickers (Hopkins, 2005).

**Trafficking viewed as a security threat**

The most important change in how trafficking was discussed before and after the Palermo Protocols\(^1\) is the direct link that is nowadays made between trafficking and security threats. Illustrative of this is the fact that the Protocols in which trafficking and smuggling are defined is part of the UN Convention against Transnational Organized Crime. The purpose of this Convention is to promote interstate cooperation in the combating of transnational organized crime. The Protocols were not designed as a human rights instrument but rather to prosecute smugglers and traffickers. The security framework in which
smuggling and trafficking is discussed probably accounts for the high number of countries which have signed up to the Protocols (117 as of June 2011 for the Protocol on Trafficking; 112 for the Protocol on Smuggling): states are eager to invest in fighting crime as the resulting measures strengthen police powers and fit in with the governmental discourse on crime control.

Although this powerful discourse is legitimizing stricter border controls in the name of fighting crime, very little is known about who the traffickers really are and why trafficking takes place. Moreover, research shows that trafficked migrants are not helped by this security focus. Under the pretext of ‘rescuing’ victims, migrants are often sent back to the country they had good reason to leave (Sharma, 2003), or they are allowed to stay in the country of destination but without being allowed access to their rights and can end up in conditions that violate their human rights. The focus on crime and security is completely overshadowing the role of the state as a protector of human rights when it comes to smuggling and trafficking (Ruggiero, 1997; Kyle and Dale, 2001; Anderson, 2008).

**Does movement matter when discussing trafficking?**

The Palermo Protocols differentiate smuggling from trafficking by emphasizing that with trafficking no international borders have to be crossed, whereas with smuggling it is the crossing of a border illegally that makes smuggling a crime (van Liempt, 2006). However, according to the Protocols some kind of movement needs to have taken place with trafficking. This raises the question of whether somebody should necessarily be moved before their exploitation can be discussed. Some scholars have argued for getting rid of the mobility aspect and focusing on the exploitation instead (Anderson, 2008). Again this raises the question whether we should use the term trafficking or focus instead on forced labour. On the other hand there are also forms of exploitation that are clearly linked to movement. By focusing on labour aspects only, aren’t we overlooking these types of exploitation? In Chapter 4 Doomernik argues that trafficking should be understood within the context of broader migration patterns and policies. Certain types of exploitation are clearly linked to migration and to the limited access to resident or even citizenship status. Some scholars have talked about the migration-trafficking nexus in both regular as well as irregular types of migration (Skeldon, 2000; Piper, 2005). As Khosravi shows in Chapter 3, there are all sorts of factors that contribute to the exploitation and abuse of migrant workers, especially those who work in the informal economy.

Another difficulty with the current definition of trafficking is that where there is no clear link between the movers and exploiters, people who move and get exploited are left out of trafficking protection schemes. Owing probably to the security framework and the attention that is put on organized crime, there is a strong assumption that smuggling and trafficking
organizations are highly organized mafia-type organizations that transport people from A to B. In reality, however, migrants are often dependent on many different people who are not necessarily all connected. Research shows that in smuggling as well as in trafficking, small-scale organizations are often far more involved than large-scale organizations (Chin, 1999; Spener, 2004; Staring et al., 2005). The person who moves somebody is not therefore necessarily linked to the exploitation that can take place at a later stage.

**How free or forced are migrants when they have to travel in irregular ways?**

Smuggling and trafficking are also differentiated by the fact that smuggling is something voluntary and trafficking is not. It must be said, however, that the most progressive part of the UN Protocols is the fact that coercion is at the centre of the new definition of trafficking. In the run towards a commonly agreed definition there have been intense discussions on the definition of consent (Doezema, 2000, 2002; Kempadoo, 2005). The anti-prostitution lobby argued that consenting to prostitution is impossible in itself. In the end, coercion prevailed, so consenting to prostitution alone is not enough for someone to be called a victim of trafficking. However, the forced/voluntary dichotomy that resulted is obscuring the fact that there is often very little choice and a lot of risk inherent in irregular migration processes. Smuggling is considered something voluntary to which migrants have consented, but in reality something that started off voluntarily may end up seriously violating human rights. Smuggling as such may turn into trafficking (Morrison, 1998; Gallagher, 2001; Lee, 2005; van Liempt, 2006), for example when a smuggled migrant gets dumped somewhere along the route, robbed, raped and/or is forced to work in conditions of slavery to earn money to finance the rest of the trip. However, if the exploiter is not linked to the smuggling or trafficking organization the concept of trafficking is not applied in the current framework, leaving many human rights violations undiscovered.

The static forced/voluntary thinking underlying smuggling/trafficking can have severe consequences for migrants. For example, it often happens that migrants with few mobility opportunities are identified as ‘criminals’, along with their smugglers, whereas they are actually in need of protection and should be considered ‘victims’. The fact that they actively choose to let themselves be smuggled is seen as a criminal act by some immigration officers, as well as by the general public. In this case the means have become more important than the motives of migration in deciding who deserves protection. Criminalization of migration has huge consequences for migrants and takes attention away from the human rights violations that are taking place. The criminal context also makes it difficult for non-governmental organizations (NGOs) to do their work. In some countries providing help to
‘illegal’ immigrants is considered a crime, such that NGO workers could face a prison term for carrying out their work.

In this book we argue that it is important to take the wider context of trafficking into account and that it is important to acknowledge that many people nowadays have limited mobility options. Within irregular migration processes high risks are taken and people often have little choice. Smugglers and traffickers are sometimes seen by migrants as those who offer alternatives to restricted legal forms of migration. Within this context it is very difficult to talk about migration undertaken freely or through force.

**Trafficking and the overshadowing link to prostitution**

Another important confusion when it comes to trafficking concerns prostitution. There is a long history of focusing on sex work when trafficking is discussed and this has resulted in very little understanding of trafficking in other sectors. Some countries have only recently widened their definition. In the Netherlands, for example, only since 2005 has exploitation in other sectors been counted as trafficking. But notwithstanding the fact that the UN Protocol on trafficking and other international instruments recognize that 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 focus in the current paradigm. There is evidence that trafficking also exists in other sectors, such as domestic work, construction and agriculture (Anderson, 2004; Sharma, 2006; Anti-Slavery, 2006). So far, however, the numbers of known victims of forced labour are very low. This is partly because of difficulties with registering, but also a clear result of the long history of focusing on prostitution. NGOs working in the field of trafficking have a strong tradition of working with prostitutes, not with agricultural or construction workers etc. It will take time before an infrastructure is set up that deals adequately with victims of trafficking in sectors aside from prostitution.

**Trafficking a women’s issue?**

The single focus on sex work has not only obscured other forms of trafficking, it also has had consequences for the gendered understanding of trafficking as a women’s issue (van Liempt, 2011). Because of its link with prostitution, trafficking is sometimes equated with female and child migration. Indeed the Protocol on trafficking refers explicitly to women and children. Relatively little is known about the experiences of men. Some authors point out that there are structural conditions conducive to sex trafficking and trafficking of women for labour; for example the feminization of poverty, repressive regimes that restrict women’s possibilities and the emergence of extensive sex markets. On the other hand, masculine constructions put pressure on men to provide for their families and also position them as the one to travel
for work rather than the females in the household. Moreover, in cases of exploitation men are trained to endure and may therefore carry more shame for being victimized and, as a result, resist identifying themselves as victims. However, it is also important to point out another side-effect of treating trafficking as a women’s issue. Female migration is often associated with exploitation, which reproduces the idea that to prevent trafficking women should be advised not to migrate; that they are better off at home than leaving and getting into trouble. Some countries (e.g. Bangladesh, Myanmar (Burma), Nepal) have even prohibited women from migrating because of the fear that they will end up in trouble. Gendered conceptions of agency expect men to encounter and overcome trouble but women may be damaged by it. Critics have argued that anti-trafficking measures have been used not so much to protect women from exploitation but to police, punish and racialize female migrants (Kapur, 2002; Chapkis, 2003; Sharma, 2005).

The confusing term of exploitation

Last but not least the definition of trafficking is difficult to apply in practice because a clear definition of exploitation is not available. By adopting a wider approach and taking into account the situation of migrants in the countries from which they come, it also becomes clear that there are different levels of exploitation that need to be considered. Sometimes migrants need smugglers/traffickers to escape from horrific situations at home. In Chapter 2 Cezara Nanu shows that human rights violations do not only take place en route and upon arrival, but may very well be a root cause for trafficking. Moreover, when trafficking is solely linked to prostitution, normative assumptions are easily made about how exploitative prostitution is in itself. It often happens that migrant prostitutes are identified as victims of trafficking just because they are migrants and prostitutes. However, when trafficking in other sectors is discussed it becomes clear that there is no clear definition of exploitation. The International Labour Organization’s framework of forced labour is useful for clarifying what we are actually talking about. It also makes it possible to treat prostitution, along with other types of paid activity, as work.

What will happen if a clear definition of exploitation is established? It is feared that too many applications for protection schemes will be made when ‘ordinary’ migrants who are exploited are able to apply. Some legal developments are aimed at strengthening forced labour as a separate crime in national law. Yet very few cases of trafficking for forced labour have so far been to court. On the one hand this results from a lack of experience with such cases on the part of lawyers and NGOs working in the field of trafficking. On the other hand research shows there to be a lack of political will to implement existing legal provisions against forced labour, as exploitation of migrant workers keeps whole industries from collapsing. With consumers looking for cheap products, producers prioritize savings in labour costs rather than profit margins.
A critical stance also needs to be taken towards the lack of adequate protection offered to victims of forced labour. As a result of the security framework in which trafficking is discussed, cooperation with the police is required before a victim of trafficking can get access to protection. Fear of making themselves public and eventually fear of deportation may be a more important cause for the few cases currently reaching court. It is not clear what will happen to these migrants once they are defined as victims of trafficking, nor what support they will be offered. In Chapter 9 Monika Szulecka discusses the issue of defining exploitation in her contribution on Vietnamese migrants who work in the Polish economy.

Contributions to the book

All the chapters in this book illustrate the serious drawbacks of a narrow understanding of the concept of trafficking in human beings. In various forms and through various approaches they show the importance of recognizing in particular the wider context of human rights for migrants in addressing trafficking for forced labour. Moreover, connections are shown between forced labour, exploitation of migrants and the inaccessibility of human rights beyond the subset of human rights violations in cases of trafficking. The contributions are written by academics, consultants and NGOs who have detailed expertise in the field. This includes in-depth knowledge of the context from which migrants leave and the vulnerabilities at the end of the migration trajectory, as well as the wider overall (irregular) migration process along the way. In order to capture this wider approach the chapters of this book bring together a variety of approaches and are written from multiple disciplinary angles, including migration studies, anthropology, cultural studies, politics, theology, criminology, sociology, law and geography. Moreover, the book represents expertise from 11 countries including Belgium, the Czech Republic, Germany, Ireland, Kosovo, Moldova, The Netherlands, Poland, Sweden, the UK and the USA.

Although each chapter presents its own argument, the main argument advanced throughout the book is that trafficking for sexual exploitation forms a niche in the area of trafficking for forced labour which in itself must be seen in the wider context of migration and human rights violations. This has wide implications for policy-making and human rights organizations. In this book we distinguish three approaches to trafficking which will be discussed in three separate parts: those focusing on the issue of migration, those focusing on labour rights and those focusing on the accessibility of human and citizenship rights. Our research has shown that each of these regimes constrain migrants’ access to their rights; moreover, the overlapping impact of these complex and restrictive regimes, combined with a lack of knowledge of their rights, puts migrants in a position that is vulnerable to exploitation and injustice.
Part I of the book illustrates the overlap between trafficking and the exploitation of undocumented migrants. The first two chapters specifically elaborate on the context in Kosovo and Moldova respectively and discuss root causes for trafficking, such as conflict, transition, poverty, unemployment, a young population and patriarchal traditions. Bronwyn Jones and Tihana Leko show that trafficking in human beings into and out of Kosovo was effected by the opportunities that the lawless post-conflict period provided. They conclude that despite the introduction of specific counter-trafficking legislation following the Palermo Protocols, implementation is hindered by lack of political will and lack of effective cooperation in providing witness protection to support law enforcement measures.

Cezara Nanu in her chapter on Moldova specifically focuses on the position of women in former Soviet Union countries and how this is linked to trafficking. She argues that the strong patriarchal society creates an incentive for women to migrate, trains women to endure male domination and teaches them to develop survival strategies which help them to adapt in new situations. Yet, the chapter shows that the legacies of the former Soviet Union on women’s rights is more complex than represented by the media in stories of Olga’s and Natasha’s as victims.

In Chapter 3 Shahram Khosravi then shows how migrant ‘illegality’ is experienced in the Swedish context. How do ‘illegal’ migrants manage work, housing, healthcare, safety and a family life in the absence of access to formal provisions? What are their survival strategies? He concludes that undocumented migrants are not excluded but are excepted; they have not been thrown out, but neither are they considered participants. Undocumented migrants are included in society without being recognized as members.

In Part II on immigration approaches to trafficking and migrant exploitation, Jeroen Doomernik points out that the challenge in the trafficking debate in Western Europe is to prioritize the protection of victims over the desire to combat irregular migration. He argues that trafficking should be understood within the context of broader migration patterns and policies and that restrictive migration policy makes migrants especially vulnerable to trafficking. He concludes that current migration regimes imply serious dilemmas when it comes to the protection of migrants’ human rights.

Gily Coene adds a new dimension to this debate by arguing that the complex reality of irregular residence has often been ignored in debates about migration. She argues that the debate is centred on a dichotomy of open or closed borders. In Chapter 5 she therefore confronts the migration debate with the particular case of regularization in Belgium. She explores the basis on which the normative principles of the state can be considered responsible in granting lawful residence to irregular or undocumented migrants. Coene suggests an alternative approach to the classical liberal-communitarian debate on the ethics of migration, inspired by Philip Pettit’s conception of freedom as non-domination (Pettit, 1999) and Robert Goodin’s argument
that we have special responsibilities to persons who are vulnerable to our actions and choices (Goodin, 1985). In Chapter 6 Maria Teresa Herrera Vivar then focuses on the connection between domestic work and vulnerability to exploitation and trafficking. She examines how in Germany welfare, gender and migration regimes help produce types of labour that are vulnerable to exploitation.

Part III of the book focuses on labour rights and starts with a chapter written by Deirdre Coghlan and Gillian Wylie on trafficking in Ireland. Their empirical research reveals a ‘continuum of exploitation’ from deception, coercion and exploitation associated with trafficking in its legally defined form through to degrees of exploitation and unacceptable working conditions to regular employment (see also Skrivankova, 2010). The authors explain that such a continuum can exist because of contradictions that arise when states attempt to restrict migration, labour demands are increasing and employment rights are not enforced. In Chapter 7 knowledge production around trafficking is central to Madeleine Hulting’s theme. Based on interviews with Swedish stakeholders in the field of trafficking, Hulting argues that the lack of knowledge and absence of research on trafficking for labour exploitation arises from an institutional bias. She recommends that this bias can only be overcome when a wider perspective is taken when addressing trafficking and all forms of migrant abuse are highlighted, even when there is no transport or recruitment linked to it.

In the last section contributors explore the trafficking debate from a human rights perspective. David Weissbrodt and Stephen Meili in Chapter 10 describe the principal international agreements governing the human rights of trafficked persons. They ask the question whether these agreements have been successful in fully protecting trafficked persons and how the global community as well as individual countries can uphold their human rights. In her chapter, Christien van den Anker continues the argument that trafficked persons often do not receive the support they are promised in national action plans and/or in international law. She questions the accessibility of human rights by migrants and argues that an ethic of hospitality is required to underpin the recognition necessary for effective accessibility of human rights. In Chapter 12 Blanka Hancilova and Petra Burčíková argue that the debate on human trafficking has failed in various ways to incorporate the safeguarding of human rights. They explore the discourses that have informed the definition of and the debates on trafficking in human beings. They conclude that the discourses on (i) organized crime/irregular migration, (ii) prostitution and (iii) forced labour/labour exploitation have failed in varying degrees to incorporate the safeguarding of human rights. As a result, the identification of trafficked persons is shaped by conflicting agendas, where prevention of irregular migration often overrides human rights and humanitarian concerns. The chapter concludes that the contradictions surrounding trafficking in human beings are functional inasmuch that they obscure some
important political and policy choices and that more needs to be done in order to further the human rights agenda in trafficking in human beings.

Finally, the editors’ conclusion sums up the strands of the overall argument of this book and points out that the wider context of creating accessible human rights for migrants will enhance the protection of all migrants’ rights, not only trafficked persons.

Endnote

1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

References


Index

Abolitionist 36, 231, 232, 233
Abolition of the slave trade 4
Accessibility of migrant rights 208, 211, 212
Admission policies 80, 91, 93, 103
Agency 2, 4, 8, 38, 40, 78, 79, 98, 109, 118, 119, 120, 134, 166, 172, 174, 178, 183, 232, 233
Arendt, Hannah 96, 97, 217
Assistance providers 233
Asylum seekers 46, 48, 55, 57, 59, 60, 71, 72, 73, 82, 84, 89, 90, 93, 98, 100, 103, 111, 114, 134, 136, 151, 210, 217, 239
Au pair 109, 117, 118
Awareness campaigns 24, 38, 164, 184, 196

Bales, Kevin 4
Belgium 9, 10, 89, 91, 100, 103, 236
Borders 1, 5, 10, 32, 46, 70, 71, 72, 79, 80, 83, 91, 103, 108, 129, 134, 136, 139, 153, 161, 163, 174, 184, 185, 195, 201, 211, 213, 219, 228, 236
Bridging visa 139

Care (ethics of) 94, 96
CATW 232
Child labour 24, 32, 196
Citizenship 2, 5, 9, 29, 55, 90, 91, 93, 95, 96, 98, 138, 142, 153, 195, 197, 208, 211, 212, 214, 216, 220
Civil and Political rights 2, 32, 35, 208
Coercion 6, 11, 20, 28, 77, 118, 130, 134, 140, 148, 163, 165, 193, 196, 226, 229, 235, 236, 246
Co-ethnic solidarity 54, 171, 179, 183
Communities 24, 25, 50, 55, 78, 91, 93, 98, 104, 169, 180, 182, 214, 215, 217
Communitarianism 9, 93, 102

Compensation 94, 197, 201
Condition of deportability 2, 3, 47, 61, 210, 220, 247
Conflict 10, 17, 18, 23, 32, 34, 102, 167, 196
Consent 6, 20, 79, 118, 119, 163, 164, 172, 195, 196, 226, 231, 235
Continuum of exploitation 11, 131, 140, 247
Control 20, 58, 62, 71, 72, 78, 89, 116, 120, 133, 137, 147, 148, 152, 155, 158, 226
Convention on the Elimination of All forms of Discrimination Against Women 34, 195
Convention on the Rights of Migrants and their Families 1991 208
Cosmopolitanism 96, 185, 208, 211, 213, 217, 247
Council of Europe Convention on Action Against Trafficking in Human Beings 3, 28, 36, 129, 136, 194, 196, 197, 208
Country of origin 71, 91, 93, 97, 99, 100, 103, 105, 110, 111, 119, 138, 153, 161, 204, 220
Crime 1, 3, 5, 7, 20, 22, 72, 75, 76, 79, 90, 129, 135, 147, 148, 150, 154, 159, 166, 193, 224, 226, 229, 233
Criminalization 6, 47, 52, 76, 77, 79, 84, 108, 129, 134, 163, 172, 233, 236, 238
Culture of disbelief 136, 209, 216, 220

Data 24, 25, 36, 99, 113, 130, 132, 146, 149, 151, 152, 156, 165
Debt bondage 111, 148, 152, 153, 154, 155, 170, 176, 180, 182, 183
Decent work 3, 119, 142, 172
Deception 2, 11, 20, 28, 111, 130, 134, 140, 148, 165, 173, 175, 176, 179, 181, 184, 210
Deportation 3, 4, 5, 9, 21, 47, 49, 52, 57, 99, 118, 137, 148, 151,

248
Index

152, 168, 178, 198, 199, 210, 215, 217

Destination countries 83, 114

Detention 32, 47, 57, 74, 76, 81, 96, 101, 168, 174, 177, 178, 182, 199, 210

Diaspora 17

Discrimination (see also: exclusion) 22, 32, 33, 36, 38, 58, 94, 197, 232

Domestic violence 32, 33, 35, 38, 39, 43, 246

Domestic workers see Migrant Domestic Workers

Dublin Convention 1997 60, 74, 212

Duties across borders 185

Economic, Social and Cultural Rights 32, 33, 34, 41

Emancipation 29

Employer fine 74, 75

Esping-Andersen 114, 115

Ethnic minorities 18, 22, 33

Ethnic solidarity 54

Ethnography 46, 47, 61, 62, 79

EU Directive on Trafficking in Human Beings 209

EURODAC 72, 74

European Convention on Human Rights 97

Exclusion (see also: discrimination) 29, 46, 57, 62, 75, 76, 84, 89, 98, 138, 209, 210, 211, 214, 244, 247

Exploitation 1, 5, 6, 8, 9, 10, 11, 46, 78, 84, 93, 104, 108, 109, 111, 117, 120, 133, 139, 140, 152, 158, 161, 162, 163, 164, 165, 166, 171, 172, 173, 176, 181, 182, 193, 209, 210, 224

Expulsion, see deportation

False promises 153

Family reunification 83, 89, 99, 100

Feminization of poverty 7

Feminization of migration 116

Forced labour 1, 4, 5, 8, 18, 20, 30, 36, 108, 112, 130, 141, 145, 147, 150, 151, 152, 154, 157, 159, 164, 166, 170, 171, 180, 182, 184, 193, 195, 209, 210, 224, 229, 233, 237, 246, 247

Fraud 20, 59, 135, 147, 176

FRONTEX 73

GAATW 229, 232

Gender 7, 8, 11, 29, 30, 33, 34, 37, 40, 42, 50, 55, 78, 104, 108, 114, 117, 119, 148, 195, 201, 233

Geneva Convention on the Status of Refugees 72, 73, 80, 93, 97

Germany 9, 11, 40, 72, 73, 75, 83, 109, 110, 111, 114, 116, 161

Global citizenship 2, 207, 211, 212, 214, 216, 218, 220

Global inequality 3, 40, 114

Globalization 4, 80, 98

Guest workers 71, 83

Healthcare 1, 10, 33, 43, 46, 47, 55, 56, 61, 75, 76, 97, 99, 101, 149, 208, 210, 217, 246

Hospitality 2, 11, 207, 210, 211, 215, 216, 218, 221, 247

Housing 10, 21, 46, 54, 55, 75, 76, 99, 196, 208, 210, 246

Human rights 1, 5, 6, 8, 9, 10, 21, 28, 31, 35, 41, 42, 43, 58, 60, 83, 84, 89, 91, 93, 62, 75, 96, 104, 108, 113, 129, 133, 134, 140, 153, 159, 163, 170, 172, 185, 193, 194, 198, 206, 224, 225

Identification of victims of trafficking 20, 226

Immigration processes 6, 9, 69, 80, 103, 162

Inclusion (See also: social inclusion) 34, 39, 58, 62

Informal economy 5, 50, 54, 61, 80, 157, 162, 163

Institutional bias 1, 11, 146, 147

International Labour Organization 8, 24, 52, 141, 168, 199, 234, 235

International Organization for Migration 4, 22, 38, 199, 238

Ireland 9, 11, 129, 130, 138, 209, 210, 246

Khosravi, Shahram 5, 10, 153, 208, 209, 215, 217, 218, 228, 230

Kosovo 9, 10, 17, 24, 246

Labour market 33, 46, 50, 52, 54, 61, 62, 69, 71, 74, 78, 103, 114, 116, 118, 138, 140, 141, 150, 159, 162, 171, 183, 236, 237, 246
Unemployment  10, 18, 30, 115, 173, 195, 201, 204, 236
United Nations Development Fund For (UNIFEM) 34
Universal Declaration of Human Rights  28, 58, 60, 193, 195, 208, 234
UNDOC  193, 194, 196, 199, 226, 230, 234
Victims  1, 3, 4, 6, 8, 10, 19, 20, 21, 25, 35, 78, 82, 84, 109, 111, 114, 129, 131, 134, 146, 148, 150, 154, 157, 162, 163, 176, 185, 193, 194, 196, 198, 202, 204, 226, 234
Victimization  6, 31, 35, 38, 39, 42, 78
Victim support  2, 4, 10, 21, 22, 36, 129, 200
Vienna Declaration 1993  208
Vietnamese  9, 161, 165, 166, 168, 170, 175, 180
Violence  1, 4, 19, 32, 35, 39, 43, 59, 61, 92, 117, 130, 132, 140, 149, 165, 216, 232
Violence Against Women (see also: domestic violence)  3, 35, 39, 232
Visa  72, 73, 74, 89, 100, 139, 161, 169, 172
Welfare state  61, 69, 70, 75, 82, 92, 109, 114, 115, 119, 209, 214
Witness protection  4, 10, 19, 22, 25, 209
Women’s Rights  2, 7, 28, 29, 31, 33, 34, 36, 38, 40, 41, 43, 230, 246
Xenophobia  2, 3, 80, 218, 220