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# **Combating the inevitable?**

**Europe's need for better policies and strategies to prevent  
the ever increasing numbers in human trafficking**

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## CONTENT

Introduction .....	3
Defining Human Trafficking.....	4
The Three Stages of the Trafficking Process .....	5
Migration policies .....	7
A Question of Security.....	8
A Case for Open Borders .....	9
Identifying Trafficked Persons and Perpetrators.....	10
The Border Problem.....	11
Awareness Raising Campaigns.....	12
Human Trafficking for Sexual Exploitation.....	13
The Feminist Approach to Human Trafficking .....	13
Sweden’s Kvinnofrid Act.....	14
The Netherlands’ legalisation of prostitution.....	17
Prosecuting Traffickers and Assisting Victims .....	19
Changing the Demand Side of Human Trafficking.....	20
Conclusion.....	21

*People were created to be loved.*

*Things were created to be used.*

*The reason why the world is in chaos,*

*is because things are being loved,*

*and people are being used.*

- anonymous

## **Introduction**

In the last two decades Europe has witnessed and experienced immense changes on the political, social and economic level. The end of the Cold War in 1989, the dissolution of the Soviet Union in 1991, and the formal establishment of the European Union (EU) in 1993 have played an integral role in these changes. Central and Eastern European (CEE) states have widely undergone a political shift from Communism to liberal democracy, as well as a restructuring from planned to market economies. Additionally, ten of these countries have been acceded to the European Union since 2004. Yet, the post-1989 era has certainly not been one of development and success for everyone in Europe. While the borders in Central and Eastern Europe became more permeable, the region was greatly affected by staggering economies and high unemployment rates, which have simultaneously facilitated the rise in human trafficking in general and of women and children for prostitution in particular.

The purpose of this study is to outline some of the measures taken by member states of the European Union to counter-act the current influx of irregular migrants and to combat the growing numbers in trafficking cases. Yet, the implemented laws and initiatives often increase the vulnerability of irregular migrants in general and trafficked persons in particular. In order to support this argument a closer look at European migration policies with specific reference to border

security, the laws on prostitution, the prosecution of traffickers and assistance given to victims of trafficking, will be provided. Finally, the question, whether revising current European policies can optimise the prevention of human trafficking, or if the European community is indeed trying to combat the inevitable, will be raised.

## **Defining Human Trafficking**

Human trafficking is often referred to as modern day slavery or white slavery. It currently ranks among the top three criminal activities along with drug trafficking and illegal arms trade. Its annual global profit margin is estimated to be anywhere between 8.5 billion and 18.8 billion euros (Berman 2003:38; IOM 2007; Ripperger 2008). Bales (1999:8) argues that there are currently 27 million slaves, while noting that other sources suggest numbers as high as 200 million. In addition to this it is estimated that each year around 500,000 to four million people are trafficked worldwide (IOM 2007, Lobasz 2009:324). Methods employed by traffickers may include deception in form of lucrative job promises, pressure by means of threat and violence towards the individuals or their families, or kidnapping. Upon arrival at their destination, either within or without their country of origin, trafficked persons are exploited in various forms ranging from forced labour, debt bondage, serfdom to forced marriage, and in a variety of industries, such as sweatshops, agriculture, construction, domestic work and the sex industry.

According to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000), which has to date been signed or ratified by 117 parties, including the European Union:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or

of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(UNODC 2004: 42)

Ilkka Laitinen (2010), the current Executive Director of Frontex<sup>1</sup>, claims that at present - with the data available to his agency - there is an estimated eight million irregular migrants residing in the European Union. This number also includes approximately 500,000 women<sup>2</sup> who are victims of trafficking (Demir 2003: 6). Others might have used the help of smugglers to illegally cross the borders, or have simply overstayed their visas. Their irregularity, however, also puts them in a vulnerable position in which they are frequently subjected to exploitative working conditions similar to those mentioned in the UN Protocol.

### **The Three Stages of the Trafficking Process**

La Strada International - European Network against Trafficking in Human Beings asserts that the origins of human trafficking can easily be identified by taking a closer look at the three stages of the trafficking process (LSI 2011).

At the first stage - the country of origin - the social, political and economic conditions of both the individual and the state serve as so-called push factors. In particular since the early 1990s the unemployment rates in CEE countries have increased dramatically, with those of women being

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<sup>1</sup> The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

<sup>2</sup> There are no estimates for the total number of trafficking victims in the European Union for most of the available and conducted research focuses on trafficking of women and children for the purpose of sexual exploitation.

significantly higher. This aspect in combination with traditional social structures and gender roles, as well as political instability makes people and especially women more susceptible to discrimination and poverty. Thus they are often left with only one option, that is to seek employment in the informal and unregulated sector - both inside and outside of their country of origin.

The second stage is the immigration process. In order to halt the growing number of immigrants, states have made their external borders increasingly impermeable by introducing stricter migration policies. This, however, results in men and women being less able to migrate legally and find employment in the regulated sector.

At the same time there are pull factors in destination countries, which represent the third stage of the trafficking process. Most significantly, there is a constant demand for cheap labour in formal and regulated employment sectors such as construction and agriculture, as well as in informal and unregulated sectors such as domestic labour, childcare, and the entertainment and sex industry. Therefore, human trafficking becomes an integral part of the labour market, especially when the demands of the industry need to be met by alternative sources of labour supply.

<b>The Three Stages of Trafficking</b>		
<b>Stage I</b>	<b>Stage II</b>	<b>Stage III</b>
Country of origin	Immigration process	Country of destination
push factors: high unemployment rates, traditional social structures, gender roles, political instability	less permeable borders, strict migration policies	pull factors: demand for cheap labour in formal and informal employment sectors

## Migration policies

Trafficking in human beings is not a new phenomenon and international treaties like the *Agreement for The Suppression of the 'White Slave Traffic'* (1904), the *International Convention for the Suppression of the "White Slave Traffic"* (1910), as well as the *International Convention for the Suppression of the Traffic in Women of Full Age* (1933), confirm that the subject has been on the political agenda since the early 1900s.

In more recent years the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (2000) has outlined some of the core principles to combat human trafficking as the following: (a) preventative measures<sup>3</sup>, (b) criminalisation<sup>4</sup>, and (c) protection and assistance for victims of trafficking<sup>5</sup> (UNODC 2004: 43-46). Additionally, article 11 of the protocol considers border measures as a counter trafficking strategy: “Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.” (UNODC 2004: 47). Thus, Edwards (2007: 18) notes, states have identified human trafficking as a form of migration. Demir (2003: 8) further writes that most states start their preventative measures at the point of entry, that is at the borders where they are able to sort legal from illegal migrants. As the European Commission puts it: “The prevention of and the fight against human trafficking is an essential element of the EU’s efforts to improve the checks and surveillance at the external borders and to enhance the fight against illegal immigration” (quoted in Lobasz 2009: 327).

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<sup>3</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 9 (UNODC 2004: 45-46).

<sup>4</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 5 (UNODC 2004: 43).

<sup>5</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Article 6 (UNODC 2004: 43).

### *A Question of Security*

The argument for stricter border controls as one of the core principles of anti-trafficking policies appears quite apt considering the aforementioned fact that since the borders in Central and Eastern Europe opened the numbers of trafficking victims and other irregular migrants from the region into Western Europe have increased dramatically. While human trafficking is recognised as a form of migration, international migration is simultaneously considered to be an integral element of threats to national and international security (Adamson 2006: 165-166), as well as to political stability, national values and global interests (Berman 2003: 50). For its potential to change the ethnic composition of a nation, international migration is believed to be able to undermine state sovereignty. Consequently, states may be unable to identify their citizens and to efficiently provide them with the benefits of the social welfare state (Hollifield 2004: 887). Furthermore, migrant residents are seen as having dual loyalties, which in times of war might contribute to internal threats to national security (Adamson 2006: 166-167). Border controls and migration policies thus serve to maintain state sovereignty. By providing a transparent guideline on whom to include and whom to exclude states are able to fulfil the social contract between them and their citizens, and by the same token preserve national security.

Within the European Union, people, goods and finance can travel without restrictions. This has led to a decline in state sovereignty and called for greater cooperation among its member states. While its internal borders have been removed, its external borders have been strengthened. According to Laitinen (2010) and Hollifield (2004: 886), states often find themselves in a liberal paradox: in order to increase their state power they have to allow migration for economic purposes, thus making the borders more permeable. On the other hand, there is a need for less permeable borders to stop irregular migration and criminal activities such as drug, arms and human trafficking.

### *A Case for Open Borders*

After the end of the Cold War, the Czech Republic became one of the most prominent arenas for human trafficking (IOM 2007). A variety of factors contributed to this development. Firstly, the opening of the borders between the West and the East facilitated migration and movements in general. Secondly, the country's geographic position has served and still does serve as a liminal space between the wealthier and poorer parts of Europe. Thirdly, socio-political and economic instabilities have denied many people their right to opportunity, which they were now forced to seek abroad, and hence frequently came in contact with criminal networks such as traffickers. The country's proximity to Germany and Austria, and its significantly lower prices for sexual and other services quickly attracted rising numbers of clientele. Over time, and especially after the accession to the European Union, the Czech Republic experienced economic growth and stability. This has additionally led to a shift from being a source country to also being a transit and destination country (IOM 2007).

The recent developments in the Czech Republic would therefore suggest that open borders might indeed be a solution for more effective anti-human trafficking strategies – although it is evident that the case of the Czech Republic is a very specific one where a variety of factors play a role, and hence it is difficult to isolate a single one. Nevertheless, there are good reasons to argue for open borders: Nett (1971: 218), for example, notes that the right to free movement is not just a basic right of all human beings but that it is also fundamental for human opportunity. He argues that this right would allow people to move away from political oppression and to seek employment in places where their labour is needed and where they could make a living. Carens (1987: 254) asserts that “[p]rohibiting people from entering a territory because they did not happen to be born there or otherwise gain the credentials of citizenship is no part of any state's legitimate mandate. The state has no right to restrict immigration.” Allowing people to travel freely across borders and to possibly also seek residence and employment without major restrictions would furthermore result in two

important factors which could help reduce the numbers of trafficking victims. Firstly, people who are employed outside their home countries are likely to send money in form of remittances back to their families and home communities. Brown (2006: 57) notes that this is particularly true for temporary workers, and that the money sent might play an essential role for development and economic growth in the receiving countries. Secondly, it could be argued that the elimination of borders will decrease the vulnerability of those already living in vulnerable conditions. They would not have to contact dubious middlemen to circumvent migration policies. Moreover, considering the high numbers of non-EU nationals who work as prostitutes in the European Union, open borders would also remove the illegality aspect of most trafficking victims and grant them the right to be protected under the laws that are so far only accessible by nationals.

Despite good (and idealistic) reasons for open borders, the actual consequences of such a concept are hard to predict. The aforementioned case of the Czech Republic offers a good example:

According to Jitka Gjuricova, the Director of the Czech Crime Prevention Department, the Czech Republic's accession into the borderless EU has, however, not prevented Czech women from being trafficked for sexual exploitation (Mastalir 2006). They are rather more likely to be sent to other European countries such as Italy, Sweden, the United Kingdom and the Netherlands. Additionally, girls and women from Moldova, Ukraine, Bulgaria and Romania are now trafficked into the Czech Republic to work in the sex industry.

## **Identifying Trafficked Persons and Perpetrators**

Human trafficking is a very complex phenomenon and has thus far proven to be resistant to less permeable borders as well as to open borders. There are a number of reasons for why the current measures to prevent human trafficking and other forms of criminal acts at the border are frequently

prone to fail. Most importantly, trafficked persons as well as perpetrators are often not identified as such.

### ***The Border Problem***

Due to their lack of training and expertise, border control officers and other law enforcement agents are frequently unable to differentiate between voluntary illegal entry through smuggling, and involuntary illegal entry, that is trafficking (Salt 2000: 40, Berman 2003: 45). Therefore, regardless of how they arrived at the borders irregular migrants, including victims of trafficking, are usually deported, while the perpetrators stay unpunished.

Traffickers generally work for transnational criminal networks that are well organised, internationally adaptable due to employing a variety of locals and nationals, being mobile and having well established trafficking routes (Salt 2000: 43). According to Laitinen (2010), they are also able to utilise the gaps in European migration policies to their own advantage. He concludes that

[i]ntegrated border management is just one part of a much larger problem that requires an overall strategy if we are to meet it. Intercepting illegal migrants or cross-border criminals is all very well, but if there is no coherent and uniform method of dealing with them afterwards in an efficient, effective and humane way, then effective border control is of little use.

Berman (2003: 42) adds that stricter immigration policies and border controls do not prevent human trafficking. They do, however, provide for greater opportunity for traffickers. People and especially women often find themselves in more vulnerable conditions in which they need the help of smugglers and traffickers to circumvent the laws of legal migration.

Once irregular migrants have crossed the border their circumstances may change significantly. While there are, of course, those who will find a low-paid job and make a life worth living, there are also those who will work in exploitative conditions.

### ***Awareness Raising Campaigns***

Once trafficked persons have crossed the borders they might blend into society and become less recognisable. Hence, countries like the Czech Republic have introduced a variety of awareness raising campaigns to find, identify and contact victims of trafficking. One example for this is the five-month long project called *Together Against Human Trafficking*, which was implemented by the International Organization for Migration (IOM) in collaboration with the Czech government, Caritas<sup>6</sup> and La Strada International<sup>7</sup> in 2007. The aim of this campaign was to raise awareness about trafficking for the purpose of sexual exploitation among the general public as well as clients of prostitutes. The latter are considered to be particularly crucial in identifying possible victims of trafficking as they are often the victims' only contact to the outside world and are therefore the only people who can help them to get out of their precarious situation (Balínová 2008). In order to reach out to the international community posters and handouts with the phrase "Don't be afraid to say it for her" were available in Czech, German and English at Prague Ruzyně International Airport, as well as train and underground stations, clubs and pubs, and at the borders throughout the Czech republic. During the course of the campaign IOM received 30 phone calls and 24 e-mails about potential cases of human trafficking.

Additionally La Strada offers a number of social services to those who have been trafficked or are at risk of being trafficked. They provide accommodation, financial and material aid, counselling, legal representation, and healthcare. They have further set up a multilingual helpline and education

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<sup>6</sup> Caritas is the welfare organisation of the Catholic Church, which provides various services and implements projects on a global and national scale.

<sup>7</sup> La Strada International (LSI) is European non-profit organisation specialising in human trafficking, particularly trafficking in women.

programmes for members of the community who might come in contact with trafficked persons and those at risk of human trafficking (La Strada CR 2011).

## **Human Trafficking for Sexual Exploitation**

The focal point of the remainder of this study will be on human trafficking of women into the European Union for the purpose of sexual exploitation - albeit there certainly are similar narratives that can be found in other employment sectors, which are not gender-based, or are a predominantly male domain.

Research conducted by the European Union (2001: 8) suggests that around 120,000 women and children are trafficked into the EU from CEE countries each year. An estimated 78 to 90 per cent of these women will be forced into prostitution (Err 2001, Batstone 2007: 6). The United Nations (2000) believes that there are 200,000 to 500,000 irregular migrants who work in the sex industry in the European Union, of which about two-thirds are from Eastern Europe and the remaining one-third from developing countries. In order to prevent the rising numbers in human trafficking for sexual exploitation, governments have to go beyond the issue of migration as a national security threat. Feminist activists have suggested that human trafficking is indeed a greater danger to human security than it is to national security and should therefore be prioritised (Lobasz 2009: 321). They argue that people who have been trafficked should be seen as victims and not as illegal immigrants or criminals. Yet, current state policies to prevent human trafficking are neither efficient nor do they protect people from human rights abuses. If anything they may actually facilitate the violation of the latter (Lobasz 2009: 322).

### ***The Feminist Approach to Human Trafficking***

States have been willing to adopt certain policies encouraged by feminist activists. There is, however, a major discrepancy among feminists when it comes to prostitution. On one end of the

spectrum are feminist abolitionists who think that prostitution should be abolished as it violates the human rights of women, and supports the exploitation of women for they believe that no sane woman would voluntarily work in this business. Overall they think that all prostitutes, both voluntary and involuntary are victims of human trafficking (Lobasz 2009: 334). Their argument of women being oppressed by men, however, is debatable for there are also men who can be 'booked' through escort agencies to service women. On the other side of the spectrum are the feminist critics of the abolitionists who advocate the legalisation and decriminalisation of prostitution.

As was the case with regards to migration policies, there is no unitary opinion among European governments on which approach is the most efficient one to combat and prevent human trafficking for sexual exploitation. Generally, however, it can be said that in all states but one - the exception being Armenia - which are neither a Western European country, nor a member of the European Union, prostitution is illegal. In only eight out of fifty European countries has prostitution been legalised and regulated, namely in Austria, Germany, Greece, Hungary, Latvia, the Netherlands, Switzerland and Turkey. In others prostitution is legal and unregulated, but brothels are illegal. Yet, in Sweden, Norway and Iceland it is not illegal to work as a prostitute even though it is illegal to offer someone else's services and to pay for these services, meaning that only procurers and clients, respectively, are punishable by law. In order to evaluate the efficiency of the feminist abolitionist and the feminist critics approach, a closer look at the policies on prostitution in Sweden and the Netherlands, respectively, will be provided in the following paragraphs.

### ***Sweden's Kvinnofrid Act***

In 1918 Sweden abolished regulated prostitution and on 1 January 1999 the government implemented the Kvinnofrid Act. The Swedish Ministries of Labour, Justice and Health, and Social Affairs described the reasons for and aims of the law as the following:

Prostitution is not a desirable social phenomenon. The government considers, however, that it is not reasonable to punish the person who sells a sexual service. In the majority of cases at least, this person is a weaker partner, who is exploited by those who want only to satisfy their sexual drives. It is also important to motivate prostitutes to seek help to leave their way of life. They should not run the risk of punishment because they have been active as prostitutes. By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively than hitherto. The government is however of the view that criminalisation can never be more than a supplementary element in the efforts to reduce prostitution and cannot be a substitute for broader social exertions.

(quoted in Kilvington, Day and Ward 2001: 83)

Even before 1999, prostitution was widely considered to be a social problem. As a response the government had introduced a number of programmes, including counselling and retraining to help its 2,500 prostitutes (Kilvington et al. 2001: 83). The main objective of the law was to prevent violence against women, for cases of assault and sexual offences against women had increased over the years. It was also believed that the law would put a halt to human trafficking into the country. The essential argument of the Kvinnofrid Act, namely that prostitutes should not be punished, raises the following question: Are they not denied opportunity and indeed punished by taking away their source of income? Some prostitutes may just work in the business part-time, like the work they are doing, or have for various reasons no other way to earn money.

After the introduction of the Kvinnofrid Act, the numbers of prostitutes had visibly decreased immediately. Kilvington et al. (2001: 84) state that during the first year the numbers of street prostitutes in Stockholm and Gothenburg dropped from around twenty to thirty a night to a

maximum of three. Although the numbers have slightly increased again in the following years, in 2004 Swedish police reports suggest that there was still an overall decline by around two-thirds (Hubbard, Matthews and Scoular 2008: 147). It was additionally reported that the number of new prostitutes has also decreased. The law's core argument to see prostitutes as victims has facilitated greater co-operation between police and social services. This resulted in better understanding and treatment of sex workers who were now more willing to report crimes to the authorities. And although there were only three clients charged with the offence of purchasing the services of prostitutes, the women did not have to testify before the court, which meant that they remained anonymous and were therefore protected by the law (Kilvington et al. 2001:85).

Within the same period, however, it also became clear that the policy had negative side effects (Kilvington et al. 2001: 84). The industry increasingly turned to new methods such as the Internet, advertisements and mobile phones to find customers. These technologies have helped prostitutes and procurers to move the profession underground and make it almost 'invisible' (Hubbard et al. 2008: 147, Kilvington et al. 2001: 84). At the same time it has been more difficult for social workers to find and contact those working in the sex industry. Kulick (2005: 209) and Hubbard et al. (2008: 147) write that over the years the effects of the Kvinnofrid Act made the working conditions of prostitutes even worse. Contrary to Kilvington et al. (2001: 85) they point out that sex workers have been subject to increased police harassment and stricter controls. Additionally there have been a number of cases in which non-Swedish prostitutes were immediately deported when found in the company of clients (Kulick 2005: 209). And despite the Kvinnofrid Act's principle of reducing violence against women it has led to the exact opposite. Prostitutes are left in more vulnerable conditions in which they have a limited choice of customers, often have to charge less, and are bait for violent and unstable clients (Hubbard et al. 2008: 147, Kulick 2005: 209). The 2009 statistics on crimes of a sexual nature also show that "[o]ver the past ten years, the number of

reported sex crimes has more than doubled. This increase is probably due to a combination of an increase [in] the tendency to report the crimes and an increase in actual criminality” (Brå 2011).

### ***The Netherlands’ legalisation of prostitution***

The current legislation on prostitution in the Netherlands is based on the principles of workers’ rights and harm minimisation. Dutch society has long been supportive of prostitution as a legitimate employment sector, and has accepted brothels and toleration zones. The government has simultaneously been aware of the rising numbers of prostitutes from outside the European Union, and realised that the country has become one of the main destinations for trafficking in women (Hubbard 2008: 142). Consequently, on 1 October 2000, the ban on brothels was officially revoked. From that moment on, places of business had to obtain licenses from their respective municipalities, and prostitutes were obliged to identify themselves as neither being underage nor illegally in the country. Places of business were required to follow the health and safety codes, and brothels were restricted in size and location. With the regulation and legalisation of prostitution<sup>8</sup>, the government hoped to achieve the following goals: (a) addressing and gradually removing the stigma of prostitution, (b) respecting employment in prostitution and not seeing it as a criminal act, and (c) increasing the minimum sentences for people involved in organising involuntary prostitution (Kilvington et al. 2001: 81). Hubbard (2008: 142) added that the new laws were moreover thought to reduce the number of prostitutes who were irregular migrants, trafficked or underage.

Kilvington et al. (2001: 84) state that shortly after the legalisation of prostitution in the Netherlands, the conditions for sex workers have improved visibly. They now enjoy full social, legal and employment rights. They benefit from health and other social services, such as pension and tax benefits, and are able to register as self-employed persons. Offences against their workers’ rights can be prosecuted such as in the case of a Czech woman who was denied a residence permit in 1997

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<sup>8</sup> Prostitution was legalised before 2000, but the organisation of it and running a brothel were still illegal (Hubbard et al 2008: 141).

on the grounds that she was seeking employment as a prostitute. The court, however, ruled that if she was to register as a self-employed sex worker and was able to prove that she could support herself, the immigration offices had to give her a permit to stay and work in the country.

Yet, not all of the 25,000 prostitutes in the Netherlands benefited from the new laws and regulations. According to Kilvington et al. (2001: 86) some simply do not want to register with the authorities, and others are not able to do so for they are underage, drug users or illegal immigrants. Thus, many of them have been forced underground. An increased mobility within and across the borders of the Netherlands has also been registered as a direct consequence of the law (Kilvington et al. 2001: 86). In other words

[t]he combination of inspections in the regulated sector and ... the limited enforcement in the unregulated sector results in a situation where involuntary prostitutes, underage prostitutes or illegal prostitutes have relocated from the regulated sector to the unregulated sector. These forms of prostitution are characterised by a lack of supervision and by poor accessibility for support workers, leaving [them] even more vulnerable to exploitation and making their position worse rather than better.

(Vanwesenbeck et al. 2002:50)

The Dutch system has over time also shown an increased tendency towards the abolitionist approach. Hekma (2010: 7) and Hubbard et al. (2008: 146-147) write that due to accusation of trafficking and other criminal activities, the authorities have shut down the majority of brothels and toleration zones. Before 2000 it was estimated that Amsterdam was home to approximately 8,000 to 10,000 prostitutes but according to Hubbard et al. (2008: 147) there are currently only about 1,500 who work in licensed brothels or clubs.

As shown so far, the policies to prevent human trafficking for the purpose of sexual exploitation have widely been unsuccessful. Stricter migration policies and border controls have contributed to the vulnerability of people outside the European Union, and have thus made them more accessible to international trafficking networks. Policies on prostitution also have not had the expected effect. The criminalisation of procurers and clients in Sweden has forced the sex industry underground and simultaneously led to a drastic increase in sex crimes. The legalisation of prostitution, on the other hand, as seen in the example of the Netherlands, had a surprisingly similar effect, namely increasing underground activity and closure of brothels. Ripperger (2008) further notes that legalisation poses a threat to both uncovering trafficking cases as well as prosecuting those who have committed the crime.

### **Prosecuting Traffickers and Assisting Victims**

Indeed, while trafficking is considered to be the third most profitable crime after drug and arms trafficking, it is also the one with the lowest risk factor of being detected and punished (Demir 2003: 8). Reasons for this are found in the ineffectiveness of the authorities and law enforcement agencies. Kelly (2002: 45) writes that they are often unable or unwilling to enforce the introduced policies. In some countries corruption of officials and individuals plays an important part in keeping traffickers and brothel owners out of prison (Batstone 2007: 5, Kligman and Limoncelli 2005: 127). The latter two could generally be charged with a number of crimes, including smuggling, document fraud, kidnapping, procuring, and extortion (IOM 1995: 27). As previously mentioned with regards to border security, it is frequently impossible for law enforcement officers to differentiate irregular migrant workers from trafficked persons. And in those cases in which trafficking victims can be identified, the victims are often scared to press charges against their tormentors (IOM 1995: 28). Even if they do, traffickers often go unpunished or are sentenced to a minimal term in prison. Kelly

(2002: 46) states that it is more likely for the victims of trafficking than for traffickers to be charged with criminal acts.

One of the elementary tasks in the fight against human trafficking should be the protection of and assistance to victims. Unfortunately, in many countries – and in accordance with EU regulations - victims are only given assistance - often in form of temporary residence - if they are willing to testify against their traffickers (Lobasz 2009: 332). According to the IOM (1995: 30) only a handful of trafficked persons are granted permanent residence, while most of them are either imprisoned, deported or return voluntarily to their home countries.<sup>9</sup> Upon return due to the unchanged socio-political and economic conditions, these people are unfortunately frequently subject to re-trafficking (Lobasz 2009: 333).

One of the core problems in the fight against human trafficking is that governments usually start their preventative measures at the second stage of the migration process. Yet, it is impossible to change too much of the outcome once the foundation for human trafficking has been laid out. The example of the Czech Republic illustrated that even political and economic changes as well as free movement within the European Union does not contribute favourably to halting human trafficking, if anything traffickers have adapted to these changes for their own purposes.

## **Changing the Demand Side of Human Trafficking**

Most of the policies and campaigns currently employed are aimed at prevention and the supply side of the human trafficking spectrum. Though as the laws on prostitution in Sweden have shown, there are also measures directed at the demand side. The question remains, however, whether it is even possible to alter the needs and behaviours of those who use the services of prostitutes. Kulick (2005: 214) writes that there are two main categories of clients. The first one he describes as those

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<sup>9</sup> Imprisonment and deportation of victims of trafficking may be a result of not having been identified as such.

who are unable to find any other woman, and are often older, shy, lonely, or physically or mentally handicapped. The second group consists of those who are in a relationship but need to experience something different, and thus make rational choice to buy these services for a variety of reasons, among which are special sexual desires. Although not explicitly mentioned, it is possible that these may also include paedophilic preferences. And with regards to this aspect, notwithstanding the success of the policies and campaigns to prevent and combat human trafficking, there will remain at least one group of people, that is children, who are at risk of being kidnapped and trafficked within or across borders.

Moreover, there are of course other employment sectors in which cheap labour is demanded and for a variety of reasons not supplied. Yet, among the general public, particularly in the industrialised world, the words “human trafficking” rarely come to mind. This is what David Batstone (2007: 7) refers to as “the invisibility tag”, which means that people assume that modern day slavery or human trafficking happens in a back alley establishment, or on a plantation in some third world country, and certainly not in a Western country and possibly right before their very own eyes. Bales (1999: 4-5) further alludes to a common feature of modern day slavery. He argues that the employers – or slaveholders as he refers to them – gain and maintain control over their subject by the use of violence. They are only concerned with financial profits and consider their workers as commodity, which can easily be disposed off and replaced by a seemingly inexhaustible supply.

## **Conclusion**

The question that needs to be answered is the following: What needs to be done for people to treat each other as human beings and not to trade others like disposable objects? The answer might just be to change the core characteristics of human trafficking from being one with low risks and high profits to one of high risks and no profits.

Yet, the task ahead for the global community is not an easy one as there are several factors that have to be taken into consideration. There is, for example, the state, which is trying to preserve its sovereignty and to increase its state power. As a direct result of this, migrants are put in even more vulnerable conditions in which they frequently fall victim to trafficking. In order to counteract this development, European countries have taken different - often opposing - policy approaches in particular with regards to national laws on prostitution. Yet, it seems as though neither the legalisation nor the criminalisation of this employment sector have proven to be effective as they have both forced prostitutes underground and have hence worsened their conditions. The inefficiency of state policies is furthermore illustrated by law enforcement officers' inability to identify victims, who are thus treated as normal irregular migrants and either criminalised or deported. The real criminals, however, frequently go undetected and unpunished. Nonetheless, even if all policies were to be optimised and states were to opt for more transnational cooperation, there would likely still be a demand for human trafficking victims, such as in child prostitution, as this void is impossible to be filled by regular workers. Thus, as pessimistic as it may sound, the international community may indeed be trying to combat the inevitable. Nonetheless, it remains important to introduce a variety of policies to counter trafficking in human beings on a national as well as international level, and to give the necessary and appropriate assistance to victims of trafficking.

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