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van den Anker, C. (2008) *Cosmopolitanism and trafficking in human beings for forced labour*. In: Letherby, G., Williams, K., Birch, P. and Cain, M., eds. (2008) *Sex as crime?* Cullompton: Willan, pp. 137-155. ISBN 9781843922674

We recommend you cite the published version.

The publisher's URL is <http://www.willanpublishing.co.uk/cgi?bin/indexer?product=9781843922674>

Refereed: No

(no note)

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Chapter 7

Cosmopolitanism and trafficking of human beings for forced labour

Christien van den Anker

Introduction

The theme of this chapter, trafficking in human beings, initially seems to fit extremely well with the title of the book: *Sex as Crime*. However, on second thoughts both parts of the title need to be reflected on thoughtfully in order to see the wider context of this type of trafficking. First, the sex angle. It has been shown that trafficking in human beings occurs not only into the sex industry but also into a long list of 'other industries' (ILO, 2005; Anderson and Rogaly, 2004; van Ellemeet and Smit, 2006; van den Anker, 2006a). The most recent international law therefore refers to both the sex industry and other industries and places a duty on governments to harmonise their laws in the area with the Palermo Protocol.¹ Some of the industries in Europe in which cases of trafficking were found recently include construction, shipping, agriculture, food packaging, hospitality, domestic work and care, prostitution, and criminal activities such as forced begging.² The attention for trafficked persons in other industries is well below the level of attention paid to trafficking for sexual exploitation. This is probably due to a set of factors, including the construction of women trafficked into the sex industry as 'deserving victims', separating them from sex workers who 'freely' opted for this type of work as well as from 'cunning deceivers' who come into the country illegally to work without permit in all kinds of other industries. As we will see later, 'illegality' is not always part of the story and should not be the focus of attention in cases of trafficking anyway, as the human rights violations people experience should rather be the basis for the response of

services. The separation of sex workers into categories is also unhelpful and does not reflect the complexity of personal experiences that lead to ending up in this type of work. The debate on trafficking for sexual exploitation was for a long time polarised into abolitionists and liberals; the question of how to support all trafficked persons needs to address why people's options to enter and leave a job are restricted and not whether or not it is moral for them to do the work they do.

Secondly then: the crime angle. Whereas the media, the police and layers of government focus on the criminalisation of trafficking by prosecuting both traffickers and 'illegal' migrants, NGOs have persistently campaigned for the recognition of trafficking as a human rights issue. Of course, human rights can also be approached by emphasising the punishment for violations: however, the punishment angle in international human rights law is arguably less important than and should at least be accompanied by prevention of the violation in the first place and adequate provisions for the support of victims. Moreover, whereas the first internationally agreed definition of trafficking was developed in an optional protocol to the Transnational Organised Crime Convention, there is a host of human rights instruments that are violated when trafficking occurs. Moreover, researchers are increasingly noticing that the transnational organised crime networks may not play the largest role in the trafficking of human beings (Obokata, 2006).

Having set out how this chapter fits awkwardly in the context of the present book, it is opportune to acknowledge that many people still mainly approach trafficking from a 'sex and crime' angle. For example, Amnesty International, in their press release welcoming the UK decision to sign the European Convention Against Trafficking

(2005)³ say that 'Trafficking in people is a vicious and well organised crime which is causing untold human misery around the world and right here in the UK.' This illustrates the lack of awareness that traffickers can be small-scale opportunists who are experienced by the trafficked person as a 'helper'. Nowhere in the press release is trafficking shown to be occurring in other industries. Instead, the only background information given to the journalists relates to the sex industry:

Home Office research due to be published this year suggests that at any one time during 2003 there were in the region of 4,000 victims of trafficking for forced prostitution in the UK. Trafficked women and girls, from countries including Moldova, Romania, Albania, Thailand and Nigeria have been forced to work as prostitutes in London. Victims of trafficking are tricked or violently coerced into leaving their homes.⁴

This feeds the stereotypical images of women and girls as vulnerable victims rather than agents who make choices under constrained conditions. The demand for jobs abroad is high in many countries and the deception is not in being taken abroad but in the circumstances and types of work offered once there. The agency of trafficked persons needs to be acknowledged without taking away from the fact that neither the situation in the country of destination, nor the (sexual) violence or force used on the way there is part of what the migrant opted for.

This chapter aims to provide a different perspective in order to break through the automatic identification of trafficking in human beings with sex and crime. The chapter first gives an indication of the wide range of human rights violations in the area of trafficking, showing that what was known for a longer time about the occurrence

of human rights violations in cases of trafficking for sexual exploitation is often also true for cases of trafficking into 'other industries'. It then assesses existing approaches to trafficking, such as restricting migration and a human rights-based approach. The final section then sets out a cosmopolitan approach necessary to recognise duties across national borders beyond state obligations to implement human rights only in their own countries.

Human rights violations in the practice of trafficking in human beings

The cases of trafficking with the highest media profile and the most extensive action by government, police and NGOs are those of trafficking for the purpose of sexual exploitation. The growing awareness about human rights violations in these cases since the mid-1990s has resulted in the development of new international law and a host of national and international initiatives. The Palermo Protocol (2000) provides the first internationally agreed definition of trafficking in human beings. The disputes surrounding the phrasing of the definition have been well-documented and the definition raises some pertinent questions. However, the framework provided by the Palermo Protocol carries the obligation to be implemented nationally. The definition consists of the following three elements:

- recruitment, transfer, harbouring, or receipt;
- threat or use of force, other forms of coercion, abduction, fraud, deception, the abuse of power or of vulnerability, giving or receiving payments or benefits to achieve consent;
- having control over another person for the purpose of exploitation, including at a minimum: sexual exploitation, forced labour or services, slavery or similar practices, servitude or the removal of organs.

The immediate questions raised by this definition are for example: to what extent do all three elements need to be present for trafficking to have occurred? And to what extent does the victim's consent take away from the violation of the Protocol? (Davidson and Anderson, 2006). The consent of the person trafficked is irrelevant if exploitation is present and the means set out in the definition are used.

Increasingly, difficulties in implementation of the Protocol are being discovered. Firstly, people usually don't self-identify as trafficked due to the belief that their consent disqualifies them and because of their perspective that their circumstances will get better over time. Secondly, agencies prioritise people's undocumented status, not the human rights violations they have experienced. Thirdly, there is a lack of internationally compatible definitions at the national level, even though the Protocol is from 2000. Even in countries where new legislation exists, there is often a lack of use of new trafficking legislation in court cases. In many countries we⁵ observed the lack of inclusion of other industries in the system of criminalisation. Finally there is an overall lack of victim support systems which prevents survivors of trafficking from testifying in court. This is especially true for victims of trafficking into 'other industries'.

In order to develop a list of some of the human rights violations that occur in trafficking cases, I present here four individual case studies from recent research. The first case study is from the Czech Republic where researchers interviewed 25 professionals and 19 migrant workers. Trafficking for forced labour was found in construction, agriculture and the service sector. There was a clear gender division into separate sectors of work. There was no obvious separation between trafficking for the sex

industry and other industries as is illustrated in the case study below. There seemed to be a sequence in using different forms of coercion from more subtle to more violent.

Case study 1

A group of young Vietnamese women were assisted to come to the Czech Republic to work in a family shop. One of them was forced to work in prostitution at night while working in the shop during the daytime. Others ended up having to work in prostitution to repay their debts.

This case study violates the Palermo Protocol in that it involved the recruitment and harbouring of the trafficked persons, it relied on force to make them do the work and it exploited them through violations of several ILO Conventions by violating limits to working hours and using forced labour. *La Strada* states that:

It is evident from the research that violence and threats of violence are not rare in the environment of exploitation of migrant workers. Hence, the provision of article 16 of Migrant Workers Convention is important in this context. This provision gives the migrants workers the right to personal freedom and safety and further states that they are entitled to effective protection from the state against violence, maltreatment and threats, regardless of whether they come from public authorities or private persons. (Cited in Burcikova, 2006)

The second example is taken from a UK country report (Skrivankova, 2006). In the UK 23 professionals and 19 migrant workers were interviewed and 300 cases from Citizens Advice Bureaux were analysed. The industries where cases of trafficking for forced labour were reported included agriculture, construction, food industry, care, and

restaurants. Several different forms of coercion were used. There were a lot of difficulties reported with support from the authorities: the irregular migration status of victims generally dominates the response and leads to lack of identification as trafficked person, whereas the immigration and work permit regulations are complex and under the registration with the registration scheme for migrant workers from new EU-countries is expensive.

Case study 2

Polish workers in food packaging were brought to a house. They had no idea where they were; they spoke no English. They were subcontracted in a complex chain of labour agencies. Inside: no furniture, mountains of rubbish, soiled mattresses on the floor and a terrible smell.

They were threatened with eviction and loss of two weeks' wages if they spoke out. Pay: withheld; no minimum wage paid; deceit at recruitment stage. Tax deducted at a high rate, yet tax office has no record. Most did not register since the £50 required was an impossible amount. This made them undocumented. Health and safety regulations: the electric cooker had no plug, its wires pushed straight into the socket.

This case study illustrates a myriad of violations supposedly designed to protect this group of people. Labour laws, for example, were violated in a number of ways, e.g. non-payment of the national minimum wage, by making illegal deductions from pay, etc. The workers were not treated in a just and fair manner, their rights of movement were infringed and they were not enjoying freedom from psychological abuse and threats.

A case study from Ireland shows further that in a very different work situation similar human rights violations occur. In Ireland the research for the same project included 46 completed questionnaires from professionals; 5 interviews with professionals and 15 interviews with migrant workers. Trafficking was reported in restaurants, agriculture, domestic workers and construction. Forms of coercion were often subtle: late payment, confiscation of papers, threat of not renewing work permits or threats of denunciation to the authorities followed by deportation. Trafficked people frequently enter the state legally and many of the victims do not identify themselves as trafficked (Coghlan, 2006).

Case study 3

Rana (from Bangladesh) worked for two years in a household where she was constantly verbally abused and at times physically abused. She was locked in a bathroom if her employer felt she had not listened or completed her work properly or if she became upset and cried.

Rana became exhausted and very frightened. She had no English and no one to turn to. She had no knowledge of the Irish work permit system. She decided to try to leave and asked a regular visitor to the house for help.

Ireland has not yet ratified the Palermo Protocol, yet many other international treaties that protect human and or workers rights have been transposed into Irish law. In addition, Ireland has substantial employment rights legislation. This story demonstrates the extent to which human rights have none the less been violated.

While laws offer some protection to workers the reality is that, in the absence of the implementation of the Palermo Protocol, victims can be

viewed as undocumented workers and are in danger of being deported.
(Coghlan, 2006)

The final case study is from Portugal. Here the researchers interviewed 18 migrant workers, 5 of whom were professionals; in addition 17 questionnaires were received from professionals. The common thread amongst the responses of the migrants was the wish for a better life and social isolation. Most migrants entered the country legally yet were not permitted to work. Most victims failed to identify as such due to lack of legal provisions governing forced labour trafficking.

Case study 4

A, B and C, Romanian nationals, lived all their lives in an orphanage and came to Portugal to pick fruit. They were promised work abroad by a local. Their transportation (with seven others) was arranged and on their arrival they were sold to Portuguese Roma families. Their passports were taken; they were beaten every day.

They were paid by the farmers, but their money was taken away by the traffickers.

They lived in constant fear. Although only one spoke English, they distracted the traffickers and escaped with help from one of the farmers.

APAV states: 'In this case, the workers were not paid a fair wage and there was no guarantee that they receive the benefits to which they were entitled. (...) Because of (inspections not being carried out), there was a failure to ensure that workers' physical integrity was respected and that they were not subject to physical abuse. They were also discriminated against in relation to access to social benefits and services. The workers' right to freedom of movement was not respected (they worked confined to the workplace)

and there was no guarantee of respect to worker's rights, by ensuring that their documents were not removed, their choice of residence or of employment.' (Cited in Amaral, 2006)

Human rights violations in this case again included violations of the international legislation on slavery, trafficking, forced labour, and general civil and political rights.

A few conclusions can be drawn from these case studies and the overall research on which they are based. First, in the case of trafficking in human beings, human rights violations occur beyond those set out in anti-trafficking and anti-slavery legislation. ILO Conventions are regularly violated as well as the general basic set of human rights represented in the Universal Declaration of 1948, the twin covenants of 1966 and the specific conventions on women's, children's and migrants' rights. Secondly, human rights violations generally are more likely to stack up against people in vulnerable groups who are often discriminated against in more than one respect. Well-recognised root-causes of trafficking include gender-based violence and the discrimination against women and girls, discrimination on the basis of skin colour, ethnic group, religion or caste and marital status. If human rights violations are this central to cases of trafficking it is no surprise that NGO campaigns have lobbied governments to pay more attention to the rights of trafficked persons rather than the current widespread practice of deporting them on the basis of their lack of legal residence documents. Moreover, the NGOs have not distinguished workers trafficked for sex from those other trafficked persons, since at this level the problems of all trafficked persons are much the same. In the next sections I will therefore compare and contrast the policy approaches to trafficking in human beings that have been developed or called for up to now. In the final section I then add my own

pleas for a wider contextual view based on the underlying principle of human equality: a cosmopolitan approach to ending trafficking and other harms done within the present migratory regimes.

Policy approaches to combating trafficking

Generally, policy responses to trafficking in human beings have focused on restricting migration flows. This has had a contrary effect: when people cannot find legal ways to migrate they are not deterred and they do not stay at home. The circumstances at home that inspired their decision to migrate in the first place are often such that risks will be taken in trying to realise the goal of earning some money abroad. With decreasing options for legal migration, research has found an increase in numbers of people who pursue undocumented migration (Doomernik, 2004).

By involving others to assist in travel arrangements to cross borders, there is always the chance that despite paying large sums of money for such assistance, the helper will take advantage of the dependency of the migrant. The distinction made between smuggling and trafficking in policy-circles is therefore not always that clear-cut in reality. For example in a recent speech made by Maud De Boer-Buquicchio, Deputy Secretary General of the Council of Europe, on the occasion of the regional seminar on combating trafficking in human beings in Cyprus in February 2007, she states that:

Above all, contrary to illegal immigrants, victims of trafficking do not choose to be victims: they are often deceived or misled by the traffickers and in the end deprived of freedom and completely controlled by criminal gangs. Secondly, trafficking always aims at the exploitation of the victim. In short, while the main objective of those arranging illegal immigration is

smuggling people across borders for a fee, the objective of trafficking is exploitation of human beings. This is a crime which may, or may not, involve an illegal crossing of a border.⁶

However, several aspects of this image need to be challenged. Firstly the distinction between smuggling and trafficking is often hard to make in actual cases. This is illustrated by van Liempt (2007) among others. Smuggling is regarded as different from trafficking in that it is with the consent of the migrant, yet smuggling will often leave migrants exposed to increased insecurity and vulnerability (Koser, 2001). In other words, someone who may originally be smuggled may be more likely to end up in exploitative circumstances later on. Such circumstances include, but are not exclusive to, bonded sex work.

Our research shows that self-identification as trafficked person is often not made in cases where the initial contact was made on the basis of the migrant's wish to get help in crossing a border. If the migrant consented to leaving the country, they often view the trafficker as a helper, even if they later became exploited by the same person or group. In addition, the exploitation is often not worse than circumstances people are used to at home and they are frequently seen as an initial phase that has to be endured in order to 'make it' abroad. Moreover, the huge pressure to be seen as a successful migrant and either returning home with money to do up the house or sending remittances, also keeps people locked into exploitative situations.

There are several important factors for why trafficked persons are not identified as such by the relevant practitioners and for why they don't seek assistance from the

authorities or NGOs. Amongst recent migrants, there is often lack of knowledge of their rights: the migratory regimes in Europe are often not only restrictive, but they are so complex that it is hard to know precisely what to do about residency status and permits to work. The threat of deportation is often used to keep people in exploitative circumstances and it is regularly reported that Gangmasters in the UK and Ireland recruit specifically on the basis of lacking English language skills and even sack people if they learn English, in order to keep trafficked persons socially isolated (Anti Slavery International, 2006).

Secondly, the Deputy Secretary of the Council of Europe contributes to the location of trafficking as carried out by well-organised criminal gangs or Transnational Organised Crime. This is challenged in the literature and some argue that it is more 'disorganised crime' that is involved in trafficking in human beings.⁷

Finally, the emphasis on the distinction between 'legal' and 'illegal' migrants in the quotation is upholding a perspective that is generally confusing the discourse on trafficking. Besides reducing human beings to 'legal' or 'illegal', and therefore granting or withholding the protection of the law, it is also factually unhelpful in the case of trafficking. It is often assumed that people enter the country illegally when they are trafficked, whereas our recent research shows that this is not the case. People often enter legally but are then vulnerable when they overstay their visa or are threatened by their employers with deportation. This also links in with the debate about asylum seekers and refugees. Increasingly migrants are seen as claiming asylum in order to become economically active in a country of destination. This contributes to stereotyping and contravening the universal legal principles of the presumption of innocence. The links between trafficking and asylum, however, are manifold. Refugees often cannot work at

their level of education at home, so become more vulnerable to low skilled exploitative jobs; during the process of waiting for an asylum decision or if refused status, people often become destitute and therefore vulnerable to forced labour. Women, therefore, enter the sex trade voluntarily, although their decision to do so is constrained by their economic and political circumstances as documented migrants. In this, as in other matters, they are not markedly different from other women and men who are constrained into exploitative, sometimes illegal (undocumented) work in other trades.

Often, existing approaches in policy-making do not meet the international obligations of the receiving countries. Many states now position migration in the recently exponentially growing security debate and attempt to justify the restriction of migration flows. Yet, on the other hand, governments have to admit that there are skills gaps as well as unskilled vacancies that need to be filled. Governmental rhetoric in Europe on migrants is therefore often mixed and ambiguous.

Regulating migration leads inevitably to more complex and restrictive immigration regimes and regulations of migrants' right to work. These increase the risk of migrants falling prey to unscrupulous Gangmasters who will exploit their lack of knowledge of their rights. In the UK, for example, the Trade Union Congress now campaigns for abolishing the special registration schemes for A8 (newly acceded EU countries) which make it harder to have legal status as a migrant due to the bureaucracy and cost involved. Registration duties also increase the chances of trafficking, as employers can hold on to documents, which leaves employees vulnerable.

Recent migration policies across Europe have led to increased deportations of failed asylum seekers and incentives for return migration. This whole discourse shows

the dilemma for governments across Europe: on the one hand the electorate wants to see a tough stance on immigration, for fears of ‘swamping’ and competition for lower skilled jobs. On the other hand European economies completely rely on the cheap labour of migrants, whether they are in possession of the correct documentation or not. Off the record agreements have been disclosed between local police and businesses relying on ‘flexibility’. This acknowledgement of the structural reliance on cheap labour and therefore on exploitation of migrant workers, is illustrated by what Bhattacharya (2005) has called ‘the underbelly of the global economy’. Let us now turn to what a human-rights based approach offers to resolve the difficulties with the current anti-migration strategy to combating the sex trade and other trafficking in human beings.

Human rights-based approaches

A human rights-based approach to trafficking in human beings, for whatever purpose, would emphasise the development and local implementation of international law. Through the focus on the human rights of trafficked persons, the approach has highlighted calls for victim support, including housing, legal aid, reflection period, counselling and education. This would mean that on discovery by the authorities not a person’s legal status in the country, or right to work would be the main focus, but their experiences of human rights violations. In several countries this way of thinking has led to the establishment of temporary visa, either related to the involvement as a witness in a case against the trafficker, or, in the case of Italy, without such conditions. (See for example Dormaels, Moens, and Praet, 2004.)

Human rights based approaches also emphasise the need for short term prevention campaigns, support for returnees and attempts to convict more traffickers. However,

human rights based approaches advocated by NGOs focus on short-term prevention, for example informing potential migrants of risks, yet as long as these campaigns are aimed at reducing migration, they are not working. In Moldova, as in many other countries, for example, the circumstances for young women, especially since the transition to the free market economy, are too limited for would-be migrants to be dissuaded from trying to emigrate by campaigns warning of the dangers. Many who reported that they felt that ‘it would not happen to me’ or who have paid well-known smugglers again and ended up being re-trafficked illustrate the lack of success of traditional warnings in prevention campaigns of the IOM or UNICEF.⁸

Those NGOs that acknowledge the need for longer term prevention focus mainly on gender inequality as a root cause for trafficking and consider trafficking mainly in context of sex work. Recent long-term prevention proposals therefore include a wider context for thinking about counter-trafficking policies. The Brussels Declaration (2002) recognises both poverty and the demand side as important root causes; yet it does not mention conflict or discrimination other than gender-based. The argument of this paper has been precisely that gender must not be ignored, but also that the sex trade is not the only dangerous or gendered workplace. The SAARC Convention refers to development and supervision of employment agencies; yet without international obligations to assist development this does not provide an effective long-term prevention strategy. The OSCE (2003) in its Action plan includes all of the above and social and economic measures to address root causes in origin and destination countries; yet again the plan mentions only national and no international obligations (van den Anker, 2006b).

Some of the other drawbacks of human rights approaches are that states remain

the primary actor in a) signing up to conventions and b) responsibility for implementation. Yet, as we have seen, even many liberal democracies don't sign up to the European Convention (2005) due to its emphasis on victim support, including a 30-day recovery/reflection period or to the Migrant Workers' Convention⁹ due to its emphasis on the implementation of labour rights.

This 'statism' is also a drawback of the human rights approach precisely because the whole system of nation-states and their protective guarding of their borders is part of the problem that creates the inequality leading to vulnerability and to trafficking in human beings. The loss of life due to violence around borders is no longer necessarily related to wars, but to cross-border trafficking of people, arms, drugs and other 'commodities'. Khosravi vividly describes several instances of the risks to migrants of being exposed to death during their journeys. (Khosravi, 2008)

Still, a human rights-based approach would overcome the important factor of immediate deportation which keeps many migrants locked into exploitative employment conditions such as sex work. Some have even called for the wider of granting of asylum on the basis of the human rights violations suffered as a trafficked person. Although this is mostly worked out in the case of trafficking for sexual exploitation, this could also apply in other industries (see for example Gallagher, 2006). However, due to the increasingly harsh circumstances for asylum seekers NGOs like the Migrants Rights Centre Ireland advice against this route for victim support. Moreover, if long-term prevention could be taken more seriously, then a human rights-based approach could contribute to human rights not only of trafficked persons but of potential migrants and their families in countries of

origin. This would move the interpretation of human rights beyond a statist interpretation towards a cosmopolitan one which I develop in more detail in the final section below.

A cosmopolitan approach

Having observed the limits to a statist human rights approach to combating trafficking in human beings, I propose an alternative approach, which I call a cosmopolitan approach. In a cosmopolitan perspective on global politics the scope of justice is global, the boundaries of nation-states are not the boundaries of morality, and duties of justice are owed to all human beings. This position is backed up by the belief that moral principles are and should be universal in their application (Caney, 2005). This may seem to contrast with notions of cosmopolitanism used more generally in migration discourse. For example, Ulf Hannerz (1996:103) states that: 'A more genuine cosmopolitanism is first of all an orientation, a willingness to engage with the Other'. The contrast between the two conceptions of cosmopolitanism is in the identification of the cosmopolitan in Hannerz' view with mastery and control. This would link in with the perception of contextualists that cosmopolitanism as a political theory is imperialist in its universalism. The challenge in my cosmopolitanism is to bring together the engagement with injustice from a perspective of human equality while allowing arrogance towards the 'victims' to be exposed and eradicated. Instead, the engagement should be as equals and allies. A possible route forward is to make use of the principle of hospitality, defended by discourse ethicists and originally going back to Kantian ethics. (Hudson in Lee (ed) 2007)

In the context of trafficking, a cosmopolitan approach would lead to aiming for the prevention of trafficking in a much more long-term perspective with attention to structural factors of global inequality and the most inclusive set of root causes. These

would at least include:

- Economic inequality: poverty and lack of opportunities - demand for cheap labour
- Gender inequality (especially single mothers)
- Ethnic, religious, national discrimination
- Conflict, peacekeeping and post-conflict reconstruction.

A set of principles of global justice would form the basis for the development of policies. These principles would build on the human rights approach, but move beyond it in important ways. They would include at least the following:

1. respect for the rights of victims;
2. cosmopolitan impartiality (justice for all);
3. respect for the agency of victims;
4. commitment to long-term structural change in the global economy;
5. provision of support to develop viable alternative livelihoods (van den Anker, 2004).

Cosmopolitanism would propose action plans that include international obligations to support social and economic measures in all affected countries. These would include duties beyond borders for states, civil society and individuals. For example, creating alternative livelihoods would move beyond the current training programmes for specific skills for potential or returning trafficked persons; it would involve investing in social development in which the political will in national governments as well as international redistribution would play a role.

A cosmopolitan approach to combating trafficking would galvanise efforts with existing cosmopolitan proposals. For example, in the long term the root causes of trafficking would be addressed by several concrete programmes. The ongoing campaigns

for debt relief are important for some of the source countries of trafficked persons. In addition, fair trade can be of assistance to local livelihoods and the growth of the fair trade turn-over is a sign that the principle of profit making is no longer the only 'bottom line' of business. Of course, in the end the structure of the global economy needs to be addressed but Fair Trade is a good example of how a small bottom-up initiative can grow into a relevant campaign for trade justice more widely. This links into the context of sustainable human development; despite migrants often not being the poorest of the poor, remittances and family strategies involving migration often reach many more people who couldn't themselves move abroad. If the pressure on migrants of contributing to their family income wouldn't be so high, the risks taken would not be so great in their migration trajectories and the market for cheap labourers would diminish. A human rights approach that wanted to contribute to these longer term changes, and to development, would need to emphasise the full range of human rights, including economic and social ones. This would require a cosmopolitan outlook on the provisions required for these rights to be implemented for all. Finally, cosmopolitan theorists as well as activists have proposed several forms of global redistribution involving global taxation. An interesting and relatively popular example is the Tobin tax on currency speculation (Dowling, 2004), but Thomas Pogge's (1998) resources dividend is also still worth considering .

Some cosmopolitans propose (nearly) open borders yet, if this leads to deregulation, it can be more harmful for migrant workers as working conditions may be harder to protect still. One way forward in thinking about borders would be to imagine a long-term project of working towards their gradual demise. The EU is often cited as an example in this respect. However, in the case of the European Union the harshest

protection of borders simply moves to the outside borders with checks becoming possible further afield in third countries as well as anywhere within the territory, too. Others argue our energy should be focused on global equality, not borders. In the end we may meet in the same place: a world where there is equality of capability and no discrimination according to place of origin as well as a right to mobility.⁹

In this section I argued for a cosmopolitan approach to combating trafficking in human beings and sketched its outline. Some critics may argue that we cannot wait until we have created a just world in combating trafficking through intermediary measures. Others may argue that it is local responses that weigh more heavily, rather than some grand scheme. My response to those critics is that we do not have to wait for cosmopolitanism to be implemented fully or in its strongest institutional form to take action against trafficking in human beings. Moreover, we should not overlook the local ways in which practices differ; yet we recognise the commonalities in causes and means to work towards eradication. In developing policy responses taking a cosmopolitan perspective will lead to a stronger human rights-based approach, moving beyond isolationism and building in international duties of support to countries of origin. Immigration, and especially more transnational lifestyles, is presently casually used to back up perceived trends towards cosmopolitan citizenship; however trans-nationalism would only support embedded cosmopolitanism where local identities would support overseas local groups as has been the case for many years with faith-based networks. (Erskine, forthcoming) So instead of waiting for a 'natural' process of disintegration of nation-states and cosmopolitan citizenship to develop, structural and ad hoc measures and initiatives need to be taken to bring a just world about but from an overarching

cosmopolitan long-term perspective.

Conclusion

Current approaches to combating trafficking in human beings fail to address prevention adequately as they focus too much on sex and crime. Even organisations that do address prevention, too often focus on short term measures. Those who address longer term prevention stop at national measures. Current policy responses to trafficking are not working if they are simply focusing on restricting migration or on a statist account of human rights. Instead, I propose a cosmopolitan approach to long term prevention of trafficking. This includes an analysis of global root causes as well as local ones; prevention strategies need to consist of local, national and international components. Implementing human rights to address trafficking in human beings effectively needs to strengthen international duties.

I conclude this chapter with the acknowledgement that despite recent recognition of a cosmopolitan approach in international policy documents the argument still requires campaigning for. Setting it out very clearly in volumes like this one may assist in that task. Some people working on global justice start from a particular theory; others start by addressing a specific issue. In my case, working on the issue of contemporary slavery and in particular trafficking in human beings for forced labour, has assisted me in seeing the process of setting norms and creating effective policies; and it has helped me to see where more abstract theories of justice need to be contextual in order to suggest more helpful solutions to relevant issues of global justice.

Acknowledgements

The author wishes to thank the editorial team for their feedback and patience; Anti-Slavery International for permission to publish the results of our collaborative research project, funded by the AGIS programme during 2005-2006; and the new friends who engage in reflection and action towards being cosmopolitan together.

Notes

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, often referred to as the Palermo Protocol, supplements the United Nations Convention against Transnational Organised Crime. The full text is available from www.ohchr.org.

² For the full list see Trafficking for forced labour in Europe Anti-Slavery International, 2006.

³ For the full text and background documents see www.coe.org.

⁴ www.amnesty.org.uk Accessed January 2007.

⁵ The discussion here draws on collaborative research in the UK, Ireland, Portugal, and the Czech Republic, as well as on discussions on the theme of trafficking in women and girls in the context of the Network for European Women's Rights.

⁶ James Korovilas, Researcher in Kosovo and Bosnia-Herzegovina (personal communication)

⁷ Cezara Nanu (personal communication)

⁸ For the full text of the Migrant Workers Convention, see www.ohchr.org.

⁹ See Antoine Pécoud and Paul de Guchteneire 'International Migration, Border Controls and Human rights: assessing the relevance of the right to Mobility' in *Journal of Border Studies* 21(1) Spring 2006.

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