

The role of Migration Policy in creating and sustaining trafficking harm.

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In recent years an increasing number of feminist and other scholars have expressed concerns regarding various state interventions supposedly undertaken on behalf of “foreign” women. These interventions were undertaken and then justified in the public domain as actions intended to protect women from abuse from other, usually patriarchal actors. Prof. Iris Young<sup>1</sup> and others have questioned the use of “woman protection” as a rationale for the support of the war in Afghanistan, and its subsequent reappearance as a justification for further war in Iraq. Trafficking is another issue where powerful state and institutional forces are using the supposed vulnerable bodies of women as the justification for the protection of women, according to an agenda of imagined mutual convenience. The protection of women is sought rather than seeking the means by which women might be empowered to overcome harm, or allowing for prejudicial institutional arrangements to be adjusted so as to reduce vulnerability to trafficking harms.

In considering trafficking and the associated campaigns for the protection of women from trafficking harm, this paper will seek to show that the migration agendas of women from countries of origin have almost been uniformly ignored in the design of anti-trafficking interventions, and that trafficking has been conveniently co-opted as an immigration control measure, intended to disrupt the various spaces shared by trafficking and irregular migration networks. As such, the paper will argue that most trafficking harm is sustained and supported by inadequate migration policy that has not responded to the needs of migrant women and the real needs of the countries of destination for the labour of migrant women. Furthermore, it is suggested that these inadequate policies have created and sustained the spaces in which organised crime can exploit trafficking and that consequently, many previously useful irregular migration networks have intentionally been reconstructed as high risk environments for women.

Therefore, subverting trafficking should be a matter of improving policy rather than fighting organised crime.

This paper will also examine the fallacious contention that an effective trafficking prevention and mitigation strategy is the vocational training of young women. This training is intended to ensure improved economic security in a country of origin and therefore mitigate the “poverty” push for migration.

In 1993-4 two prominent anti-trafficking NGOs in Belgium and Holland, Payoke and STV<sup>2</sup> reported CIS<sup>3</sup> and certain CEE<sup>4</sup> women, particularly Hungarian and Poles were

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<sup>1</sup> Metropolis Migration Conference Keynote address Oslo 2002.

<sup>2</sup> The Dutch Foundation Against Trafficking in Women

<sup>3</sup> Commonwealth of Independent States

<sup>4</sup> Central and Eastern Europe

seeking assistance in considerable numbers.<sup>5</sup> Since that time, women from the CIS have continued to be highly represented in reports regarding “trafficked” women, while women from the first wave accession countries<sup>6</sup> have been noticeable by their increasing absence and replacement in most trafficking accounts by women from the Baltic States, Albania, Romania and Moldova.

Therefore, there is a need to examine and consider the circumstances by which this apparent reduction in trafficking has taken place among the women of the first wave accession countries for EC membership. Certainly women from the accession states have continued to migrate to participate in sex work and yet they are either more successful in avoiding the previous trafficking harms, or they are being subjected to a form of trafficking that is successfully preventing them from seeking or being extended assistance.

From the mid-nineties the women from the accession states were able to travel freely to the EC countries as tourists and as such, could manage stays of up to 90 days in the Schengen States or 6 months in the UK. However, many Hungarian women reported that they lacked the necessary social networks by which they could independently sustain irregular employment in the EC and as such, they were usually dependent on criminal men to sustain their stay in the EC. They widely reported that this vulnerability would lead to a number of abuses that severely compromised their human rights and reduce the utility value of remaining in irregular employment in the EC.<sup>7</sup>

Over a period of the next five years women from the accession states devised a number of enabling strategies that allowed them to minimise their exposure to such exploitative men. Such strategies, included marriage to EC nationals, acquiring sufficient local knowledge, language skills, and EC documents so as to be able to represent themselves as EC citizens, and also the development of seasonal work in various EC locations where they could either control their work or deal directly with local employers. Some sex workers from the Czech republic have sought to use country of accession associative agreements to register themselves as self-employed entrepreneurs in the Netherlands.

In Northern Greece in the late nineties, Polish sex workers with irregular German documents began to dominate the licensed brothels, working according to terms and conditions, that were vastly superior to those afforded to undocumented Albanians and that were even superior to those afforded to older Greek sex workers. While Hungarian and Czech women in Thessaloniki played an increasing and independent role in organising call-girl and erotic dancing agencies on a seasonal basis. They used their 90 day visa-free travel to the Schengen area as the means by which to avoid engagement with abusive men and arranged their sex work activities accordingly. Romanians, Bulgarians and others who did not have such capacity, were required to rely on traffickers and their associates to effect and maintain their irregular migration and as such they widely reported trafficking abuse.

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<sup>5</sup> “Trafficking and Prostitution: the growing exploitation of migrant women from CEE” IOM 1995

<sup>6</sup> Poland, Czech Republic, Hungary, Slovenia

<sup>7</sup> Hungarian sex workers abroad survey Salamon Alapitvany 1997-98

All of these protective strategies were predicated on the ability for such women to move freely and safely to and around the EC without recourse to traffickers and their mobility networks. Once the necessary local knowledge and social networks had been established, women acted to reduce their dependency on abusive men and they have established a number of successful strategies that have reduced their vulnerability in many cases to that of parity with EC women. It should be noted that women working in Thessaloniki sex clubs are paid according to their country of origin, the greater the vulnerability to arrest as an illegal alien means lower pay as more money must be given to law enforcement officers and traffickers who sustain the woman's migration in Greece.<sup>8</sup>

Therefore, the exposure of women from the accession countries to abusive men and exploitation in sex work is often no more than is common to local EC women struggling to deal with a poorly regulated and stigmatised occupation. Such competency and successful agency is not usually acknowledged and lessons have not been learnt from the success of these women in subverting trafficking harms.

However, over the same period of time women from the CIS have appeared in increasing numbers in trafficking accounts. They have been joined by women from the Baltic States, Albania, Romania and Moldova.<sup>9</sup>

These women have been far less successful in overcoming trafficking harm and reducing the dependence of their communities on the need for traffickers to arrange and sustain their irregular migration episode.

I would argue that the fundamental factor that divides these group is the regular mobility opportunity of the women from the accession states, which when coupled with an increasingly well-informed and well-developed series of social networks has allowed these women to engage in pursuing their migration agendas without resort to trafficking networks. When they are required to engage with exploitative men within sex work, they seem to be able to do so with almost parity with EC women.<sup>10</sup>

It is of considerable interest that Women from Belarus will often try to acquire Polish documents as they understand that such an identity offers them better options for managing their migration and avoiding trafficking harm. Albanians will frequently use Hungarian or Czech documents as often as they will Italian or Greek documentation. Since March 2001, Romanians and Bulgarians have been granted visa free travel to the Schengen area. Accordingly, considerable numbers of Moldavian women are seeking to acquire Romanian documents or second citizenship.

It will be interesting to note if the numbers of trafficked Romanians and Moldavian with Romanian documents will start to decrease as such women start to build migration and social networks based on their new mobility rights, that will afford them the same protection as the systems developed by the Hungarians, Czechs and Poles.

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<sup>8</sup> Sex work migration in Greece Davies & Vullnetari 2000

<sup>9</sup> Survey of media reports posted on the stop-trafficking list-serve

<sup>10</sup> Sex work migration in Greece Davies & Vullnetari 2000

In the Balkans there is a nexus of sex work migration routes that represent the power of accessible, affordable and safe mobility in subverting trafficking harm. The first route is a well-documented trafficking route that starts in the Ukraine and Moldova, crosses Romania into Serbia, Kosovo, Montenegro, Albania and then into Italy. The second route is a sex work and irregular labour migration route that is sourced in Poland, Czech republic and Hungary, passes through Macedonia into Greece. The second route shares its space with a number of irregular migration networks that are used by non-sex working women who travel to work irregularly in Greece as nannies, home-help and in the tourist trade. Although the two routes physically intersect in Serbia, where it is possible for Romanian and Moldavian trafficked women to use the same rest-stops as Hungarian and Polish sex workers, the routes are separate and never link.

There are no Hungarian sex workers trapped in the sex bars of Prishtina, nor will you find any such sex workers in the oppressive environment of the Arizona trading area in Bosnia. Yet Hungary is geographically close to both locations. However, as Hungarian women do not need to engage with the trafficking networks that supply these areas, they are effectively protected from the trafficking harms associated with these places. A Hungarian woman who wants to participate in sex work in the EC can catch the same bus, as her girl-friend who wants to be an irregular waitress and they can travel together safely as tourists to the EC. Both can now access extensive and effective social networks, that enable them to sustain their irregular work in the EC without recourse to “traffickers”. Their right to leave and re-enter the Schengen area also allows them to return home, if circumstances become difficult, with the knowledge that re-entry to the Schengen area is a simple formality. Many other women without such mobility rights consider themselves compelled to remain in a trafficking harm, because to leave the Schengen area would require them to engage in an expensive and difficult process of acquiring re-entry to the Schengen area.<sup>11</sup>

In the mid-nineties, Hungarian women were the object of considerable trafficking panic and an IOM<sup>12</sup> awareness raising campaign was undertaken in the country that used fear of rape as its principle message. Young women were told that travel for work outside of the country was dangerous and that sexual assault and slavery were likely outcomes for innocent au-pairs and other migrant women. The campaign did not offer effective advice to women on how to ensure their migration was safe, and the campaign offered no advice to women who wanted to travel for sex work, even though IOM’s own research revealed that as many as 6% of young Hungarian women were willing to travel to engage in erotic labour.<sup>13</sup>

An outcome of this campaign was a reduction in the number of applications to registered au-pair placement agencies. Companies advertising for erotic dancers for foreign employment reported no reduction in applications.

It seems likely that Trafficking was co-opted in the nineties as a device by which it was attempted to control the growing migration of women through the use of fear of rape. The anti-trafficking messages have been consistent in their “don’t leave home or

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<sup>11</sup> Sex work migration in Greece Davies & Vullnetari 2000

<sup>12</sup> International Organisation for Migration anti-trafficking awareness raising campaign, Hungary 1998-99

<sup>13</sup> IOM pre-campaign research on the migration intentions of young Hungarian Women 1998

you will be raped” messages, rather than providing women with information on how to effect a safe migration.

There is also a presumption that if women are given vocational training and poverty is alleviated, then women will not migrate. However, the migration decision making of many young women is influenced by factors more complex than pure economics. Many women seek to use migration and even a trafficking episode as a transition to a more secure and equitable social condition.

Many Albanian women interviewed in Lyon, France in 1999-2001 while in their trafficking episode, reported that the trafficking experience was an attempt to access other options and possibilities rather than just acquire money. During this two year period, all resolutions of trafficking harm among these Albanian women happened as the result of self-solutions that were unassisted by any NGO or other agency.<sup>14</sup>

Self-solutions to trafficking harm have been consistently ignored by Governmental and non-governmental agencies, and as such many of the “disappeared” women are reported as supposedly dead or as being trafficked to other locations, rather than being acknowledged as having successfully resolved the trafficking episode by marrying a local citizen or acquiring some other permanent status particularly through the asylum system. Furthermore, NGOs regularly over-estimate the numbers of trafficked women. In Lyon one agency would publicly discuss the 150 sex slaves on the street of Lyon, while in fact there were never more than 50 street sex workers from the CIS/CCE countries working at any time.<sup>15</sup>

From the recent ESRC<sup>16</sup> study prepared for the EBRD<sup>17</sup> it can be seen that the migration intentions of Albanians are more indicative of actual behaviour than most other groups. This might be explained by the greater opportunities and access to irregular migration that Albanians have. Young men and young women now report almost equally in their intentions to migrate, so consequently we can conclude that a young Albanian woman who intended to migrate will actually arrive eventually in the EC.<sup>18</sup>

Socio-economically, the Albanian groups most likely to migrate are the working poor and the highly educated. Therefore, training an unemployed women to join the working poor as a garment worker or other labourer, will not mitigate her likelihood to migrate at all. In fact the low paid work might just be sufficient to finance her migration.

This would suggest that most prevention and integration programmes that seek to mitigate trafficking and migration through the vocational training of women to improve their economic security in the country of origin, will not achieve their goals as they do not really address the real motivation for migration.

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<sup>14</sup> “Vulnerabilities in Sex Work Migration”, Davies & Vullnetari 2001

<sup>15</sup> “Vulnerabilities in Sex Work Migration”, Davies & Vullnetari 2001

<sup>16</sup> “One Europe or Several” Research Programme of the EBRD, 2002

<sup>17</sup> European Bank for Reconstruction and Development

<sup>18</sup> “Albanian Emigration: Intentions versus Actual Behaviour”, Harry Papapanagos & Peter Sanfey (European Bank for Reconstruction and Development), September 2002

Many women report their motivation for migration and willing to risk trafficking harm as the desire to secure lives free from cultural and social repression in their community of origin. Even women in trafficking episodes express an unwillingness to surrender many of the perceived liberties they have acquired, particularly freedom to associate and behave more independently from previous cultural norms.

Therefore, the failure of many repatriation and reintegration services relates to the fact that most trafficked women wish to transit their trafficking episode to a goal of personal security and liberty away from their country of origin. Solutions that do not resolve the migration agenda of the trafficked woman are no solutions at all. They often act as a perverse form of reverse trafficking in which the state exercises compelling force over the migration of the woman, rather than the trafficker, and returns her to her country of origin. The ICMP<sup>19</sup>-IOM shelter for non-Albanian trafficked women in Albania is mostly used by Romanian and Moldavian women as a respite after deportation from Italy so they might prepare to re-enter Italy, rather than as a means to escape trafficking by returning to their country of origin. This use of their services was quite a surprise to the staff of the shelter, who then began to view their clients not as “real” victims and somehow as being complicit in their own trafficking.<sup>20</sup> However, there has been no attempt to examine the social exchange considerations that trafficked women use in calculating costs and benefits in using trafficking as a migration tool.

Safe mobility avoids the need to engage with traffickers, but the anti-immigration agenda has hi-jacked trafficking as a means of engaging in a needless repression of irregular migration of women. The labour of women is needed and safe mobility programmes would allow young women to engage in sexual labour more safely or avoid sexual labour in favour of other employment for which women are increasingly needed. Many women see their participation in migratory sex work as a means by which to transit to other occupations or situations. If direct access was available to other labour, many women would reduce their participation in sex work or not enter sex work at all.<sup>21</sup>

The present irregular labour migration of women is certainly driven in part by the increasing need with the EC for the labour of women. More rational labour migration policies would allow most women to avoid trafficking harm by mitigating any need to engage with traffickers to effect their migration.

Presently, young women are held hostage by the migration policies of the EC countries, and are sacrificed as the offering required to establish a “*cause for war*” for the war on trafficking, which also conveniently allows the authorities to attempt to disrupt the irregular migration networks that occupy the same spaces as trafficking networks. The refusal to acknowledge the sustaining role in trafficking of present migration policies will eventually result in the indictment of policy makers as the real power behind trafficking.

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<sup>19</sup> International Catholic Migration Project in Tirana, Albania

<sup>20</sup> “Albania and trafficking workshop” Morava Foundation, Korçë 2001

<sup>21</sup> “Vulnerabilities in Sex Work Migration” Davies & Vullnetari 2001

Hopefully, policy will become more rational and eventually the fear of rape messages will be replaced by safe recruitment strategies and NGOs such as La Strada<sup>22</sup> will eventually be reconstructed as labour recruiting agencies, offering practical and non-prejudicial advice to all female labour migrants to assist them in their migration decision making. Certainly an increasing number of agencies including ILO are beginning to see trafficking as an institution mostly created and sustained by poor policy, that could be most appropriately addressed by better informed and more rational labour migration policy.<sup>23</sup>

Trafficking is and must be understood as a construction of policy and the war on trafficking should not be primarily directed at those members of organised crime who have responded to the opportunities created by policy, but should as a priority be directed towards the policies that actually endanger the women whose labour the EC requires.

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<sup>22</sup> EC funded network of NGOs in countries of origin, who use fear messages to deter female migration.

<sup>23</sup> Recent report on causes?

Appendix.

Trafficking ?.

Presented to the Durbar Sex Workers Peace Conference Kolkata March 6<sup>th</sup>. 2002.

I have been asked to speak about trafficking and so I will talk a little about what I have learnt in recent years about trafficking.

Firstly, I can tell you that when I was in University, I didn't learn much about trafficking. In fact, it used to be quite hard to find anyone who knew anything about trafficking. But, eventually I discovered that the people who said they knew about trafficking were Governments, Policemen and Journalists. These people seemed to know so much about trafficking. They knew about the organised crime that controlled it, they knew how many people were being trafficked and they knew what happened to them, they knew it was wrong but, they couldn't seem to stop people being trafficked.

When I started work in the Balkans, I met and spoke with people who had been trafficked and people who were trafficking others, but they didn't know about trafficking. They didn't know about trafficking in the way that Governments, Policemen and Journalists knew about trafficking. What they knew was that they wanted to leave where they were and take the risk to go somewhere where things might be better. Some of these people were willing to take unfair advantage of others because the circumstances created by the Governments allowed them to.

I remember having coffee with an organised trafficking-crime group in Greece and asking them about trafficking. They said they didn't know anything about trafficking, but if they could make money doing it, they would give it a try. I was often quite surprised that so many people actually in trafficking seem to know so little about it.

This made me ask questions about why had trafficking been created and how had it been sustained.

I believe as Europe and other nations built their "fortresses" and sought to discourage migration, they allowed the creation of a no-man's-land between their fortress walls and the migrants' countries of origin. This no-man's-land was an unregulated and lawless gap that the irregular migrants had to cross, before they could reach their objectives of a job and a new way of life. This lawless gap was like a moat that surrounded the fortress and by supplying the water the European countries created a space and opportunities for the trafficking-sharks to work. The unregulated migration networks for irregular migrants became increasingly vulnerable to abusive people, but no effective alternatives were made available by which irregular migrants could easily avoid these risks, except if they were to follow the wishes of the Governments, Police and others who wanted them to stay at home.

With the increasing feminisation of migration, the initial role of traffickers was to act as a deterrent to intimidate women into not leaving their homes. They were used to fuel the trafficking myths that placed every irregular migrant woman at substantial risk, should she try and choose to live in another place. The potential irregular female

migrant was warned that if she dared to travel she risked rape and slavery, and by refusing to allow her to travel in any reasonable or regular way, the European Governments compelled her to take these risks when she did migrate.

However, Europe needed the labour of migrant women and as such many women avoided or overcame the violence of trafficking to achieve their migration objectives. In spite of traffickers and often with the compliance of traffickers, women continued to break their way into Europe and then stay.

All the Governments, police, journalists and now the NGOs could usually offer was to return them back to somewhere they didn't want to be. These agents became not just the propagators of the trafficking scare myths, but they became the reverse traffickers and another hurdle for the migrant woman to overcome.

Finally, when it was realised that the fear of the traffickers would not stop women from migrating, the Governments decided to use traffickers in another way. Traffickers who had been used so unsuccessfully to intimidate migrants became the "reason" for a new crime war, that while superficially targeted at traffickers, was more obviously aimed at the essential irregular migration networks that were forced to share the same space with traffickers.

The new war on Traffickers is an attempt to criminalise every participant in irregular migration as a serious and dangerous criminal, and as it is poor women who depend so much on irregular migration, it is a war on working class women.

This hypocrisy of Governments whose economies desperately need the labour of migrant women is obscene. Traffickers flourished because women were compelled to use irregular migration routes, because Governments of destination would not acknowledge their need for female labour. Then, the work that was available to irregular female migrants was also often unregulated and exploitative. Domestic work in Greece, Caring work in Spain or Sex work in Belgium, are all sectors where female migrant labour had little or no protection from unscrupulous employers. The Governments created the space for migration abuse and then by refusing to allow labour protection for migrant women, they created another space for their abuse and then they helped maintain the women's vulnerability by not allowing them access to other more regulated employment.

Therefore, I have concluded that Trafficking has only been viable because Governments of countries of destination have sustained the space in which trafficking was possible. Furthermore, the war on trafficking is in reality a war on the poor and an attempt to take from the poor one of the few benefits that globalisation could offer. The free movement of goods and capital should be accompanied by the free movement of labour.

The war on the migration of the poor will fail because this class action is an incredibly powerful social movement. It has no named leaders or organisations and it is all the more powerful for this, because without such institutions its objectives cannot be compromised or negotiated away. It is a working class response to globalisation that is led by a million heroes who refuse to be intimidated, or ignored. They own the

moment and by linking themselves seamlessly to the demographic forces in the countries of destination they changing political policy at the highest levels.

Trafficking will eventually be remembered as an act of social terrorism inflicted on the migratory poor by the ignorant, misinformed and the selfish, whose fear of the other, was never justified. That it was also co-opted by many middle-class women to assault the sexual and informal economy of working class women and to deny many migrant women occupational rights and protection from exploitation, while they sought to make their transitions to other lives, will eventually be considered a considerable shame.

I hope that this personal view of trafficking will be helpful to you in your considerations during this conference.

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