
A Human Security Approach to Anti-trafficking Policies in the EU: Tackling the Structural Sources of Vulnerability

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INTRODUCTION*

One of the most challenging problems that globalization poses industrialized countries today is reaching a balance between the need for free movement of goods and money across national boundaries, and the wish for restricting the movement of people. The effects that it has been having not only on the advancement of international communication and transport, but also on the increasingly uniform living standards have been instrumental in the growth of trafficking in persons and, more generally, of organized criminality. Complex socio-economic factors are pushing more and more people to migrate to developed countries, always in search of better lives. But when legal migration ceases to be an option, people resort to illegal and thus, dangerous methods of migration.

One such path is leading many people into what we refer to as “modern-day slavery”, or trafficking in persons. For purposes that range from sexual exploitation to forced labor, from criminal activities to illegal child-adoption and the sale of organs, adult men, women and children are exploited in what represents a gross violation of their basic human rights. Next to the illicit trade in drugs and small weapons, trafficking in persons (TIP) is thought to represent the third largest criminal enterprise in the world, with annual profits estimated at \$9.5 billion.¹

This paper argues that if trafficking in persons is to be fought against effectively, the human aspect of the trafficking phenomenon has to be taken into consideration when devising anti-trafficking policies. Public policies have to tackle the structural causes of vulnerability to trafficking of people: address the socio-economic factors in origin countries *in tandem* with rethinking migration policies and reducing the factors underlying the demand for trafficked labor in destination countries.

The selected case studies for this analysis are Romania and the EU. The first is as an example of origin countries and the second an example of destination countries for trafficked persons. The purpose is to illustrate how the socio-economic as well as the political factors existent in each environment decisively influence the process of human trafficking.²

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I. TRAFFICKING IN PERSONS (TIP)

1. DEFINING TIP

We often hear of young children from Bulgaria and Romania trafficked to Northern European countries where they fall prey to pedophiles and pornography network operators; of Nigerian women forced to prostitute themselves on the streets of Western capitals; of Philippine or Russian women exploited in Japanese night clubs. The US Department of State estimates that 600,000 to 800,000 (of which around 250,000 in Europe) women and children are trafficked for sexual purposes across international borders each year, of which approximately 80% are women, and 50% are minors. This does not include the International Labor Organization (ILO) estimated 12.3 million people trafficked worldwide for labor annually.³

According to the 2000 UN Optional Protocol of the Convention against Transnational Organized Crime (UNTOC), *“trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving and 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, exploitation for the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”*⁴

Unlike previous international law documents, the Trafficking Protocol to the UNTOC managed to provide for the first time an ample definition that addresses both components of trafficking in the same document.⁵ It firmly states that both recruitment - transportation, and exploitation are serious crimes that are to be punished accordingly.

Trafficking can be internal, within state borders, or external, meaning that the victim crosses the national boundaries of his/her origin country and into a destination country. Exploitation of the victim can also take place in what is referred to as transit countries, countries that the victim enters *en route* to the intended destination. Depending on the scale of the operation more than one group of perpetrators are involved.

As a process, trafficking can be broken down into two main stages: first, recruitment and transport; and second, exploitation. Recruitment is done by traffickers either through direct contact with the victims and their families, by making false promises, and through the “boyfriend” method, or indirectly through positions advertised in newspapers, magazines, through tourist agencies, and even kidnapping.

Transport in the case of cross-border trafficking can be done via land, air, or sea. Whereas in the past falsifying documents was a common practice, more and more victims of trafficking use legal documentation, making it even harder for control officers to identify victims of trafficking. For internal trafficking, transportation usually takes place from remote rural areas to urban areas where exploitation takes place, but it can also occur in rural areas for victims of bonded labor. Street exploitation is considered the most visible, but exploitation usually

occurs in obscure spaces where authorities have limited, if any, access at all: rented apartments, private houses, hotel rooms, brothels, hidden sweatshops, remote plantations, etc.

Evidence has been showing that human trafficking mainly occurs from developing areas/countries to developed ones: from Africa to Western Europe and North America, from Russia and the former communist block to Western Europe through the Balkans, Japan and North America, from the Middle East to Western Europe through Southern European route, and from China and South East Asia to North America through the Trans-Atlantic route. Internal trafficking follows the same pattern: from undeveloped to developed areas.

Generally, regarding the factors that contribute to the expansion of the human trafficking phenomenon, using Ramcharan's classification we can distinguish between: 1) economic factors like poverty, inequality, unemployment, and indebtedness; 2) socio-cultural factors like violence against women and children, gender and ethnic discrimination within the home and society; 3) political and legal factors like armed conflict, weak and corrupt governments, lack of appropriate legislation to punish traffickers; and 4) international factors like the growing feminization of labor migration, increasingly restrictive migration policies, as well as rapidly expanding global sex trade and the growing political and economic power and involvement the organized crime.⁶

Next, I contextualize the analysis of these factors.

2. STRUCTURAL CAUSES OF TRAFFICKING IN ORIGIN COUNTRIES: the Romanian case⁷

For those outside the former Soviet bloc, the end of the Cold War has meant the ideological defeat of communism and the victory of market-driven capitalist forces. To the states and the people that lived under communist rule for almost half a century, it has meant much more: physical and psychological freedom, but also new social and economic opportunities. Dreams that had been suppressed for decades now found new hopes: a better social and economic future. Instead, the reverie was short-lived, as the negative consequences of the transition process from a centralized economy to a market-oriented one, shattered those dreams for many people.

Poverty is thought to be one of the most important "push factors" in origin countries. In Romania, according to Nicolae Adrian Dan, a scholar affiliated with the Quality of Life Research Institute, throughout the 90's, the slow pace of economic reforms, the lack of vision about privatization process, as well as the failed social programs, the meaningless "shock-therapy" and the "highly experimental, impositions made by the IMF, the World Bank and later by the European Union" were the causes leading to the explosion of poverty and furthering the social exclusion processes.⁸ While in 1989, according to the Government White Book, only 7% of the population was considered to be poor, in the year 2000, 44% of all Romanians were living below the poverty line.

Poverty alone would not have had the effects it did on the Romanian society, were it not also for the growing inequality between the rich and the poor.⁹ Without doubt, poverty and social exclusion have affected mainly large households where one or both parents are

unemployed and/ or with low levels of education. Also hard-hit have been the Roma-ethnics, the agriculturalists, the self-employed households, the children and the elderly people, most of whom represent groups “at risk” of trafficking.

The chronic state of poverty in which some social groups find themselves is also caused by the insufficient social welfare at the national level. The changes that came with the 1990’s caught Romanian society in a situation of great economic uncertainty, primarily due to the flawed system of social protection and the collapse of the centrally planned economy (that began in the late 1970’s and cumulated through the 1980’s).¹⁰ Although the social welfare system has gone through a process of de-centralization and extensive structural reforms, the reality is that currently, due to a lack of coordination between local actors and a chronic lack of funding, it fails to rescue exactly the people that need rescuing the most.

Discrimination and violence are also powerful push factors for many of the trafficked people. Throughout transition societies, dissatisfaction with socio-economic conditions has led to increasing violence against women and children in the home environment. More and more women and children are forced to leave their homes to escape from their abusive partners and parents. Gender discrimination continues to be felt in the labor market, as well. Young women in particular face dearth employment opportunities, and when they do find jobs many of them face sexual harassment and lower wages than men performing the same jobs. Also, despair and the wish to get away from physically repressive and/or morally degrading circumstances can be very powerful push factors for many people (factors identified in many teenagers and women, victims of trafficking). Discrimination is also felt against some ethnic groups in Romania, but it is particularly strong against the Roma people.¹¹

Although the lack of awareness about the dangers of migration is often cited as a cause for trafficking, it is more often the case that, because of a lack of opportunity at home, most people who migrate do so knowing and accepting that risk. Moreover, the “success stories” of those that worked abroad and have come back to tell of the wonderful life abroad, helps perpetuate the illusion of a “perfect West”. This idealization of life abroad serves as a magnet in attracting for many young people.

Although an indirect factor, the Balkan conflict has had a great impact on the organization and the activities of the criminal groups in Romania. The demand of sex workers was a direct effect of the conflict and the presence of peacekeepers and humanitarian workers during the subsequent post-conflict reconstruction period.¹² Criminal gangs were quick to understand that a huge profit could be made by supplying that demand.

On a more general note, it is important to realize that there is no simple explanation for the rapid expansion of human trafficking in Central and Eastern Europe. Due to complex structural factors, what started as a small gang-level enterprise has, a decade and a half later, become a well-structured, very profitable industry that has come to be considered by the EU as a serious security threat.

Nonetheless, this expansion in trafficking activities would not have been possible without the existence of an extensive demand market in destination countries.

3. STRUCTURAL CAUSES OF TRAFFICKING IN DESTINATION COUNTRIES: the EU case

The responsibility for the increase in human trafficking does not rest solely with the sending countries. The existence of a demand market for trafficked sex and labor, cheap construction, agricultural and house work, as well as the demand for cheap goods produced by trafficked people working in sweatshops, supply and reinforce the existence of this phenomenon. It has been estimated that in Europe alone, an annual number of 1.6 million migrants are needed if countries here are to maintain their current economic level by the year 2050.¹³ And yet, unlike the high skilled labor (brain-drain phenomenon) on which no restrictions in destination countries are placed, the demand for unskilled, temporary/seasonal work is a reality that these countries fail to recognize in both labor and migration policies. As a direct consequence of the highly regulated labor policies in Europe, a strong demand for illegal work was created, thus increasing the financial stakes for traffickers. Furthermore, the immigration legislation and policies have perversely had the same effect of reinforcing the trafficking phenomenon.

The image of migrants as “national security threat” propagated by the state-centric discourse has stigmatized the migrant, and has bred in local populations a strong opposition and discrimination towards them. It has been argued that the presence of migrants is a threat to the host communities, because they cause a reduction in wages, by accepting a lower pay than the locals, and thus cause higher unemployment among locals. They are also afraid that migrants might enjoy state welfare benefits that come from the taxes that the former pay.¹⁴

The discrimination against foreigners/ migrants due to economic and social fears is however, unfounded. Recent studies on the effects of migrants on the economy of the destination countries have proven that their impact is not a negative but rather a positive one. The reality is that the socio-economic dynamics at work in industrialized countries make it necessary for the acceptance of workers from abroad. First, the birth rates in developed countries have been decreasing rapidly. Second, the ‘baby boomer’ generation is close to retirement age, and this only means there is an increased job availability which cannot be satisfied from domestic workforce resources alone. Third, there is a whole range of low paid-unskilled jobs that the native population is unwilling to undertake.¹⁵

The general trend is for migrants to undertake the jobs that locals refuse to engage in, fact that clearly refutes this assumption. What is more, the presence of migrants is actually beneficial for the local economy, especially for the small and medium-sized shops and enterprises. Their presence is also beneficial to the state, because although they are required to pay taxes they nevertheless are not entitled, in most cases, to social benefits. Thus, it is unrealistic to argue that migrants represent a security threat to the locals.

Inevitably this leads the discussion to the analysis of the present approach.

II. THE STATE-CENTRIC APPROACH TO TIP

1. THE CURRENT POLICY APPROACH

At state level, the anti-trafficking response has primarily been a criminal justice type that focuses on prohibition (criminalization) and control (securitization). “Anti-trafficking” policies that North Atlantic governments adopted have been focusing on three issues. The first and most important one has been tackling **illegal migration**. The tendency has been for politicians to use the trafficking problem as a vehicle to implementing tighter immigration legislation.¹⁶

In the US, after the terrorist attacks of September 11, 2001, and the association of immigration, terrorism and security measures, states put the control of migration at the top of their agenda. More recently, partly in response to the Eastern enlargement and renewed fears of mass immigration, the EU has instituted yet more restrictive migration policies. It was thought that by tightening border controls the number of migrants would be decreased, however, as statistics show, in both Europe and the US, while the number of legal migrants has considerably dropped, there has been a rise in the number of people entering illegally.¹⁷

Throughout the world national policies regarding this issue are based on the assumption that migrants represent a national threat and that human trafficking is a transnational crime, which the state has to tackle by stricter immigration laws and enforcement control. However, what developed countries have done through these measures is to close the front door to migration and force people use the back door. Approaching trafficking from the illegal migration perspective and addressing only the transnational aspect of the matter inevitably reduces the focus of anti-trafficking measures to international movements and thus, it completely disregards the larger and more corrosive internal aspect of trafficking. More importantly, this approach disregards all the human aspects that determine the people movement in the first place.

The second type of government response to trafficking has been emphasizing the link between human trafficking and **organized criminality** (OC). Targeting crime was thought to reduce human trafficking. Under American leadership, throughout the industrialized world, policies that emphasize stricter anti-crime legislation targeted at centralized and hierarchical OC networks have been adopted.¹⁸ Recently, throughout the EU as well, great steps have been taken to standardize the legislation aimed at bringing down the criminal organizations that run the big trafficking networks. Fighting OC is no doubt necessary, but it alone will never solve the problem of human trafficking, as targeting OC does not help reduce either the demand for or the constant availability of people to be trafficked.

Viewing trafficking only through the lens of crime is also problematic because it ignores those actors other than criminal networks that facilitate and employ trafficked/forced labor. For instance, trafficking is often times facilitated by the members of the victim’s family or the circle of friends. Also, private sector actors like construction companies, textile and garments enterprises, job recruitment and overseas marriage agencies are increasingly becoming involved in trafficking. Indeed, as recent experiences show, peacekeeping forces and post-

conflict reconstruction staff have also been participating in trafficking.

A third issue that concerns current policies has been the relationship between TIP and **prostitution**. Banning prostitution was thought to reduce the demand for sexual services. Especially emphasized by the US, but also by Sweden and Finland, this link has been shrewdly exploited in promoting policies aimed at formally banning prostitution.¹⁹ Trafficking in persons is indeed closely connected to prostitution, although the response to it may vary with different stakeholders.²⁰ Some feminist advocacy groups argue that sex workers are victims of trafficking and exploitation and thus, they should be protected; others argue that prostitution is voluntary and that it should be distinguished from trafficking, which, because it implies coercion, violent and abusive means, renders the initial consent meaningless. But what present policies fail to address is the problem of agency, or willingness of the victim. The question that they should address is “to what extent is the issue of agency important to the process of exploitation?” This is something I will come back to discuss later in this paper.

By far the biggest fear in this approach is that prohibiting prostitution does not help to put an end to the phenomenon, but actually drives it deeper underground, thus making it more dangerous for the women and children involved. Not even legalizing prostitution, like the Netherlands has done, guarantees the successful solving of this issue, since it is feared that illegal workers are forced deep underground, as there is a demand market for cheap sex from those customers who do not afford the high-priced government regulated sex from the Red-light districts.

To put it briefly, the emphasis in anti-trafficking policies on the three issues of immigration, organized crime and prostitution, is present throughout Europe. The attitudes that the national governments adopted in the anti-trafficking fight are reflected in the general stance and policy of the European Union as well, which has approached human trafficking by first, fighting against international organized crime and second, by combating illegal migration. The common rules devised by the EU are based on the state-centric framework that penalizes, criminalizes and securitizes against trafficking in persons.²¹ An important role in this sense is played by Europol, which in relation to trafficking, was designed to prevent and combat the smuggling of illegal immigrants and the trade in human beings.²² However, all the measures it employs spring from the criminalization and securitization approach. Furthermore, there is no clear statement about what kind of preventative measures can be taken. It is important to point out that, although it is able to act as a supra-governmental institution in various policy areas, concerning the immigration law (which in turn impacts the trafficking policy), the European Union acts more as an intergovernmental institution.²³ This is because the Member States have so far been reluctant to relinquish their sovereign right and power over migration policy-making.²⁴ And since it is only the state that has the technical means and the legitimacy to create and manage migration, it means that, even though the EU might present a better alternative to the state-centric approach of the individual members, it lacks the power of implementation.²⁵

2. PROBLEMS WITH THE STATE-CENTRIC APPROACH ²⁶

The current approach to trafficking is based on a state-centric view of security. What this means, is that the state is considered to be the primary object of security. As such, according to the realist perspective, ensuring the security of the state from external threats (coming from outside its borders) is of the utmost importance because only by securing the state is the security of its citizens automatically guaranteed. (It is worth noting here the concepts of citizenship and state-borders, concepts that determine the space and content of the modern state.) Thus, with state security as primary concern, fighting the threat of mass immigration represents a security priority.²⁷

Even the most superficial analysis of the state-centric approach reveals how problematic it is. Among the three “P”-tools that make up the kit of the anti-trafficking fight: Protection of the victims, Prosecution of the perpetrators and Prevention of trafficking in persons, not only does the current approach overemphasize the prosecution aspect through its criminalization and securitization measures, but it does so to the detriment of the more important aspects of protection and prevention. Within this state-centric framework, protection measures are considered important by the state in as much as they stimulate the victims to cooperate in the prosecution process. Otherwise, the protection responsibility is almost invariably left up to the civil society actors. This approach also limits the meaning of prevention, which is reduced to stopping, or managing, at best, the flow of immigration.

The lack of emphasis in both literature and policy concerning the human aspect of trafficking is problematic. Allegedly in the name of anti-traffic, current policies are in fact aimed at either reducing the flow of illegal migrants/ unqualified laborers, at fighting prostitution, or at dismantling international criminality. Needless to say, these anti-trafficking policies implemented in the EU (and elsewhere, for that matter) are inadequate and therefore, unsuccessful in addressing human trafficking. Moreover, these same migration policies in fact represent one of the main causes of trafficking.

At the moment, the EU Member States’ anti-trafficking policies and measures view trafficking primarily as a migration issue. The overall focus is put only on the criminal response to the transnational aspect of trafficking, without much consideration to internal/ domestic trafficking or the human aspect of trafficking. Overemphasis on prosecution and the rule of law, in spite of limited success, needs immediate reconsideration. As reality has shown, despite of increased efforts and collaboration between various related agencies, progress has been slow, especially in cross-border trafficking where more than one country has jurisdiction over legal matters.²⁸ Treating trafficking as a criminal offence means that both the victimizers and the victims are receiving the same treatment of prosecution and punishment (imprisonment-deportation).²⁹ This is a direct consequence of decision-makers ignoring the human considerations in policy-making.

The overemphasis on prosecution is not the only sticky issue of the current approach. The prevention and protection measures that stem from the state-centric approach are equally problematic. This is because current anti-trafficking policies have been premised on the fact

that human trafficking is an issue of coercion and deceit which is misleading. Devising effective preventive policies is impossible without understanding the problem of “agency and context”. Failing to consider this issue has led to the artificial distinction between the trafficking victims that collaborate with traffickers and are “willingly” trafficked, and those that do not. Obviously, this runs contrary to the Art.3b of the UNCTOC Trafficking protocol, which states that irrespective of their initial consent trafficking victims have to be recognized as such. Moreover, in the current approach there has been created a contradiction between the attempt to ‘save’ the victims and the real needs of that person, because “much of the campaign against trafficking underestimated the active agency of the alleged ‘victims’. This mindset has inevitably led to the ‘rescue’ the women and return them to the repression and poverty from which they were fleeing in the first place.”³⁰

It is imperative we understand that trafficking often implies the consent of the victim, who, with no other options, agrees to the terms put forward by the traffickers. In both sexual and labor exploitation cases, the number of victims that have been kidnapped, deceived and/or forced to work is considerably smaller than that of the people who knowingly agree to being trafficked. Actually many victims do not perceive themselves as such, since they receive money for their work and since exploitation in a rich country is preferable to the chronic poverty back home. Therefore, it is no surprise they are reluctant to reporting their situation as it inevitably leads to their deportation.

The state-centric approach, by ignoring the importance of the “agency” component in trafficking, focuses protection measures on the need to “rescue” of the victims from trafficking and returning them to the same socio-economic conditions they flee from. It does not recognize that the solution lies in the empowerment of vulnerable people, by providing them with services and socio-economic support and giving them an alternative without any financial and social constrain and coercion. For example, assisting victims in recovery and protection should not be conditioned on their willingness to cooperate on judicial matters.

Throughout Europe victims continue to be viewed as criminals and treated accordingly. Often times, victims are thought of as illegal migrants and treated as criminals. Because of this criminal approach to trafficking, abuse by law enforcement officers, imprisonment and forced repatriation, leaves victims without the possibility of acting as witnesses against their perpetrators, even when they are willing to do so. Providing a legal status to the victims and allowing (temporary) residence in the destination country is a very recent initiative by a few state members that lead the way in the protection-oriented policies.³¹ However, there is the tendency to condition these measures on the victims’ cooperation in criminal procedures, and are not merely employed for the unconditional welfare of the victims.

The present anti-trafficking policies in the EU not only overlook the individual, human dimension of the problem, but they also fail to address another crucial factor present in destination countries that feeds into the trafficking industry: the existence of demand for services that the traffickers provide.³² As long as a demand market for sex workers, drugs, cheap goods and low paid seasonal labor continues to exist in a context of outspoken

prohibition, the logic of supply and demand will continue to reinforce the existence of the trafficking problem.³³

In sum, current anti-trafficking policies need serious rethinking and redesigning. Evidence has been showing that the state-centric approach to trafficking is not only a failure, but in fact it does more harm than good. It is because of inappropriate policies that opportunities have been created and sustained for organized criminality to exploit more and more vulnerable people.³⁴ Thus, I consider the most severe problem of the current approach to be its lack of focus on the human dimension and consideration of socio-economic causes leading to illegal migration and trafficking.³⁵

III. THE ALTERNATIVE, HUMAN SECURITY APPROACH

1. DEFINING HUMAN SECURITY

The term “human security” was introduced by the UN for the first time in the 1994 Human Development Report, but as a concept it was brought about by a series of developments which throughout the 20th century have created a new dimension for national security.³⁶ The reality became such that the individual human beings could no longer find security in the traditional state security policies, as the state alone could not fully guarantee the respect of the entire specter of human rights. Rather than a top-down approach, a bottom-up type of security became necessary in which only by ensuring the security of the individual, would the security of the state be guaranteed.

Human security is characterized by four key-words: it is *universal*, its components are *interdependent*, it is best ensured by *prevention* and it is *people-oriented*. As the 1994 United Nations Development Program (UNDP) Report explains, by putting the individual at the center, human security “is concerned with how people live and breathe in a society, how freely they exercise their many choices, how much access they have to market and other social opportunities- and whether they live in conflict or in peace”.³⁷

Human security is partially rivaling traditional concepts of security. Because it allows us to focus on the protection and the security of the human individual and the community rather than on the state and its territorial integrity, it is recognized that just as with traditional security approaches, the role of the state is central to human security in that it has the power and the means to ensure the physical security of its citizens (funds, monopoly over violence). However, unlike the traditional approach, human security proponents recognize that non-state actors like members of the civil society are equally important.³⁸

Human security discourse is concerned with threats that have arisen from a wide variety of largely human-induced problems like: unchecked global population growth, migration, disparities in economic opportunities, widening gaps between rich and poor, pandemic rise of diseases such as HIV/AIDS, environmental degradation, as well as security problems that affect individuals and groups such as human trafficking and terrorism.

The “freedom from want” approach to human security seeks to address the underlying

causes of conflict and violence, specifically “economic despair”, social injustice and political oppression, which are all destabilizing factors that emerge from the global phenomenon.³⁹ The central focus is placed on preventive action. This approach has a considerably large understanding of the challenges that the international community faces in reducing the potential for armed conflict and civil war across the globe. It has been popularized under the rubric of “sustainable development”.

At the center of the human security concept lie the individual with his physical security and the protection of basic liberties. However, these are not enough to ensure the individual’s development and welfare. “If individuals are to prosper and develop, their economic needs also will have to be met and therefore attention also has to be paid to the broader social and economic environment-domestic and international- and how it impacts on the welfare and livelihood of the individual”.⁴⁰ Probably the biggest difference between state-centric and human security approaches is the latter’s belief that humans are not only the object of security, but they can act also as subjects of security if empowered to do so. In other words, individuals are capable to provide for their own security, if allowed to. It is this aspect of human security that is most relevant in the fight against trafficking in persons.

2. TIP AS A HUMAN SECURITY THREAT

Trafficking in persons is not only a threat to the individual, but to entire communities that find themselves at risk, because of poor socio-economic factors. Additionally, in transition societies, trafficking in persons also constitutes a threat to the system of law and order, which is *per se* a threat to the essential components of the state, since by evading the law and corrupting state officials the traffickers threaten citizens’ larger interests of security and protection. TIP is a human rights violation and is so “damaging to its victims, that it has become a cause of human insecurity”.⁴¹

First, trafficking in persons represents a threat to the individual and his/her inherent basic human rights and freedoms. Regardless of the form of exploitation, vulnerable people around the world end up in the webs of traffickers for whom each represents a continuous source of profit, as victims are sold time and again, unlike the one-time drug and arms trade. Paradoxically, they are at the same time highly expendable, easily replaceable assets.⁴² Because victims are considered by the criminals to be disposable goods, it makes the former’s situation extremely dangerous and uncertain. In the case of external trafficking, the victims are in a particularly vulnerable situation because of their illegal status of residence.

Controlling the victims is vital to the traffickers in making them comply and reducing their prospect of escape and return home. To this end, traffickers do not fall short of using coercive methods that range from physical confinement and violence, to psychological and sexual abuse, and/or debt bondage.⁴³ In cross border trafficking victims are forced into submission partly by threats and partly by their predicament, that is, the situation of being in an unknown environment without travel documents, unable to speak the language, not knowing what their choices and rights are and not knowing how to go back or who to appeal

to for help. The lack of visa and/or IDs coupled with the unknown environment (language, people, law, etc.) make the victims afraid of being prosecuted and deported back to their origin country, and thus, reluctant to approach authorities and even NGOs for help.

Second, human trafficking also represents a threat to entire communities and social groups that find themselves at risk of being trafficked, because of poor socio-economic factors.⁴⁴ Moreover, trafficking for sexual exploitation can also be a health risk, harming not only individual victims but also facilitating the transmission of venereal diseases, including HIV/AIDS throughout an entire community and even region.

The involvement of organized criminal networks is equally damaging to the fabric of a community and eventually the general society. The presence and power of organized crime networks can influence the community behavior in two ways that are each equally dangerous to the principle and practice of democracy. First, because OC locally provide ‘jobs’ and a sort of social safety net, people tend to view them sympathetically and support their activities instead of fighting them.⁴⁵ Second, because OC succeed in corrupting officials and weakening the enforcement system, many citizens lose the trust in their country’s government and more severely in the rule of law. Moreover, because they have a stake in maintaining a country unstable and lawless, they have an incentive to oppose return to normality in post-conflict societies, like in the former Yugoslavia. Consequently, this is not only just a form of forced labor and a violation of the human rights of people, but it is also a crime that weakens the socio-economic and legislative bases of the state.⁴⁶

Increasingly, due to the fact that restrictive migration policies and immigration controls imply much more sophistication than the individual operators and the small gangs can provide, large transnational organized crime networks have been claiming a monopoly over smuggling and cross-border trafficking in human beings. Furthermore, the “low risk high profit” characteristics of trafficking are highly attractive for organized criminal networks who use the money thus obtained to finance other criminal activities like extortion, racketeering, money laundering, drug and gun trade, loan sharking, and the bribery of state functionaries. The experiences of powerful criminal cartels and “crime out of control” in countries like Italy, Mexico, Russia, Afghanistan and Columbia prove the point that organized criminality is a major factor in the subversion of state authority.⁴⁷

Traffickers are threatening the state and undermining its authority and legitimacy, and they do so by using its powers, and by corrupting officials and law-enforcement officers.⁴⁸ Post-conflict and transition societies, where democratic values are not being fully seeded, are particularly at risk because they represent a fertile ground for illegal trades. Economic and political power allows criminal cartels to manipulate public servants like the police and to tempt politicians with offers of money for their political campaigns.

3. A HUMAN SECURITY-BASED FRAMEWORK

In his 2003 piece “The Five Wars of Globalization”, Moises Naim argued that the war against terrorism, drugs, money laundering, arms and human trafficking share much more in

common than one would normally think. He argues very critically that the current approach is extremely flawed, since “the way in which the world is conducting these five wars is doomed to fail- not for the lack of effort, resources, or political will but because the collective thinking that guides government strategies in the five wars is rooted in the wrong ideas, false assumptions and obsolete institutions. Recognizing that governments have no chance of winning unless they change the ways these wars are fought is an indispensable first step in the search for solutions.”⁴⁹

Human security recognizes exactly this. What it proposes is something more than just dealing with the outcomes of the trafficking process. That is, it strives to understand the causes behind internal as well as external migration that lead to trafficking. Moreover, it seeks to understand the environment and the choices that (potential) trafficked people make during the trafficking process. Because it seeks to understand the human component it aims at eliminating the whole range of structural causes that feed the phenomenon in the first place.

Current policies put emphasis on prosecution and legislative means of control and suppression. Human security however, places the emphasis on the human aspect, considers prevention to be the most important pillar in the anti-trafficking policy, and seeks to address the structural sources of vulnerability to trafficking in both origin and destination countries. Most importantly, it recognizes the issue of “agency and context” from the part of the victim.

The human security approach also recognizes that the supply and the demand sides are strongly intertwined and argues that policies and measures to tackle the trafficking in persons are needed in both origin and destination countries. First, a comprehensive human security-based strategy would have to address both the supply and the demand sides of trafficking. Second, it would need to address the law enforcement responses to migration.

In origin countries working to reduce the causes of vulnerability to traffic is just as important as dealing with demand in destination countries. In origin countries social policies that effectively address and alleviate poverty, unemployment, discrimination as well as ensure equal opportunity and access to education and vocational training are needed.⁵⁰ There is also a need to identify and research vulnerable groups (for example: single mothers, families with many children and unemployed parent(s), children and adolescents from abusive families who work on the streets and have quit school) and empower them, not by making decisions in their stead but by providing them with support and allowing them to make educated choices.

Development programs in ‘at risk’ communities to combat their vulnerable situation resulting from poverty and marginalization are also needed. Sustainable programs for marginalized populations which include all community stakeholders (government development agencies, the private sector, employers’ and workers’ organizations and the vulnerable groups themselves) are required in order to provide improved access to credit, technology, markets and mechanisms for saving and social protection schemes.

In destination countries governments need to ensure that their actions and policies to prevent human trafficking do not inhibit migratory freedom or the freedom to travel and

circulate in accordance with the laws, and in particular that they do not reduce the protection provided to refugees by international law. Thus, it is important to avoid the situation where concern for victims led to the adoption of restrictive migration policies.

Restrictive labor and migration policies of the West are equally responsible for the increase in human trafficking and we can safely say that especially in the past five years or so these policies have only managed to make it more dangerous for migrants and more profitable for human traffickers. Because restrictive migration policies push people to make more use of the irregular migration channels, it means that there is an increase in the risk of irregular migrants falling prey to traffickers. “In richer countries -where the victims of the forced labor are overwhelmingly migrants in sexual and other economic exploitation- some hard thinking is needed about labor market policies, subcontracting systems, the growth of an underground economy, and the ways to adapt migration policies to labor supply and demand.”⁵¹

Public policies need to acknowledge the reality that more irregularity in migration caused by restrictive policies means that migrants are more vulnerable. They also have to acknowledge that the market needs in Western Europe (and elsewhere for that matter) have created a feminization of migration (house work, nannies, care for the elderly, etc), and that because of current restrictions women have become the primary target of trafficking networks.⁵² Policies that are allegedly meant to protect them are in fact condemning them to the trafficking experience. Thus, the concern for the consequences of trafficking must not result in the adoption of restrictive policies, without a broad view of human rights considerations and awareness about the vulnerability of the people on the move and the causes and purposes of their movements.

A realistic labor and migration policy stance is needed. Rather than putting the tap on legal migration, they need to create policies that acknowledge and make the most of the needs in both origin and destination. The developed countries are losing control of their borders not because the migrants have become more “dangerous” or have perfected their methods, but because governments are unrealistic in their approach. “The best way to regain control is not to crack down but to liberalize- to expand quotas, with a guest-worker program or some other method, until they line up with labor needs. (...) It does not help to pretend that (migrants) are not arriving or to fantasize that tough enforcement can undo the laws of supply and demand”⁵³

The focus on prosecution of the trafficking policies in destination countries does more damage than good. Prosecution both fails to effectively punish traffickers and wrongly criminalizes and penalizes the same people they are meant to protect. To discourage demand for trafficked work prosecution would be much more efficient if aimed at customers. This is not to say that traffickers should go unpunished, but that it is not only very difficult and inefficient but also extremely costly to continue doing so. Instead, policies aiming to discourage demand, by penalizing the act of buying trafficked-(sex) services and implementing measures to educate and discourage people from buying low-priced goods produced in sweatshops, for example, could prove much more efficient in the long term. Sanctioning

customers should also reduce the risk that victims are exposed to, when testifying in court.

Several good practices in European states can be expanded upon and instituted on a wider scale in the EU. The example of Swedish experience should be considered and adopted: in 1999 Sweden began prosecuting customers, brothel owners and pimps and already by 2001, it saw a sharp decrease by 50% in female prostitutes and 75% in the number of men buying sex.⁵⁴ Another good practice that the EU might consider is the Nordic-Baltic task force, where coordination between Sweden, Finland, Norway, Denmark and the Baltic countries of Latvia, Estonia and Lithuania has led to a significant reduction in trafficking.

In destination countries there is also a strong need of social policies that fight discrimination against and allows for the integration of migrants in the local society. Only by addressing the fears of the people through education campaigns about the benefits that migrants bring to the respective communities and states, will a change in attitude and migration policy be possible.

Local populations have to be informed about their society's needs and be explained to how migrants are beneficial to their economies, especially where the growing aged population increases, and the birth rate is either stagnant or declining. Without young population that pays taxes, the older generations would not have their pension assured. As I have already mentioned, migrants/ illegal workers are not the "threat" that states make them to be. Migrants do not take away jobs from locals, because they generally undertake the jobs that locals refuse to do anyway. Because they do not compete for the same jobs as the locals, there is no lowering in income on the part of locals, and also there is no effect on employment rates. Also, while migrants are required to pay taxes, they have no right to state benefits, because of their citizenship (state-centric concept). It is when states are illogically restrictive and discriminatory that the negative effects of immigration become visible.

In the European context, the EU has the potential and the interest of adopting a human security approach to TIP. It is not only in the member states' interest to secure a constant labor force, but it is also in their interests to ensure the security and stability of origin countries. Open labor and migration policies would allow migrants to gain an income that ensures the survival and security of families back home. At the same time, cooperative development programs with the origin countries would eventually stabilize the migratory flows and eventually reduce trafficking. Reducing the income that trafficking networks earn from the practice also helps to weaken the economic power that corrupts the political structure of states.⁵⁵

CONCLUSION

In this paper I argued that human trafficking represents a human security threat and that by focusing on the individual and his security needs the human security approach has the potential to reduce, even to solve, the problem of human trafficking. Although it might not be

the perfect panacea, I consider human security to be the best approach because it provides us with a coherent framework for preventive anti-trafficking policies that address the structural causes behind trafficking.

If we are to solve the problem of human trafficking in Europe and elsewhere there is a need to rethink the current state-centric strategies. In prevention the aim should not only be to fight against (illegal) immigrants and organized criminality. In protection the aim should not simply be to rescue people out of their situation and return them to the same conditions from which they originally left. Because trafficking is not an isolated event, but a complex web of circumstances and actors, we need to focus on the human aspect and consider all the actors and the factors which generate the vulnerability to trafficking. Consequently, a unilateral restrictive response such as the one the state-centric approach advocates is not only inadequate, but it inflicts more harm than it is designed to. The factors behind the supply and demand need to be studied from an integrated, multilateral and multidisciplinary perspective, because only a good understanding of this phenomenon's complexities enables us to properly rise to the challenge.

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- 1 US Department of State, *Trafficking in Persons Report*, June 2006, p.13. Due to the hidden nature of human trafficking, but also to the fact that there is no central data-base and no agreed upon methodology in gathering information, it is very hard to determine the actual size of the problem and most of the data that specialists in the field work with are highly controversial approximates provided by NGOs and International Organizations.
 - 2 For clarity purposes, in this paper I use the term 'EU' to refer to the 'old' 15 member states that joined before January, 2004. Also, I use the terms 'human trafficking' and 'trafficking in persons' interchangeably. The countries that have joined the EU after January 2004 are themselves countries of origin, but also of destination. Thus, I exclude them from the 'destination countries' group only for making the analysis clearer.
 - 3 Ibid. 1, p.6. There are some specialists who question whether the labor exploitation should be considered as a form of trafficking or not.
 - 4 *UN Optional Protocol on Trafficking in Human Beings of the International Convention against Transnational Organized Crime*, Palermo Italy, 2000.
 - 5 Previous international documents pertaining to human trafficking are: 1904 International Agreement for the Suppression of the White Slave Trade; 1910 International Convention for the Suppression of the White Slave Trade; 1921 Convention for the Suppression of the Traffic in Women and Children; 1926 First Convention on Slavery adopted by the League of Nations; 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others; 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. There are also a number of conventions on forced labor adopted by ILO.
 - 6 B. G. Ramcharan, *Human Rights and Human Security*, Hague: Kluwer Law International, 2002, esp. pp.7-20, 171-4.
 - 7 In Romania, trafficking in persons is a new problem that only emerged after the fall of the Iron Curtain. Due to a lack of prior experience and commitment on the government's side to anti-trafficking, throughout the 1990's traffickers had a completely free hand of maneuver without risks to themselves or their activities. Consequently, the phenomenon has grown into a problem of unmanageable proportions for the Romanian society. Linking Romania to the global network, traffickers have been involved in recruiting, transporting

- and exploiting victims from Romania to close destinations like the Balkans and Western Europe but also to places as remote as Canada and Japan. Throughout the 1990's and until recently, Romania used to be considered only an origin country for the victims of human trafficking. However, recent trends have been showing that slowly it is becoming both a transit country, for Moldovan, Ukrainian and even Russian nationals on their way to the Balkans, and a destination country, although the number of reported cases is still in low figures.
- 8 A. D. Nicolae, 'Spre o Nouă Arhitectură a Inegalității Sociale', *Sociologie Românească* I (1-2) 2003, pp. 97-108, p.98.
 - 9 Currently, Romania is thought to be the country with the most severe gap between the poor and the rich, from among the former Soviet republics. UNDP, *National Human Development in Romania: A Decade Later Understanding the Transition Process*, Bucharest: IMAS, 2002.
 - 10 The social protection in Romania was literally the equivalent of salaried work. Although life time employment guarantees were coupled with satisfactory social assurance, social assistance services were practically inexistent.
 - 11 Lack of shared values and a different life style set the Roma ethnics far apart from the majority Romanian population. The difficulty of most Roma people to adapt to a modern, increasingly European lifestyle has created a cleavage between the two peoples that is difficult to manage. Poor education or complete lack of, as well as mutual distrust impede many Roma ethnics from joining the formal labor market. Consequently, many of them are left with the only choice of finding alternative means of employment, sometimes outside of Romania, which in turn, puts them at risk of being trafficked. For more on the Roma see US Bureau of Democracy, Human Rights and Labor. *Country Reports on Human Rights Practices*, February 2005. See also D. M. Crowe, 'The Gypsies in Romania since 1990', *Nationalities Papers* 27(1), 1999, pp. 57-67. T. Cozma, D. Cucos and C.M. Momanu, 'The Education of Roma Children in Romania: Description, Difficulties, Solutions', *Intercultural Education* 11(3), 2000, pp.281-288. Save the Children Romania, *Roma Working Children and their Families: Socio-Cultural Characteristics and Living Conditions*, Bucharest: Ro Media, 2002. S. Cace, et. al., *Raport Calitativ asupra Caracteristicilor Socio-culturale, Psihologice si ale Condițiilor de Viață ale Copiilor Rromi Muncitori pe Stradă sau in Alte Locuri și a Familiilor*, Bucharest: ILO and Romanian Government, 2001.
 - 12 See T. Köppel and A. Székely, 'Transnational Organized Crime and Conflict in the Balkans', in M. Berdal and M. Serrano (eds.), *Transnational Organized Crime and International Security: Business as Usual?*, Colorado: Lynne Rienner Publishers, 2002. Also S. E. Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*, Washington D.C.: Centre for Strategic and International Studies, 2005. Recent reports about the involvement of peacekeepers stationed in Haiti into prostitution and trafficking prove that the Balkans was not an isolated case. See BBC Online for December the 1st, 2006.
 - 13 R. Vayrynen, 'Illegal Immigration, Human Trafficking and Organized Crime', UNU-WIDER Discussion paper no. 27, 2003, pp. 1-25, p.20.
 - 14 A. Geddes, 'Chronicle of a Crisis Foretold: The Politics of Irregular Migration, Human Trafficking and People Smuggling in the UK', *The British Journal of Politics and International Relations* 7(3), 2005, pp.324-339.
 - 15 J. Tamar, 'Immigration Nation', *Foreign Affairs* 85(6), 2006, pp.50-65.
 - 16 Ibid.14. Also, A. David Feingold, 'Human Trafficking', *Foreign Policy* Sept-Oct 2005, pp. 26-32, p.27.
 - 17 Every year, there are more than a million illegal entrants to Europe and the US. M. Naim, 'It's the Illicit Economy, Stupid: How Big Business Taught Criminals to Go Global', *Foreign Policy* 151, 2005, pp.95-6.
 - 18 Administration of George W. Bush, 'Remarks on Signing the Trafficking Victims Protection Reauthorization Act of 2005', January 10, 2006, pp. 38-39.
 - 19 Ibid.1, p. 34. Also, G. W. Bush, 'White House Press Release, Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons', Washington DC, September 27, 2006. See also 'Tougher Human Trafficking Measure Becomes Law', *USA Today*, January 2006.

- 20 Some feminist advocacy groups argue that sex workers are victims of trafficking and exploitation and thus, they should be protected; others argue that prostitution is voluntary and that it should be distinguished from trafficking, which, because it implies coercion, violent and abusive means, renders the initial consent meaningless.
- 21 Hungarian Ministry of Justice, 'Why Extension of Preventing and Combating Trafficking in Human Beings is Essential in the Enlarged Europe', paper presented at the European Conference on Preventing and Combating Trafficking in Human Beings: A Global Challenge for the 21st Century, Brussels 18-20 September. 2002, p. 4
- 22 In September 2002, W. Bruggeman, Deputy Director of Europol, identified illegal migration and trafficking in human beings as a security problem for Europe, and suggested that the main objectives of action at EU level should be: 1) maintaining fortress Europe, but based on a democratic approach, 2) making succeed intra-European initiatives: Schengen, Europol, Eurojust, and 3) becoming more effective at combating criminal networks. As main instruments to be used, Bruggeman mentioned the efforts to combat organized crime, well-balanced asylum policy measures, a regularization campaign for illegal migrants, naturalization procedures and repatriation efforts. See W. Bruggeman, 'Human Trafficking as a European Security Threat', paper presented at European Conference on Preventing and Combating Trafficking in Human Beings: A Global Challenge for the 21st Century- 18-20 September 2002.
- 23 H. Kleinschmidt, 'Migration, Regional Integration and Human Security: An Overview of Research Developments', in H. Kleinschmidt (Ed.), *Migration, Regional Integration and Human Security: The Transformation and Maintenance of Transnational Spaces*, Aldershot: Ashgate, 2006, p.2.
- 24 Within the EU framework, the Council of Ministers represents the Members' interests in migration policy-decision and has been designated with the power and responsibility over migration policy. Other bodies like the European Parliament, the European Commission or the European Court of Justice are powerless in migration matters. As a result, the agreements over migration are reached not through a supranational institutional framework, but through a laborious process of intergovernmental negotiations and agreements. And, whereas within the EU the cross-border free movement has become the norm, the member states are united by their fear and determination towards curbing immigration from third party countries.
- 25 For example, the European Parliament under the 1995 Resolution on Trafficking in Human beings treats trafficked people as victims and urges for protection in Member States. Similarly, the European Commission, under 1996 Communication on Trafficking in Women for the Purpose of Sexual Exploitation, treats trafficked people as victims, and focuses on the research, advocacy and training concerning trafficking. Also, it has been advocating for an open migration policy that takes into consideration the reality of supply and demand.
- 26 An exhaustive analysis is beyond the purpose and the space of this paper. Therefore, it will suffice to refer briefly only to the most important issues concerning the current approach.
- 27 A. Burke, 'Caught between National and Human Security: Knowledge and Power in Post-Crisis Asia', *Pacifica Review* 13(3), 2001, pp.215-239.
- 28 See C. Rijken, *Trafficking in Persons: Prosecution from a European Perspective*, The Hague: T.M.C. Asser Press, 2003.
- 29 Ibid. See also E. B. Kapstein, 'The New Global Slave Trade', *Foreign Affairs* 85(6), Nov. Dec. 2006, pp.103-115. One difficulty in prosecuting traffickers is the lack of evidence, as victims are afraid to come forward either because they risk deportation, or, when they do not, they are afraid of traffickers and thus refuse to testify against them. Regarding foreign nationals, border control and management institutions are eager to deport them and thus, the collection of evidence and witness is hampered by enforcement agencies. Also, even in cases where traffickers have been caught and convicted, it is unclear what the overall impact over the general industry, as those particular traffickers were replaced almost instantly. Equally important obstacles are the lack of human and financial resources to match the scale of the phenomenon and the lack of communication between decision-makers and the executive governmental agencies. Last, but not least,

- the corruption of the state officials who, not uncommonly, are gaining or are even directly involved in the process also deals a blow to the prosecution and punishment of traffickers.
- 30 Ibid. 1.
- 31 Two exceptions are Italy and the Netherlands. The first provides psycho-social support, consultation through a National Hotline, formal labor market insertion through special programs for those victims that wish to stay in Italy, return and reintegration assistance through programs run in cooperation with origin countries. The latter provides temporary residency permits to trafficked foreign nationals for the duration of the investigation provided the victims agree to cooperate. During the process the victims have access to education and the formal labor market. They also have access to shelter, counseling and medical and psychological services.
- 32 M. Serrano, *Transnational Organized Crime and International Security: Business as Usual?*, Colorado: Lynne Rienner Publishers, 2002, esp. pp.13-36.
- 33 J. Chuang, 'Beyond a Snapshot: Preventing Human Trafficking in the Global Economy', *Indiana 13* (1), 2006, pp.137-163.
- 34 J. Davies, 'The Role of Migration Policy in Creating and Sustaining Trafficking Harm', paper presented at the European Conference on Preventing and Combating Trafficking in Human Beings: A Global Challenge for the 21st Century, Brussels 18-20 September. 2002.
- 35 C. Lindstrom, 'European Union Policy on Asylum and Immigration: Addressing the Root Causes of Forced Migration - A Justice and Home Affairs Policy of Freedom, Security and Justice?', *Social Policy & Administration* 39(6), Dec. 2005, pp. 587-605, p.588.
- 36 The experience of two world wars, and, in particular, the Holocaust and the Japanese war-time crimes, put human rights in the international domain, especially since it was followed by the Nüremberg and Tokyo trials, which stipulated that no individual could hide behind his/her obligations as state functionary when charged with responsibility for crimes against other human beings. This further led to the drafting of the Universal Declaration of Human Rights, which, in turn, inspiring other human rights treaties created a new reality of human rights no longer being the exclusive subject of domestic jurisdiction. Equally important, the scientific and technological progress that allowed for nuclear, biological and chemical weapons of mass destruction to be built has also had its role in altering the meaning and the concern for human rights. Because of their destructive capabilities they were recognized to be both destabilizing and immoral. A further development has been the establishment of the International Criminal Court, in the process of which a series of international legal norms and principles were strengthened, and precedents set. Also, developments such as the end of the Cold War, the emergence of 'middle power politics', the changing nature of international conflict and the understanding of the factors that cause for conflict and violence, and the growing impact of NGOs, particularly those working in humanitarian and developmental fields, have all contributed to the emergence of an alternative security approach. It is as a direct consequence of the above developments that genocide, ethnic cleansing and systematic human rights violations have become intolerable, even against the sovereignty and non-interference principles that ruled the international affairs and have also created a need for an individual centered approach to security. Recently, the large waves of refugees and migrants have also raised awareness of the need to protect the rights of groups that find themselves in difficult situations.
- 37 UNDP, *Human Development Report 1994*, UNDP, New York: Oxford University Press, p.24.
- 38 F. Hampson et. al., *Madness in the Multitude: Human Security and World Disaster*, New York: Oxford University Press, p.36.
- 39 This approach is one of the three schools of thought within the human security discourse. Debate among human security proponents has led to three distinct discourses: 'freedom from fear', 'freedom from want' and the 'rights-based approach'. There is a clear distinction in between the three in that they emphasize different aspects of the human security. However, they all share the same characteristics: are individual-based, universal, prevention-focused and interdependent. Personally, I believe that the safety of the peoples,

- of freedom from want, is the closest to what the fundamentals of human security, in that it seeks to eliminate the sources of insecurity, dealing with causes rather than outcomes of those causes. For the Canadian perspective see Human Security Centre, *Human Security Report 2005*, New York: Oxford University Press; Canadian Department of Foreign Affairs, *Human Security: Safety for Peoples in a Changing World*, 1999; L. Axworthy, 'Human Security and Global Governance: Putting People First', *Global Governance* 7 (1), Jan-Mar 2001, pp.19-24. For the Japanese perspective see Commission on Human Security, *Human Security Now*, 2003; Japanese Ministry of Foreign Affairs, *The Trust Fund for Human Security*, and *The Diplomatic Bluebook 2006: Efforts to Tackle Various Global Challenges to Promote Human Security*; JICA and International Institute for Cooperation, Poverty Reduction and Human Security, 2006; S. Ogata, 'Human Security—Protecting and Empowering the People', *Global Governance* 9(3), 2003, pp.273-283.. For a comparative discussion see for example: 吉田文彦, 「人間の安全保障」戦略, 岩波書店, 2004 佐藤誠、安藤次男、人間の安全保障：世界危機への挑戦、東信堂、2004.
- 40 Ibid. 38, p.4.
- 41 Human Security Centre, *Human Security Report 2005*, New York, Oxford University Press, p.86.
- 42 J. R. Miller, 'Slave Trade: Combating Human Trafficking', *Harvard International Review* 27(4), 2006, pp. 70-73, p.71. Unlike the people trade of previous centuries, mainly due to the communication and transport technology, but also to the availability of people, the price for a trafficked person today is estimated to be around 20 times cheaper than prices were in 17th or 18th century, for example.
- 43 Although traditional slavery in its traditional forms survives in different parts of the world, debt slavery is the most common form of servitude today. Debt bondage implies that the money that a person receives for his/her services go straight to the owner in order to cover the "debt", which is the amount the latter paid to by the person from his/her previous owner.
- 44 Salvați Copiii, *Raport Privind Traficul de Copii*, Bucharest, Romania, 2004.
- 45 S. L. Woodward, 'Enhancing Cooperation against Trans-border Crime in Southeast Europe: Is There an Emerging Epistemic Community?', in E. Athanassopoulou (ed.) *Fighting Organized Crime in Southeast Europe*, Oxon: Routledge, 2005, pp.7-24.
- 46 Ibid. 21. John Miller argues that TIP "fuels the growth of organized crime while weakening law enforcement entities. Too often TIP entails the participation or complacency of corrupt law enforcement agents who help by providing fraudulent immigration documents, allowing illicit border crossings, or protecting the oppressive workplaces and brothels where victims are trapped. Thus, human trafficking undermines national security by eroding the integrity of national and local law enforcement and the rule of law." Ibid.42, p. 71.
- 47 For a brief but comprehensive account of the dynamics of trafficking and organized criminality see R. Väyrynen, 'Illegal Immigration, Human Trafficking and Organized Crime', in George J. Borjas and Jeff Crisp (Eds.), *Poverty, International Migration and Asylum*, UNU New York: Palgrave Macmillan, 2005, pp.143-170.
- 48 Ibid.
- 49 Ibid.17, p. 36.
- 50 T. Obokata, *Trafficking in Human Beings from a Human Rights Perspective: Towards a Holistic Approach*, Boston: Matinus Nijhoff Publishers, 2006, p.79.
- 51 Story from BBC News, 'Viewpoint: Why action is needed', 2005/05/11 Last accessed on 19th June 2006, at <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/Europe/4531123.stm> See also D.T. Graham, 'The People Paradox- Human Movements and Human Security in a Globalizing World', in D. T. Graham and N. K. Poku (Eds.), *Migration, Globalization and Human Security*, Routledge, 2000, pp. 186-211.
- 52 F. Anthias, 'Gendering Migration: The Case of Southern Europe', in S. Ghatak and A. Showstack Sassoon (eds.) *Migration and Mobility: The European Context*, Palgrave, 2001.
- 53 Ibid. 15, p. 62.
- 54 Ibid. 42.
- 55 Ibid. 50, p.103.

人間の安全保障の観点からヨーロッパの人身取引対策を考える

マグダレーナ・ヨネスク

人々ははるか昔から国境を越えて移動し続けてきた。しかし、現在のグローバル社会ではこういった人々の移動を遮断（もしくは予防）するために、先進諸国はより厳しい入国や労働に関する管理制度を導入している。その結果、多くの人々は合法的な制度の外、すなわち不法な手段を用いて越境を試みている。

国際社会が移民問題を「安全保障に対する脅威」と位置づけて以来、先進諸国はより厳格な入国法に基づいて移民に制限を加えたが、それにより人身取引現象はむしろ悪化しつつある。移住者を送り出す国や受け入れる国の構造的要因を悪用する国際犯罪組織が人身取引のビジネスを拡大した結果、今日、人身取引は麻薬や武器に続いて、世界で三番目に大きな不法ビジネスになり、毎年950億ドルという資金が裏社会へ流入している。

人身取引問題の拡大にも拘らず、先進国はこの現象を「はた迷惑な他人事」と捉え、さらには、これを口実にしてより厳格で制限的な入国・労働管理制度を導入しようとしてきた。このような「国家中心的」アプローチの強化は、人身取引問題のさらなる深刻化を招くという悪循環を引き起こしている。

「国家中心的」アプローチの例としては、入国者に対する「安全保障化 (securitization)」や人身取引の全プロセスの「犯罪化 (criminalization)」が挙げられる。この傾向は現在EUが取っている対策によくみられる。具体的には、不法入国者、売春や犯罪組織の取り締まり、そして、第三国に対する国境管理強化の要求などである。しかし、EUの対策は、人身取引へと繋がる社会的構造要因（送り手側には貧困・格差・差別・暴力の問題があり、そして受け手側には需要市場 (demand market)、入国や労働法による制限・差別などの問題がある）を念頭に置いていないために、十分な成果を挙げていない。

人身取引は人間に対する脅威であるため、「国家中心的」アプローチは不十分であるばかりか、この問題をより悪化させる傾向がある。従って、現在のアプローチやそれに基づく対策には抜本的な見直しが必要である。具体的には、「人間の安全保障」アプローチに基づく新たな人身取引対策を導入する必要がある。「人間の安全保障」とは、人間の生活、生存、尊厳に対する脅威から個人を守り、一人ひとりの持つ可能性を実現するために、「人」というユニットに焦点を当てようとする考え方である。

人身取引の対策における三つの柱である、犠牲者への保護、犯罪者の起訴、そして人身取引自体の予防を、それぞれ「人間の安全保障」という観点から見直すと次のような変化が生じる。まず犠牲者の保護に関しては、一方的に「救うべき被害者」として扱い、そもそもそこから逃げようとしていた状況に戻そうとする措置から、犠牲者にとって最も必要とされることは何かを考えるアプローチに変化する。次に、犯罪者の起訴については、これはこれまで最も力を入れて取り組まれてきたことだが、現状では効果がみられないため、再考されるべき措置である。「人間の安全保障」アプロー

チに基づけば、たとえば、人身取引された労働者を雇用した者を裁くといった対策が効果的だと考えられる。最後に、人身取引の予防に関しては、需要と供給の関係を重視し、需要については、受け入れ国の現実的な入国・労働政策の改善を通して、人身取引された労働力への需要を削減する対策に取り組むべきであり、供給については、送り出す国の多面的な安定化を図るべきである。

本稿では、人身取引対象となる人間を送り出す国側の実態を把握するために、ルーマニアの事例を分析する。また、送り出す側のダイナミクスを理解しやすくするために、受け入れ側としてEUのケースを選んだ。

人身取引問題を解決するには、需要側と供給側の経済・社会的構造要因に取り組む、「人間の安全保障」アプローチに基づく対策を講じなければならないというのが本論文の結論である。論文では、第一に、人身取引を定義し、ルーマニアやEUにおける経済・社会的構造要因を分析する。第二に、現在の「国家中心的」アプローチに基づいた対策を分析し、その問題点を説明する。第三に、「人間の安全保障」の概念を導入し、現在のアプローチに対するオルタナティブとして提案する。「人間の安全保障」という概念を定義し、なぜ人身取引が「人間の安全保障」に対する脅威であるかという点を説明した上で、最後に「人間の安全保障」アプローチに基づいた人身取引対策を分析する。