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Chapter 3

Human Trafficking: Conceptual Framework

This chapter deals with the concepts and theories informing human trafficking debate, the challenges of definition and implications for anti-trafficking policy and practice. In view of the policy-oriented nature of this study I will not offer a full-fledged ‘theoretical framework’ for testing hypotheses but outline the key theoretical concept and insight with which I have worked. I call for rethinking the edifice of anti-human trafficking policy by proposing an integrative method, combining the liberal ‘freedom and emancipation’ perspective and the ‘structural’ perspective on human trafficking. The first approach privileges the intrinsic sanctity of human freedom and emancipation and the second explains human trafficking primarily as a result of material (poverty and basic human needs deficits) or structural contributory causes (structural inequality and unequal power relations).

3.1 Conceptualization and definitional issues

There are issues of defining and conceptualizing HT, human smuggling, ‘modern slavery’ and related terms. We start with a few definitions of the terms by some key global organizations. The recognition of HT as a major global problem is evident from the *United Nations Convention against Transnational Organized Crime* (UN 2000), also known as the Palermo Resolution, and coming into force in 2003. In the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (UN 2000c) which is part of this Convention, the ‘trafficking in persons’ is defined as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (*Ibid.*, 2010)

Two concepts are used to define problems of the victims of HT: *vulnerability* and *exploitation*. The vulnerability factor has to be addressed in all its complexity, taking also into consideration the following three main categories: personal (youth or old age, gender, belief, family

situation), situational (legal status in one given territory or social, cultural or linguistic isolation) and circumstantial (unemployment or economic situation) (Daniel-Wrabetz and Penedo 2015: 3). **These considerations lead to defining vulnerability as “a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved”.**⁴⁰ The double predicament of all persons trafficked, smuggled or forced to live under servitude or forced into exploitation, is that of vulnerability and exploitation. Unfortunately, **with vulnerability and exploitation comes an opportunity for traffickers, whose knowledge and capacity to identify vulnerable individuals or groups make it easy for them to identify and prey on potential victims.**

By making exploitation more explicit than the UN (2000), the EU (2011), in its ‘Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims’ offered a broader definition of HT, which includes:

“The recruitment, transportation, transfer, harboring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.⁴¹

Many of the features attributed to HT in this definition share several characteristics of human smuggling, modern slavery and forced labor which involve the control of persons in situations of vulnerability for exploitation or applying coercion and deception to lure **vulnerable persons to situations where they can be controlled regardless of their will.** In effect, although the comprehensive nature of this definition is a welcome contribution to identifying areas not fully covered by the UN (2000), it narrows the distinguishing points between HT and other forms of human exploitation such as modern slavery and forced labor. Concomitantly, it makes it too difficult if not impossible to define HT as distinctive for of exploitation with no relationship to other forms of human repression.

With these introductory remarks in mind, the rest of this chapter will focus on four major themes on conceptualizing HT: 1) an attempt to engage the debate on HT and how it can be distinguished from other **forms of human exploitation** (human smuggling, modern slavery/forced labor); 2) the challenges that the distinctions between different forms of human

⁴⁰ European Council Directive 2011/36/EU, Article 2.2:6.

⁴¹ *Ibid.*, 2011.

exploitation pose to the theory of practice; 3) An attempt to elucidate the current polemic between the liberal discourse on freedom and emancipation and an alternative conception of HT and modern slavery as products of the development of capitalism and the ascendancy of neoliberal globalization; and 4) Outlining elements of the policy framework as present in Ethiopia.

3.2. Conceptual distinctions

Providing a precise definition that provides a clear distinction between HT, human smuggling, modern slavery/forced labor is difficult. Below, an attempt will be made to clarify some of the conceptual issues which traverses these definitions in an attempt to delimit the conceptual scope of this thesis.

3.2.1 HT and Human Smuggling

The difficulty of definition also arises from the seeming overlap and similarities of the term ‘trafficking’ with some other concepts, notably human smuggling, illegal immigration, or ‘modern-day slavery’.⁴² The latter term is often used to call attention to the dramatic cases of exploitation and abuse of dependent trafficked persons, and in some areas of the world patterns of bondage, labour abuse and economic exploitation of people amount to *de facto* conditions of ‘slavery’, although not in a legal sense. Strictly speaking the term is a metaphor and is to be seen critically in the case of human trafficking (see section 3.2.2). Agustin (2005) and Davidson (2010) already delivered important nuances and critiques on the use of the concept of slavery in the case of human trafficking.

Although smuggling and trafficking are perceived to be of similar meaning, the two are clearly different. *Trafficking is a legal term that effectively encompasses non-traditional forms of enslavement but is not fully identical with it.* Unlike smuggling, trafficking is a situation in which the subjects are often fully aware and *initially* not coerced or defrauded into migrating.⁴³ *But the trafficked person cannot keep control of the process and is usually abused at various stages of the process – often ending up in another country or in another (undesired, exploitative) job.* *Smuggling of migrants*, on the other hand, has been defined as the procurement to obtain, directly or indirectly, a financial or other material benefit, *of illegal entry of a person into a state party of which the person is not a national or a permanent resident.* Hereby the person

⁴² See Parrenas *et al.* (2012); PIDC (2010); and UNODC 2009.

⁴³ PIDC 2010 and UNODC 2009.

who wants to be smuggled into a country keeps control of the process, as s/he is paying for (illegal) transportation services.

Salt (2002: 33-34) sharpens the distinction between human trafficking and human smuggling by arguing that:

“The main basis for the dichotomy is linked to the purpose of trafficking and the concept of exploitation, suggesting that smuggling is clearly concerned with the manner in which a person enters a country, and with the involvement of third parties who assist him/her to achieve entry. On the other hand, trafficking is a more complicated concept, in that it requires consideration not only of the manner in which a migrant entered the country but also his/her working conditions and whether he/she consented to the irregular entry and/or those working conditions”.

HT and smuggling therefore differ in three key elements: movement across borders, consent, and the purpose of exploitation.⁴⁴ Migrant smuggling necessarily involves the crossing of international borders. HT *may* involve the crossing of international borders but can also occur within the borders of one country, as internal HT. Second, migrant smuggling occurs with the consent of the person(s) being smuggled. The persons agree to cross the border illegally and often pay large sums of money to smugglers for the service. Upon arrival at their destination, they are free to go. In contrast, victims of HT may have agreed to migrate and work initially out of their own choice, but are prevented from leaving, often by physical or psychological coercion as well as legal and financial constraints. Whatever initial consent may have existed becomes irrelevant when any of the means (threat, force, coercion, fraud, and the like) are used to enslave the trafficked persons during the trafficking process. Finally, a key difference between smuggling and trafficking is the *purpose* for which a person is recruited. Migrant smuggling involves illegal entry of a person into a country for financial or other material benefit only, whereas trafficking occurs often legally, although for purposes of sexual or other labor exploitation, or even for excesses like the removal of organs for sale.⁴⁵

3.2.2. Irregular and Regular Migration

The vast majority of the world's 258 million international migrants have regular immigration status. Irregular migrants constitute between 10% and 15% of the migrant populations are

⁴⁴ PIDC 2010 and UNODC (2009).

⁴⁵ PIDC 2010 and UNODC (2009).

irregular. An irregular migrant is a person who has entered or lived in a country of which he or she is not a citizen, in violation of its immigration laws and regulations (ILO 2010). According to Castles *et al.* (2012: 117), “irregular migrants are workers, but not all enter the labour market: people migrating members or for lifestyle reasons may become irregular. Rejected asylum seekers may also fall into irregularity. While irregular migration affects most of the statistics tend to be unreliable, due to the very nature of such movements”. Overstaying ones work permit transforms the person, in the eyes of the law, from regular to irregular immigrant. In a sense irregularity occurs when compliance with the migration rules is breached but the person stays in the space between being legal and illegal.⁴⁶

Echeverría (2020:12-13), goes further to defined irregular migration as “the outcome of the interaction between human mobility across social spaces and the enactment of policies within those very same spaces”. He argues that the distinction that the term illegal is unable to capture is the one between what is considered legitimate by the state (“legal”) and what is legitimate for people (“licit”). Many trans-border movements of people are illegal because they defy authority, but they are quite acceptable, “licit”, in the eyes of participants (*Ibid.* 2020:12). However, whether the person who overstays his or her work permit are legal or illegal is a controversial issue which let the IOM to describe it as irregular. In other words, waiting for a work permit to be regularized, or while a person is expecting and extension of contract or while searching for new work opportunity but entered the country legally, can be defined as an irregular worker.

The term irregular migration is sought to tamper the negativity and stereotypes, with criminalizing effect associated with illegal migration. The link between irregular and legal migration is located by Broeders and Engbersen (2007: 3) within the domain of the nation state control of its sovereign borders and the challenges it poses to the liberal states. Most typologies of irregular migration are therefore set up around three main criteria. There is legal and illegal entry, legal and illegal residence, and legal and illegal employment (*Ibid.* 2007: 3). In a sense, such binary, tend to conflate irregular and illegal migrants, which is a harder definition than the IOM (2008), which define irregular migration as an activity straddling the space between regular and irregular migration.

⁴⁶ For more on regular and irregular migration refer to Jordan and Diiveli 2002, Castles 2007, IOM 2008, Mee 2016, Drammeh 2018, Echeverría, 2020.

Sheryazdanova (2015) is among the scholars who have no problem referring to migration as legal or illegal, for example, in the context of the European Union. She argues as follows:

The concept ‘illegal migration’ applies to a number of distinct phenomena. The term designates primarily – actions of (groups of) – citizens stemming from third countries, who illegally enter the territory of a Member State of the European Union (hereinafter, also EU) by land, water, or air (the latter case includes the transit zones of airports, too.) In most situations, the act itself is carried out either using counterfeit travel documents, or facilitated by organized criminal networks involved in smuggling various merchandise or in human trafficking (Sheryazdanova, 2015: 89).

However, illegal migration in this mode of thought can in some way be facilitated by traffickers and therefore, in such a case illegal migration could share considerable characteristics of human trafficking. As this study shows, many aspirant as well as illegal migrants resort to traffickers to be smuggled, get contracts or some form of employment licit or illicit. The study also shows that human trafficking make huge sums of money from migrants who are not able or do not have the right connections to migrate. In the muddy World of migration, developing a neat definition for each category has been fraught with difficulties and terms such as irregular and illegal migration overlap in so many ways. The possibility that a person starts as an illegal or irregular migrant and be trafficked to another country is a real possibility.

3.2.2 ‘Modern-day Slavery’

Slavery is defined in Article 1 of the Geneva Convention 1926, as a phenomenon consisting of two aspects: (1) *status or condition* of a person over whom any or all of the powers attaching to the right of ownership are exercised. (2) As *an act*, slavery is a form of trade known as slave trade which includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

In the modern world, however, the Geneva Convention definition of 1926 does not reflect reality. Scholars such as Jansson (2015: 342) have acknowledged that: “Today, legal slavery is basically abolished worldwide and therefore, it is imperative that slavery, like all social and economic practices, is not constant but evolves over time. Thus, a definition that is

based on a historical form of slavery might not cover its new forms. The conclusion is that the understanding any definition of slavery must become as dynamic as the practice itself". In contemporary HT studies, the term modern-day slavery is coined and like the old definition, it nonetheless involves the business of 'trading' in people, which was and continues to be global in scope. However, even if there are similarities between slavery and HT, the two are rather different (Aronowitz 2009). **Historically, slavery – as the sale of human beings, for various purposes, as commodity - was legal for a long time**, until the mid-19th century in the West and until the early decades of the 20th century in Ethiopia, and was also accepted by many. **These days, slavery is categorically rejected by all people (although as a practice it still exists), and those trafficked are *not* 'property' and strictly speaking not sold in any legal sense;** nor would they see themselves as 'slaves'. **But trafficked persons may fall into conditions of labor bondage or debt that reduce their status to deep dependency and lack of agency** that effectively resembles aspects of slavery (see Habibi 2019, who speaks of contract slavery'). In recent years, the awareness of modern-day HT often inspires moral outrage against it, also among state authorities and policy makers.

So if the struggle during mid-19th century and early 20th century was against classic forms of slavery, late 20th **century has produced what is metaphorically referred to as 'modern-day slavery'**. **For, example, an increase in the number of people trafficked due to improvement in transportation and the annexation of time and space through information communication technologies (ICTs) have opened new possibilities for HT. As Chibba (2014), and van Reisen and Rijken 2015) argue, the way we think about the HT phenomenon in the early years of 2000s has changed rapidly. From this perspective, trafficking has three dimensions, namely, 'actions', 'means' and purpose', but globalization and rapid and profound changes in national economies especially in the last two decades , coupled with the spread of new technologies and Internet access in particular (as mentioned by Chibba (2014), necessitate the inclusion of 'process' as an additional key element. Similarly, Obokota (2006: 6), argues that: "Trafficking in human beings is not 'just' a crime. It is a practice that affects entire societies or rather the very fabric of democratic societies. It undermines the very foundations of liberal democracies by violating principles of integrity and human dignity"**.

The two main influences which prompted the profound interest in HT and its denunciation stems from the dual impacts of globalization in terms of economic and technological integration. The other is the resurgence of democracy which heralded the ascendancy of liberal democratic and the respect of human rights, where modern-day slavery is treated an antithesis of freedom and emancipation.

Currently, four elements of the trafficking process can be summarized as follows: (1) the ‘actions’ refer to the recruitment, luring, transportation, and receipt or final processing of persons trafficked; (2) the ‘means’ are the use of deception, coercion, and threat or the use of force; (3) the ‘process’ is use of both the traditional and the new - which in part is driven by technology and Internet-facilitated HT procedures: the new process, for example, involves supporting cyber-sex exploitation; and (4) the ‘purpose’, which is exploitation – in one or more of the following ways: via pornography, cyber-sex, prostitution, forced labor, servitude, slavery, and even removal of organs for sale (Chibba 2014: 3-4). These four elements will be used in Figure 1 (section 3.4) on the conceptual framework as integrative aspects that link the freedom and emancipation perspective and the material or structural perspective on HT.

3.2.4 Forced Labor

The association between modern-day slavery and forced labor as forms of HT was coined by historians of forced labor to evaluate the incidence of new forms of slavery after its official abolishment. In his 1906 book *A Modern Slavery* Henry Nevison, he exposed that a slave trade was still in existence in Portuguese colonial Africa, despite the fact that it was supposed to have been abolished after the Brussels General Act of 1890.⁴⁷ For Nevison (*ibid.*), contract labor offered to the plantation laborers in Angola and in São Tomé and Príncipe represented forms of life-long servitude. Although wages were paid regularly, the amount was only about half that stipulated in the contract and could be spent only at the plantation store. In most cases, the laborers ended up highly indebted to the extent that they lost their free choice to leave the contractors and seek better contractual offers. These abject conditions of debt bondage were akin to slavery.

The study *A Modern Slavery* was followed by several publications echoing similar and more elaborate descriptions and explanations as well as more nuanced theoretical and conceptual frameworks.⁴⁸ Those writers who championed anti-slavery research and publications also belonged to strong modern anti-slavery movements, in most cases combining academic and civic activism. It is noteworthy that Bales, Trodd and Kent’s 2009 book *Modern Slavery: The Secret World of 27 Million People* provided an analysis based both on statistical evidence and stories to persons freed from what amounts to modern slave labor, although not

⁴⁷ Brussels Act 1890. The General Act for the Repression of the African Slave Trade. It was the first comprehensive treaty negotiated by the Brussels Conference of 1889-1890 which provided the first international comprehensive treaty against the African slave trade.

⁴⁸ Tomich 2004, James, 2005, Scarpa 2008, Bales 2012, Jansson 2015, to mention but a few.

legally so. They were also amongst the first to offer a distinction between old and modern slavery by arguing that: 1) unlike pre-18th century slavery, where slave ownership was considered legal and practiced in the open, modern slavery takes place in the shadows and its practitioners and beneficiaries try to keep it hidden from public scrutiny; 2) **modern slavery is divorced from race, color, religion and region**. It exists at a global scale and closely linked to the global economy and value chains; 3) since legal ownership of slaves is no longer recognized, it now manifests itself in the violent control of individuals **unable to leave their conditions of captivity and employment; they are forcibly held for the purpose of economic exploitation**.

Anti-modern slavery proponents have a similar conceptualization of anti-HT in that the modern slaves and forced laborers are stripped of their freedom and denied justice. **Modern slaves live in conditions of servitude which render them choiceless, exploited, oppressed and their human rights denied**. Brace and Davidson (2018: 4), made the point that: “The discourse of ‘new’ or ‘modern’ slavery invokes the past to frame the present not just in the sense that it identifies certain contemporary forms of oppression as equivalent to historical practices of enslavement, but also as a means of stressing the urgency of the present problem”.

Although the terms cannot be used simultaneously, trafficked persons can end up in a situation of forced labor or become identifiable with modern slavery as a form of human exploitation that thrives on vulnerability and exploitation. As the next section will show, there are two main anti-trafficking conceptual debates: one that privileges the effective enforcement of anti-trafficking legal frameworks and a second one opting for modifying the socio-economic conditions of the victims of trafficking as a priori condition for eliminating HT.

3.4. Two Competing Conceptual Frameworks

The objective of this section is to engage two main conceptual frameworks found in the anti-HT literature: the first strand of the debate treats **HT as part of international criminal networks whereby the overall aim of anti-trafficking is to prevent, suppress and punish trafficking in persons as part of transnational organized crime** (cf. UN 2000). Therefore, policies informed by this debate have drawn on international relations theories conceptualizing the state as a unitary, coherent and rational actor whose decisions to a large extent depend on the structure of the international system, irrespective of their internal, political composition (Schönhöfer 2017: 155). **In other words, states signatories to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*** (UN 2000c) should be true to their commitment and abide by the

international norms enshrined in the Protocol by implementing its provisions. Within this normative strand of thought lies **the idea that anti-HT theorizing is victim-centered** and should, therefore, **draw on the theory of freedom and the universal commitment to respect the individuals' (human) right to self-determination**. It echoes the contention that freedom is intrinsic value that every human being should enjoy because freedom defines the sanctity of human life. For example, Schuppert (2014: xvi) argues: **“what makes human life particularly valuable is our capacity for free rational agency....it is our practical freedom, that is our ability to make choices according to reasons and our own conception of the good which makes humans somewhat unique”**. He added that **“a society can only be just if its members face each other as free and equals”, *ibid.* 2014: xiii**). Therefore, **HT is seen as an activity that undermines the very meaning of freedom and justice. Human traffickers make their victims commodities,** and strip them of the capacity to be free agents, of the opportunity to be equal to their traffickers and of the capacity to determine freely the choices they may otherwise seek for their life and future destiny. Therefore, it could be inferred that **the ultimate objective and deeper meaning of anti-HT policies and legal frameworks is to reinstate the freedom the victims of HT have lost**. From this perspective, the deeper conceptual framework underpinning the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* is to **protect the victims and punish the traffickers and bring justice to the victims of trafficking (UN 2000c: 1) so that they regain their freedom**. This contention appeals to first principles (of basic human rights) and falls well within **the liberal freedoms and emancipation perspective and its quest for individual liberty as the essence of human existence, but it pays little attention to the human material-economic conditions which propel HT in the first place**.

A different anti-trafficking perspective recognizes the importance of anti-trafficking legal frameworks and at the same time acknowledges their failure to prevent HT from happening. For example, the critics of this anti-trafficking perspective claim that HT is part of a global exploitative system which fails to meet the aspirations of to be orderly **migrants who are ‘forced’ by poverty to be trafficked**. In Anne Gallagher’s words (2012: 28): **“The world’s migration management systems are in crisis. They are failing to meet the needs of governments, business and, importantly, the migrants themselves. The growth in smuggling and trafficking is a direct consequence of the global failure to manage migration and deal with its root causes”**.

A counter-conceptual framework to the individual liberty, freedom and emancipation **discourse** is informed by the recognition that colonialism in different parts of the world

benefited from slavery as part and parcel of the development of capitalism.⁴⁹ Therefore, the current anti-HT academic and activist scholarship make the association between the struggle against old and new forms of slavery or modern-day slavery as a struggle for freedom and emancipation.

They say that poverty and the lack of decent employment opportunities are the root causes of HT. The counter argument, therefore, is that legal provisions alone cannot prevent HT, which is rooted in a social and economic production and reproduction systems created by capitalism and neoliberal globalization. According this perspective, which is developed by certain labor and economic historians of capitalism, globalization, modern slavery and forced labor are new manifestations associated with the development of global capitalism (Bales 2000 and 2005, James 2005, Quirk 2006, Aronowitz 2009, Liu 2010, Beckert 2014, and Jansson 2015). Beckert (2014: 2), in particular, asked the pertinent question: “If capitalism, as many believe, is about wage, labor, markets, contracts and the rule of law, and most important, if it is based on the idea that the market naturally tends toward maximizing of freedom, then how do we understand slavery’s role within it”. His answer to this question is that, “the relationship of slavery and capitalism is, in fact, one of the keys to understanding the modern world”. There is also a cynical turn emanating from this system described by Taran and Geronimi (2003: 4), who argue that:

“The practices of many states of tolerating the presence of migrant workers in irregular status to meet labour needs in certain sectors of the market constitutes a de facto employment policy in which part of the work force becomes a variable which can be reduced or even eliminated (in theory) in periods of economic downturn, through exercise by States of their prerogative to expel foreigners from their territory. In effect, by the same manner that migration policy can be utilized to satisfy labour market needs with foreign labour, deportation or expulsion can be utilized to regulate or even force the return to countries of origin of this temporary labour” (Taran and Geronimi 2003: 4).

The political economy of HT, whether in the form of human smuggling, modern slavery/forced labor, sex exploitation or sex tourism, is in this radical view ‘necessitated’ by a global capitalist

⁴⁹ For more on the relationship between slavery and capitalism, see, among others, Sven Beckert and Seth Rockman 2018. *Slavery's Capitalism: A New History of American Economic Development*. Philadelphia: University of Pennsylvania Press; Eric Williams, 1994. *Capitalism and Slavery* Durham: University of North Carolina Press, and Martin Ruef, 2014. *Between Slavery and Capitalism: The Legacy of Emancipation in the American South*. Princeton, NJ: Princeton University Press.

system in which productive and service labor are moved to where they are needed.

In short, the liberal perspective of freedom and emancipation recognizes that the problem of preventing HT is a matter of law and order and non-compliance with anti-trafficking and human rights legal frameworks and instruments. On the other hand, anti-modern slavery and forced labor academics and activists argue that freedom and emancipation without meeting the basic human needs of the victims of trafficking may increase rather than decrease the prevalence of HT. In the concrete situations in which (Ethiopian) women liable to irregular migration and trafficking find themselves it is of course to be recognized that for them there is a *social dynamic* that moves between these two paradigms: the choices of the women are determined by context and not by theoretical considerations, and the structurally problematic socio-economic situations that propel scores of women to migrate are ultimately to be addressed much more seriously.

In this thesis, it will be clear that I put emphasis (in Chapters 3 and 5) on the *legal* frameworks that interact with the problem of human trafficking of females from Ethiopia rather than on socio-economic contexts *per se*.⁵⁰ For now, I argue that these two anti-HT frameworks mentioned above should not be treated as contradictory but as complementary. Essentially, the victims of HT need both the legal protection to safeguard their human rights as well as the material protection and support to address issues such as poverty, economic hardship and want. An integrated anti-trafficking framework is presented below.

3.5 Reconciling Two Anti-HT Frameworks

The purpose of figure 1 is to illustrate the possibility of integrating the two divergent traditions -of human rights (the liberal tradition) and the materialist anti-human trafficking paradigms framework -, critically engaging the academic and policy debates which present these frameworks. In reality, the policy debate focuses mainly on the implementation of the legal and policy frameworks with meagre, if any, interventions in improving material conditions of production, labour market access and employment (see Chapter 6, which assesses the policy interventions of national and international organizations working on HT). As presented in Figure 1, the combined framework of the freedom and emancipation and the material or human need approaches, is based on two assumptions: 1) the overall objective of the two frameworks is to prevent, prosecute and protect the victims of HT and 2) none of the two conceptual frameworks can yield positive results without due recognition to each other's constituent

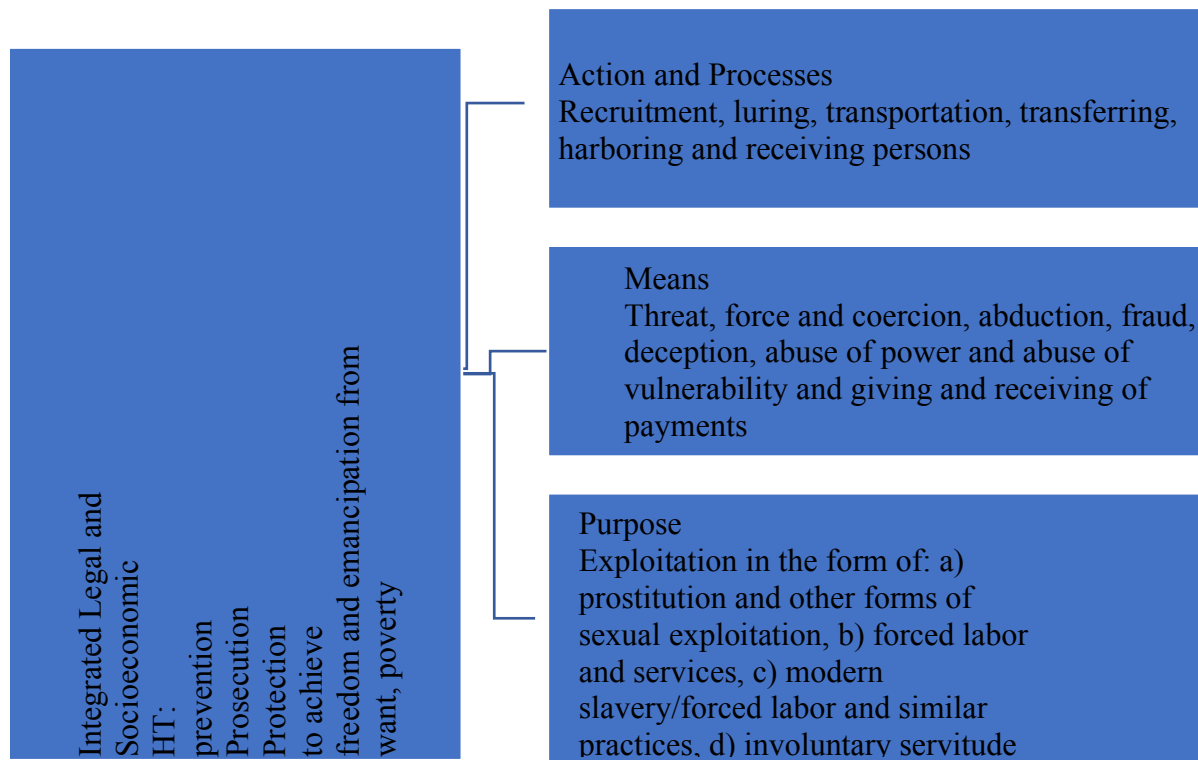
⁵⁰ In fact, one of my conclusions will be that the legal frameworks in place do not do a good job.

components. Unifying framework, therefore, reconciles the conventional freedom and emancipation and the human slavery/forced labor approaches and the latter quest for freedom from poverty and want.

In this descriptive framework, the four recurring elements of the HT industry are included:

1. the ‘actions’ – the recruitment, luring, transportation, and receipt or final processing of persons trafficked;
2. the ‘means’ – the use of deception, coercion, and threat or the use of force;
3. the ‘process’ – use of both the traditional and the new - which in part is driven by technology and Internet-facilitated HT process: the new process, for example, involves supporting cyber-sex exploitation; and the ‘purpose’, which is exploitation – in one or more of the following ways: via pornography, cyber-sex, prostitution, forced labor, slavery, servitude, and **removal of organs for sale** (Chibba 2014: 312). On the left-hand side of Figure 1 we see the outline of the policy framework developed to combat HT, reflecting the legal aspects of policy. The integrated framework introduces socio-economic interventions as part of anti-HT policy, which is a novelty compared with one-sided frameworks which project either the legal or the socio-economic framework. The nature of anti-HT policies as summarized on the left side of the diagram is elucidated in section 3.6 of this chapter.

Figure 1: An integrated anti-HT framework



Source: Designed by the author, based on Chibba 2014 and UN 2000.

Chapter 4 will elucidate HT from Ethiopia to the Middle East, focusing on the interplay of these salient elements of the conceptual framework and its application in the case of women trafficking. The chapter is a prelude to the field data chapters five and six.

3.6 Anti-Human Trafficking Policies

As explained in Chapter 1, anti-HT policies are informed by two major theoretical strands: the freedom and emancipation perspective which largely advocated by human rights lawyers and activists. The second is the material structural perspective which is advocated by political economists of HT. Figure 1 above shows that anti-human trafficking policies are conceived to with three main instruments informing the policy framework. These concepts refer to the principles and praxis (theory of practice) that informs the 1) the instruments to combat anti-trafficking elements (depicted in Figure 1 as action, means, process and purpose) and 2) the legal and administrative framework (understood as consisting of three elements: prevention, protection and prosecution). Because of the universal nature of anti-human trafficking policies

and practices, it is worth mentioning that in Chapter 6, we discuss the Ethiopian case, placing it within the wider global perspective of HT mitigation policies.

By way of introduction it can be said that anti-HT policies are a global concern. According to the UN, its interventions on HT are guided development processes⁵¹ which are described as complex, typically caused by many factors and layers that are embedded deeply in the way society functions.⁵² In other words, as described in chapter two, the setting in which human trafficking takes place is informed by the social structure of poverty, gender relations, unequal distribution of resources, environmental degradation and many other factors and layers of social functions.

Most studies on HT also discuss measures and policies to mitigate or terminate it. For example, Dean (2017) on the diffusion of human trafficking policies and their implications for comparative anti-trafficking measures. Similarly, Ivaschenko-Stadnik (2013), critiqued the inefficiency of the policy of combating trafficking in human beings in transitional economies, where a combination of corruption and creeping poverty made policy implication almost impossible. In the case of Ethiopia, for instance, Beck *et al.* (2016), human trafficking in Ethiopia with special focus on identifying gaps in service delivery, research, and policy and Woldemichael (2017) who interrogated Ethiopia legal and policy frameworks designed for the prevention of HT.

Generally, combating and managing HT activities require a comprehensive response, including measures to prevent it, protect victims, and prosecute traffickers (see Fukushima *et al.* 2012). We will treat this matter more in detail in chapter four, limiting ourselves here to a few remarks on the three Ps: prevention, protection and prosecution.

3.6.1 Prevention

Prevention mechanisms mainly focus on addressing root causes of vulnerability, often referred to as push/pull factors, usually identified as economic, social, cultural and political insecurities. More effective policies of development, awareness-raising programs through the media and education and research that provide accurate understanding of the dynamics of the problem could serve to inform in a better way. To prevent trafficking in persons, it is significant to

⁵¹ For lack of better term, the UN referred to these development processes as part of a theory of change. Refer, for example, to the UN (2016: 16, 24 and 29) use of theory of change in HT domain. Other references to the use of theory of change in HT, include ADB 2011, Moosa 2012, Baumann 2014, among others.

⁵² Wooditch (2012), 'Human Trafficking, Law and Social Structures', and Kangaspunta (2003), 'Mapping the inhuman trade: Preliminary findings of the database on trafficking in human beings'.

consider that specific groups can be targeted for prevention work beyond the conventional ones (cf. Gallagher 2010 and UN 2000) Empowering at-risk and vulnerable persons through leadership development to eliminate poverty, underdevelopment and lack of economic opportunities, discouraging the demand that fosters all forms of exploitation and raising the awareness to inform the public about the dangers of HT and provide potential victims with the possibilities for legal migration and enable them to make informed decisions are mandatory to prevent HT (OHCHR 2010). However, the conditions leading to vulnerability, combined with the persistent ideas and ideals of improving one's life in other locations than the home country will not be easily remedied.

3.6.2 Protection

Unlike prevention, which is a proactive strategy, protection focuses on the rights of the trafficked persons. Victim protection is aimed at the extension of government assistance, including service and rehabilitative facilities, to victims of HT. Although sometimes trafficked persons are blamed for getting involved in the trafficking activity, as victims they are entitled to human rights protection (Gallagher 2010). In this case, particularly state authorities have the first duty to protect and support those persons, as citizens. States should provide guidelines and procedures for relevant administrative authorities and officials, such as police, border guards, immigration officials and others involved in the detection, reception and processing issues of irregular migrants, to permit the rapid and accurate identification of trafficked persons. The absence of adequate legislation, fully functioning administrative structures and an efficient judiciary at all levels of the government machinery contribute to a failure to protect people from HT (UN 2000).

Indeed, providing protection for victims of HT is important not only from a human rights viewpoint, it also helps in preventing *re*-trafficking. Victims who are provided with proper assistance and support on their return are less likely to be re-trafficked, and less vulnerable to intimidation, retaliation, social isolation and stigmatization (OHCHR 2010). Since trafficked persons are treated as victims of a crime, proper assistance and support for reintegration is a right owed to them by virtue of their status as victims of criminal or human rights violations (UNCTOC 2000). Therefore, in principle states must establish appropriate procedures to provide access to compensate and re-integrate victims of HT (cf. UN 2000 and UNCTOC 2000).

3.6.3 Prosecution

This strategy has to do with enforcement of existing laws to counter HT, aimed at the traffickers. Even though having right laws in place is a prerequisite, prosecution is beyond enacting laws that help in combating HT. States have a responsibility under international law to act with due diligence to investigate, prosecute, and adjudicate HT (OHCHR 2000). To discharge such responsibility, states have to ensure the effectiveness of their criminal law and should prosecute if there is an allegation of violation by state officials and non-state actors and then compensate victims. An effective criminal justice response should strengthen training for law enforcement and other relevant officials. It also needs to be organized, empowered, and funded in a way that enables them to respond effectively and to discourage traffickers by increasing the risks and costs associated with their activities. A specialized investigatory capacity mandated to supervise as well as advice within a country is an essential component of effective criminal justice response. In the course of this study we will see that in view of the scale of, and interests involved in HT, the capacity of the state to prevent, protect and prosecute is limited.

3.7 Conclusion

The political economy of HT, whether in the form of human smuggling, modern slavery/forced labor, sex exploitation or sex tourism, is in this view necessitated by a global capitalist system in which productive and service labor are moved to where they are needed.

The liberal perspective of freedom and emancipation recognizes that the problem of preventing HT is a matter of law and order and non-compliance with anti-trafficking and human rights legal frameworks and instruments. On the other hand, anti-modern slavery and forced labor academics and activists argue that freedom and emancipation without meeting the basic material human needs of the victims of trafficking may increase rather than decrease the prevalence of HT.

In this chapter, it is argued that these two anti-HT frameworks, should not be treated as contradictory but as *complementary*. Essentially, the victims of HT need both the legal protection to safeguard their human rights as well as the material protection and support to address issues such as poverty, economic hardship and want. An integrated anti-trafficking framework is presented below.