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The Convenient Villain and the Stereotypical Victim: How Demand and Vulnerability Help Construct Anti-Policies in Trafficking and Smuggling

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Executive summary

In 2022, the European Commission (EC) issued a proposal for the revision of the 2011 Anti-Trafficking Directive. At the heart of the revision is a desire to strengthen “end-demand” solutions to trafficking, which are gaining increased traction at the EU level. Notions of demand fuel specific constructions of culpability, which in turn are bolstered by and feed on representations of vulnerability/victimhood. This paper draws on the anti-policy framework to make sense of these developments in the EU human trafficking and smuggling policy fields. Relying on a qualitative methodology combining a deductive/inductive approach, it develops a comparative analysis of dominant constructions of culprits and (potential) victims linked to demand and vulnerability, present in trafficking and smuggling, two fields which are strongly interlinked in EU policy. The article demonstrates that whether accentuated as in trafficking, or minimized like in smuggling, in both policy fields, prevailing representations of culpability and vulnerability/victimhood provide the fodder for policy solutions rooted in “anti” logics. This leads to policy outcomes centered on stronger criminal justice systems, law enforcement and judicial cooperation, at the expense of more protection and rights-focused options.

Whilst we are by no means contending that “vulnerability” or “demand” should be altogether dismissed as analytical concepts, we are exhorting policy-makers to engage in critical reflection on their use, which at present are employed erratically and inconsistently. Based on the findings, the paper develops concrete policy recommendations.

Keywords

trafficking, smuggling, demand, vulnerability, anti-policy, EU

Introduction

At the end of 2022, the European Commission (EC) issued a proposal for the revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (hereinafter Anti-Trafficking Directive Proposal, 2022). The proposal came in the aftermath of evaluation studies pointing to the Directive’s shortcomings in the areas of prevention and detection, protection of survivors and reduction of demand for services exacted from survivors of

trafficking (European Commission Directorate-General for Migration and Home Affairs, 2023).

Despite the array of reasons invoked, many experts (e.g. Giammarinaro 2021; La Strada

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International 2021; Manca 2023), have argued that the main driver of the Directive's revision is the growing political appetite for "end-demand" solutions to trafficking. By this view, the increasingly popular belief that by criminalizing the clients of sex workers, both the demand for sexual services and trafficking can be eradicated (European Network of Migrant Women, 2024; European Women's Lobby, 2020; Farley et al., 2004; OSCE 2021), played a major role in instigating the revision process. This perspective gains further credence in the light of parallel developments at the EU level in which "demand" has also played its part: most notably, negotiations around the EU Directive on combating violence against women and domestic violence and the EU Parliament's Report on prostitution (European Parliament, 2023).

The EP Prostitution Report is a potent example of the importance of issue framing in policy-making. As Kendall-Taylor and Gibbons (2018) have posited: "how we frame social issues profoundly influences our understanding of them, and how we think and talk about solutions". In human trafficking, just like in migrant smuggling - a field overlapping with trafficking both conceptually and practically (e.g., de Massol de Rebetz, 2023)—framings of culpability and vulnerability/victimhood play a pivotal role in forging understandings of the phenomena at hand. Trafficking representations, having been consistently critiqued by scholars for their gendered and raced assumptions, commonly see ruthless, foreign and rigorously male traffickers pitted against hapless female migrants (Bernstein 2018; FitzGerald and McGarry 2015; Mai et al. 2021; O'Brien 2015, 2018). The (ideal) smuggler is often portrayed as an evil perpetrator sitting at the pinnacle of large criminal networks, a depiction failing to capture complex empirical realities, versatile roles and motivations of individuals engaging in smuggling (e.g. Achilli and Sanchez 2017; Carling, 2006; Raineri 2021; Sanchez, Achilli, and Alagna 2024). Concurrently, smuggling is problematically considered as a "victimless crime," a notion which has recently been challenged by the inclusion of aggravated smuggling in EU legal and policy documents. These constructions of culpability and vulnerability/victimhood define who should be prosecuted or protected, thus influencing policy solutions.

Trafficking and smuggling representations can also be understood as expressions of policy fields "which name themselves explicitly as "anti" this or that, and which derive whatever legitimacy they enjoy from the claim that their objective is to repress bad things" (Walters 2008, p. 270). These two distinct policy areas have in common the instrumentalization of repression to produce new strategies to govern (Walters 2008). Just like other anti-policies, trafficking and smuggling rely on the identification of a subject-perpetrator to be fought by all possible means (Perkowski and Squire 2018; Troyer 2003; Walters 2008). In the case of trafficking, this is combined with idealized subject-victims in need of protection (e.g. Harrington 2005). By fixating on the bad and relying on a logic of othering ("us" vs. "them"), trafficking and smuggling policies restrict the space for political debate, leaving limited room for alternative interpretations and practical solutions (see Perkowski and Squire 2018).

This paper relies on the anti-policy framework as articulated by Walters (2008) to make sense of current developments in the EU human trafficking policy field. A critical reflection is warranted considering the impact of these developments on EU trafficking—and more generally, security and migration—policies in the upcoming years. To do so, this paper carries out a comparative analysis of constructions of culpability and vulnerability present in trafficking and smuggling, two sensitive and politicized fields which are strongly interlinked in EU policy. Whilst the main focus of the paper is on trafficking, with smuggling acting as a comparative lens; the conclusions are relevant to both fields and can be better comprehended through the anti-policy lens. The paper starts off with a general overview of current legal and policy developments in the trafficking and smuggling fields, followed by a theoretical exploration of demand and vulnerability. It then proceeds to the methodology section and subsequently delves deeper into the above-mentioned topics through thematic analysis of EU policies and legal documents. The discussion section brings together the analysis with the conceptual developments on vulnerability and demand.

Recent Developments Related to Demand in the Trafficking and Smuggling Policy Fields

Demand is by no means a novel concept. It first appeared in negotiations over the Palermo Protocol (Wijers, 2015). In the past decade, it has been invoked in numerous political debates on trafficking at the European level, with growing intensity in recent years (Ferčíková Konečná 2024). When discussions around the revision of the Anti-Trafficking Directive commenced in 2021, it was immediately apparent that demand was a key concern. The EU Parliament called for the criminalization of the *knowing* use of *all* services exacted from victims of trafficking, posing an obligation on users to demonstrate that they had taken all reasonable steps to avoid availing themselves of such services (see European Parliament, 2021a, 2021b, 2021c, 19–20). A host of civil society representatives opposed this provision, which they believed created unrealistic expectations on customers purchasing services in the EU and exacerbated harmful effects on victims/survivors and workers (Ferčíková Konečná, 2024; La Strada International 2021).¹ Yet, the resolution was passed and fed into the Anti-Trafficking Strategy (2021–2025), which made clear the objective to carry out an assessment to establish minimum rules to criminalize demand in the EU.

The initial round of evaluation of the Directive revealed that for many anti-trafficking actors who supported demand-reduction, the priority was not that of criminalizing purchase of just *any* service provided by victims, but rather of criminalizing services involving sexual acts (Ferčíková Konečná 2024). In this climate, the lengthy negotiation process for the Directive's revision culminated with the inclusion of the criminalization of the *knowing* use of a service exacted from a victim of trafficking under Article 18, conceding that the offence should not apply to customers purchasing products produced under exploitative labor conditions, as they are not

the users of a service². Moreover, and as a testament to the appetite for end-demand applied to sexual services, Recital 26 of the Anti-Trafficking Directive (2024) calls for more stringent criminal rules, including for nation states to criminalize the purchase of sexual acts if they see fit.

Aside from the Anti-Trafficking Directive, the EU's growing concern with curbing demand has also emerged in the aforementioned EP Prostitution Report (2023) and in debates around the EU Directive on combating violence against women and domestic violence. In the EP Prostitution Report (2023, 12–13), the EP declared that it is “impossible to decouple the discussion about prostitution (. . .) from the discussion around the fight against human trafficking for the purpose of sexual exploitation” adding that “one of the key demands resulting from this legal opinion is to introduce tools and measures that aim to reduce demand”. Similarly, in the EP's Report on the Proposal for the Directive on combating violence against women and domestic violence (2023), the co-rapporteurs called for the inclusion of “crimes of sexual exploitation through prostitution of others and purchase of sexual acts” arguing that these offences lead to the exploitation of women in vulnerable situations, “are a gross violation of a person's right to bodily integrity and implies that both a person and their consent to sexual activity can be purchased for a given sum” (p.153). These suggestions were not taken on board in the final version of the Directive; and it is worth noting that the EP Prostitution Report (2023) is not legally binding. Nevertheless, both documents are symptomatic of the prioritization of end-demand policies among key European actors.

Similarly, the current smuggling legal and policy instruments (commonly referred to as the “Facilitator's Package,” dating back to 2002³) are said to require “modernization,” in order to “respond to new *modus operandi* of smugglers” (Facilitation Directive Proposal, 2023, 2; see also Regulation Proposal on

² See footnote 6.

³ Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, [2002] OJ L328/17 and Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, [2002] OJ L328/1 (2002/946/JHA).

¹ The amended version of the Anti-trafficking Directive (2024) addresses these concerns: “the offence does not apply to customers purchasing products produced under exploitative labour conditions” (p.5).

enhancing police cooperation and the role of Europol for both trafficking and smuggling, 2023, 1–2). Nevertheless, as will be highlighted below, unlike trafficking, the impetus towards reformation and innovation has not translated into an emphasis on demand, on which smuggling policies have remained conveniently silent. Rather, scholars and civil society actors have stressed that counter-smuggling instruments and policy strategies predominantly focus on what is referred to as the “supply side,” namely the smugglers and the “disruption of their business model” (Carling, 2017; for a critique see Achilli and Sanchez 2017).

As Carling (2017, p. 4) has rightfully noted, the demand side of counter-smuggling strategy is characterized by “scant analytical precision” and the use of two vaguely articulated strategic approaches: “addressing the root causes” and “disrupting the smuggler’s business model” (see also Alagna, 2020). Despite several planned changes in the scope of criminalization, the Facilitation Directive Proposal is not immune from similar criticism (Sanchez, Achilli, and Alagna, 2024). Just like the current Facilitator’s Package, the Facilitation Directive Proposal (2023) does not consider the demand side or what is commonly referred to in policy documents as “root causes.” The insufficient analytical work on demand combined with a general lack of reflection on behalf of EU policy makers on the impact of counter-smuggling policies on the need for smuggler’s services—namely that (increasingly restrictive) border control and policing fuel the same smuggling market—has been subject to severe criticism (de Haas, 2015 on smuggling as a reaction to border control; Perkowski and Squire 2018; PICUM 2022; Sanchez, Achilli and Alagna, 2024).

Theories of Demand and Vulnerability

What Is Demand?

Despite its frequent mention, demand continues to be conceptually under-developed in its application to human trafficking at the EU level. Advocates of abolitionism contend that the mere existence of the commercial sex market drives the exploitation of women, fuelled both by consumer demand for sexual services and employer demand for cheap and easy-to-control

labor in the sex industry (Bateman, 2021). Yet, these apparently intuitive cause-effect dynamics over-simplify the complexities of the sex trade and conflate the phenomena of sex work, trafficking and migration (Kempadoo, Sanghera, and Pattanaik, 2012). Research on demand in economics underlines that demand is inextricably linked to supply: to understand one, it is necessary to comprehend the other (Horodnic et al., 2021, 2022). Two seminal studies from the early 2000s attempting to conceptualize demand for services obtained from victims of trafficking are the Anderson and O’Connell Davidson (2003) multi-pilot report and Lin Lean’s research (2007) for the International Labor Organization.

In their opening pages, Anderson and O’Connell Davidson (2003) highlight the challenges of theorizing demand in trafficking, as demand is the expression of multifaceted motivations and experiences: from an employer’s demand for cheap labor to a client’s appetite for cheap sexual services, and customer demand for affordable domestic services or cheap goods. When it comes to the demand for sexual services obtained from victims of trafficking for sexual exploitation, the authors note that although the recent growth of the sex industry does not automatically entail a rise in trafficking—as demand for commercial sex can be met both by someone who is not exploited and by someone who is—there is also reason to believe that in a generally unregulated, stigmatized and partially criminalized market, abusive labor practices abound.

The report further underscores the socially constructed nature of demand by focusing on demand for sexual services in particular. The strong interest in the person offering the service is a defining feature of demand in the context of the sex industry, and the specific manifestation of this interest is subject to change across cultures, national or other contexts. Those who consume the labor/services of sex workers make their purchasing decisions based on the characteristics of the person they interact with, such as age, gender, nationality, appearance, language. Such preferences are colored by racism and prejudice towards minority groups, which in turn impact sex buyers behaviors as clients. Clients can easily “adjust to practices that before they would have considered exploitative” based on their perception of individuals as belonging to “socially devalued groups” (p.42). Anderson and

O'Connell Davidson's (2003) research suggests that the exploitative conditions experienced by sex workers are a product of the unregulated nature of the sex work industry in conjunction with the abundant *supply* (emphasis added) of exploitable labor and the pliability of social norms influencing employers' and clients' demand.

Lin Lean's (2007, 3) work takes a step further in questioning the notion of demand, by recognizing that it is "an ideologically loaded term for which there is no precise agreed upon definition and understanding." She acknowledges that demand cannot be fully grasped without understanding "supply", yet bringing in supply raises a host of thorny chicken-and-egg questions. Does the problem lie with demand or rather with the "abundant supply of vulnerable women and girls whose services and labor can be exploited that fuel a level of demand that would not otherwise be there?" (Lin Lean 2007, 3). Relatedly, she asks, to what extent does vulnerability stem from poverty and unemployment in home countries and to what degree is it fuelled by state inaction in contrasting exploitative labor practices? The paper insists that demand for labor should *not* (emphasis added) be equated with demand for trafficked labor. With regard to regulating the sex trade, it notes that: "clamping down on some segments of the sex market may only lead to less visible and harder to-regulate activities. Research has shown that the market can adapt and adjust and that it is increasingly varied and sophisticated" (ibid.,8).

In the migrant smuggling field, scholarly work on demand often leads to conceptualizing smuggling as a "business/industry/market service" (see Salt and Stein 1997). Economic concepts of supply and demand are used analytically by scholars to shed light on the smuggling/smuggler/law-enforcement dynamics (for an overview see Alagna 2020). In this logic, the demand side is represented by migrants seeking to cross borders and resorting to the services of smugglers due to the inability to travel in a regular manner (Campana 2020)⁴. While policy documents often fail to address the "root causes" of migrant smuggling, as they raise sensitive questions around migration management issues,

critical scholarship underlines how restrictive immigration and border policies and practices *de facto* fuel the market of smugglers.

Alongside civil society actors, this strand of scholarship has consistently argued that counter-smuggling policies routinely and problematically emphasize the violence enacted by "bad" smugglers against "vulnerable" migrants. However, the same policies often discount the dearth of opportunities for many people to move and cross borders in a regular manner (demand or root causes) or indeed, the harms generated by counter-smuggling policies themselves (Alagna, 2020; PICUM 2022; Sanchez, 2021). Regarding the potential for harm, Perkowski and Squire (2018) further hint to the instrumentalization dimension deployed in EU anti-smuggling agenda regarding the simplistic portrayal of smuggler and the subsequent framing of smuggling in law-enforcement/security terms systematically failing to address the root causes driving the phenomenon.

What Is Vulnerability?

If demand directly contributes to constructing culpability, vulnerability serves as an indicator of (potential) victimhood and thus helps identify who is worthy of protection. The limited analytical work on demand in the context of trafficking quoted in the section above, refers to vulnerability as a form of supply, underscoring the importance of considering vulnerability. The objective is not to exhaustively cover vulnerability theories, rather to shed light on key critical approaches. Vulnerability features prominently in international and European legislation governing trafficking, providing that the ascertained presence and abuse of a condition of "vulnerability" for the purpose of exploitation, invalidates consent and stands as evidence of trafficking (Lowenkron, 2015). Despite its pivotal role, vulnerability as conceptualized in law and policy regulating trafficking, is often subsumed under individual factors, such as gender, age, language and disability. Broader situational or contextual issues are only cursorily touched upon (ibid.). Indeed, leading (international) legal instruments commonly refer to the "abuse of a situation of vulnerability" which is defined in a broad manner as a situation in which "the person concerned has no real or acceptable alternative but to submit to the abuse

⁴ For an overview of the business and economic aspect of the phenomenon see inter alia MacKellar, 2021.

involved” (see UNODC 2012). This definition causes confusion for practitioners and permits nation states to interpret the term either extremely broadly or, as is often the case, narrowly.

Similar considerations apply to smuggling and more generally to the EU’s use of vulnerability in the context of migration management. Vulnerability has become the crux of assessments for migrant protection in the EU’s framework of Integrated Border Management, largely spearheaded by Frontex. Against this backdrop, the criteria for vulnerability are constantly reformulated with a tendency to restrict them to factors such as medical conditions and stereotyped understandings of gender or ethnic belonging (Sachseder, Stachowitsch, and Standke-Erdmann, 2024)

Notable attempts at theorizing vulnerability can be found in the seminal work of legal theorist Martha Fineman and post-structuralist philosopher Judith Butler.⁵ Fineman (2008, 2017) critiques legal theory for focusing on an illusory “universal human subject,” defined by the idealized norm of the “male, heterosexual, white, able-bodied Christian” (O’Connell, 2009, 211). She argues this overlooks the inherent, universal nature of vulnerability, typically confined to specific groups through a “sameness/difference” lens (Baumgärtel, 2020). Whilst highlighting the universal potential of vulnerability innate in all of us, it would be reductive to summarize the Fineman’s argument as, we quote: “we are all equally vulnerable”. Indeed, Fineman laments the currently prominent focus on group identities (e.g. vulnerable women and children) for perpetuating a fragmented view of vulnerability, marginalizing those outside the archetype and reinforcing stereotypes. She asserts that the potential for “harm, injury, and misfortune” is inherent in the human condition, though individuals are differently affected by their circumstances (Fineman, 2008, 9). Vulnerability, shaped by social and institutional factors, is situational, context-sensitive, and produced. This reconceptualization allows recognition of vulnerability as “socially induced conditions” and exposes “the institutional practices that produce identities and inequalities” (Baumgärtel, 2020, 15). Fineman introduces

the concept of the “responsive state,” highlighting the state’s role in creating vulnerability and asserting its responsibility to mitigate and rebuild resilience (Albertson Fineman 2017; Baumgärtel 2020). This broader perspective encourages legal frameworks to move beyond simplistic categorizations and toward comprehensive policies addressing structural and systemic factors.

In a similar manner, Butler’s conceptualization of vulnerability (Butler, 2004, 2016; Butler, Gambetti, and Sabsay, 2016) rejects the reading of vulnerability as an individual trait. Critiquing sweeping claims about the inherent vulnerability of women’s bodies, it puts forward a relational, social and political interpretation of the concept. The point of departure, akin to Fineman’s, is the recognition that we are all “precarious selves” dependent on each other and on the broader social infrastructure (Butler, 2004), yet our experience of vulnerability is influenced by the specific aspects of our social positioning. Moreover, vulnerability is also performative, meaning that we are susceptible to power discourses affecting our existences in distinct ways. In line with Fineman, Butler (2016) argues that discourses on vulnerability often invisibilize the state. Whereas Fineman sees this as an opportunity to call on greater state accountability for its role in manufacturing vulnerability, Butler (2016) focuses on states’ instrumentalization of vulnerability considering that the latter is often exploited by states and by other individuals and groups in our societies to categorize entire populations, groups or individuals as worthy or unworthy of sympathy, compassion and support. While this “labeling exercise” may also be motivated by a desire to protect, it can serve to justify measures taken against communities or, ostensibly, “for their own good”. Applied to trafficking and smuggling, both theories raise questions around the constructions of vulnerability in EU legal and policy documents. Moreover, they emphasize the need to investigate the effects of such constructions on policy solutions.

Methodology

To explore demand and vulnerability in the context of smuggling and trafficking we first identified and gathered relevant EU documents addressing these phenomena (see Table 1). Considering how rapidly

⁵ Please consult Polychroniou (2022) critically analysing both theories.

Table 1. Number of codes per policy document.

EU policy document*	Code	Number of codes
EU Refit Evaluation Facilitator's Package (2017)	Demand	4
	Vulnerability	1
	Culpability	4
EC Guidance Implementation Facilitator's Package (2020)	Demand	1
	Vulnerability	0
	Culpability	6
EP Prostitution Report (2023)	Demand	31
	Vulnerability	31
	Culpability	10
Action Plan against migrant smuggling (2021–2025)	Demand	3
	Vulnerability	11
	Culpability	24
Action Plan against Organized Crime (2021–2025)	Demand	0
	Vulnerability	3
	Culpability	9
EU Security Strategy (2020)	Demand	2
	Vulnerability	13
	Culpability	8
EU Pact Migration & Asylum (2020)	Demand	1
	Vulnerability	2
	Culpability	3
Anti-Trafficking Strategy (2021–2025)	Demand	13
	Vulnerability	14
	Culpability	10
Anti-Trafficking Directive (2024)	Demand	5
	Vulnerability	10
	Culpability	2
Anti-Trafficking Directive Proposal (2022)	Demand	9
	Vulnerability	3
	Culpability	4
Facilitation Directive Proposal (2023)	Demand	1
	Vulnerability	2
	Culpability	4
Regulation Proposal on enhancing police cooperation and the role of Europol for both trafficking and smuggling (2023)	Demand	1
	Vulnerability	1
	Culpability	2
Proposal Regulation on Forced Labour (2024)	Demand	0
	Vulnerability	8
	Culpability	2

*abbreviated title - for the complete reference of each document - see the “policy document” section in the bibliography.

changing and topical both fields are, we limited our analysis to the most recent and currently applicable policy documents together with legislation proposals adopted and/or issued to deal with the phenomena.

The decision to include less obvious policy documents (e.g. EU Security Strategy) was deemed necessary due to the frequent references to both phenomena. In parallel to document collection, we

identified a preliminary set of 13 codes, which were used to analyse the selected documents via the qualitative analysis software *Atlas.ti*. The preliminary codes were strongly tied to the concepts of demand and vulnerability (e.g. demand, root causes, victim(hood), vulnerability (with associated factors), in the light of developments in the field of trafficking and of the paper's aim to compare and contrast representations of such concepts in the field of migrant smuggling. At the same time, in the coding process, relevant sub-codes were created based on themes organically emerging from reading the documents (e.g. consent or lack thereof, conflation between phenomena). The analysis thus combined a deductive and inductive approach (Elo et al., 2014).

In carrying out the coding process, particularly in its inductive aspects, we were inspired by the recognized framework for (critical) policy analysis “What’s the Problem Represented to Be” (WPR) social constructivist approach developed by Bacchi (2009). Specific attention was given to questions 4 (“What is left unproblematic in this problem representation?”) and 5 (“Can the “problem” be thought about differently?”). What effects are produced by this representation of the “problem?” (Bacchi 2009; Bletsas and Beasley 2012, 21). Albeit not applying the WPR approach systematically, these questions helped us remain attuned to issues of power and control in relation to constructions of demand and vulnerability. The coding process was carried out by the two authors with one focusing on smuggling and the other on trafficking. Both authors reviewed each other’s work. In line with the aims of the article, we decided to include only the results pertaining to the following three codes: a) demand; b) vulnerability and c) culpability. Specific attention was placed on (common) representations of victim and villain(hood) considering the organic linkage between notions of demand, culpability and vulnerability. Codes relating to conceptualizations of victimhood were linked to the broad concept of vulnerability and codes relating to conceptualization of villainhood are attached to the notion of culpability. The number of quotations per each code are listed in Table 1.

Trafficking and smuggling are highly topical and rapidly changing (policy) fields, resulting in a

necessary limitation as to the documents under the scope of the present analysis. Besides, the selective nature of the coding process needs to be underlined, for which serious efforts—notably through cross-coding, discussion and joint review—were made to alleviate shortcomings related to researcher and confirmation biases, reductionism and the potential tendency to overlook the important social context in which these documents were adopted (see Charmaz, 2006; Saldaña, 2021).

Analysis

Demand: Root Cause or Unwelcome Guest at the Dinner Party?

Demand is frequently invoked in documents on trafficking as a root cause—if not *the* root cause—of exploitation:

“Demand fosters all forms of exploitation of people in vulnerable situations, which traffickers take advantage of, in particular, in high-risk sectors and high-risk environments” (Anti-Trafficking Strategy, 2021-2025, p. 6)

“[H]uman trafficking for the purpose of sexual exploitation (. . .) is increasing due to high demand” (EU Prostitution Report, p. 19)

Given that demand is to blame for the increase in trafficking, particularly for sexual exploitation, the emphasis is generally on “reducing” demand, thus eradicating the conditions enabling criminals to profit from the exploitation of others. Nevertheless, limited efforts are made to define demand conceptually or indeed question where it originates from in the first place (see above). In the Anti-Trafficking Directive Proposal (2022, p.8) one finds a lone reference to economic downturns, COVID-19, wars and the energy crisis, as exogenous and systemic factors fuelling “demand for cheap labor and sexual services.” Similarly, the new Anti-trafficking Directive (2024, p.1) states in its opening lines that the root causes of trafficking include “poverty, conflict, inequality, gender-based violence, the absence of viable employment opportunities or social support, humanitarian crises, statelessness and discrimination”

However, these broader factors are touched upon in a cursory manner only to be engulfed by a host of matter-of-facts statements on the dominance of demand for cheap services and products conducive to trafficking for sexual and labor exploitation. Despite the challenges of tracing the contours of demand in the underground market of trafficking—as emphasized by Anderson and O’Connell Davidson (2003) and Lin Lean (2007)—demand is framed as the key justification for the phenomenon and relatedly, the chief economic principle explaining the financial model and *modus operandi* of trafficking culprits.

This perspective, based on a seemingly incontestable demand for sexual services—including those exacted from victims of trafficking—is applied to all kinds of goods and services which can be secured via criminal means, through a blanket approach. The caveats of this stance emerge organically in the kaleidoscopic and occasionally contradictory representation of culprits. The latter are frequently portrayed as organized crime groups, although there are relevant shifts across (at times same) documents. For instance, the Anti-Trafficking Strategy (2021–2025) cites on multiple occasions “organized crime groups,” “professional criminal networks” engaging in poly-criminality and “micro-networks” focusing primarily on sexual exploitation (e.g. pp. 7, 9, 11, 19). Simultaneously, the blame is occasionally placed on other actors, be they “businesses, employers, users and consumers benefit from the exploitation of victims through services, labor and products” (p. 2)

Despite the undeniable complexity, it remains unclear how demand is interpreted and benefited from by the different individuals falling under the umbrella of “culprits”. In relation to employers, this conceptual fuzziness is evident in that the strategy concurrently hints to their culpability or complicity, as well as to their responsibility in curbing demand:

“Businesses in certain sectors – such as hospitality, garment, fishing, agriculture and construction – may rely on the workforce of people who are in a vulnerable situation. They therefore have an important part to play (. . .) This includes discouraging demand” (p.7)

This duality is reflected in the Regulation for Forced Labor (2024) where “economic operators” are both

the actors potentially responsible for forced labor and are simultaneously urged to address due diligence concerns in their supply chain. The EP Prostitution Report (2023) further blurs the picture of demand and culpability with the strong allegation that “prostitution and trafficking for sexual exploitation exist because there is demand for it” (p. 17), where conceptual clarity about said demand is nonetheless wholly absent. In various instances, demand, including “male demand for sex”, is invoked as the leading reason for the sale of “women’s and girls’ bodies” (p. 25). Concurrently, there is an overt attribution of responsibility to countries embracing “liberal regulatory models” (p. 19) accused of encouraging the rise of demand for trafficking for sexual exploitation. The real culprits to which demand is tied, according to the report, are a host of actors, including “buyers, traffickers and pimps” (p.7), “loverboys” (p.8) and “criminal networks” (pp.8, 9,11).

While other trafficking documents make a greater intellectual and analytical effort to tease out demand for cheap goods and services as a first step leading to exploitation, the EP’s Prostitution Report makes no such attempt. Demand for sexual services and demand for trafficking for sexual exploitation come across as one and the same; and the varying motivations and experiences of those identified as benefiting from it (Anderson and O’Connell Davidson, 2003) are left unquestioned. It is interesting to note that demand and vulnerability occasionally sit side by side in the same sentence, evidence of their conceptual complementarity⁶.

Differently from trafficking, demand is barely mentioned in documents related to human smuggling. There were only 16 occurrences wherein demand was coded, as opposed to almost twice the iterations in documents specifically connected with trafficking. This would appear symptomatic of a deliberate attempt to avoid addressing demand, which comes across powerfully in the following quote from the Refit Evaluation of the Facilitators Package (2017, p.4):

⁶ See page Anti-Trafficking Strategy, 2021–2025 p. 6; EP Prostitution Report, 2023, p.26.

“The Facilitators Package does *not* [emphasis added] address the root causes of the demand for facilitation of irregular border crossing or residence in the EU. It focuses instead on the role of the smugglers and the penal framework to tackle this form of crime”

Although they do not disregard demand altogether, other documents make timid and occasionally idiosyncratic attempts at invoking demand. In the Action Plan against Migrant Smuggling (2021–2025) demand is mentioned three times as fuelled by disparities, echoing in part those mentioned in the Anti-Trafficking Strategy (2021–2025). Global inequalities such as demographic growth, socio-economic difficulties, lack of job opportunities, instability, climate change, are listed as contributing to fostering demand.

Despite the acknowledgement of the role of a host of broader systemic factors largely influenced by government (in)action, in a manner akin to the Anti-Trafficking Strategy (2021–2025) the document slightly dampens the responsibilities of States and the EU by circling back to the “smuggler,” accused of exploiting false narratives to dupe migrants. There is only one lone acknowledgement that border control and law enforcement activities impact the demand for smuggling activities in the Action Plan against Migrant Smuggling: “while the routes can change rapidly in response to increased border measures and controls, law enforcement activities or security risks (. . .)” (p.4). This speaks to the performative role of policies in producing problems, not because of intentional manipulation of issues; rather, as Bacchi (2012, p.22) rightly points out, as a result of “unexamined assumptions and deep-seated conceptual logics”.

Both the Refit Evaluation of the Facilitator’s Package (2017, 5) and the EC’s Guidance on the Implementation of the Facilitators Package (2020, 3) frame demand as evident in “the number of irregular migrants”. Demand, so understood, is at times linked to the protracted crises in the EU’s neighbourhood (e.g. war and political instability in Syria, Iraq, Afghanistan) acting as push factors, and concurrently attributed to the mounting operations of criminal groups recruiting more and more individuals seeking to flee.

The Facilitation Directive Proposal (2023, 15) states that smuggling is “driven by increasing demand and the high profits obtained by criminal activities”. This resonates with patterns of criminality considered to have shifted: “from “low risk, high return” operations to “high risk, low return” (particularly in previous years - see Action Plan against Migrant Smuggling 2015-2020, 1). Here, criminal activities are depicted as fuelled by a rather vague “increasing demand” and concurrently, by the high profits made by criminal organizations, an allegation which naturally spurs a (regrettably unanswered) chicken-and-egg question: do high profits generate demand or does demand generate high profits?

The EU Security Strategy quotes demand twice, describing it in vague terms as originating “from within and outside the EU and impacting all the member states” (p.18). In the Proposal Regulation on police cooperation and strengthening the role of Europol for both smuggling and trafficking (2024) “demand” is only indirectly tackled; yet the document starts off lamenting that smuggling is “reaching new heights, fuelled by increasing demand due to emerging and deepening crises” (economic, environment, conflict, demographic pressure in “third countries”) (p.1). Not unlike other documents where more or less clear references to global and systemic factors are made, these are rarely expanded upon.

Vulnerability: Beyond Titanesc “Women and Children’s First” ?

Vulnerability is a recurrent trope in trafficking documents. This is a testament to the importance given to the protection of (potential) victims in the trafficking field. Nevertheless, in its various formulations, vulnerability goes from being defined as an individual factor, to occasionally being linked to systemic causes and situational circumstances. What is nonetheless glaring is that across all the documents analyzed, certain individuals and groups—notably women and children, people with disabilities and migrants or ethnic minorities—are treated as vulnerable by default, in line with the narrow understandings of vulnerability identified by Fineman (2008, 2017) and Butler (2016).

“(. . .) the Commission sets out a renewed commitment and a strong policy framework to protect vulnerable individuals (. . .) Women and children are at the centre of this commitment” (Anti-Trafficking Strategy, 2021–2025, p.19)

“Persons with disabilities, in particular women and children, are at an increased risk of becoming victims of trafficking (. . .) Stateless persons are at greater risk (. . .) Children are considered to be one of the most vulnerable groups targeted by organised criminal groups” (New Anti-Trafficking Directive 2024, p. 4).

“(. . .) human trafficking for the purpose of sexual exploitation (. . .) is a serious form of violence that affects mostly women and girls (EP Prostitution Report, 2023, p. 11).

“Victims who are not EU citizens face additional difficulties” (Anti-Trafficking Strategy, 2021–2025, p.15)

Even within these target groups considered almost inherently “vulnerable,” there appear to be degrees of vulnerability, defined differently based on the specific document or section within it. Altogether lacking is a clear explanation of the reasons why someone is *de facto* more vulnerable compared to someone else. For instance, the Anti-Trafficking Strategy (2021–2025) cites factors that supposedly enhance the (innate) vulnerability of women and girls to trafficking, such as “gender inequality, poverty, social exclusion, ethnicity, and discrimination” (p.12). These appear to be mostly societal and systemic—except for the odd mention of individual factors such as ethnicity—in contradiction to the general tendency to focus on individual factors, already noted in the scholarship (Albertson Fineman, 2008; Butler, 2016; Lowenkron, 2015). The marriage of individual characteristics and exogenous social and systemic factors can be found in other parts of the document. By way of example, young women and minors from the Roma community (individual factors) are described as vulnerable to “multi-dimensional poverty, antigypsyism, low levels of education, precarious housing conditions, social exclusion and discrimination” (Anti-Trafficking Strategy, 2021–2025, p.13).

In an analogous manner, the Regulation on Forced Labor (2024) describes vulnerable and marginalized groups as “women, children, ethnic minorities, persons with disabilities, lower casters, indigenous and tribal people, migrants, especially undocumented migrants, who have a precarious status and operate in the informal economy”, whilst also specifying that exploitation and forced labor are a product of “poverty and discrimination” and the result of “manipulation of credit and debt” by employers.

As previously mentioned, the new Anti-Trafficking Directive (2024) recognizes several root causes of trafficking (see quote on pp. 16–17), yet specifies that these factors make “women, children and members of marginalized groups in particular” vulnerable to trafficking (p.1). The EP Prostitution Report (2023) speaks of women and girls in prostitution as the most vulnerable women and girls in society and goes on to further qualify them as “migrant women, women in and from war and conflict zones, as well as from disadvantaged backgrounds, or LGBTIQ+ persons” (p.18). It also blames “the COVID-19 pandemic” and “the current energy and cost-of-living” crisis for exacerbating violence against women (p.15). When pinpointing women’s vulnerabilities to violence more specifically, once again, it defines these both in individual terms—for example lack of language skills - and as a product of broader power imbalances—for example “poverty, social exclusion” (pp. 15, 19, 21). There is some recognition that vulnerability and stigmatization can be manufactured by policies based on the criminalization of sex work, resulting in the “constant threat of police and judicial persecution” (pp.16, 26); or from rules governing the issuance of residence permits to victims of trafficking. Occasionally, documents mention situational factors such as “high risk sectors and high-risk environments” (Anti-Trafficking Strategy, 2021–2025, p.7), or “the private sector” more specifically (Regulation on Forced Labour, 2024, p.2), as conditions fostering vulnerability.

While allegedly moving towards a more holistic understanding of lived experiences of vulnerability by combining the individual and societal/systemic levels, the formulation of vulnerability contained in these policies ultimately serves to strip minorities – be they women, migrants or individuals facing

intersecting marginalization—of all agency. In such a manner, the performative power of vulnerability as a tool to wield power and create categories of controllable subjects (Butler, 2016) becomes evident. The following quote from the EP Prostitution Report (2023, 25) is a clear testament to this: “the most marginalized do not find themselves there on the basis of a truly free decision (emphasis added), but often out of a bitter lack of alternatives in a capitalist and patriarchal society”.

Documents on smuggling limitedly address “vulnerability” generally attaching it to specific characteristics such as gender, age or both. By way of example, the Facilitation Directive Proposal (2023, 12) depicts unaccompanied minors as “particularly vulnerable”. In the Action Plan against Migrant Smuggling (2021–2025), assistance to children and women who may be exposed to violence is underscored. Nonetheless, the document also references forms of situational vulnerability, namely specific circumstances that would somewhat bolster a person’s overarching vulnerability. Women and children are portrayed as facing “situations of vulnerability” and in other parts of the document, mention is made of “migrants in vulnerable situations”, who include “children and unaccompanied minors”. These are migrants who are considered to be more exposed to violence, extortion, exploitation, rape, abuse, theft, kidnapping and even homicide (p.3).

The document further touches upon the common narrative of smuggling and poly-criminality. The common reference to exploitation of women in “vulnerable positions” lured into “sham marriages” stands out. While gender appears to be a relevant factor influencing vulnerability, there is a generic mention to rather nebulous “conditions of vulnerability” which would allegedly enhance the chances of being exploited. Victims of crime are also generically described as more vulnerable, yet again this vulnerability is tied to a situation, presumably that of having suffered crime and potentially, being foreign and on the move. Lack of context leaves room for interpretation, as is evident in the following quote:

“The fundamental rights of migrants need to be safeguarded (. . .) Migrants who are also victims of crime are often in a vulnerable situation and may have

difficulties to access justice” (Action Plan against Migrant Smuggling, 2021–2025, p. 17).

In instances, considerations around the “special needs” of “vulnerable groups” are made and minors are taken as a key example. Nevertheless, there is also a generalized failure to articulate what these special needs may consist of in practice, aside from resettlement:

“The EU asylum and migration management system needs to provide for the special needs of vulnerable groups, including through resettlement. This Commission has identified the needs of children as a priority, as boys and girls in migration are particularly vulnerable” (EU Pact on Migration and Asylum, 2020, 8)

Moreover, it is interesting to take note of two reflections on vulnerability contained in the Action Plan against Migrant Smuggling (2021–2025) and in the Refit Evaluation (2017). The Action Plan points to unaccompanied minors as a “highly vulnerable group that faces various risks including trafficking in human beings” (p. 20). Whilst highlighting that they may go missing and may be the target of traffickers in reception centers, it concurrently passes the buck onto anti-trafficking policymakers by referencing the Anti-Trafficking Strategy (2021–2025) as the landmark document and go-to for their safeguarding.

The Refit Evaluation (2017) speaks of “migrants in an irregular situation” as being more vulnerable to labor and other forms of exploitation and at the same time, in the space of a few sentences, hints to another form of vulnerability, namely that of Member States that need to be protected in their “territorial integrity, social cohesion and welfare through well-managed migration flows” (p. 7). This Janus-faced representation of vulnerability as a characteristic of migrants in situations of irregularity and a feature of European Member States dealing with migration flows which threaten their integrity speaks to the tensions undergirding EU policy-making on migration and raises important questions around protection. Who is to be protected? Irregular migrants from exploitation? Citizens from irregular migrants? The defense of the EU’s migration management objectives as a

priority placed on an equal if not higher level to the protection of the lives of smuggled migrants is telling in this regard (see de Massol de Rebetz, 2023 on the dual legal interests protected by the smuggling offense).

These questions are emphasized strongly in the EU Security Strategy (2020), where vulnerability is linked to global issues like terrorism, corruption, cyber and financial crime, with a focus on “protecting our citizens” (p.1). This makes patently clear that the focus is on protecting “us” from a very generic “them” (Walters, 2008), which can only be understood as those who are non-European and do not belong to the imagined EU community. There are a couple of mentions of migrants as more vulnerable to hatred in public spaces, and “children or women” (p.26) trafficked for sexual exploitation or exposed to domestic violence, but these take the back seat with the dominant emphasis being on the protection of EU citizens from the effects of globalization, which of course, include migration.

Discussion

Unpacking demand and vulnerability in the context of trafficking and smuggling is no easy feat. EU legal and policy documents are replete with differing - and occasionally contradictory - definitions of demand. Despite this, demand is consistently described as the root cause of trafficking and a driver of exploitation. The multifaceted motivations and experiences driving demand, which are invoked in previous theoretical work on the concept (Anderson and O’Connell Davidson, 2003; Lin Lean, 2007), are altogether ignored. While occasionally acknowledging that global developments influence demand for cheap services, products and labor, EU documents remain silent as to the causal links explaining these dynamics. A sound analysis of the role played by policies in diminishing or exacerbating opportunities for crime, is lacking. Ultimately, the attention falls on evil culprits, be they organized criminal groups making the most of demand for their infamous criminal purposes, employers and consumers ambiguously profiting from demand for cheap services, labor and products, or clients of sex workers.

Demand in the context of trafficking is thus left unproblematic (Bacchi, 2012): not only is demand for sexual services conflated with demand for sexual services exacted from victims of trafficking, but the given-for-granted high demand for sexual services, including those purchased from trafficked people, is considered evidence of high demand for any form of exploitative service. The sheer lack of problematization of demand becomes even more perplexing when one considers the variety of actors to whom culpability for trafficking is attributed, ranging from organized crime groups to clients and employers. There are significant gaps in evidence in relation to how these different individuals view and specifically exploit demand. Similarly, altogether missing is a thorough analysis of their potentially varied motivations to commit crime, despite decades of criminological literature emphasizing the complexity of criminal motivation (Bruinsma, 2014). Although in smuggling documents demand is equally vaguely articulated, it is afforded significantly less attention, aiding to turn the spotlight on ruthless smugglers.

Similarly, vulnerability in trafficking and smuggling is inconsistently defined: it is generally described as an individual, almost innate factor and in instances, also as a product of societal or systemic dynamics. While there is an effort to embrace a more intersectional understanding of vulnerability (see: Kuran et al., 2020), the main emphasis remains on group identities (vulnerable women and children), perpetuating a fragmented and reductionist view of vulnerability (Fineman, 2008; Butler, 2004, 2016). What is lacking is a more situated and context-driven understanding of vulnerability that starts from individuals’ lived experiences, develops an understanding of intersectional structural conditions fuelling inequality and devises solutions to address them (McKinzie and Richards, 2019; Yuval-Davis 2015). The categorization of certain groups as inherently vulnerable leads to detracting importance from broader, systemic issues affecting all individuals, which impact vulnerability (Wishart 2003). In a manner akin to demand, there is a concession that vulnerability can be manufactured by policy choices, although the evidence presented is oftentimes feeble and not reflected in the solutions advanced.

What emerges from the comparison of the two policy fields is that both the over-emphasis on demand in trafficking and its under-emphasis in smuggling yield similar outcomes. By leaving some issues unquestioned (Bacchi, 2012) both policy fields carve out their anti-policy rationales. In trafficking, the multifaceted nature of demand is swept under the carpet to construct a specific picture of culpability. Demand serves to lay the blame on the ideal culprit epitomized by organized criminal groups (O'Brien, 2015, 2018). The reported abuse that can be experienced by victims of both phenomena due to the involvement of organized crime groups (see: Vermeulen, Damme, and Bondt, 2010) should not be dismissed. Yet importantly, as EU policies rightly acknowledge, they are not the *sole* (emphasis added) actors to which culpability can be attributed, nor are they the easiest to prosecute, as the consistently low number of prosecutions across the EU reveals (for trafficking, see European Parliamentary Research Service on trafficking, 2023a, 2023b; for smuggling see Achilli, 2018, or de Massol de Rebetz, 2023). In the trafficking case, the criminalization of the knowing use of services exacted from victims of trafficking offers a seemingly straightforward solution to the drawback of low prosecutions and a semblance of successful anti-trafficking. Nonetheless, this solution is deployed despite the lack of solid evidence of demand for sexual services being conducive to trafficking (La Strada International 2022) and research pointing to sex workers' increased vulnerability as a result of end-demand measures (Vanwesenbeeck 2017; Platt et al. 2018; Oliveira et al. 2023). Moreover, the criminalization of the buyers grossly oversimplifies the complexity of demand. Arguably, and in line with the new Trafficking Directive, clients should only be considered criminal actors when they *knowingly* (emphasis added) purchase services from victims/survivors. While there are significant challenges to ascertaining "knowing use", dismissing the term would lead to blanket criminalization (La Strada International 2022). However, in numerous EU policy and legal documents, clients are often referred to broadly as criminals, indiscriminately of the knowing essential aspect. This highlights the need to further investigate and understand the circumstances and motivations pushing clients to

engage in said behavior, as opposed to purchasing sexual services from a sex worker who is not being subjected to exploitation. More generally, the example of buyers is evidence that demand can be viewed and exploited in varying manners by different actors, whose criminal acts are likely instigated by an array of different motivations (Anderson and O'Connell Davidson, 2003; Barrick et al. 2024; Koegl and Farrington, 2021).

Equally duplicitous are the policy solutions applied to employers and private companies: Depicted both as somewhat complicit in fuelling exploitation and concurrently, as allies in the fight against trafficking, they are subjected to stricter employment regulations, and invited to enhance due diligence mechanisms or develop tech products that can support anti-trafficking efforts. Organized criminal groups, clients and to an extent, corrupt employers create the fodder for anti-policy (Walters, 2008): the conceptual vagueness around what truly fuels the criminal behavior of each actor is conveniently dismissed and states are called upon to fight *the bad guys* (emphasis added).

Despite the apparent differences, the under-emphasis of demand in smuggling works somewhat similarly, allowing to underplay state responsibility in fuelling demand for smuggling via restrictive migration policies, which in turn feeds markets for smugglers and enhances the vulnerabilities of individuals who cannot pursue legal avenues to migration (Perkowski and Squire, 2018). Concurrently, side-stepping demand brings the focus back on evil smugglers doing "bad things" and reinforces the notion that the main solution lies in fighting these ruthless criminals. The repression of smugglers thus becomes the driving force of anti-smuggling (Achilli and Sanchez, 2017; Perkowski and Squire, 2018).

Interestingly, and akin to the trends observed for demand, vulnerability is over-emphasized in trafficking and understated in smuggling. In trafficking, vulnerability serves to reinforce the narrative of trafficking for sexual exploitation by drawing attention to women and children as potential victims, and bolstering the rhetoric around end-demand solutions. This also works to underplay the vulnerability of many migrant men to both sexual and labor exploitation (Barron and Frost 2018). In smuggling on the

other hand, vulnerability is minimized and often described as merely situational. A key reason for this is arguably that those who are considered vulnerable in this instance, namely migrants, are also prosecuted for smuggling crimes (see PICUM 2024). Understating vulnerability and emphasizing gender and age-related factors enhancing risks of victimization allows to focus on a smaller subset of migrants, and seemingly puts to rest some of the ambivalences surrounding the actual vulnerability of migrants. Vulnerability is also used as a trojan horse when the objective is that of instilling fear around rising migration flows and thus justifying stringent security and migration management policies to protect EU citizens from “different manners of harm”.

Conclusions

Through its analysis of relevant EU policy documents related to both trafficking and smuggling, this article has shown that while continuing to remain theoretically under-theorized, demand is an attractive strategic artifice which can be employed to manufacture culpability. Supported by specific representations of vulnerability, demand provides convincing justifications to go after callous (organized) criminals and other wrongdoers, and offer assistance only to those who fall within very narrow definitions of victims. It further enables EU policy-makers to altogether disregard the root causes of trafficking and smuggling and consequently craft more holistic and protective solutions to “fight” or better phrased “address” these phenomena.

For both smuggling and trafficking, these should start with acknowledging the mounting evidence that border control does not reduce crime, but rather contributes to fuelling the smuggling and trafficking businesses (see Campana and Varese 2015), and opening up legal pathways for migration. For trafficking, alternative solutions could entail taking seriously the literature that speaks to the harmful impacts of the partial or full criminalization of sex work (Oliveira et al. 2023), and promoting pathways out of irregularity and justice for all workers (Misra and Lederer 2022). Further research centered on lived experiences of vulnerability (e.g., Brown 2024) is also sorely needed.

Based on these findings, the paper develops the following recommendations:

- The European Commission should fund currently missing in-depth, empirical and independent research studies on the under-conceptualized notions of demand and vulnerability related to the phenomena of human trafficking and migrant smuggling.
- The current EU Anti-Trafficking Strategy (2021-2025) foresees the creation of a focus group of specialized prosecutors against trafficking in human beings, with a view to intensify judicial cooperation and develop guidance for their work. This focus group should be used to exchange knowledge and practice-informed views on demand in trafficking, with reference to different actors involved and with the objective of teasing out their potentially differing criminal motivations.
- In the initial drafting of policies and legislation, the European Commission should establish an interdisciplinary advisory panel combining insights from all the stakeholders involved in trafficking and smuggling. Besides practitioners and experts, this panel must also and necessarily include the voices of those with lived experiences of these phenomena (see for instance the Office for Democratic Institutions and Human Rights International Survivors” Advisory Council).
- When drafting and adopting policies and legal instruments touching upon human trafficking and migrant smuggling, EU co-legislators (European Commission, Council of the European Union, European Parliament) should strive to define the intricate notion of vulnerability, not as a static label but as a dynamic condition shaped by structural, situational, and individual factors (stemming from first recommendation).
- EU co-legislators need to acknowledge the potential of (exclusionary) border regimes in the creation of vulnerability. This awareness requires adopting a holistic view on the phenomena of human trafficking, migrant smuggling and more generally irregular migration

and border management. In line with its PPPP (Prevention, Protection, Prosecution and Partnerships) approach, EU co-legislators should, through effective and concrete legal protections, guarantee the safety, security, dignity and well-being of migrants.

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Data accessibility statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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