

open space

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A passenger arriving at London airports and passing the immigration check is greeted by anti-trafficking posters that tell the story of deceit and forced prostitution and call on passengers to seek help from the immigration officers in case they have been brought into the UK against their will. Once in the UK, one is confronted with similar campaigns but this time of a slightly different message; a campaign such as Blue Blindfolds calls on the general public across the UK to share any suspicions or information on cases of trafficking with the police or the Home Office.¹ During the last decade, anti-trafficking information campaigns have played a prominent part in anti-trafficking policies throughout Europe. They have for the most part been launched in migrants' countries of origin with the idea of warning migrants about the dangers of irregular migration. Scholars have taken interest in those campaigns and argued that despite the best intentions, such campaigns aimed at reducing irregular migration and encouraging women to stay at home promote stereotypes about 'eastern' European societies as patriarchal and crime-ridden and of women as naïve victims (Sharma, 2003; Nieuwenhuys and Pécoud, 2007). Feminist scholars have moreover put into question the category of 'victim', critiqued a slippage between 'illegal immigration', 'forced prostitution' and 'trafficking', and argued that these connotations divert attention from the role of the state (O'Connell Davidson, 2006).

1 <http://www.blueblindfold.co.uk/index.php>.

For those scholars working at the intersection of academia and policy, the question has often been how to bring this type of critical analysis to the attention of policy makers and how to find common ground (and language) in order to address problematic aspects of anti-trafficking campaigns. Having written about the campaigns myself, I noticed that in my consultations with policy makers, I tended to privilege the debate over restrictive immigration laws and hold back on considerations regarding representations of women's bodies. Why would a policy maker be remotely interested in a claim that anti-trafficking information campaigns eroticize and fetishize women's bodies (Andrijasevic, 2007)? My assumptions were proved wrong during the debate

with the head of the International Organisation for Migration's anti-trafficking unit, the very unit that was overseeing the realization of the campaigns I wrote about.² The point on erotization was of great interest and concern and seen as crucial in rethinking the conceptualization of the anti-trafficking work. This event has strengthened my conviction of the need for interventions that ensure that gender research influences policy development and implementation. Some arguments such as those about the rights of irregular migrants might seem difficult to advance, especially given the current political climate, and some academic considerations, such as those concerned with the demand for gendered and racialized workers, might appear difficult to translate into the language of policy. Yet, as the text below delivered by Bridget Anderson at the United Nations Global Initiative to Fight Human Trafficking Conference in Vienna on 13–15 February 2008 shows, making those arguments is crucial in order to broaden our understanding of structural injustices and domination, as well as develop alternative forms of knowledge and of action.

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Anti-trafficking information campaigns have tended very much to concentrate on source countries where the principal audience is imagined as being people potentially vulnerable to trafficking. Let us turn our attention to destination countries where campaigns focus either on 'demand' or on recognition (or both).

demand

Campaigns that target 'demand' have two potential targets for these messages, the consumers of goods and services produced or performed by trafficked people, and the employers or labour users of trafficked people. However, a key challenge for this approach is that we cannot target employer demand for 'trafficked labour' *per se*, nor consumer demand for goods or services produced or performed by trafficked people. There is demand for cheap and exploitable labour that undercuts minimum labour standards, working excessive hours for low wages; and there is a demand for foreign nationals, because they are easier to control. Non-citizens may be easier to retain if they are tied by immigration status for example, or if they are working illegally. Even abusive labour users do not necessarily equate their requirement for cheap labour with a demand for trafficked labour; rather they simply feel they are responding to the requirements of the market. In the same way, although there is a demand for embodied and controllable services, and for cheap products, this can't be equated with a demand for trafficked goods.

This is an example of where the interest in trafficking for the purposes of prostitution and modelling of responses based on this model facilitates a certain sleight of hand. Although there are those who argue that the abolition of prostitution will ensure there is no trafficked labour in the sex sector, in general

2 The debate between Richard Danziger and Rutvica Andrijasevic took place at the Kitson Club in Paris (14 September 2007).

the advocating of elimination of entire sectors in order to deal with exploitation and abuse is problematic for all kinds of reasons. One can scarcely eliminate agriculture, or domestic work, two sectors that are infamous for the levels and degree of exploitation that occur in them. Tackling the multi-faceted nature of this kind of demand through 'anti-trafficking' responses alone risks missing the point. It requires an approach that combats labour exploitation, racism and discrimination, deeply rooted in our economies and societies. Anti-trafficking measures and messages tackling demand must be consistent with broader sets of policies that demonstrate intolerance of exploitation, racism and discrimination.

recognition

Another aim of campaigns is to focus on raising awareness. There are generally two broad audiences for awareness raising: specific types of officials who are thought likely to come across trafficked people such as police, immigration officers, social workers etc. and the general public. The problem is that 'Victim of Trafficking' (VoT) is both a *descriptive term* applied by NGOs, the media and other civil society actors to people who have certain sets of experiences – though exactly what should constitute those sets of experiences is contested – and an *administrative category* entailing certain state protections and obligations towards individuals under the law as formally enacted. The identification of a 'VoT' such that they 'fit' the administrative category is notoriously difficult, and though much is made of the distinction between trafficked and smuggled persons, the instrumentalizing of these concepts has exercised lawyers, academics and frontline officials alike.

So while the media has in many countries raised the profile of trafficking and ensured that the general public is aware of the problem, this is very much on the understanding of trafficking as a descriptive term. The Blue Blindfold campaign aims to raise awareness of the nature and extent of human trafficking, and help members of the public to 'spot victims'. The signs listed in February 2008 included 'indicators of trafficking' that might apply to many, mainly migrants. Even migrants with legal status are often 'afraid of saying what their immigration status is', and indeed may be 'distrustful of authority'. In fact this distrust can be a very active factor in 'information campaigns' as migrants do not necessarily trust messages that are brought to them by receiving states. As for 'very poor working conditions', excessive working hours, below subsistence wages, and disregard of health and safety for migrant labour are regularly reported in the media. But focusing on recognition by members of the public inevitably relies on trafficking as a descriptive term.

This is not surprising as even government ministers can fall into using the term descriptively: 'three quarters of illegal immigrants to Britain are trafficked', the British Home Office Minister stated in March 2007. Should these three quarters

attempt to count as trafficked *administratively* for the purpose of state protection, they might find the term used somewhat more rigorously. Just because a member of the public has 'spotted' a trafficked person does not mean that they will be legally entitled to victim status. Not all those horrendously abused or caught in what some people describe as 'modern day slavery' will count *administratively* as victims of trafficking even when they are migrants who are grossly exploited. That is, as the figures demonstrate, there is a lack of fit between descriptive and administrative categories. The consequences, for those who may fit the descriptive but not the administrative categories, are that the promises that 'you have nothing to fear from the authorities' are simply not true.

rights

This raises the question of rights, redress and power. What are your rights, and where you can turn for help is crucial information for anybody, but particularly for those who are vulnerable because they are in an unfamiliar situation. However, this step forward raises real challenges for receiving states and civil society. Firstly, such an approach requires a differentiation between acceptable and unacceptable 'exploitation' and the danger is that once that line is drawn, anything on one side of it becomes acceptable, 'not so bad'. Messages need to avoid a perverse 'race to the bottom' where only those who are most abused and exploited count, and those, for example, who are 'only' not paid a wage can be represented as complaining about a minor infringement if, for example, they have not been physically beaten.

Hierarchies of suffering may reflect more the preconceptions and feelings of those who devise them than those who experience them. But workers, migrant or not, cannot be divided into two entirely separate and distinct groups – those who are trafficked involuntarily into the misery of slavery in an illegal economic sector, and those who voluntarily and legally work in the happy and protected world of the formal economy. Violence, confinement, coercion, deception and exploitation can and do occur within both legally regulated and irregular systems of work. How to draw a line in the sand between 'trafficked' and 'not trafficked but just-the-regular-kind-of-exploitation' migrants? How exploited does a migrant have to be to count as 'trafficked' (Anderson and O'Connell Davidson, 2002)? But this simple response opens a much more serious problem, as in many states certain categories of migrant labour have very limited employment rights, even when they are working legally. For those who are working in breach of conditions, or who are overstayers, rights may be severely curtailed. It is legal to discriminate against migrant workers, quite simply because they are not citizens. There is perversely a danger then of institutionalizing lower standards for migrant labour through focusing on trafficking rather than on equal implementation of labour standards and access to redress for crimes against the person. Moreover,

the fear of removal is actively used by exploitative employers in order to control migrants, including those with legal status. Although threat of denunciation to the authorities may be evidence of a forced labour relation, the fact remains that such threats are enforced by the state, usually seen to intervene on the part of employers rather than of exploited migrants. Abusive employers' messages, although not decent, are honest and truthful. Is it any wonder that migrants distrust state authorities and fear the police?

It is the relation of migrants, whatever their status, to the state that gives rise to many of the difficulties and challenges faced by migrants. I would propose two kinds of action: firstly the importance of facilitating collective action and organizing, of moving beyond the victim model; and secondly the removal of fear of deportation. We must disentangle labour and rights protection from immigration control. Otherwise, it is only the abusive employer's message 'You'll be deported if you don't do what I say' that is consistent and truthful. As it is, we need to take a long hard look at the role that the state plays in constructing categories of people who are vulnerable to abuse and exploitation, through its labour and immigration legislation.

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