# Trafficking in Women
## Human Rights or Human Risks?

CLAUDIA ARADAU

*Cet article critique l'approche victimisante au trafic des femmes en analysant la construction spécifique de ces femmes comme un groupe « à risque ». Les vistimes et les femmes « à risque » sont sur le même pied en termes d'émigration illégale et de prostitution.*

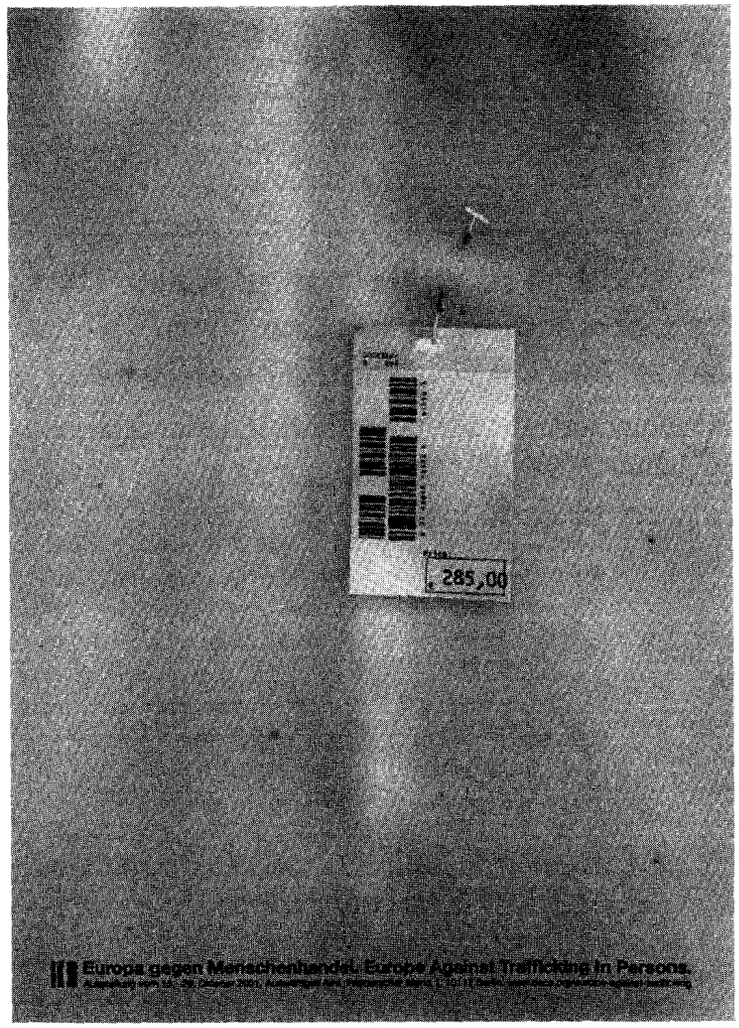
> REIW [Regional Empowerment Initiative for Women] ... will help prevent trafficking in the countries of origin as *at-risk women* are vested with the skills, knowledge and confidence to successfully pursue safe and fulfilling opportunities in their home countries. (IREX website)

> The [moral reformers] generally portrayed women simultaneously as "*sinned against*" and as a "*menace to society*." (Valverde 1991: 103)

These two statements, one chosen from an anti-trafficking website and not dissimilar to most anti-trafficking discourses, and the other qualifying nineteenth-century "white slaves" in Canada, seem to be not only temporally but equally logically incompatible. Yet, this paper will explore connections between the construction of women as "at risk," as potential victims and the effects that this construction entails on the appraisal of risk they themselves might be posing.

Trafficking in women became part of the European concerns in the early nineties exclusively as a law-enforcement problem, subsumed under illegal migration or organized crime. Women were therefore to be policed as illegal immigrants and rapidly deported. Victimization was put forth by various NGOs that felt it was the only way to further the human rights of women and prompt policy change both at the national and international level. Women were thus victims to be rescued, rather than punished. The concept of victim was however not necessarily advantageous to women as it implies denial of agency and objectification of women (Doezema 1998, 2001; Demleitner). A debate has ensued, as the balance of the advantages and disadvantages of a victim approach is not self-evident. While this debate has been focused on the general victim (are women victims?), I propose to look at the specificity of victimization of trafficked women (which victims?).

Trafficked women are represented as a group "at risk" which requires special attention and particular methods of




*OSCE poster for the international conference "Europe Against Human Trafficking," Berlin, 2001*

governing. An analysis of victimhood in the context of trafficking in women needs to be re-integrated within practices of risk-management. I will argue that implications of being risky are tied in with the very constitution of trafficked women as a risk group and that the risky-ness of victims makes sense only in the context of the taken-for-granted risks that illegal migration and prostitution are thought to pose to Western societies.

### Victims of Trafficking

Victims of trafficking are not a clearly defined category. Rather the notion of victim of trafficking has undergone a continuous expansion from the initial, highly exclusionary, "innocent victim." Willy Bruggeman, deputy

director of Europol, has identified three types of victims: *exploited victims*, who knew they were going to be employed in the sex industry but would never have imagined the slave-like conditions they would have to work under; *deceived victims*, who have been recruited to work in the service or entertainment industry and have been forced into prostitution; and *kidnapped victims*, unwilling from the beginning, and thus "sex slaves in the truest sense."[1]

Women are thus victims either because there is an element of force or deceit involved or because they are "modern slaves." In this straightforward approach, victimization is to be made physical and thus unambiguous. Physical suffering acts both as a difference effacer between categories of victims and it makes victim identification immediate. The poster for the 2001 conference "Europe Against Trafficking in Persons," held under the auspices of the Organization for Security and Cooperation in Europe (OSCE), emphasizes this corporeal representation of trafficking. The trafficking experience is unequivocally inscribed on the body. The body that is pierced by the sale tag and smeared by the blood trace can be any other body, its suffering is directly visible and identifiable.

The notion of victim has appealed to both activists and scholars in an attempt to distinguish trafficked women from illegal migrants and/or prostitutes.

Yet, this unifying representation of victims as suffering bodies is entwined with representations of specific victimhood. In the European Council Framework Decision on combating trafficking in human beings (2002), women are victims of coercion, force or threats, including abduction, deceit or fraud, abuse of authority and vulnerability. Despite earlier pressure by the Parliamentary Committee on Citizens' Freedom and Rights to define vulnerability as due to "poverty, lack of education and professional opportunities," these terms remain vague in their usage. The experience of victimhood is a complex one and different meanings of vulnerability buttress it. Women and children are particularly vulnerable to become victims of trafficking due to *inter alia* lack of education and professional opportunities (European Commission 2000). Women are seen as being in a particular vulnerable position, they find themselves in an environment they do not know and are usually ignorant of their rights (Vitorino). Vulnerability however becomes the building block of the understanding of trafficked women and it needs to be assessed and identified. Victimization is no longer a direct relationship to the body of the victim, but it needs the mediation of knowledge.

The victim of circumstances is equally a structural victim. According to IOM, "victims" of trafficking are generally quite young, mostly single and usually quite poor (IOM 2001). Moreover, besides "common conditions" as lack of work opportunities and discrimination of women, victims are shown to have often experienced "exposure to violence at home or in a state institution" (Unicef 2002). Most victims have been abandoned by parents, friends, husbands and many have been sexually abused (Centre for Prevention of Trafficking in Women 2002). They often come from dysfunctional families (La Strada Poland). Women are also victims of themselves, of their own biographical itinerary.

**Pros and Cons of Victimhood**

Debates on the usefulness of a victim approach have discussed victimhood in general terms, without looking at the actual practices of victimhood. The notion of victim has appealed to both activists and scholars in an attempt to distinguish trafficked women from illegal migrants and/or prostitutes. Victimhood can act as a "solidarity-inducing denominator" (Boutellier 68), especially as it resonates with concerns present in the West.[2] Slavoj Zizek has talked about the "universalization of the victim" (214). The victim has become the predominant political identification in the West. From victims of crime to victims of discrimination at work, groups mobilize and claim rights through this identification rather than through an appeal to justice. Hans Boutellier has also pointed out the recent rediscovery of the victim in relation to crime.

Being intrinsically linked to emotions, to sentiment, victimhood is supposed to trigger direct reactions in the spectator, beyond other rational calculations. Trafficked women have been subjected to cruelty and their undeniable suffering at the hands of traffickers makes them extraordinary, beyond the ordinary identifications with illegal migrants and prostitutes. Where their trajectory might have coincided with that of a migrant or prostitute, suffering is redemptory. A victim approach was thus supposed to reinforce the human rights of trafficked women and foster policies that would take into account their needs.

The most problematic aspect of the victim twist is that, as Boutellier has put it, "[t]heir only goal is to have someone listen to them and to have their suffering recognized and acknowledged, whether materially or otherwise" (50). Victims have no stories to tell about their motivation or the considerations that led to the crime they have been subjected to. "The good other," Zizek has pointed out,

> dwells in the anonymous passive universality of a victim—the moment we encounter an actual/active other, there is always something with which to reproach him [*sic!*]: being patriarchal, fanatical, intolerant.... (215)

In some cases, the more victims talk about the event, the lower their status as a victim (Boutellier). Thus victims are doubly silenced. Hence the feminist discontent with the victimhood approaches.

Victims, Jo Doezema (2001) has pointed out following Wendy Brown's analysis of the "injured body," do not covet power, but protection. The focus on suffering and pain is likely to obscure the need for an analysis of relations of domination within which trafficked women move. Baudrillard is thus right to say "in order to fight whatever, one must start from the evil, not from the suffering." One needs to tackle the causes, to challenge and envisage the restructuring of power relations rather than remain closed upon suffering and protection. It is in this context that feminists have started to explore trafficking in women in relation to global economics and exploitation (Sangera).

Suffering renders victims of trafficking "innocent," but at the same time it can entail pernicious consequences for those who have willingly taken up prostitution. While condemning forced prostitution, such an approach offers nothing in the way of rights for the "guilty," "voluntary" prostitutes (Doezema 2002). It equally does not benefit those women who do not fit the "typical" scenario of victimization (Deimleiter 259). What this debate however leaves unexplored is the specific construction of trafficked women as a group "at risk." Victims of trafficking are not the generalized victims of crime, they are constituted by specific practices and representations of risk.

### Victims "At Risk"/ "Risky"

In a Foucauldian-inspired sociological literature, risk has been defined as a component of diverse forms of calculative rationality for governing the conduct of individuals, collectivities and populations (Dean). Risk practices concern the qualitative assessment of individuals and groups as falling within "at-risk" categories. As Julie Brownlie has pointed out with respect to child victims of sexual abuse, their victim status is equally an indicator of future risk. Studies of risk practices have emphasized the construction of biographical profiles of human populations for risk management and security provision (Ericson and Haggerty). Psychological accounts of individuals at risk become inscribed upon victimization of women.[3] It is a relationship with the past that inscribes "becoming" upon "being" a victim and acts on the constitution of risk groups.

Their biographies construct women as pathological, likely to take abnormal, "risky" actions. The distorted actions women are liable to undertake fall under the categories of prostitution, illegal migration and even organized crime. Women thus remain risky beings, always "in danger" of being re-trafficked and therefore posing a continuous risk to Western societies. Rather than rights-bearing individuals, women are dealt with as risk-bearing ones, subjected to a logic of risk which is focused on how to limit the opportunity of the "risky" offender to offend.

The construction of women as "at risk" groups implicitly triggers the construction of "risky selves." Women can be re-trafficked given these inherent weaknesses; hence the concern with "disciplining" women. The European Commission (2000) has pointed out that helping victims of trafficking or smuggling is a way of preventing them to lapse into an illegal immigration situation. The prevalent concern about risky selves is that they will act in this way again. They are "risky beings" by virtue of a series of abstract factors, which turn their past into a "fulfilling prophecy."

Those judged "at risk" of being a danger to the wider community are subject to a range of therapeutic (e.g., counselling, self-help groups, support groups) and disciplinary (training and re-training) practices in an effort either to eliminate them completely from communal spaces (e.g. by various forms of confinement) or to lower the dangers posed by their risk (Dean 189). Victims are thus to be rehabilitated, assisted, and re-integrated in their countries of origin (European Council 2001; Brussels Declaration 2002). Rehabilitation reminds one of drug- and alcohol-addiction. Moral companions or the teaching of daily interaction techniques (such as using public transportation or conforming to a daily schedule) are indicative of a pathology that is assumed, though not expressed.[4]

Suffering renders victims of trafficking "innocent," but at the same time it can entail pernicious consequences for those who have willingly taken up prostitution.

While trafficked women are involved in psychological therapy (together, for example, with victims of domestic violence and rape) and in various vocational programs of retraining, it is important to remember that these programmes are seen by organisations such as the European Union (EU) as part of prevention strategies and to be supplemented in most cases by return to the country of origin.[5] Victims will thus be subjected to various practices which are more appropriate to containment of risk and disciplinarization than victim support. The fact that in the articulation with risk, these techniques are ambiguous and do not appear as benefiting the women is apparent in their refusal to undertake such programs.[5]

### In Lieu of Conclusion

This paper has looked at the articulation of risk-management practices and constructions of victimhood. The victim of trafficking has been shown to be represented as

a particular category "at risk," bearing the specificity both of social conditions and of her past. This particular construction of victimhood constructs women as equally "risky" selves, in need of being disciplined so as not to be re-trafficked. Women become risky in the context of unquestioned assumptions of risk to Western societies that illegal migration and prostitution pose. To the nineteenth-century vision of prostitution as a menace, the post-modern world has added migration. While these risks are in need of theoretical deconstruction, a more specific consequence for trafficking in women is that "victims" should be taken seriously; their refusal of certain programmes and/or their different needs should not be seen as part of a pathological problem.

*Claudia Aradau is a Ph.D. candidate in the Department of Government and Politics, at the Open University, UK. She is currently doing research on human trafficking and the practices of security.*

[1]Despite the conceptual enlargement operated, there is still a clear hierarchy of victims. Consent and prior knowledge are downplayed in the construction of the victim, but they do not disappear. On the dilemma of "voluntary" vs. "forced" prostitution, see Doezema (1998).

[2]Victimization is often the most important concern of postindustrial citizens (Lianos and Douglas).

[3] Compare earlier accounts of trafficked women. "Women originating from the CEE countries tend to be young, below the age of 25, well-educated and in many cases multi-lingual" (European Parliament 1996).

[4]I have chosen some of these techniques from the website of the Italian NGO *Servizio Migranti Caritas* (http://www.victims-of-trafficking.org/UK/index.html) and the French *Comité de lutte contre l'esclavage* (http://www.ccem-antislavery.org/FR/nous_aider.html). The risky-ness of women is equally present in the transformation of trafficked women into traffickers. See IOM 2002.

[5]The Unicef report notes that the majority of women to not take the offer for further assistance and do not contact the NGOs or stay in touch with IOM.

**References**

Baudrillard, Jean "No Reprieve for Sarajevo," 1994. Online: www.ctheory.net/text_file?pick=60 (Accessed 17 February 2003).

Boutellier, Hans. *Crime and Morality. The Significance of Criminal Justice in Post-modern Culture.* Dordrecht: Kluwer Academic Publishers, 2000.

Brownlie, Julie. "The "Being-Risky" Child: Governing Childhood and Sexual Risk." *Sociology* 35 (2001): 517-537.

Bruggeman, Willy "Illegal Immigration and Trafficking in Human Beings Seen As A Security Problem for Europe." Speech at the IOM-EU Conference on Combating Human Trafficking, September 19, 2002.

Center for Prevention of Trafficking in Women/Centrul pentru prevenirea traficului de femei (2002), *Traficul de femei in Moldova. Realitate sau mit/Trafficking in Women in Moldova. Reality or Myth.* Online: http://www.antitraffic.md/materials/reports/cptf_2002_05/.

Dean, Mitchell, *Governmentality. Power and Rule in Modern Society.* London: Sage, 1999.

Demleitner, Nora. "The Law at Crossroads: The Construction of Migrant Women Trafficked into Prostitution" *Global Human Smuggling. Comparative Perspectives.* Eds. David Kyle and Rey Koslowski Baltimore: John Hopkins University, 2001: 257-293.

Doezema, Jo. "Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy." *Global Sex Workers: Rights, Resistance and Redefinition.* Ed.s Kamala Kempadoo and Jo Doezema. London: Routledge, 1998: 34-50.

Doezema, Jo. "Ouch! Western Feminists' 'Wounded Attachment' to the 'Third World Prostitute'." *Feminist Review* 67 2001: 16-38.

Doezema, Jo. "Who Gets to Choose? Coercion, Consent, and the UN Trafficking Protocol." *Gender and Development* 10 (1) 2002: 20-27.

Ericson, Richard V. and Haggerty, Kevin D. *Policing the Risk Society.* Oxford: Clarendon Press, 1997.

European Commission. *Communication from the Commission to the Council and the European Parliament. Combating trafficking in human beings and combating the sexual exploitation of children and child pornography.* COM (2000) 854 final.

European Commission. *Annexe to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings. Draft Recommendations, Standards and Best Practices.* 2002. Online: http://www.belgium.iom.int/STOPConference/confdocs/index.htm.

European Council. *Framework Decision on Combating Trafficking in Human Beings.* 2002, http://europa.eu.int/scadplus/leg/en/lvb/I33137.htm.

European Parliament. *Trafficking in women for the purpose of sexual exploitation.* Communication COS/1996/2258, 1996.

International Organization for Migration (IOM). 2001, *Victims of Trafficking in the Balkans.* Online: http://www.iom.int//DOCUMENT/PUBLICATION/EN/balkan-trafficking.pdf.

International Organization for Migration (IOM Chisinau). *Traficul de femei si copii in scopul exploatarii lor sexuale in, prin si din regiunea balcanica,* Republica Moldova. 2002. Online: http://www.antitraffic.md/materials/reports/oim_2001_09/.

International Research & Exchange Board (IREX). Online: http://www.irex.org/programs/reiw/index.asp (Accessed 17 February 2003).

La Strada Poland. Online: http://free.ngo.pl/lastrada/page2.html (Accessed 16 February 2003).

Lianos, Michalis and Douglas, Mary. "Dangerization and the End of Deviance: the Institutional Environment." *Criminology and Social Theory*. Eds. David Garland and Richard Sparks. Oxford: Oxford University Press, 2000: 103 – 126.

Sangera, Jyoti "In the Belly of the Beast. Sex Trade, Prostitution and Globalization." *Re/productions* #2 1999. Online: http://www.hsph.harvard.edu/Organizations/healthnet/SAsia/repro2/jyoti_sangera.htm.

Valverde, Mariana. *The Age of Light, Soap, and Water. Reform in English Canada, 1885-1925*. Toronto: McClelland and Stewart, 1991.

Vitorino, Antonio. Speech to the European Parliament to mark the International Women's Day on the theme of trafficking in women, 2001. Online: http://europa.eu.int/comm/commissioners/vitorino/speeches/indx_en.htm.

Zizek, Slavoj. *The Metastases of Enjoyment*. (2nd edition). London: Verso, 1995.

Unicef. *Trafficking in Human Beings in South-Eastern Europe*. Joint UN, OSCE and Unicef Report, 2002. Online: http://www.unicef.org/sexual-exploitation/trafficking-see.pdf.