

The global anti-trafficking framework: overview, issues and debates

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MM's case study: 15 minutes

- Do you consider MM's case as trafficking or smuggling?
- What is the rationale for your response?
- What solution or outcome would you like to have if you were in MM's position after being arrested?

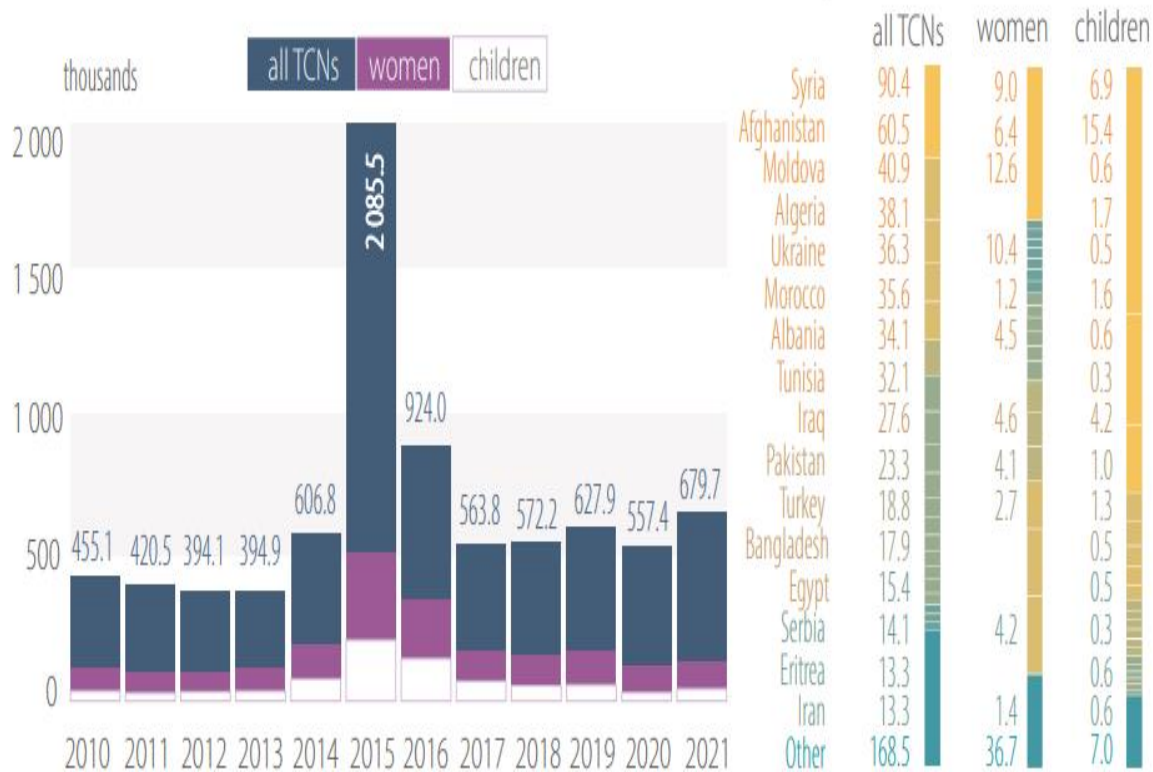
The social and political construction of border criminality



Border policing and “illegal” migration deterrence (among which is anti-trafficking and anti-smuggling initiatives) are mediated by political, racial, gender, religious and nationality considerations

Third country nationals irregularly in the EU in 2021

Figure 1 – TCNs found to be irregularly present in the EU and main countries of origin in 2021



Data for Croatia available from 2013 only.

- Africa-Europe migration is one of the most misunderstood and misrepresented topics in global migration studies (IOM 2017).
- 80% of African migration occurs within the continent itself (IOM 2019, African Union Afrobarometer Survey 2019)
- Africans are least likely to (have the chance to) migrate

Who does anti-
trafficking really
benefit?

“20 years after the Palermo Protocol, only a few hundred out of the purported 20 million people affected by trafficking have received support from states”



[Maria Grazia Giammarinaro, Special Rapporteur on trafficking in persons, especially women and children. Report to the UN Human Rights Council at its forty-fourth session \(A/HRC/44/45\)– July 2020](#)

The United Nations Convention Against Transnational Organized Crime

UNTOC's three supplementary protocols (the [Palermo Protocols](#))

- [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.](#)
- [Protocol Against the Smuggling of Migrants by Land, Sea and Air.](#)
- [Protocol Against the Illicit Manufacturing of and Trafficking in Firearms.](#)

Trafficking in Persons

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organised Crime (Article 3)

Trafficking in Persons

(b) The **consent** of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article

Trafficking in Persons (AMP)

Act: recruitment, transportation, harbouring or receiving

Means: trickery, coercion, abduction, deception, use of force, false representation

Purpose: servitude, forced labour, prostitution of others; **exploitation**

Trafficking in Persons (AMP)

- There are multiple, sometimes oppositional, and shifting understandings of trafficking from different 'claims makers' on trafficking
 - Governments and state parties: migration, crime and border controls
 - anti-prostitution NGOs: sex trafficking
 - Migrant rights organisations, labour rights and sex work advocacy organisations: labour conditions, migrant labour exploitation

Exploitation looks different to different parties

Trafficking in anti-migration

“It must be emphasised that migration is the general phenomenon, and trafficking is only a mode of migration. Over-emphasizing trafficking and taking it out of context (in relation to migration) is strategically counter-productive in the fight for human rights because: (a) trafficking puts migration in a crime control, crime prevention context, rather than talking about migrants’ human rights first (AMC, 2000, p18)

Trafficking in anti-migration

Case study: anti-trafficking initiatives in Nigeria

- EU Border externalisation measures to combat migration from Africa and elsewhere
- Two key aspects in Nigeria: funding of anti-trafficking and anti-smuggling activities and posting of ILOs
- Severe limitations on access to regular or formal channels of migration to EU countries
(stigmatised identities: labelled as liars, scammers, criminals, rejects of the world')