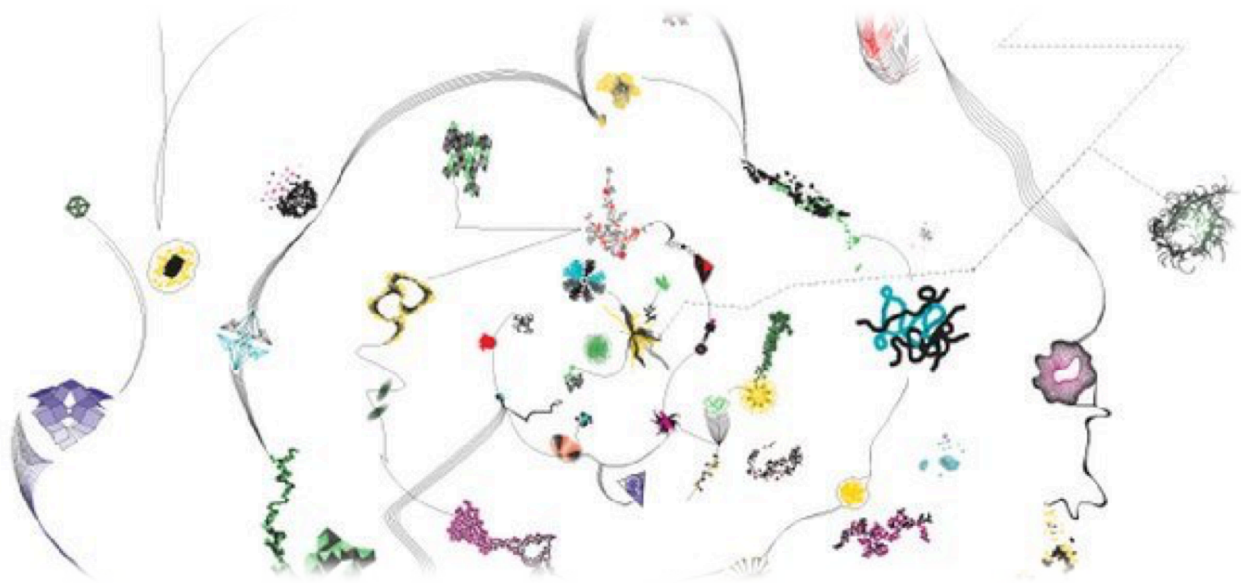


**‘The European Union approaching trafficking in human beings:  
Walking a tight rope between security and values and objectives of the  
EU’**



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## **Abstract**

To fight human trafficking has been an ongoing topic on the political agenda of the European Union (EU), international organizations and states. The EU continuously asserts its dedication and obligation to operate in tackling the phenomenon, jointly with the Member States. After the longstanding conflicts and differences over a commonly accepted definition, an agreement was reached with an internationally accepted definition in 2000. This internationally accepted definition and its EU adoption, it was assumed, could help tackle the issue human trafficking. However, the debates on anti-human trafficking measures, including its definition, have not ended yet. Moreover, the apparent contradictions between migration law and criminal law have not been disappeared by requests of NGO, scholars, and experts. Therefore, the aim of this Bachelor thesis is to examine the anti-human trafficking approach taken by the EU. A first approach associates human trafficking with other crimes, such as the trafficking of drugs and/ or terrorism. Another approach considers that victims of human trafficking are no threat to national security and it emphasizes humanitarianism by guaranteeing psychological care and physical shelter. The last argument concerns economic globalization, discussing to what extent income disparities and related factors help foster human trafficking. Taking each approach into consideration, the Expert Group of the European Commission declares that a variety of recommendations, principles, and guidelines need to be implemented in order to combat the problem. These guidelines vary depending on the approach taken, whether it emphasizes human rights, victims' assistance and protection, or the more general economic causes. This study outlines these different approaches and which guidelines and recommendations they propose to handle the problem of human trafficking within the European Union.

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# 1. Introduction

Human trafficking is a crime, where people are bought, sold and used so that traffickers make huge profits. In fact it can be (more) understood as a business. According to the International Labor Organization (ILO; 2008), human trafficking is the fastest growing and third largest organized crime industry worldwide, after the trafficking in drugs and weapons, generating 32 billion dollars yearly. The crime is based on the treatment of human beings as private commodities and/or properties deprived of freedom, as victims are put into a state of dependency via the use of threats, violence, and humiliation. Besides, it breaches fundamental human rights, as stated in Article 3 (UN, 1948): the right to freedom, liberty and security.

In effect, human trafficking is a rising global problem, which asserts around 2.7 million victims “at any given point in time” (ILO, 2008, p.1). According to moderate estimates of the UN, there might be 270.000 victims of human trafficking within the industrialized nations. Other sources posit that the rising numbers of victims trafficked into or within the European Union already exceeds a few hundred thousands (Europol, 2009). Also, trafficking in people for forced labour has increased globally. Nonetheless, trafficking for sexual purposes is still the most prevalent form of exploitation in the EU (66 percent; Engelbrekt, Martensson, Oxelheim, & Persson, 2015). Yet, these statistics have to be viewed with caution, since numbers concerning human trafficking are based on estimates. Additionally, terminologies and numbers are defined and collected by various organizations, which gather the data differently (Salt, 2000).

Nearly every nation in the world is to some extent connected to human trafficking, either as a country of origin, transition or destination. The UN Global Report On Trafficking in Persons (2014) states that the EU has the highest number of human trafficking victims. Because of the Eastern enlargement of the EU (in 2004 and 2007), since Central and South-East Europe are considered to be the countries of origin for many victims sent to West and Southern Europe subsequently (ibid.).

In the absence of border controls due to the Schengen Convention, the EU is particularly affected by human trafficking. Traffickers operate in multiple countries and the Eastern enlargement has made the EU’s external borders adjacent to countries from which an overwhelming number of victims originate (Europol, 2009)<sup>1</sup>. Confronted with this heightened risk for human trafficking, it is of interest in how far the EU recognizes the problem and sets itself the task to solve it. The European Commission (EC), for example, assertively declares that it will “guarantee full alignment with the highest European standards, provide better assistance for victims and tougher action against criminals responsible for child sexual abuse and trafficking” (2009). Yet, given the extensive length of borders with countries of origin, it is debatable whether the EU is able to combat human trafficking and at the same time protect discovered victims. The task has become even more daunting in light of the chaotic circumstances at borders during the current European migrant crisis.

Since the beginning of the 1990s, the EU is politically involved to prevent human trafficking, by issuing directives, decisions and opinions on the subject. Legislation on law enforcement in the realm of human trafficking was passed by the European Council which adopted additional proposals. However, the

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<sup>1</sup> The “real” extent is not provided by Europol due to the lack of data.

opinion published by the Expert Group of the European Commission (2010), seventeen years after the first measures on this issue, revealed serious deficiencies. A former EU Commissioner for Justice, Freedom and Security declared that despite the EU's and the Member States' (MS) moral ambitions and eagerness to eradicate the problem, the implementation of the measures fell short. One source of criticism involves the MS' treatment of victims. In compliance with the EU Charter of Fundamental Rights, trafficked individuals are victims of crime but are not protected as such. In fact, they are oftentimes treated as criminals, which makes secondary victimization complete (European Policy Centre, 2007; Best, 1997).

Different scholars approach the phenomenon of human trafficking from different perspectives. Generally speaking, human trafficking is a process in which individuals cross borders unauthorized and unseen by legal authorities of both the country of origin and destination. Therefore, Buzan, Wæver and de Wilde (1997) view human trafficking from a perspective that is primarily concerned with Intra-European security. Consequently, from this perspectives, scholars tend not to differentiate human trafficking from illegal migration (Huysmans, 2008). In fact, human trafficking is a crime that oftentimes goes along with other crimes, like drug trafficking or terrorism (Berman and Friesendorf, 2008). While it is undebatable that human trafficking, is "one of today's largest shadow economies" (Stoecker & Shelley, 2009; p. 1) and poses a significant risk to European security, other authors advocate to not oversee the human victims of human trafficking. For example, since sexual exploitation is still the main form of exploitation in the EU, some scholars have advocated to view the problem of human trafficking from a perspective aimed at strengthening female rights. This feminist-approach views human trafficking "through a gender lens" (p.159) and focuses "on the violation of the human rights of trafficked persons and ways and means of empowering them economically and socially so that they are capable of defending their intrinsic rights" (Alvarez & Alessi, 2012; p.160). However, while the number in forced-labor trafficking increases, the gap between the number of female compared to male trafficked victims diminishes (Engelbrekt et al., 2015). Like the feminist approach, but in a more general way, the human rights-based approach stresses the role of the victims of human trafficking (Rijken & de Velder, 2009). A factor that is often associated with the growth in human trafficking is globalization, which, as some authors posit, creates "a global hierarchy of winners and losers" (Pourmoghtri, 2015; p. 157). These large differences in social welfare and labor costs, in turn, stimulate migration from less to more wealthy countries (Shelley, 2010). Thus, in many cases, trafficking begins on a consensual footing with a migrant willing to leave his or her country and then falls into the hands of a trafficker (Aronowitz, 2001). Based on these observations, some scholars view human trafficking as an economic phenomenon. From this point of view, human trafficking can only be solved and prevented by measures stabilizing socio-economic factors (Ionescue, 2007).

Resulting from the diverging ideas and perspectives concerning human trafficking mentioned before, in this thesis, the EU anti-human trafficking policies will be characterized in terms of the three most influential perspectives.

For this thesis, the following research question is formulated:

*"How can EU anti-human trafficking policies be characterized?"*

To find an answer to the research question, the concept of “human trafficking” will first be defined. Secondly, the aforementioned perspectives that will be used for characterizing the EU’s policies on human trafficking will be described. Especially, the role that these approaches have played in the EU anti-human trafficking legislation and policies will be examined.

The following chapter examines the scholarly debate on the EU anti-human trafficking approaches to human trafficking in order to find out how these approaches can be characterized. The chapter will be structured like the following: first, attention will be focused on the scholarly debate surrounding the three main perspectives. Based on existing theories and literature on the topic, the EU commitment to eliminate human trafficking on legal and political grounds will be described. The third chapter describes the methodology of this research, addressing the case selection and sampling strategy, the data collection and method for data analysis. In the fourth chapter, the results from the analysis will be presented. The fifth chapter will discuss the overall research question and reflect upon the analysis.

## **2. Three approaches to human trafficking**

This chapter is divided into four parts and outlines the scholarly debate surrounding the research question. The aim of this chapter is to describe three perspectives on human trafficking. Before examining the three approaches to human trafficking in greater detail and how they shape the responses and policies addressing it, human trafficking needs to be defined. Herefore, Salt's and Hogarth's (2000) study on current trends of illegal migration flows to the EU, and Goddey's (2008) and Salt's (2000) research on the distinction between human trafficking and smuggling, its ambiguities and the governments' and authorities' struggle provides meaningful insights to understand the concept human trafficking. The last three parts in this chapter investigate the characterization of the EU anti-human trafficking policies. In the course of this section, special emphasize is given to the research conducted by Buzan, Wæver and de Wilde (1997), Huysmans (2000), Rijken and de Velder (2009), Kempadoo (2000) and Shelley (2010) because those are the theories which are used to answer the research question.

### ***2.1 Defining Human Trafficking***

Trafficking of human beings is not precisely and universally defined. As Hoque (2010) states: “[A]t present there is no internationally agreed definition of trafficking. International organizations use various definitions for describing trafficking” (p.47). In fact, Salt and Hogarth (2000) determined that at least 22 definitions have been put forward in the scholarly debate. Also, since both concepts share resemblances and are connected to illegal migration, human trafficking must be distinguished from human smuggling. Human smuggling is considered as a transaction between two individuals—migrant and smuggler—in which one provides the other with the necessities (i.e. transportation and contract) needed to leave one's country and enter another one. In contrast, human trafficking is based on the treatment of human beings as private commodities: threats, violence, and humiliation keep the victims in a state of dependency, in which they lack any choice. In addition, human trafficking occurs both across borders and within a country, whereas human smuggling always includes the crossing of a physical border (Gallagher, 2010, p.12 and 188). In the European context, the border crossing is frequently legal and the victims are often EU citizens (Schmidt and Morehouse, 2010). Another distinction is that smuggling does not include abuse or force, since the smuggled person or illegal migrant is able to settle freely in the new country once the fee is paid. Victims of trafficking, in contrast, are considered modern day slaves: they are never given any chance to acquire the local language, are stripped of their passports, and are blackmailed by the perpetrators of the traffic.

Such theoretical distinctions, as useful as they are, do not always stand the test of lived experiences. Smuggling can turn into trafficking when an individual experiences abuse and violence, the use of force, deception and coercion, and the ongoing exploitation (Goddey, 2008; Salt, 2000). When “elements of deception and/or coercion” are involved, they are “sufficient to elevate the situation from one of voluntary undocumented migration, to trafficking” (Salt, 2000, p. 34). The complexity of both concepts demonstrates that governments and authorities struggle with identifying victims of trafficking from those who subject themselves to smuggling. In spite of these ambiguities, human trafficking has enough distinctive features to have been addressed according to three theoretical approaches, which are detailed in the following sections.

The reader should note that comparable notion such as trafficking in person, trafficking in human beings are applied throughout the text and mean the same as was illustrated above.



## ***2.2 Security identity approach***

In the scientific literature, human trafficking is often associated with a risk for security. From this viewpoint human trafficking is connected to other crimes, such as terrorism and drug trafficking. It is argued that trafficking human beings is regarded as a threat to national security. The lead authors pleading for this approach are Buzan, Wæver and de Wilde (1997) who argue for a wider application of the concept of security and discuss human trafficking as having an impact at the governmental level. The debate refers to the governmental level discussing human trafficking as a shared incident. Moreover, Huysmans (2000) argues that it allows the transfer of security connotations of problems like drug trafficking and terrorism are caused by migration, which he calls “[a] phenomenon that can be referred to as the cause of many problems” (p.761). Based on the researcher’s claim human trafficking can be associate with the principle of illegal migration.

Such a perspective is reflected in the European Security Strategy (2003). When these researchers pointed out that “organized crime is introduced as an internal threat to security with an important external dimension including the trafficking in women and illegal migrants” (Jonsson, 2009, p.69), and blamed free movement and transportation for different forms of trafficking (Huysmans, 2000, p.759), they encouraged the EU and the MS to build Europe as a fortress. External border controls were strengthened and restrictions were placed on immigrants. The security identity approach demonstrates that patterns emerged, which enable the EU to stipulate migration policies, thereby identifying internal threats (Huysmans, 2000). Chou (2008) repeatedly stated that the EU’s approach of anti-human trafficking policies and legislation is based on the security identity approach, whereby the EU becomes unable to tackle the underlying causes for human trafficking. Thus, as further argued by the author, the EU primarily focuses on ensuring the security of its Member States and EU authorities are more concentrated to push back “illegal migrants” rather than on identifying the inclusion of the victim in criminal networks. As it is further claimed by Berman and Friesendorf (2008), the approach that dominates the EU’s fight against human trafficking recently refers mainly to security policies; these include border controls and a restrictive legislation against illegal immigration. Furthermore, Huysmans (2000) argues that migrants, including victims of trafficking, are considered a risk to the welfare system on which they can draw as soon as they are discovered. The perception of the European welfare system outside European borders plays a vital role in preserving the European identity because it is only designated to nationals and not for individuals coming from outside Europe. Besides, the sense of national belonging and national security are implied by the idea of preserving the European identity (Wolff, 1950). However, to guarantee secure borders, the EU has to implement a common policy in the area of immigration, which requires liquidity of the EU budget in the area of border controls. This may not be affordable by all MS, as MS do not lose their own competence through the conferral of competence to the EU on migration issues (Appleyard and Salt, 2000). This approach can be compared to the exclusion of strangers and Europeanization, building a European fortress (Saari, 2006; Malpani, 2006). By this example both authors refer to closure of borders, leaving no chance for strangers to enter the EU. This indicates, that reinforced border controls cause human trafficking. Thus as a consequence, organized crime groups get involved and attracted (cf. Friesendorf, 2009).

In this context, scholars argue that the complexity of human trafficking should be defined more clearly and its security connotation should rather be changed into an approach conquering the violation of human rights and establishing humanitarianism instead of translating the issue of human trafficking into illegal migration, referring to it as a threat to the European identity (Chou, 2008; Berman & Friesendorf, 2008). Still, however, anti-human trafficking policies are characterized in terms of securitization and illegal immigration, which means there has been greater focus on the connotation of the term “trafficking” rather than on the exploitation and servitude involved. The results are the prioritization of efforts to stop cross-border migration, establishing a zero-tolerance policy instead of slave-like exploitation and servitude. In the fight against human trafficking the EU has created a security system by giving high priority to prosecution and migration control rather than to the protection to victims and prevention, as it is argued by a report provided by Greta (Group of Experts on Action against Trafficking in Human Beings, 2013; Berman and Friesendorf, 2008).

Closing the borders and avoiding migrants to enter EU territory stimulates growth of internal security since the EU and MS do not need to negotiate with third countries. In fact, this might benefit the legislation of other policies in other areas connoting security, such as drug trafficking and terrorism. Yet, the underlying causes of human trafficking are by no means overcome. The characterization of this approach neither takes into account the victims nor does it take action against the demand on trafficked individuals. Furthermore, it should be noted that the approach of regulating migration contains an incompatibility: Since there is little attention paid to the identification of the victims of human trafficking and their rights, existing immigration acts and migration policies apply to them. As a result, a double victimization occurs, since victims are directly deported to their country of origin. Thus, they run the risk to be tormented again: after being the preys of human traffickers, they become victims to the security services and security laws. Also, can be argued that the approach achieved virtually nothing in the transnational fight against human trafficking (Berman and Friesendorf, 2008).

In sum the key insights of the security identity approach include: With this characterization of anti-human trafficking policies in terms of the security identity approach demonstrates that certain interpretive patterns emerged within the EU. These patterns connect human trafficking to national security, shaping the issue as it were a problem of illegal migration, of drugs trafficking and of terrorism. Thus it appears that emphasis is put on the principle of free movement and transportation when identifying human trafficking. Furthermore, it is argued that the EU’s anti-human trafficking approach refers mainly to security policies (Berman & Friesendorf, 2008) and victims of human trafficking are perceived as a threat to the welfare system (Huysmans, 2000). In this context it is argued that due to its complexity, human trafficking should be defined more clearly by distinguishing it from other criminal activities.

### ***2.3 Human Rights-Based approach***

The most vital component of human trafficking is the violation of the victims' fundamental rights. Much of the debate revolves around the EU's and the MS' anti-human trafficking approach towards the treatment of the victims of human trafficking. Lead researchers defending this position are Rijken and de Velder (2009), with Kelly (2005) and Malpani (2006) sharing similar views. Rijken and de Velder propose that the EU anti-human trafficking approach be embedded in human rights law. They deplore that "the protection of victims has been a secondary goal, and the causes and consequences THB (trafficking in human beings) have mostly been neglected thus far" (Rijken & de Velder, 2009 p.49-50). The human rights-based approach also demands that victims of human trafficking be provided the opportunity to make a new start in the country where they were forcibly brought, free of exploitation, abuse, and coercion. Nevertheless, reality often takes a different turn.

Berman and Friesendorf (2008) state that in the light of strict and unyielding immigration acts and migration policies, victims of human trafficking may not be able to access the rights to receive assistance and protection or simply ignore the existence of their rights. Furthermore, it is argued that the zero-tolerance policy targets the traffickers rather than their victims, who primarily suffer from the strict migration regulations by being deported back to their home country. A major challenge, emphasized by Saari (2006), comes from the deficient protection and assistance provided by EU anti-human trafficking policies to the victims who cooperate. It appears that MS are eager to have victims cooperate with the authorities but fall short in protecting them or providing them a legal status. Overall, as Rijken and Koster argue (2008), "an important reason why a human rights-based approach is currently not implemented" is that "both migration law and criminal law disciplines are involved in fighting THB." They deplore that "the lack of cooperating between these two disciplines in relation to anti-human trafficking measures is jeopardizing an adequate response to THB. These two disciplines are interwoven in such a way that they obstruct a more centralised position of the victims and their needs" (p. 7-8).

The core of the problem is that once victims have been found, they live in a state of uncertainty: because their circumstances clash with national legislation on, for example, forced labour or sexual exploitation (prostitution), authorities treat them as criminals. This double victimization, associated with social exclusion, precipitates a vicious circle affecting in particular female victims, who often face rejection by family and society. Consequently, in the absence of any source of support and assistance, they easily fall prey to trafficking again (Berman and Friesendorf, 2008). This is made worse, according to Kelly (2005), when victims return to a home country in which very few assistance and protection programs exist. Their need for psychological assistance and medical treatment intensifies their double victimization. Kelly is very critical of the failure of national governments to implement long-term goals and Rijken and de Velder agree when they blame the futility "of criminal law initiatives" to address a much more complex issue (Rijken and de Velder, 2009, p.78). The inability of authorities to treat human trafficking as a human rights issue, is precisely what, in the words of Smartt (2003, p. 172), prevents victims from seeking assistance in the first place: "A major obstacle which halts human trafficking is of course the reluctance of the victims to ask for help. Living in the criminal underworld, faced with violence, no passport or money of their own, many

women feel vulnerable and will not trouble the police. Additionally, many fear mafia reprisals to their families back home.”

The benefits of anti-human trafficking policies in terms of the human rights-based approach are in agreement with the EU’s humanitarian ambitions, with the European norms and values. The resources provided by the welfare system, including social, judicial, and psychological assistance as well as protection, could enable victims to cooperate with authorities. But, paradoxically, this welfare system itself appears as an obstacle to measure favorable to victims, since it could potentially attract “floods of willing victims” (Saari, 2006, p.19). This fear of abuse of a generous welfare system has lessened the impact of anti-human trafficking policies described in terms of the human rights-based approach.

In sum, the key insights of the human rights-based approach include: “The protection of victims has been a secondary goal, and the causes and consequences THB (trafficking in human beings) have mostly been neglected thus far” (Rijken & de Velder, 2009 p.49-50). This main argument implies that based on the complex meaning of human trafficking, the EU and its MS are inclined to determine the concept from a fixed and restricted perspective, focused on the criminal side of the activity at the level of internal, national and border security. EU anti-human trafficking policies and legislation do not sufficiently concentrate on the victims’ rights and needs. They concentrate on repressive and punitive measures against perpetrators rather than on protective measures and assistance for victims (Goodey, 2004). This results in a strict legislation and in policies criminalizing illegal migration (Berman, 2003) while virtually ignoring the underlying causes and the exploitative aspects of trafficking in human beings.

## ***2.4 Economic approach***

Quite a few scholars affirm that economic factors in a globalizing world are concurrent causes of human trafficking (Kempadoo, 2000, Oxman-Martinez, Martinez, Hanley, 2001). Kempadoo (2000; 2015), the leading author to characterize EU anti-human trafficking measures in terms of an economic approach to human trafficking, emphasizes that human trafficking is linked to globalization. This author states that there has been capital restructuring, strictly speaking in production, on a global scale. Capital has been moved to countries where labor is cheap, where worker unions only might have a limited influence, and where labor market policies are not strict. The shift from the power of governments towards transnational organizations, such as the World Trade Organization, the World Bank, the European Central Bank and the International Monetary Fund, Kempadoo continues, has had an impact on national economies, including moving suburban population, a decrease in wages and higher poverty. It resulted in a drop of social welfare programs whereas the level of consumption rose (p.144). In a recently published article Kempadoo (2015), contends that the current discussions of human trafficking is dominated by a number of eminent and conspicuous awareness-rising campaigns, not including or even focusing on the underlying causes “of unfettered exploitation of human labor and bodies today” (p.18). In fact, a new version of the “white man’s burden” is obvious, reinforced by current western and neoliberal views to sustain a state of affairs of boundaries between the ‘have’ and ‘have nots’. Meanwhile, perpetuating a stereotype of a humane, kind and caring West. Concluding the author states that anti-human trafficking policies and campaigns require an alternate framework comprised of long-term commitments to social and economic justice, human rights and peace, as well as the redistribution of wealth (Kempadoo, 2015). Drawing from this analysis, authors argue, including Bales (2005) and Shelley (2010), that these globalized economic factors do not exclude the business of human trafficking. Kempadoo (2000) adds that political instability, including the collapse of the Soviet bloc and phenomena such as terrorism and war, have had an impact on specific demographic groups. Among these groups, most strongly affected are women (see Appendix 2).

Shelley (2010) comments on another dimension of the economic approach, namely that human trafficking is a consequence of the disparities between developed and developing countries, fueled by one of the essential principles of the global market economy: the cycle of supply and demand (p. 203). On the supply side we find vulnerable victims hoping for a better life, “the promise of work and food” (Bales, 2007, p.157); on the demand side we find cheap labor or forced prostitution leading to higher profits or satisfaction in consumers’ needs (Cameron et al, 2008). Global developments lead to an intensification of supply and demand, promoting global inequality, which in turn promotes human trafficking. Similarly, Cameron et al. (2008) argue that economic advancement or the dynamic demand of service in the Western European countries combined with insecure political and economic circumstances, demographic change, poor living conditions, lack of social services, and unemployment rates create conditions favorable to human trafficking. This underlines Bales’ (1999) argument that political, social, and economic conditions in countries of origin facilitate the trafficking of human beings. Or as Kara (2011) states:

“The deepening of rural poverty, the net extraction of wealth and resources from poor economies into richer ones, the evaporation of social safety nets under structural adjustment programs, the

overall destabilization of transition economies, and the broad-based erosion of real human freedoms across the developing world all increased the vulnerability of rural, poor, and otherwise disenfranchised populations. These forces unleashed mass-migration trends that shrewd criminals and slave traders could easily exploit” (p.70).

Political instability is yet another major factor according to van Liemt (2004), who contends that the demise of the USSR and the war in former Central and Eastern European States triggered “economic crisis, stagnation, forced industrial restructuring, the breakdown of social services, mass unemployment [...] and dramatically lower living standards” (p. 1). It is in particular the staged image of Western Europe States that is exposed in the media, and which is received by possible migrants, that arouses associations and aspirations of wealth and prosperity, in the sense of achieving better working and living conditions, as well as political stability. This, van Liemt (2004) states, increases the desire to reach those prospering countries, a desire easily exploited by human traffickers. Vulnerable and uneducated individuals with a low socio-economic origin hoping for prosperity and wealth are more likely to be “blinded by the lights” and to fall into the hands to traffickers. Empty promises are made, such as higher living and working standards, which intensifies the longing (Andrees, 2008; Kelly, 2005; Goddey, 2008).

Bales (2005) and five years later Shelly (2010), using a statement made by the Expert Group of the Commission, state that equal pay as well as access to financial possibilities are crucial in preventing re-victimization. This, however, would require the cooperation of the EU, its MS and NGOs, since this would contribute to raise awareness among stakeholders about the complexity of victims of human trafficking. Other researchers, Bales (2005) and Andrees, (2008), referring to the same Expert Group’s statement, agree that possible means of cooperation could be channels of communication and operating procedures among law enforcement, judiciary and service providers for victims. The EU, MS and NGOs all acknowledge that efforts addressing the complexity of human trafficking would require cooperation on the national and at the EU level as well as cooperation with the countries of origin. The task is enormous and the efforts made to address the problem at all the necessary levels have not been sufficient (Saari, 2006; Haynes, 2004; Shelly, 2010).

In sum, the key insights of the economic approach include: the dire consequences of the political, economical and social instability, such as the collapse of the Soviet Union and of its satellite countries, and the problems created by the extreme socio-economic disparities between the developed and developing worlds. Both situations have fostered conditions favorable to criminal activities, including human trafficking. Based on the scholarly debate, figure 1 gives an overview of the main characteristics and the advantages and disadvantages of each approach. The characteristics of each approach are comparable to the meaning describing each approach. The key findings are outlined in the scholarly debate and can be used to examine whether the three different approaches to human trafficking do share some resemblance. If so, it can be argued that on the basis of the scholarly debate and the analysis, the combination of these three approaches might be the basis for an integrated and holistic approach to human trafficking.

Figure 1:

Approach	Characteristics	Advantages	Disadvantages
<b>Security Identity approach</b>	<ul style="list-style-type: none"> <li>○ Linked to other (organized) crimes</li> <li>○ Connected to national threats and anti EU</li> <li>○ Victims considered a threat to the national/ EU welfare system and EU customs</li> </ul>	<ul style="list-style-type: none"> <li>○ Preserves EU identity</li> <li>○ Strengthens internal security</li> <li>○ Protects national values, norms and socio-economic resources</li> </ul>	<ul style="list-style-type: none"> <li>○ Socio-economic exclusion</li> <li>○ Penalizes victims of human trafficking</li> </ul>
<b>Human Rights-Based approach</b>	<ul style="list-style-type: none"> <li>○ Indulgence of the actual situation</li> <li>○ Assistance and aid</li> <li>○ Destination countries are affected</li> </ul>	<ul style="list-style-type: none"> <li>○ Individuals are taken care of</li> <li>○ Awareness rising</li> <li>○ Confirms the EU's human rights-based approach (i.e. values, norms etc.)</li> </ul>	<ul style="list-style-type: none"> <li>○ Expensive</li> <li>○ Cooperation with the authorities is a burden for the victims</li> <li>○ Root causes are not addressed</li> </ul>
<b>Economic approach</b>	<ul style="list-style-type: none"> <li>○ Political instability; socio-economic disparities (i.e. developing and developed countries)</li> </ul>	<ul style="list-style-type: none"> <li>○ Can target additional costs</li> </ul>	<ul style="list-style-type: none"> <li>○ Expensive</li> <li>○ Fight against human trafficking is still not solved</li> </ul>

## 2.5 Conclusion section

In this chapter an overview was given how the EU anti-human trafficking policies can be described by using three alternative approaches. First, it was outlined that EU anti-human trafficking policy is dominated by the logic of securitization (Huysmans, 2000; Boswell, 2003). The issue of human trafficking is interpreted as a risk of security and put into the context of the European security continuum, which includes other organized crimes like drug trafficking and terrorism (Huysmans, 2000). On first sight, the link between human trafficking and internal security seem obvious because the trade-like conditions and exploitative measures are incorporated to some extent in the concept securitization. That is that securitization encompasses illegality. Yet, the connection of security and human trafficking not only describes the illegality of organized crimes itself. Moreover, the issue of human trafficking is used in political crises in which victims of human trafficking are interpreted as the targets to straighten out political inabilities (Huysmans, 2000, p. 769).

The second characterization takes a closer look on the research from Rijken and de Velder (2009) and Rijken and Koster (2008) who independently from one another both found out that a human rights-based approach is to some extent absent in EU anti-human trafficking policies. The EU measures to fight human trafficking primarily focused on prohibition and prosecution. The causes, consequences and the protection of victims are subordinated.

Thirdly, it was outlined the economic approach in the context of EU anti-human trafficking policies. Scholars emphasize that specifically dimensions of social and economic justice, as well as human rights and peace, and the redistribution of wealth are of importance when fighting human trafficking.

In the next chapter the methodological considerations will be depicted, for the purpose of conducting a content analysis. The content analysis will incorporate the description of the three approaches as outlined

in chapter 2. The description of the methodological approach should familiarize the reader with research methods linked to the literature and enable future researcher to construct a similar study. At first, a description of the case selection and sampling will be given. The subsequent part will present the data collection method. Finally, the data analysis including the operationalization is discussed.



### 3. Methodology

This chapter provides the framework. Firstly, the case selection and sampling method will be outlined. Afterwards, the process of data collection and data analysis will be clarified.

#### 3.1 Case Selection and Sampling

In order to answer this thesis' main research question "*How can EU anti-human trafficking policies be characterized*", secondary data must be analyzed. Three institutions are responsible for making policy and taking decisions: The European Parliament, the Council of the European Union, and the European Commission. Together, these institutions form the "institutional triangle": the principal function of the European Parliament is to draft and adopt, jointly with the European Council, legislation that it forwarded by the European Commission. The highest institution giving direction is the European Council. It is of particular interest because its political priority affects all governmental instances, either national, regional and local.. The European Commission represents the EU as a whole and is independent of all national governments. It exerts four essential functions: proposing policies and legislations, implementing EU legislation, managing the budget, and representing the EU around the world. The institutions are independent and all of them have a role in the decision-making process. Thus, most of the law-making in the EU is the result of interactions within the "institutional triangle" (University of Portsmouth, 2013). Consequently, this is a powerful indicator that the ideological commitments of these institutions are at stake within this analysis, as the thesis will examine the EU legislation regarding human trafficking and will analyze the outlined characterizations corresponding to the three distinct approaches.

The unit of analysis is the European Union/the institutional triangle. Consequently, the units of observation are selected legal documents, such as regulations, directives, framework decisions, working documents, and annual reports. The sample of these legal documents used to conduct the analysis has been selected via cross-references made in articles or documents, . Thus, the sampling selecting can be considered as a purposive sample. Generally, documents released since 2000 were used, even though some older documents are also included into the analysis of the sample (i.e. 1999). This timespan is reasonable to analyze, because it allows to follow the development on the fight against human trafficking in the EU. I will also use documents published in addition to the formally legal ones (i.e. Opinion/ Report of the Expert Group of the European Commission). This is to ensure the thoroughness of the analysis of the steps taken by the EU/ institutional triangle.

#### 3.2 Data Collection

The sources for this thesis are EU legal documents, which are the most feasible documents to conduct research on the attitude and standpoint of the EU and its three institutions. The data used will be qualitative and all of it will be primary data. As stated before, the aim of this research is to investigate the initiatives made by the EU, including its ability, to combat human trafficking. All documents are publicly available in different languages of the EU and on its respective websites<sup>2</sup> . The search engine on each website helps to

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<sup>2</sup> [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm), <http://www.europarl.europa.eu/portal/en>, <http://www.consilium.europa.eu/en/home/>

find the documents, using the concept human trafficking. The function of those selected documents is due because conference papers, communications, (annual) reports and working papers are primarily material that will later be turned into thorough, completed workings and officially published as journal articles. Specifically, conference papers are cutting edge for scientific research, since the information published later in scientific articles has been presented and obtained feedback at the conferences. In addition, press releases are also taken into account because these articles portray debates and are accessible to the public. The selected documents are supplemented by scientific articles written by Huysmans (2000), Berman and Friesendorf (2008) and Cameron et al. (2008), among others. For example the study conducted by Berman and Friesendorf (2008) observed the efforts made by the EU against human trafficking. Thereby focusing on policy debates on security, migration and enlargement. Hence, the argumentation of these authors, among them Huysmans (2000), inspired the security identity approach. Cameron et al. (2008) perform their research focusing on structural factors, for example social and economic justice or cultural reasons. These structural factors, as Cameron et al. (2008) argue, stimulate the business of trafficking in human beings. Thus, the economic approach has been inspired by the arguments of Cameron et al. (2008), among them Shelley (2010) and Kara (2010). The characterization of the EU anti-human trafficking approach is analyzed in terms of the approaches outlined in the scholarly debate. It is assumed that the characterizations on each approach are described in EU policy documents in terms of anti-human trafficking measures. Most of the information is obtained from documents published by the European Commission, the Council of the European Union and the European Parliament. The information generated from these documents is essential because most are published in the area of freedom, security and justice. The policy areas that are covered range from “the management of the European Union’s external borders to judicial cooperation in civil and criminal matters and police cooperation” (Europa, 2016). That includes asylum and immigration policies as well as the fight against organized crime. In addition, the specific information generated from these policy documents is supplemented by opinions and reports published by the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Commission’s Group of Experts on Trafficking in Human Beings. These documents report compliances with certain obligations that have been signed by MS or country evaluation reports containing analysis of implementation (monitoring mechanism of GRETA), as well as provided expertise for opinions and reports to prevent human trafficking (advisory, assistant and supporting mechanism of the Commission’s Experts Group). On the basis of the just outlined policy documents the research question will be answered, however, not less essential are the other analyzed documents because of international expertise and knowledge or regional policy programs. The information generated from the United Nations Office on Drugs and Crimes (UNODC) documents provide a better understanding for a comprehensive response to the interrelated issue of human trafficking. This is supplemented by published guidelines, recommendations and advices provided by the International Labour Organization (ILO) as well as the International Organization for Migration (IOM). The global report of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), an alliance of six organizations (among them UNODC, ILO and IOM) committed to combat trafficking in human beings, serves to launch “public awareness campaigns to alert and sensitize the public to the nature and prevalence of human trafficking, strengthening

the role of civil society to support and assist victims, and finally implementing joint programs designed to support the efforts of Member States in eradicating this crime“ (UN.GIFT, 2016). The regional programs initiated by the European Migration Network show in detail Member States’ efforts in the fight of human trafficking. Through its reports and studies it simulates a crucial role to provide reliable data and comparable information on issues involving migration and asylum policies at EU and Member State level. All these documents represent a political and legal framework in the realm of EU anti-human trafficking policies. A detailed list of the selected documents will be provided (see Appendix 3), which will include the number, the event, the outlet, the title and the date published of all analyzed documents.

The length of these documents varies; some can be around 20 pages while other can be 50 pages or even more than 100 pages long. For example, the sample includes a European Council Decision, which is 6 pages long and an annual report of the European Commission, which has 37 pages. The respective drafters of the documents differ for each institution, for example: political parties, committees or research services drafted documents published in the EP; the Council for Justice and Home Affairs or by the Council for Foreign Affairs drafted documents published in the European Council; and the DG Home (Directorate General for Migration and Home Affairs) or the Directorate General for Freedom, Security and Justice drafted the documents published in the EC. During 2000 and 2011, the three institutions published 30 legal documents. The 11-year timespan, as well as the separate year 1999, enables me to determine whether and when and to what extent a particular approach is emphasized.

### ***3.3 Content Analysis***

The first objective seeks to answer the research question for the three approaches just outlined and to what extent the legal documents of the EU refer to them. Coding, as the “process of transforming raw data into a standardized form” (Babbie, 2010, p. 309), provides an appropriate method. The content is distinguished between manifest and latent. The former is described as actual terminology in the process of communication, while the latter refers to what is implied within a statement without being openly expressed. Manifest coding is strong in reliability but weak in validity. Latent coding, on the other hand, is dependent on the researchers’ various interpretations (Babbie, 2010). To compensate for these shortcomings, the analysis applies manifest coding as well as latent coding. As all concepts are complex in themselves and measuring them statistically is not possible, coding certain keywords within these legal documents allows uncovering patterns that lead to a conclusion. In the first instance, the analysis focuses on each approach independently because each time different keywords have to be taken into consideration.

Regarding the security-based approach, the analysis of the legal documents shows ambiguities, because the documents do not explicitly state this position toward trafficking. What characterizes the human rights based-approach is the issue of the non-binding formulation due to the objection of the German delegation, which impacts the analysis of the concepts. As for the economic approach, it is not openly referenced in the EU legal documents.

Figure 2: Analytical scheme

Approach	Key words
<b>Security identity approach</b>	<ul style="list-style-type: none"> <li>- Welfare system</li> <li>- Threats to internal security</li> <li>- Values (national and EU)</li> <li>- Identity</li> <li>- Human trafficking associated with other crimes (e.g. drug trafficking and terrorism)</li> </ul>
<b>Human rights-based approach</b>	<ul style="list-style-type: none"> <li>- Awareness</li> <li>- Humanity, dignity</li> <li>- Protection</li> <li>- Reflection period</li> <li>- Fundamental rights</li> </ul>
<b>Economic approach</b>	<ul style="list-style-type: none"> <li>- Socio-economic discrepancies</li> <li>- Economic globalization</li> <li>- Slaves (slave-like condition)</li> <li>- Exploitation</li> <li>- Campaigns</li> </ul>

Figure 2 shows the analytical scheme, which provides a red line that connects the scholarly debate to the data collection. It serves as a guide in the task of systematically characterizing the EU anti-human trafficking policies.

These keywords represent the essential findings and characteristics stressed by the scholars of human trafficking within the EU. Within the security identity approach, authors Buzan, Wæver and de Wilde (1997), Huysmans (2000) and Berman & Friesendorf (2008) argue that trafficking in human beings is a threat to social welfare, nationality, and internal security of the EU. Opposed to this, the human rights-based approach considers that EU anti-human trafficking measures should instead respect fundamental rights, protection, and assistance (cf. Rijken & de Velder, 2009; Kelly, 2005; Malpani, 2006). It “opposes anti-trafficking measures that adversely affect or infringe upon the human rights of trafficked persons or other affected groups” (Program Promoting Gender Equality and Women’s Rights, 2008, p.2). Considering other issues, Bales (1999; 2007) and Shelly (2010) argue for the economic approach in which socio-economic discrepancies or the economic globalization brings vulnerable people, lured into slave-like conditions and exploited, to migrate. Therefore, preventive measures, including campaigns, are at stake to counteract human trafficking.

### 3.4 Conclusion

To sum it up, the data analysis includes four steps: present the data; conduct qualitative coding to highlight the meaning by identifying patterns and the frequency of occurrences of keywords; use the themes and connections to explain the findings (applicable to the three approaches) by interpreting the data.

## 4. Data Analysis

This part of the thesis will report the results from the analysis of selected EU legal documents regarding the EU's approach towards fighting human trafficking. The qualitative content analysis will be organized around the analytical framework presented in the previous chapter which was used to find possibly meaningful information from selected documents. The analysis will be structured along the three approaches.

Before analyzing the selection of EU legal documents related to the fight against human trafficking, a short summary is provided of the first international legislation on human trafficking and the EU's adaptation. In the world as a whole, the crime human trafficking happens nearly every day; there may be people living amongst us who have been trafficked before and we would not even know about it. To understand where the terms "human trafficking" and "trafficking in human beings" come from and who is involved, it is important to get an accurate insight of the legal description of human trafficking. Today, the most used definition appears in the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (see Appendix 1), "The Palermo Protocol", which contains the first internationally recognized definition of what constitutes human trafficking. Ever since its entry into force at the end of 2003, it has been ratified by 169 parties, as well as the document is accepted by international law (United Nations General Assembly, 2000; United Nations, 2003, p. 369).

In 2002, a few months after the first proposal of the European Commission, the Council of the European Union adopted the Council Framework Decision 2002/629 on "Combating Trafficking in Human Beings". It was a response to the perceived necessity of the serious criminal offence of human trafficking at EU level. To promote common actions in the field of definition, criminal procedures, jurisdiction, cooperation and coordination, and victims' assistance, the EU ratified the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. It was expected to improve and expand the internationally acknowledged definition in order to achieve those at EU level. In this definition, human trafficking comprises recruitment, transportation, and transfer of persons by the means of threat or use of force, coercion, fraud or abuse of vulnerability, for the purpose of exploitation of any kind (prostitution, forced labor etc.) (Gallagher, 2010, p. 96-99; compare EU Council Framework Decision, 2002; EU Directive, 2011; UN, 2000). Gallagher (2010) has criticized the development and implementation of this document: "The end result is an instrument that, on the positive side, has proved to be influential in ensuring maximum uniformity between Member States with respect to their criminal law approaches to trafficking. However, in terms of victims' rights and the prevention of trafficking, the 2002 Framework Decision offers very little and in fact can be seen to represent a substantial retreat from previous commitments of the EU [...]". Yet, the subsequent adoption of the EU Directive 2011/36 on "Preventing and Combating Trafficking in Human Beings and Protecting its Victims", which replaced the Council Framework Decision 2002/629, expands the definition of human trafficking. It includes the UN definition on the removal of organs, since it is determined that this is an infringement of human dignity and integrity and hence constitute human trafficking. Additionally, the Directive approves the variety of human trafficking as it affects people of all ages, sexes and races (Gallagher, 2010, p.96-110). Still, it is debatable what constitutes slavery and

exploitation in the context of human trafficking defined in EU anti-human trafficking legislation and policies, which might complicate the meaning of the term human trafficking.

#### ***4.1 Security identity approach***

Some scholars argue that the EU's commitment concerning the approach of anti-human trafficking policies can be characterized as a security identity approach (Chou, 2008 & Huysmans, 2000). Albeit, the EU legal framework does not explicitly refer to it, however, there are some aspects that attract attention. For example, the Tampere Council Conclusion, in October 1999, associates human trafficking with illegal migration: [the] "European Council is determined to tackle at its source illegal immigration, especially by combating those who engage in trafficking in human beings and economic exploitation of migrants" (Article 23, Council of the European Union, 1999, p.4). Apparently, human trafficking falls within the scope of illegal migration (see the title IV). The emphasis is placed on the perpetrators rather than the victims of human trafficking. It creates a direct link between human trafficking and illegal migration referring to the scientific debate (see the argument made by Huysmans, 2000). What can be considered as an opportunity to accelerate the process formulating a holistic EU policy, the 2002 Framework Decision, is the tragedy that happened at the British border in Dover in 2000. In a newspaper article the home secretary said "the death by suffocation of 58 suspected illegal immigrants whose bodies were found at Dover must 'serve as a stark warning to others who might be tempted to place their fate in the hands of organized traffickers'" and he adds that it was [the] "most terrible human tragedy" (The Guardian, 2000). Quite similarly, the incident in the southeastern port town of Wexford accelerated the formulation of the 2002 Framework Decision. Remarkably, these accidents, in which 58 Chinese persons died and "the bodies of eight people, including two children and an infant, were found by the police [...] in a shipping container (Lavery, 2001), strengthened the interest securing the EU's external borders.

This paradoxical situation stems from the European Parliament (EP). Even if the EP as a whole supports the fundamental idea to lessen the border controls, some of its members (MEP) publicly defend the strengthening of EU's border controls: "We are calling, as a matter of priority, for a halt to this immigration, not only through a policy of co-development and of fighting the mafias, but also through strengthening control at the Union's external borders and the reintroduction of controls at its internal borders, which have been so carelessly destroyed by European decisions over recent years" (Berthu, UEN). Some MEPs from different parties such as UEN, TDI, PPE and ELDR require a better deployment of EUROPOL, secure border controls and that EURODAC becomes reality finally: "Very important points such as cooperation with the countries of origin, the implementation of the action plan, the need to at last put the agreements in place, criminal punishment for traffickers, i.e. the need to make EUROPOL stronger than it used to be, the need to draw up Community legislation governing immigration, and likewise asylum and the fight against abuse. Permit me to ask one question in this connection: we always discuss EURODAC at the beginning of a Presidency and we always hear that EURODAC will soon become a reality. We are now some years further down the line and there is still no sign of EURODAC. I would be delighted if you could actually manage to get EURODAC up and running" (Pirker, PPE-DE). Another MEP makes a similar request: "We must go beyond words [...] because words do not solve the problem. We must give the necessary resources to

Europol, so that it can work effectively, and to the Action Plans, so that they can be carried out, to the refugee fund and to our borders, so that they can carry out the corresponding controls, because, unfortunately, without economic resources, nothing can be achieved. Anything else is mere verbiage and preaching” (Hernández Mollar, PPE-DE) (European Parliament, 2000). These politicians remain a vocal minority in an EP that prefers to advocate for a human rights-based approach to human trafficking. However, it seems that despite being in favor of human rights, the EP is incapable of having a coherent position on the issue. It could be due because of ideological extremes within the parties. Furthermore, when these tragedies happened France held the Council Presidency and at the same time pointing out that “improvement in European cooperation in the area of controlling migration flows and increasing control over external borders is one of the Council of Ministers’ priorities” (Minister Queyranne, European Parliament, 2000). It indicates that strict border controls and migration policies are a fundamental component of the EP’s debate and one of France’s priorities. This is also evident as the same topics were of interest during the French Presidency in 2008. It is not least because the DIR 2008/ 115/EC was adopted and passed under French Presidency. This DIR introduces common standards and procedures for MS, which allows MS to deport illegal resident dependents from non – EU countries to their respective territories. It also lays down conditions for terminating illegal stays and for the detention of nationals of non-EU countries with the aim of deportation and procedural safeguards (Paragraph 2, 20, Article 1(1), 12(3), 15 (1,2), 16 (1,3,4) 17; European Parliament and Council of the European Union, 2008). The incidents at the EU’s external border, including also the incident at the Sicilian port[3], are possible examples for the security identity approach, as these incidents show in what way tragedies can be used for calling to tighten border controls.

The EU indicates that the attempts to fight human trafficking have to be intensified at its Eastern and Southeastern borders. In particular, the Communication from the EC on the Global Approach to Migration (2007) stresses that “the recent dramatic events in the Southern Mediterranean illustrate the importance of an EU that is prepared and able to respond quickly and resolutely, as well as offering its support, in crisis and emergency situations that involve sudden influxes of migrants to EU Member States “ (p.6) and “to include a similar emphasis on interaction with the East and South East of the European Union“ (p.7). The Communication from the EC adds that this could be done with the help of International Police Association (IPA) or with the help of Technical Assistance and Information Exchange instrument (TAIEX). It also highlights the trans-border cooperation with the European Agency for operational cooperation between MS in the management of the EU’s external borders (FRONTEX). Although FRONTEX’s role is actually to safeguard the EU’s external borders, the EU defines FRONTEX’s duty as ensuring an intensive cooperation at the EU’s Eastern and Southeastern borders. The reason for this provision is that human trafficking and illegal migration mostly originate in these countries. In a EP resolution on the evaluation and future development of the FRONTEX Agency and the European Border Surveillance System (EUROSUR) it is stressed that “border controls do not just focus on unauthorized border crossings, but also on other aspects of cross-border crime, such as trafficking in human beings, drugs smuggling or illicit trade in arms, thus helping to increase internal security as a whole” (paragraph T, European Parliament, 2008). This statement implies that human trafficking, together with drug and arm smuggling, is perceived as a threat to national

security. Thus a threat to the EU and national identity that warrants stricter border controls to secure and preserve the EU and its MS. This is what scholars refer to as the externalization of control (see Berman and Friesendorf, 2008 or conclusion Boswell, 2003): making third countries (non – EU countries) to some extent responsible to conform for EU policies and legislation on migration, human trafficking and asylum. The Communication from the EC titled as the “European Neighborhood Policy – Strategy paper (ENP)” proposes a list of goals, in which the EC stresses “regional cooperation on border management, migration and asylum, the fight against organised crime, trafficking of human beings, illegal immigration, terrorism, money laundering and drugs as well as police and judicial co-operation.” Also, it states that “Regional cooperation and networking on such issues could build on the experience gained, inter alia, in the framework of the ‘Söderköping Process,’ which includes Belarus, Moldova and Ukraine and, on the EU side, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Sweden” (European Commission, 2004, p.21). Thus, one could argue, that, in anticipation of the Eastern enlargement, the EU made greater efforts to engage in discourse about more secure borders with other countries.

A further point deserved being mentioned, even though it is not directly connected to anti-human trafficking policies or legislation. Workers from new MS can only be equally and on non-discriminatory terms be employed after a specific period. (EU, 2003; EU, 2005). The 2003 and 2005 Treaties of Accession both contain a clause about a transition period (see for example EU, 2003, Article 21, p. 39 with reference “in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 57”). The objective of these conditions is to safeguard the internal market of the EU, in particular the labor market but it matters for human trafficking because closing borders for internal security increases the potential for trafficking in human beings. It becomes evident that MS have a major political scope of action, as they decide individually to make use of the possibility of working restrictions during the first and second round of EU enlargement. The International Organisation for Migration (IOM) (2010) found that Sweden is a forerunner and active in combating human trafficking. The *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden* states that “combating THB was one of the priority areas of the Swedish Presidency of the EU in 2009” [...], and adds that “Sweden is an active participant in Europol, Eurojust and Frontex. In addition, Sweden has been a partner in a number of EU-funded projects against trafficking, including both policy-level and operational-level projects concerning different types of exploitation and extending to policy fields beyond Justice and Home Affairs, in areas such as development cooperation, equality opportunities, human rights and social affairs” (p. 28). In 2009 in the Conference “Towards a global EU action against trafficking in human beings,” promoted by the Swedish Ministry of Justice, Sweden decided not to delay the entrance of workers from new MS. Moreover, Sweden encourages the focus on “migration management” since “in this regard, THB can also be combated through the protection of migrants’ rights and labour rights i.e. promotion of regular and managed migration based on demand, including the need for unskilled labour, the protection of migrant’s rights, the presence of formal and informal organization of workers and the application of labour standards” (p. 32). In contrast, Italy, Austria, and Germany, which share borders with the more recent MS, have made use of those restraints. Saari (2006)



and Malpani (2006) show Europe's strong tendency to become fortress Europe, a trend displayed in the Council Directive 2004, in which Germany, France and Greece against entitling victims of human trafficking to regular welfare benefits such as social security, proposing instead emergency measures to help victims unable to pay treatments (Council of the European Union, 2003). The fundamental attitude of maintaining borders in the realm of the EU indicates as a priority the protection of the EU's internal and external borders. In other words, the EU and its MS protect the internal market and preserve their national identity, values, and norms. Nevertheless, to speak of an Iron Curtain that might arise or of an Europeanization is overstated, as open borders due to globalization are more likely to persist.

Equally important in the context of the process of securitization and Europeanization is the link with the EU residence permits. The residence permits of temporary duration for victims of human trafficking or victims subjected to an illegal immigration action can be granted to third country nationals as well. In particular the EU Council Directive 2004/81/EC covers both victims of trafficking and victims of illegal migration, providing the victims with protection and granting them the right of a reflection period with the condition that victims cooperate with the respective authorities in order to find their traffickers:

“Article 1: The purpose of this Directive is to define the conditions for granting residence permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals who cooperate in the fight against trafficking in human beings or against action to facilitate illegal immigration.”

The right of a reflection period to trafficked victims appears as a part of the security identity approach. Although it directly concerns victims, the European Commission's proposal (2002) states that “[it] is not concerned with protection of either witnesses or victims” (see Point 2.3). In fact, the directive is more focused on judicial cooperation with the authorities, so that perpetrators can be penalized. Two MS, Germany and Greece, have questioned whether victims of human trafficking should benefit from the free movement principle within the Schengen area as soon as they obtain the temporary residence permit (Council of the European Union, 2003). As a result, “the Commission has continued negotiations for *Community readmission agreements*” with countries like [...] Ukraine, Yugoslav Republic of Macedonia, Serbia, Bosnia and Herzegovina, Montenegro, and the Republic of Moldova. These six agreements all entered into force on 1 January 2008” (European Commission, 2009, p. 11). The readmission agreements are drafted on the behalf of illegal immigrants and not of victims of human trafficking.

Preserving national security becomes even clearer as far as the 2004 Directive is concerned. The EC (2008) considers the deportation of trafficked victims as a breach of the Directive but MS disobey nevertheless the DIR. It seems to be an established procedure, which led the European Commission to conclude that “The past years have witnessed a dynamic process of approximation of legislation in the Member States, in the field of both criminal law and victim assistance. However, the figures available indicate a serious gap between the legislation in force and actual implementation. Figures concerning criminal proceedings are still not high enough. In the field of victim assistance and protection, in particular, a critical lack of effective implementation must be underlined. On the other hand, figures show that in countries where there are a significant number of assisted victims, statistics on criminal proceedings are higher. This implies that a human rights-centered approach is needed not only to protect victims' rights but

also in the interest of justice“ (p.5). This can be illustrated based on the data given in the Working Document, “the total number of cases investigated (the examination of particulars) in the EU was 195 in 2001, 453 in 2003, 1.060 in 2005, and 1.569 in 2006” (p.3). However, the total number of registered cases (the written record) in 2006 and 2007 is 56. Of these, 30 cases have been registered in Norway. Meanwhile, Italy allows residence permits without taking into account the reflection period. This implies that, despite the position of the EP and of EU citizens, the MS, feeling threatened by victims of human trafficking, act independently and put priority is internal security rather than victims’ support.

In sum, the key insights delivered to this point are: The prevailing argument from the analysis above is that the EU anti-human trafficking approach is defined by a concern for security. Human trafficking within the EU occurs to be treated equally to illegal migration and it seems that it is urged in the direction of the security identity approach. Besides, with regard to delayed working permissions and deportations of third country nationals, MS act independently, which additionally supports the assumption. However, it is not explicitly mentioned in the 1999 Tampere Council Conclusion because apparently it is not just trafficking in human beings that falls within the scope of illegal migration, since the emphasis is placed on the perpetrators instead of the victims. This indicates a lack of cooperation between the migration law and the criminal law as well as disagreements between members of the EP about security measures. Even though, in general the EP supports the principle of free movement, it is ambiguous about the EU’s internal security and threats to security. In other words, EU anti-human trafficking policy and legal documents do not give an explicit explanation and characterization about its approach to human trafficking and it errs on the side of caution when securing the EU’s external borders.

#### ***4.2 Human Rights-Based approach***

In light of the EU and MS’ ambiguous policies against human trafficking, it is relevant to take a closer look at the human rights-based approach in the EU. The Council Framework Decision on combating trafficking in human beings, 2002/629/JHA, deals only marginally with the protection of victims of human trafficking because it primarily targets the judicial prosecution of the perpetrators. More specifically, “investigations into or prosecution of offences covered by this Framework Decision shall not be dependent on the report or accusation made by a person subjected to the offence” and “where the victim is a child, each Member State shall take the measures possible to ensure appropriate assistance for his or her family” (Framework Decision, 2002, p.1-4). The Framework Decision conveys all actions to the MS and provides no uniform solution. Only Article 7 and its three sub components consider protection of and assistance to victims. The neglect of a human rights-based approach in EU anti-human trafficking policies and legislation is recognizable in the Council Directive, 2004/81/EC as well, which states that “Member States shall ensure that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. They shall attend to the special needs of the most vulnerable, including, where appropriate and if provided by national law, psychological assistance” (p.69-73). The Directive grants victims the right to sufficient resources for substantial living standards and medical treatment in cases of emergency, but each MS individually decides whether to provide assistance or not (see Article 7). Concretely, this makes the formulation of the Directive non-binding. To some extent, this

is due to the German delegation, which issued a complaint asking for a more adjustable wording, leaving more freedom and assessment to the MS (Council of the European Union, 2003).

This lack of unity also explains the absence of time span for the reflection period, although a reflection period of 30 days has been suggested by Working Party on Migration and Expulsion for a ‘Proposal for a Council Directive on the Short-Term Residence Permit Issued to Victims of Action to Facilitate Illegal Immigration or Trafficking in Human Beings Who Co-operate with the Competent Authorities’: The Netherlands opted for a reflection period of three months, whereas Germany preferred a more adjustable reflection period lasting about a month. Alternatively, Spain proposed a reflection period of seven days, while Sweden recommended that each MS decide the duration of the reflection period. Contrary to all suggestions, Austria chose a human rights-based approach by focusing on the victims rather than on judicial and political procedures (compare Council of the European Union, 2003, p. 2 and 4). It is obvious that all MS differ in their proposal for a suitable reflection period, and by the same token, in the amount of protection and assistance they are willing to grant victims.

The European Commission has identified the problem, and criticized the lack of appropriate assistance to and protection of trafficked victims by the MS. The EC has stressed that difficulties created by immigration laws (European Commission, 2009, p.2 and 5). In particular, according to ‘Opinion No. 1/2008’ of the Expert Group of the European Commission (2008), the lack of a uniform reflection period complicates the situation. The recent ‘Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims’ has replaced the ‘Council Framework Decision 2002/629/JHA’. The Directive adjusts some measures regarding victims’ protection but makes no reference to a specific time period or to resident permits. It extends the scope of human trafficking, adding, for example, the removal of organs and begging (see Article 1 and Article 2) (European Parliament and the Council, 2011). In this regard, “Germany expressed its “overwhelming support” for the text, but due to internal deliberations of the German Parliament, Germany had to maintain its reservations on Articles 1(3) and 3(2)(c)” (Council of the European Union, 2010, p. 16). Furthermore, the directive points out that protection of and assistance to victims (legal representation free of charge) should be provided unrestrictedly, without depending on judicial authorities. Nevertheless, it is observable that this demand was removed when the Irish delegation issued a complaint and it only pertains to children (Council of the European Union, 2010, p. 16; GRETA, 2013). The Directive also states, “Victims of trafficking in human beings should, in accordance with the basic principles of the legal systems of the relevant Member States, be protected from prosecution or punishment for criminal activities such as the use of false documents, or offences under legislation on prostitution or immigration, that they have been compelled to commit as a direct consequence of being subject to trafficking. The aim of such protection is to safeguard the human rights of victims, to avoid further victimisation and to encourage them to act as witnesses in criminal proceedings against the perpetrators”. (European Parliament and the Council, 2011, Paragraph 14, p.3). Overall, the precise details within the Directive are controversial and the MS’ positions towards specific articles have only been partly published. Clearly, the issue at hand is a delicate matter for nation states as well as for the EU.

The human rights-approach has appeared when the European Commission has summoned MS that do not provide legal and social assistance or report cases of trafficking in human beings. Very low were the numbers reported by Finland, Latvia and Poland: fewer than 20 cases of trafficking in human beings per year, as compared to the estimated flow of 500 000 victims per year, Bulgaria, which is one of the primary transit countries, reported 81 victims, all of which received support (compare European Commission, 2008 and compare Council of the European Union, 2009, p.4). The worst scenario happened with Spain, which the EC has taken to court: even though preferring a short time reflection period, the European Commission declared “that the Kingdom of Spain, by not adopting the laws, regulations and administrative provisions necessary to transpose Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities and, in any event, by not communicating those provisions to the Commission, has failed to fulfill its obligations under Article 17 of that directive“ (European Court of Justice, 2008, p.35). An exception to this is the situation in Italy where all victims of human trafficking are situated in social integration programs (compare European Commission, 2009, p. 34); it is attributable to Italy’s frequent encounter with migrants, either legal or illegal, and refugees (compare European Commission, 2008). The majority of other MS did not announce and record any cases of victims of human trafficking. And what worsens the situation is that, according to the European Court of Justice (2008), once back in their home countries, victims of trafficking rarely look for assistance and protection because they do not know that such help even exists. This is especially the case in Romania, one of the main countries where trafficking originates, where awareness campaigns or education are lacking. To reach an increasing number of victims in need and improve their situation, Romania has established a government-funded assistance and administered a free special phone line (Shelley, 2010).

As the recently introduced 2011 Directive shows, EU anti-human trafficking policies and legislation have increased their concern for the support of and assistance to victims of human trafficking. Despite this approach, anti-human trafficking policies and legislation (see point 7 of the 2011 Directive), only Italy decided to opt for a more human rights-based approach in its fight against human trafficking through an effort to provide assistance to victims and protection. Most other countries are more eager to find the perpetrators than to provide any aid or support to the victims. A country such as Romania, when taking into account the cost-benefit calculation, easily gives up, passing on the responsibility of protection and (medical) assistance to NGOs. The degree of involvement and responsibility taken by NGOs is beyond the scope of this thesis but it is likely decisive. Their existence is of value because NGOs enable preventive measures. Their support is concentrated on social inequality, poverty, and economic elements, such as poor working conditions. Those might be of use in terms of economical approach.

In sum, the key insights delivered to this point are: Based on the analysis, most of the EU anti-human trafficking policy and legal documents deal only marginally with the protection of victims of trafficking in human beings and aim at judicial prosecution of the perpetrators. This is a major shortcoming, as the EU together with its anti-human trafficking measures “has been hesitant to take up the issue of human trafficking first and foremost as a human rights question” (Saari, 2006, p. 17). Furthermore, it is problematic

that there is no unified agreement on the reflection period and an extended resident permit is provided for testifying victims against the traffickers when cooperating. Even if the EU's approach to human trafficking becomes more humanitarian, NGOs and experts claim that anti-human trafficking policies and legislation remain ambiguous, strict and limited. Hence, the EU "should guarantee the victims of trafficking the possibility to get longer residence permit and assistance in the receiving country regardless of their willingness or ability to file a complaint or provide information against the traffickers" (Saari, 2006, p. 17-18).

#### **4.3 Economic approach**

Since victims are often baited in poorer countries by being deceptively promised a better life in wealthier countries, human trafficking oftentimes has an economic cause. The EU's economic anti-human trafficking measures must thus be taken into consideration; The title "Directive on preventing and combating trafficking in human beings and protecting victims" points to the 2002 Framework Decisions' focus on preventive measures in the fight of human trafficking. The 2011 Directive dwells on preventive measures, as Article 18 points out: "Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings" (Point 1) and "Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programs, where appropriate in cooperation with relevant civil society organizations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings" (Point 2). The usage of any means provided by victims of human trafficking is considered as a criminal act (Point 4), thereby referring to Point 2 (European Parliament and the Council, 2011, p.10). But it lacks information on how to implement the proposed measures and remains superficial. In fact the ILO had to intervene and published guidelines (ILO, 2011, p. 8-9; compare European Commission, 2013, p.3). Furthermore, as it is observable that documents concerning amendments of the directive have been published only partially. This can be noticed, as recommendations come from the international fold (see document "*Joint UN Commentary on the EU Directive*") and not from Member States themselves. Therefore it is arguable that there have been few objections and changes on certain articles. This can be justified because medical assistance is more expensive and related to the human rights-based approach, whereas a simply clarification, in terms of for example Internet presence, is less costly. It gives MS freedom to act politically independent.

With the Joint Action 96/700/JHA by the Council, a program had been established called "Incentive and exchange program for persons responsible for combating trade in human beings and the sexual exploitation of children (STOP), with the objective that MS are able to exchange information among them. That framework stipulates that law enforcement, the public, civil servants, and judiciary committees would be able to attend/ organize meetings and workshops, experience special trainings, exchange information and expertise, and undertake research projects on human trafficking. In 2011 the budget heading B7-667 was created, which enabled access to adopt preparatory action, in particular preventive measures and management measures in cooperation with third countries in the areas of asylum and migration. Interventions financed under the preparatory actions took place from 2001 to 2003. The 'Communication

from the Commission to the European Parliament and the Council' further adds that "the management of migratory flows, the prevention of illegal immigration, and migrants' reintegration in countries of origin, the link between migration and development, and international protection constituted the main areas of intervention. Speaking of geography, actions were carried out primarily in the Balkan area (Albania initially), in Eastern Europe (in particular in Ukraine and Russia), in the Mediterranean countries (Morocco, Tunisia, Turkey) and in Asia (primarily Afghanistan and Sri Lanka)" (2.3 (b) (European Commission, 2006, p.6). In the fight against human trafficking, the EU has taken preventive measures with programs called AENAS, ISEC and TACIS.

The AENEAS program (Elimination of human trafficking from Moldova and Ukraine through labour market based measures) was developed as a reaction to severe shortcomings identified with previous preventive measures. These new preventive measures consist of awareness campaigns conducted in schools and/or congregations. The program also cooperates on asylum and migration with non-European countries and financially assisted various joint ventures in Ukraine, Armenia, and Moldova (European Commission, 2007). The new preventive measures do not only advise victims of human trafficking but also those who work on their behalf. The majority of the programs include mechanisms that provide support to victims but it is not their only mission. The AENEAS program called *"Elimination of human trafficking from Moldova and Ukraine through labor market-based measures"* has the objective to achieve long-term success in counteracting human trafficking in Ukraine and Moldova. "The project was based on a two-pronged strategy of: "(1) strengthening national legal and policy frameworks to combat trafficking in human beings/irregular migration and bolstering national actors' capacity to implement them, (2) awareness raising campaigns for potential migrants about legal migration channels and trafficking in human beings/labour exploitation and/or direct assistance to actual and likely victims of trafficking" (ILO, 2009, p.1). Another example of campaign, launched in Sweden, included 16 other countries and concentrated on the sexual exploitation of trafficked women (Nordic Council & Council of Ministers, 2003). Similarly, within the framework of the EU project *"Reducing the number of Romanian and Bulgarian victims trafficked in Italy and Spain,"* the European Commission initiated the campaign *"Trafficking in persons forgives no one."* The project sought "to reduce the number of Romanian and Bulgarian victims exploited in EU Member States, especially in Spain and Italy, aiming to raise awareness, both, in countries of origin and destination, about the existence of human trafficking under its various forms and associated risks." Raising international awareness of the various forms of human trafficking and their risks was a major goal of this campaign. During a press conference, Greg Vines, the ILO Deputy Director-General stressed that "Recognizing our common goal to fighting human trafficking and human exploitation worldwide, the Geneva-based UN agencies must continue to work together in the future to promote better coordination on these important issues and a coherent strategy that brings together our complementary approaches" (ILO, 2013). These examples point to the importance of cross-border cooperation (European Commission, n.a.) and the rarity with which it occurs.

The ISEC program (*"Prevention of and fight crime"*) has been established in order to enhance the safety standards for affected people and citizens, as well as create funds to fight human trafficking (Council of the European Union, 2007). Additionally, the program launched a specific day to raise awareness of

human trafficking and to “increase the exchange of information, knowledge and best practices amongst the different actors working in this field” (European Commission, n.a). This demonstrates that the EU has realized that awareness campaigns are as important in countries of origin as in countries of transit and destination. Most of the EU countries acknowledged and implemented awareness campaigns within their nations, policies, and legislation. Latvia, for example delegated the “NGO ‘Shelter Safe House’,” which “has organized several successful prevention campaigns. The best examples are: Campaign “Open Your Eyes” whose aim was to raise awareness by training librarians as potential consultants for the general public and for those seeking foreign employment); preventive outdoor social advertising campaign ‘Sold Freedom’ “was implemented in five largest cities of Latvia“ (p.9). Some MS that have been very active in the field of preventive measures, for example, Belgium, Hungary, and Finland (p. 3-8). However, as the Report ‘Ad-hoc query on websites and prevention campaigns of THB’, published by the European Migration Network (2014) shows, Austria did not respond to the query.

The previous examples show nonetheless that most EU countries have offered training for authorities. Poland and Romania, for example, have taken two different approaches. In Poland the ‘Ministry of the Interior’ together with the ‘National Labour Inspectorate’ and the ‘IOM’ initiated, since November 2011, [...] a 3-year long project entitled: “Migrants’ rights in action,” addressed to migrants from Ukraine, Belarus and Armenia. This project is in place to facilitate the integration of third country nationals by raising their awareness of their rights and obligations in PL as well as to prevent their discrimination and exploitation at the labour market“ (European Commission and European Migration Network, 2014 p.11). The project proposes measures, such as informing third country nationals about human trafficking through brochures. Romania initiated awareness campaigns during special occasions such as the Soccer Championship in 2008 (like the campaign “Euro 2008 – trafficking in persons can be a game with a high stake, even your life“). It becomes observable that these national campaigns are mostly focused on awareness and information but not on economics forming the source for human trafficking. Awareness and education campaigns, as valuable as they are, do not address the economic conditions that frequently give rise to human trafficking. Moreover, through their very nature, NGOs are often more able than nations to focus on fundamental causes of human trafficking, but their resources are generally limited. In fact, there is no instrument exclusively aimed at preventing human trafficking starting with community –led activities through to reduction of economic disparities (diminishing the abuse of vulnerability).

In concluding, the key insights delivered to this point are: Since the first adoption of preventive measures, the EU has intended to eliminate human trafficking. Since then, the scope of preventive measures has been extended: 1) assistance and aid, 2) judicial and legislative measures, 3) cooperation in policing and border management, and 4) gathering information and promoting best practices. However, the EU’s anti-human trafficking preventive measures constitute a set of instruments rather than of actions. Various areas have been covered under assistance and protective measures, such as rehabilitation, prevention, and prosecution of traffickers. Moreover, as claimed by Saari (2006) and as outlined in the analysis, these preventive measures address the issue of human trafficking in the context of research on trafficking in human beings, development of cooperation and coordination among authorities and society, exchange of

information between countries of origin and destination and development of data-collection. Furthermore, this can be indicative that preventive measures only be effective if the underlying causes are addressed. Thus, data might not be decisive alone.

#### **4.4 Conclusion**

As stated before, this thesis examined the EU's approach to tackling human trafficking. Therefore, the following research question was formulated: *"How can the EU anti-human trafficking policies be characterized?"*

Based on the analysis above, European anti-human trafficking policy can mainly be characterized in terms of the EU's need for securitization. While the need for an approach more respective of the basic human rights of trafficked victims is visible and agreed on, concrete significant measures on a supranational level have yet to be implemented. EU wide preventative measures to combating human trafficking have been proposed by different scholars. While short-time preventative goals like raising awareness or educating have been achieved with different campaigns, long-term preventative measures tackling the root-causes of human trafficking are limited.



## 5. Conclusion and Reflections

This thesis contributes to the diverging opinions of scholars how EU anti-human trafficking policies can and should be characterized. From the perspective of the security identity approach the EU anti-human trafficking policies can be described as the fortification of national borders. Within the discussion EU anti-human trafficking policies human trafficking is framed within the scope of security threats to the nation state involving military actions. From the perspective of the human rights-based approach, human trafficking appears quite differently. There has been some reasonable criticism on the issue which was picked up by the European Commission. Concretely, the European Commission criticises the nature of shared competences between the EU and MS, which enable MS to implement measures concerning human trafficking to their own discretion. The result is that only a few MS take active responsibility and provide actions that are necessary to ensure protection and shelter for the victims. Concerning their main focus, it is remarkable that the security identity approach and the human rights-based approach vary from each other significantly. While the security identity approach tends not emphasize the differences between human trafficking and illegal migration, whereas from the human rights-based perspective, the two concepts are explicitly distinguished from each other. However, human trafficking is less discussed from the perspective of economic imbalances. Also, the economic perspective and the security identity perspective share similarities, as both focus on measures to securing national and internal security, as well as eliminating external threats to the EU.

This study has several strengths: Firstly, the selection of papers was extensive and comprehensive, with a broad scope of time comprising documents released mainly between 2000 and 2014 and some documents from the 90s. Secondly, the choice for three different perspectives, namely the security identity approach, the human rights-based approach and the economic approach, proved to be effective approaches for characterizing the EU policy on human trafficking in a comprehensive, complementary manner. Moreover, these approaches were widely discussed in scientific literature.

While this thesis focused on EU wide policy without singling out specific European nations, future research could study the anti-human trafficking measures of specific Member States, like Sweden or Spain. Since the measures different MS' take differ significantly, the focus on certain MS' might deliver more specific, in-depth information about anti-human trafficking policies and measures in the EU. Furthermore, future research might study the broad concept of human trafficking in a more specific way. A multi-faceted, complex phenomenon like human trafficking might benefit from a more specific examination. Summarizing different sub-aspects of human trafficking (like labour exploitation, sexual abuse or organ trafficking), one might oversee the individual factors that make a given region vulnerable to one, but not the other sub-aspect of human trafficking.

Thus, however, security and control measures cannot stop the flow of human trafficking. In fact, an approach of anti-human trafficking policies relying only on one type of legislation, public international law, criminal law and public law among others, is too narrow. Rather, a harmonized and holistically integrated

approach, addressing the complexity of the crime and respecting the balance between sanctions and human rights, can be conducive for a multi-faceted approach to human trafficking (van Impe, 2000).

Effective anti-human trafficking policies combine and balance punitive measures securing fundamental human rights, rigorous border controls and eliminating the underlying causes of illegal migration. Furthermore, actions have to be coordinated and negotiated between the countries of origin, transit and destination (van Impe, 2000).

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## 7. Appendix

### Appendix 1:

#### Article 3 Use of terms

For the purposes of this Protocol:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations General Assembly, 2000, p.3).

### Appendix 2:

Press release: <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>)

### Appendix 3:

#### List of selected documents:

Number	Event	Outlet	Title	Date published
1	Council of the European Union	<a href="http://lastradainternational.org/doc-center/1057/council-framework-decision-of-19-july-2002-on-combating-trafficking-in-human-beings">http://lastradainternational.org/doc-center/1057/council-framework-decision-of-19-july-2002-on-combating-trafficking-in-human-beings</a>  <a href="http://lastradainternational.org/lisdocs/57%20Council%20Framework%20Decision%20on%20trafficking%20%28July%2002%29.pdf">http://lastradainternational.org/lisdocs/57%20Council%20Framework%20Decision%20on%20trafficking%20%28July%2002%29.pdf</a>	2002/629/JHA Council Framework Decision of 19 July 2002 on combating trafficking in human beings	August 1 <sup>st</sup> , 2002
2	Council of the European Union	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33015&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33015&amp;from=EN</a>	Incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children (STOP), Joint action 96/700/JHA	December 12 <sup>th</sup> , 1996
3	Council of the European Union	<a href="http://aei.pitt.edu/43337/1/Tampere_1999.pdf">http://aei.pitt.edu/43337/1/Tampere_1999.pdf</a>	Tampere European Council 15 and 16 October 1999 Presidency Conclusion	October 15 <sup>th</sup> and 16 <sup>th</sup> , 1999
4	Council of the European Union	<a href="https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_brussels_declaration_2003_en_1.pdf">https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_brussels_declaration_2003_en_1.pdf</a>	Council Conclusions of 8 May 2003	June 12 <sup>th</sup> , 2003

5	Council of the European Union	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52002PC0071">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52002PC0071</a>  <a href="http://www.eumonitor.nl/9353000/1/j4nvgs5kjg27kof_j9vvik7m1c3gyxp/vi7jgswe2ez3/f=/12958_03.pdf">http://www.eumonitor.nl/9353000/1/j4nvgs5kjg27kof_j9vvik7m1c3gyxp/vi7jgswe2ez3/f=/12958_03.pdf</a>	Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities	October 10 <sup>th</sup> , 2003
6	Council of the European Union	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0081&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0081&amp;from=EN</a>	Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities	August 6 <sup>th</sup> , 2004
7	Council of the European Union	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:133263&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:133263&amp;from=EN</a>	2007/125/JHA Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention of and Fight against Crime'	February 12 <sup>th</sup> , 2007
8	Council of the European Union	<a href="http://register.consilium.europa.eu/doc/srv?l=EN&amp;f=ST%208151%202009%20ADD%202">http://register.consilium.europa.eu/doc/srv?l=EN&amp;f=ST%208151%202009%20ADD%202</a>	Accompanying document to the proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA-Summary Impact Assessment	March 31 <sup>st</sup> , 2009
9	Council of the European Union	<a href="http://data.consilium.europa.eu/doc/document/ST-16826-2009-INIT/en/pdf">http://data.consilium.europa.eu/doc/document/ST-16826-2009-INIT/en/pdf</a>	2979th meeting of the Council of the European Union - Draft Minutes	November 30 <sup>th</sup> , 2009
10	EU	<a href="http://www.ab.gov.tr/files/ardb/evt/1_avrupa_birli gi/1_3_antlasmalar/1_3_3_katilim_antlasmalari/2003_accession_treaty_eng.pdf">http://www.ab.gov.tr/files/ardb/evt/1_avrupa_birli gi/1_3_antlasmalar/1_3_3_katilim_antlasmalari/2003_accession_treaty_eng.pdf</a>	2003 Accession Treaty	September 23 <sup>rd</sup> , 2003
11	EU	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2005:157:FULL&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2005:157:FULL&amp;from=EN</a>	2005 Accession Treaty	June 21 <sup>st</sup> , 2005
12	EUROPOL	<a href="https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol_2009_en_1.pdf">https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol_2009_en_1.pdf</a>	Trafficking in Human Beings in the European Union: <i>A Europol Perspective</i>	June, 2009

13	Experts Group of the European Commission	<a href="http://www.pedz.uni-mannheim.de/daten/edzk/gdj/08/op_2009_01_en.pdf">http://www.pedz.uni-mannheim.de/daten/edzk/gdj/08/op_2009_01_en.pdf</a>  <a href="https://ec.europa.eu/anti-trafficking/eu-policy/opinion-no-12008-revision-council-framework-decision-19-july-2002-combating-trafficking_en">https://ec.europa.eu/anti-trafficking/eu-policy/opinion-no-12008-revision-council-framework-decision-19-july-2002-combating-trafficking_en</a>	Opinion No 1/2008 of the Experts Group on Trafficking in Human Beings of the European Commission On the revision of the Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings	October, 17 <sup>th</sup> 2008
14	Experts Group of the European Commission	<a href="http://lastradainternational.org/Isidocs/EU%20experts%20group%20Opinion%20No%207.pdf">http://lastradainternational.org/Isidocs/EU%20experts%20group%20Opinion%20No%207.pdf</a>	Opinion No 7/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission, Proposal for a European Strategy and Priority Actions on combating and preventing trafficking in human beings (THB) and protecting the rights of trafficked and exploited persons	October, 18 <sup>th</sup> 2010
15	European Commission	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002PC0071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002PC0071&amp;from=EN</a>	Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities	May 28 <sup>th</sup> , 2002
16	European Commission	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DC0373&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DC0373&amp;from=EN</a>	European Neighbourhood Policy – Strategy Paper	May 12 <sup>th</sup> , 2004
17	European Commission	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0026&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0026&amp;from=EN</a>	Communication from the Commission to the European Parliament and the Council: Thematic programme for the cooperation with third countries in the areas of migration and asylum	January 1 <sup>st</sup> , 2006
18	European Commission	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A114565">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A114565</a>	Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union	December 15 <sup>th</sup> and 16 <sup>th</sup> , 2005
19	European Commission	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0657:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0657:FIN:EN:PDF</a>	Commission Working Document Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings	October 17 <sup>th</sup> , 2008

20	European Commission	<a href="https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/sec2009_320_report_from_commission_en_1.pdf">https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/sec2009_320_report_from_commission_en_1.pdf</a>	Third annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders, and the return of illegal residents	March 9 <sup>th</sup> , 2009
21	European Commission	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009SC0359&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009SC0359&amp;from=EN</a>	Accompanying document to the Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA	March 25 <sup>th</sup> , 2009
22	European Commission	<a href="http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb_identification_en.pdf">http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb_identification_en.pdf</a>	Guidelines for the Identification of victims of trafficking in human beings	2013
23	European Commission and European Migration Network	<a href="http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/trafficking/566_emn_aq_websites_prevention_campaigns_thb_en.pdf">http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/trafficking/566_emn_aq_websites_prevention_campaigns_thb_en.pdf</a>	Report of an 'Ad-hoc query on websites and prevention campaigns of THB'	July 3 <sup>rd</sup> , 2014
24	European Commission	<a href="https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_action_plan_against_trafficking_in_human_beings_2013-2015_en_0.pdf">https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_action_plan_against_trafficking_in_human_beings_2013-2015_en_0.pdf</a>	National Action Plan against Trafficking in Human Beings for 2013-2015	February 19 <sup>th</sup> , 2013
25	European Commission	<a href="https://ec.europa.eu/anti-trafficking/content/nip/italy_en">https://ec.europa.eu/anti-trafficking/content/nip/italy_en</a>	Together Against Trafficking in Human Beings: Italy	Not provided
26	European Commission	<a href="https://ec.europa.eu/anti-trafficking/citizens-corner-eu-actions-explained/eu-actions-explained_en">https://ec.europa.eu/anti-trafficking/citizens-corner-eu-actions-explained/eu-actions-explained_en</a>	EU Actions Explained	Not provided
27	European Court of Justice	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62008CN0266&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62008CN0266&amp;from=EN</a>	Commission of the European Communities v Kingdom of Spain Case C-266/08	August 15 <sup>th</sup> , 2008
28	European Parliament	<a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20000704+ITEM-005+DOC+XML+V0//EN&amp;language=GA">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20000704+ITEM-005+DOC+XML+V0//EN&amp;language=GA</a>	Debate – Trafficking in Human Beings	Jul 4 <sup>th</sup> , 2000

29	European Parliament	<a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0633+0+DOC+XML+V0//EN">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0633+0+DOC+XML+V0//EN</a>	European Parliament resolution of 18 December 2008 on the evaluation and future development of the Frontex Agency and of the European Border Surveillance System (Eurosir)	December 18 <sup>th</sup> , 2008
30	European Parliament and the Council of the European Union	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&amp;from=EN</a>	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals	December 24 <sup>th</sup> , 2008
31	European Parliament and the Council of the European Union	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF</a>	Directive 2011/36/EU of the European Union and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA	April 15 <sup>th</sup> , 2011
32	European Policy Center	<a href="http://www.epc.eu/pub_details.php?pub_id=823&amp;cat_id=6">http://www.epc.eu/pub_details.php?pub_id=823&amp;cat_id=6</a>	Equal protection? Approaches to counter-trafficking in the EU and the Balkans	June 14 <sup>th</sup> , 2007
33	Group of Experts on Action against Trafficking in Human Beings (GRETA)	<a href="https://www.coe.int/t/dg/hl/monitoring/trafficking/docs/Reports/GRETA_2013_15_FGR_IRL_public_en.pdf">https://www.coe.int/t/dg/hl/monitoring/trafficking/docs/Reports/GRETA_2013_15_FGR_IRL_public_en.pdf</a>	Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland	September 26 <sup>th</sup> , 2013
34	Group of Experts on Action against Trafficking in Human Beings (GRETA)	<a href="https://www.coe.int/t/dg/hl/monitoring/trafficking/Docs/Reports/GRETA_2014_11_FGR_SWE_en.pdf">https://www.coe.int/t/dg/hl/monitoring/trafficking/Docs/Reports/GRETA_2014_11_FGR_SWE_en.pdf</a>	Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden	May 27 <sup>th</sup> , 2014
35	Lavery, B.	<a href="http://www.nytimes.com/2001/12/09/world/irish-police-find-8-people-dead-and-5-sick-in-cargo-container.html">http://www.nytimes.com/2001/12/09/world/irish-police-find-8-people-dead-and-5-sick-in-cargo-container.html</a>	Irish Police Find 8 People Dead and 5 Sick in Cargo Container	December 9 <sup>th</sup> , 2001
36	International Labor Organization (ILO)	<a href="http://www.ilo.org/wcms/p5/groups/public/---ed_mas/---eval/documents/publication/wcms_119155.pdf">http://www.ilo.org/wcms/p5/groups/public/---ed_mas/---eval/documents/publication/wcms_119155.pdf</a>	Evaluation Summaries: Elimination of human trafficking from Moldova and Ukraine through labour market-based measures	February, 2009

37	International Labour Organization (ILO)	<a href="http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs20_en.pdf">http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs20_en.pdf</a>	Key Statistics on Forced Labour	2005
38	International Labour Organization (ILO)	<a href="http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms090356.pdf">http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms090356.pdf</a>	ILO action against trafficking in human beings	2008
39	International Labour Organization (ILO)	<a href="http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS_226419/lang--en/index.htm">http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS_226419/lang--en/index.htm</a>	ILO calls for more international cooperation to fight human trafficking. Press release	October 18 <sup>th</sup> , 2013
40	International Organization of Migration (IOM)	<a href="http://publications.iom.int/system/files/pdf/project_report_towards_global_eu_action_against_thb.pdf">http://publications.iom.int/system/files/pdf/project_report_towards_global_eu_action_against_thb.pdf</a>	Towards a Global EU-Action Against Trafficking in Human Beings	2010
41	Nordic Council & Council of Ministers	<a href="http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/Sooline_vordoiguslikkus/Inimkaubandus_ja_prostitusioon/finalreportnordicbaltic2002.pdf">http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/Sooline_vordoiguslikkus/Inimkaubandus_ja_prostitusioon/finalreportnordicbaltic2002.pdf</a>	Nordic-Baltic Campaign Against Trafficking in Women 2002	March 30 <sup>th</sup> , 2003
42	OHCHR, UNHCR, UNICEF, UNODC, UNWOMEN <sup>3</sup>	<a href="http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms_170010.pdf">http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms_170010.pdf</a>	Joint UN Commentary on the EU-Directive – A Human Rights Based Approach: Prevent, Combat, Protect Human Trafficking.	November, 2011
43	The Guardian	<a href="http://www.theguardian.com/uk/2000/jun/19/migration.immigrationandpublicservices">http://www.theguardian.com/uk/2000/jun/19/migration.immigrationandpublicservices</a>	Lorry deaths a 'stark warning', says Straw	June 19 <sup>th</sup> , 2000
44	United Nations Global Initiative to Fight Human Trafficking (UNGIFT),	<a href="http://www.ungift.org/document/knowledgehub/resource-centre/GIFT_Human_Trafficking_An_Overview_2008.pdf">http://www.ungift.org/document/knowledgehub/resource-centre/GIFT_Human_Trafficking_An_Overview_2008.pdf</a>	Human Trafficking: An Overview	2008
45	Program Promoting Gender Equality and Women's Rights	<a href="http://www.oecd.org/dac/gender-development/44896390.pdf">http://www.oecd.org/dac/gender-development/44896390.pdf</a>	Trafficking in Persons as a Human – Rights Issue	June 2008
46	United Nations General Assembly	<a href="http://www.osce.org/odihr/19223?download=true">http://www.osce.org/odihr/19223?download=true</a>	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime	2000

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, United Nations Children's Emergency Fund, United Nations Office on Drugs and Crime, United Nations Entity for Gender Equality and the Empowerment of Women

47	United Nations	<a href="https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVIII/XVIII-12-a.en.pdf">https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVIII/XVIII-12-a.en.pdf</a>	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	December 25 <sup>th</sup> , 2003
48	United Nations Global Initiative to Fight Human Trafficking (UNGIFT)	<a href="https://www.unodc.org/unodc/en/press/releases/2007-03-26.html">https://www.unodc.org/unodc/en/press/releases/2007-03-26.html</a>	UNODC launches Global Initiative to Fight Human Trafficking	March, 26 <sup>th</sup>
49	United Nations Office on Drugs and Crime (UNODC),	<a href="http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf">http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf</a>	Trafficking in Persons: Global Patterns	April, 2006
50	United Nations Office on Drugs and Crime (UNODC)	<a href="https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf">https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf</a>	United Nations Convention Against Transnational Organized Crime And the Protocols thereto	2004
51	United Nations Office on Drugs and Crime (UNODC)	<a href="http://www.unodc.org/documents/humantrafficking/Trafficking_in_Persons_in_Europe_09.pdf">http://www.unodc.org/documents/humantrafficking/Trafficking_in_Persons_in_Europe_09.pdf</a>	Trafficking in Persons; Analysis on Europe	2009
52	United Nations Office on Drugs and Crime (UNODC)	<a href="https://www.unodc.org/unodc/en/frontpage/2015/October/ozark-henry-appointed-unodc-goodwill-ambassador-for-belgium-against-human-trafficking.html">https://www.unodc.org/unodc/en/frontpage/2015/October/ozark-henry-appointed-unodc-goodwill-ambassador-for-belgium-against-human-trafficking.html</a>	Ozark Henry appointed UNODC Goodwill Ambassador for Belgium against human trafficking	October 21 <sup>st</sup> , 2015
53	United Nations (UN)	<a href="http://www.un.org/en/universal-declaration-human-rights/index.html">http://www.un.org/en/universal-declaration-human-rights/index.html</a>	The Universal Declaration of Human Rights	December 10 <sup>th</sup> , 1948
54	University of Portsmouth	<a href="http://hum.port.ac.uk/europeanstudieshub/learning/module-1-understanding-eu-institutions/introduction-to-study-of-the-european-union-institutions/the-institutional-triangle/">http://hum.port.ac.uk/europeanstudieshub/learning/module-1-understanding-eu-institutions/introduction-to-study-of-the-european-union-institutions/the-institutional-triangle/</a>	The Institutional Triangle	2012