

## BOOK REVIEW

**Christien van den Anker, Ilse van Liempt (Eds.), *Human rights and migration - trafficking for forced labour*, Basingstoke: Palgrave Macmillan, 2012, 264 pages, ISBN 978-0-230-27913-1**

Teodor Lucian MOGA\*

In the increasingly connected world we are living, the debate on human rights and migration issues has gathered momentum. For the ones with a genuine interest in this debate, Christien van den Anker is an active contributor to the current theoretical discussions. With a broad experience in her field she has published extensively on global justice and human rights. Her research focusing mainly on contemporary slavery, trafficking for forced labour and migrant rights has been doubled by an active engagement in the Bristol local community (UK) where she has successfully been involved in the establishment of several centres which deal with refugees and migrants. The present volume edited together with Ilse van Liempt brings together a valuable academic input from European and US scholars with a wide range of backgrounds.

The central idea which underpins this book is that the growing and complicated web of policies which regulate transnational migration (the continuous flow of migration between nation-states) have significantly amplified the number of illegal migrants and, paradoxically, have had a clear negative impact on the migrants' human rights, as underlined in the book's chapters. As argued by the authors, the very basic rights of migrants have been constantly violated and put under considerable pressure, chiefly when it comes to cross-border movement from poorer to wealthier countries.

Migrants usually suffer from all the three elements of the trafficking definition: (1) recruitment and transportation, (2) force or deception and (3) exploitation at the point of arrival (forced labour). In this sense, this book has sought "to grasp the complexity of human rights violations of migrants beyond the niche of narrow conceptions of trafficking" (p. 2). Not surprisingly, human trafficking scores high on many agendas either national or international. Increasingly, many academic experts have tackled this subject, written several publications and worked in the field of victim support and lobbying, which has

---

\* Teodor Lucian Moga is post-doctoral researcher at the Romanian Academy, Iași Branch; e-mail: teomoga@yahoo.com.

very much enhanced public awareness. However, this has not been followed by a thorough “theoretical understanding and factual evidence” (p. 2). The volume intends to fill the gap in this regard by bringing forward different, but comprehensive approaches to human trafficking.

One of the main criticisms pointed out by the authors relates to the poor policy responses by international organizations and individual governments which have continuously failed to achieve progress when it comes to trafficked persons, despite the plethora of documents issued and the several forums for debate created. The problems usually reported include lack of identification of the trafficked persons by relevant officers, the unjust treatment as ‘immigration criminals’ instead of victims of human rights violations, deportation and re-trafficking (p. 3). Moreover, the fact that the authorities fall short of an integrated approach for coping with this issue seems to be the most ardent hitch.

Human trafficking is often classified as a form of contemporary slavery which nowadays is also viewed as a serious security threat, because it is often closely related to transnational organised crime. “Although this powerful discourse is legitimizing stricter border controls in the name of fighting crime, research shows that trafficked migrants are not helped by this security focus. Under the pretext of ‘rescuing’ victims, migrants are often sent back to the country they had good reason to leave, or they are allowed to stay in the country of destination but without being allowed access to their rights and can end up in conditions that violate their human rights. The focus on crime and security is completely overshadowing the role of the state as a protector of human rights when it comes to smuggling and trafficking”. (p. 5)

Before going into further details, the authors have tried to draw a clear-cut dividing line between ‘smuggling’ and ‘trafficking’: whereas the former is voluntary, the latter is not. Moreover, while with trafficking no international borders have to be crossed, with smuggling the crossing of a border is the main cause of illicit action. However, the attempt to separate the two terms could be in vain, taking into account that “something that started off voluntarily may end up seriously violating human rights”. This means smuggling could often convert into trafficking, which shows even more obviously that establishing a definition for trafficking is difficult to achieve in practice. Moreover, the authors have also sought to avoid the confusion that trafficking only concerns prostitution, because it does not only include female and child migration, but also the exploitation of men. Pressure (mostly economic) is often put on men to provide for their families, and they – rather than the females in the household – are compelled to travel abroad for work. (p. 8)

All twelve chapters of the book are divided into four parts – (I) Root causes and responses to trafficking for forced labour; (II) Immigration approaches to migrant rights, (III) Labour rights approaches to migrant exploitation, (IV) Human rights approaches to migrant rights – which strive to

overcome the rather limited perception of the concept of trafficking in human beings. As such, the contributions to this book range across various disciplinary fields, from migration studies, anthropology, cultural studies and political science to theology, criminology or law. Examples are drawn from European countries and the US, the main recipients of migration flows.

Part I touches upon the exploitation of undocumented migrants and brings forward two case studies (Kosovo and Moldova) explaining two of the major causes for human trafficking – conflict and poverty. In Kosovo the crackdown by the Serbian regime, followed by a lawless context since NATO intervention in 1999, have generated opportunities for trafficking, whereas in Moldova, as Cezara Nanu points out in Chapter 2, women are often the subjects of trafficking, a pattern which could depict the situation in the entire post-Soviet space. This is brought about by the country's economic vulnerability, by a patriarchal society where women are subject to discrimination, and also by a weak legislative framework, especially when it comes to the economic rights of women.

The second part of the book gives very well-structured background information into the immigration approaches to trafficking and migrant exploitation. Doomernik argues in Chapter 4 that nowadays the bulk of EU regulatory policies “tend to have unexpected outcomes and might indeed produce more of what they are designed to reduce” (p. 84). Limits to the tracking of undocumented or irregular migration represent another challenge at the top of the political agenda of several EU countries, as emphasised by Gily Coene in Chapter 5. And this “casts serious doubts on the capacity of liberal states to control and prevent unwanted migration” (p. 89). Following on the debate raised by Jeroen Doomernik and Gily Coene, Chapter 6 provides an analytical and critical view on the German welfare system, where gender and migration regimes create types of labour (other than the sex industry) which are vulnerable to exploitation and human trafficking: agriculture, services, manufacturing, construction and domestic service (p. 108).

The third part of the book concentrates upon the labour rights with direct connection with human trafficking. Both Chapter 7 and Chapter 8 critically assess the state's policies and its institutional framework. The authors find that a broad range of ‘exploitation means’ such as deception, coercion, physical violence, etc. are, interestingly, a direct consequence of the contradictions that occur when states attempt to limit migration, labour demands are increasing, and employment rights are not abided by. In this sense, a set of useful recommendations to overcome the present bureaucratic burden are made.

The final part of the book provides a ‘human rights’ insight into further related questions and issues on human trafficking. In Chapter 10 David Weissbrodt and Stephen Meili briefly examine the main international agreements addressing the human rights of trafficked persons. They inquire

whether these agreements have been effective and have granted the victims the most appropriate protection of their interests. The final chapter (12) concludes that too much weight on human trafficking has overlooked a much more salient issue – finding effective solutions for safeguarding the human rights of the migrants. And this will generate future difficulties in preventing and overseeing migration flows. In their final remarks, the editors advocate the increasing need to forge accessible human rights for migrants which, in turn, would bring about protection and impede trafficking.

The book gives a comprehensive overview of the latest developments in the field of human rights, particularly concerning migration and the negative consequences of human trafficking. An increased awareness has been dedicated to this issue which in turn led to various educational programmes and law enforcement mechanisms (e.g. international agreements, cross-border initiatives, cooperation between governments, NGOs etc.) However, much work remains to be done and the question here is: are the recommendations made being followed? Because sometimes the feeling is that the obvious added value this book carries does not really mobilize the political attention of key actors at both the national and the international level. The impact of this publication should be very well scrutinized, and the involvement of governmental, non-governmental and academic actors must help advance the required anti-trafficking agendas. “Human rights advocates should look for innovative strategies to induce key duty bearers, the states, to analyse the aggregate impact of various policies (...) and to draw consequences from the knowledge obtained” (p. 239).

Nonetheless, the novelty of the volume does lay the groundwork and open up new opportunities for additional research, serving as an excellent investigation into the changing nature of migration and human trafficking and a valuable contribution to the world of legal practitioners, authorities and academics working in the field. The breadth of the analysis should open new horizons for readers from various fields and should encourage them to follow more closely some of the contributors to this volume.