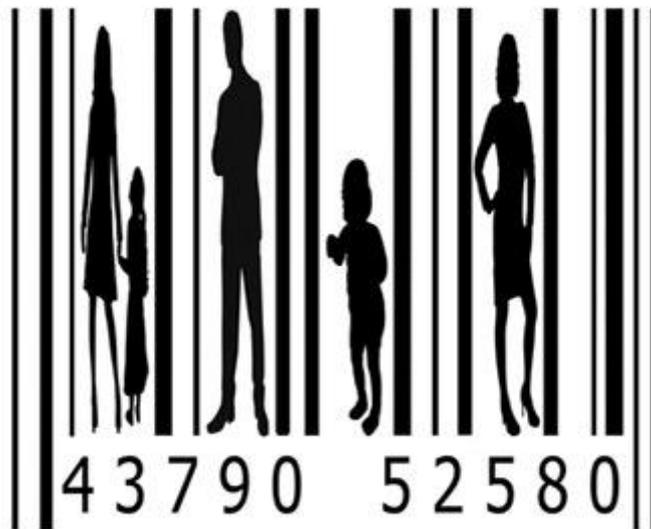


# Beyond the Stigma

*Insecure States, Disempowerment and Human Trafficking*



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Conflict Territories and Identities

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## Preface

The topic of human trafficking fascinates me. How do people come to trading each other for material gain? And stranger yet, how do people come to accept an offer to sell their children or themselves. I believe that understanding the forces that compel people to do so, is key to stop this practice. As much as the topic fascinates me, it also drives me to do something against this brutal violation of human rights. This is my way of doing so.

In this thesis I am combining the theories and disciplines that I have learned during my bachelor of sociology, a propaedeutics in law, a minor in conflict studies and most importantly the theories I have learned during the master courses of human geography, focusing on conflict, territories and identities. And by doing so I am bringing together four years of study in one thesis.

I would love to place a word of thanks, to Geroid Millar, who has been a great help to me with his positive feedback and structured advice, and accepting my tight deadline, I know I have provided a tight schedule. And to my man and friends for their endless patience with my thesis stress, constant discussions on the topic of trafficking and their last minute feedback.

Thank you!

## Abstract

Human trafficking is a crime that occurs worlds wide. In the Netherlands victims of trafficking are mostly originated from Nigeria and Bulgaria. Both countries can be considered transitional, instable and insecure states. This research project aims to provide an answer to the question of how state insecurity can provide a higher likelihood for trafficking to occur.

## 1. Introduction

Human trafficking is a border transcending crime that occurs worldwide. People are trafficked from and to all the corners of the planet. History shows that trafficking is of all times. The trade in slaves in the era of the Eastern India Company, the concubine's of various kings (in various centuries) around the globe, Geisha's in Asia, prostitution in the Western countries and forced labor in many other places, all show that there is virtually no country that poses an exception.

*"Trading in women is a multi-billion dollar global industry."* Anne Gallagher (2006:163).

Human trafficking has terrible consequences on an individual. As a form of modern slavery, where people are bought, sold, used, abused, smuggled, deported and often are killed in the process, human trafficking makes a horrifying large amount of victims. The most vulnerable group are women and children. From all the 'branches' of human trafficking ranging from forced labor on fields or mines to rape and child prostitution, it is the sex industry in all its facets that most people are thinking of when confronted with trafficking. But it is important to remember that human trafficking covers a fast diversity of professions. Some more visible than others, yet often not visible at all, but always present. Next to the trade in drugs and arms, the trade in human beings is amongst the top-three of illegal monetary gaining industries. The scale of trafficking is obviously immense. Trafficking is a global problem that not just resides to third world countries but is very present in Western countries as well.

The report of the UNODC (2009: 5) shows that over four million people are smuggled globally, amongst which, according to the International Organisation of Migration, 700,000 up to two million woman and children (Haynes 2004: 221). Vollebreght (2007) concludes that most of the trade in human beings remains out of the view of the legal system. Many victims cannot, or dare not to, press charges. As pressing charges would expose their (often) illegal stay in the country of residence. Bovenkerk et al. (2004: 32) show that victims are frequently re-located to different locations within the network of traffickers. This poses problems in tracing these victims and also in estimating the scale on which networks operate.

From all human trafficking prostitution is one of the most prominent (79%) followed by forced labor (18%) (UN-report, 2009: 05). I would have to add here that there could be a statistical flaw in measuring these numbers because many policies focus on prostitution, making prostitution perhaps more visible than forced labor, next to that, forced labor is easier concealed than prostitution is, forced laborers could look just the same as other working laborers, yet prostitution is on itself often regarded as out of the ordinary. Women that are offering their bodies for sexual services will spring out more than laborers in any industry do. It seems to me very likely that this will cause prostitution to be most visible form in human trafficking. Prostitution also gains more attention in the media than forced labor does and scientific articles show the same trend in paying more attention to sexual exploitation than to other branches (Bovenkerk, 2004; Monzini 2004; Waugh 2006). This makes this branch in particular more visible to policy makers and implementers, so it may be that other branches of trafficked persons are not accounted for. Second, legislation on prostitution varies worldwide, therefore not all victims are regarded as being a victim nor are they actively sought by aid programs and again they remain invisible in many reports (VN report 2009: 18-19). Invisibility causes a severe problem in measuring the scale of trafficking.

The precise scale of trafficking is impossible to accurately measure (Anne Gallagher, 2006) because there is a substantial dark number. This means that a large proportion of the victims will not be registered and will therefore not show in the statistics. To estimate the precise scale of trafficking would be problematic because the estimations are based on crude numbers alone (Gallagher, 2006). Some claim that there can be an estimation made by the numbers of perpetrators that are registered by the police (Vocks and Nijboer, 2000, Peperstraten, 2003). Yet Gallagher (2006) states this number is inaccurate and thereby points to the low numbers of perpetrators that are found by the legal system and an even lower number of perpetrators that are actually prosecuted. The importance that is stressed here is that the numbers of victims can only be estimated, no clear undisputed facts are present and estimations could very well be lower than the number of actual victims. The estimated scale of human trafficking is of great importance because estimations done, have a direct influence on legal policies (Gallagher 2006:163-169). Furthermore I believe that that underestimation of the scale of trafficking not only lowers the amount of attention spend on trafficking but also has an almost normalizing effect. A large scale of trafficking could have a normalizing effect in countries of origin. As for instance some reports mention that from every family there is one girl sent abroad in Nigeria, this means that it is common practice in the society where the victims originate from (BLinN, 2009). If there is a normalizing effect that could mean that it could be extremely difficult to battle the problem, there are obviously less incentives to change something that is accepted in society. But as mentioned above it is impossible to make these assumptions, for now there are no accurate numbers available.

Although accurate numbers are not at hand, an estimation can be made based on data that is available on the number of migrants that are registered, combined with the fact that it is very plausible that there is an even larger group that remains out of sight for officials, we can draw the conclusion that there is indeed a high probability of a multi-billion dollar industry as

Gallagher has posed it. What drives people to leave their country with the aid of smugglers and what is it that provides a platform on which traffickers build this multi-billion dollar industry?

Illegal and legal migration are driven by push and pull factors, the same drivers are also visible in the occurrence of trafficking. The causes that drive people to leave their home country, either through legitimate or illegal, channels show a great resemblance (2001; 170). Traditionally, countries where trafficking originates from are developing nations or those in a state of transition (Carens, 2006). Migration takes place from poorer countries to wealthier more stable states (Vocks and Nijboer, 2000). The pull of promises for a better future are powerful (Arnowitz, 2001; 170).

Developing nations, countries in a state of transition and unstable states all share a common characteristic, insecurity. Insecurity is brought forth by unstable state institutions, a lack of healthcare, high unemployment rates, poverty and sometimes even a threat of war. It is this insecurity on a macro level that cause personal insecurity, such as poverty, on a micro level. It is this insecurity that seems to propel people to go in search of a better future. Because of these incentives insecurity also increases the likelihood of trafficking to originate from these countries.

In this thesis I will investigate how insecurity increases the likelihood of trafficking. I will do so by testing five theories on the linkage between insecurity and trafficking on two specific cases; Nigeria, Western Africa and Bulgaria, Eastern Europe. I have chosen these two cases because these are the two countries from which the highest numbers of trafficked people are originated in Western Europe (BNRM, 2009). In addition the number of victims originated from these countries appears to be rising. Nigeria and Bulgaria are both countries that except for a very different region also have very different political histories. Yet both countries share

a common characteristic; insecurity. This thesis will examine these two particular cases, Nigeria (and related literature on Western Africa) and Bulgaria (and related literature on Eastern Europe) in order to gain more insight into how elements of state insecurity and transition create push and pull factors for the occurrence of human trafficking.

As this thesis will show insecurity is a prominent factor in predicting the likelihood of trafficking. Insecurity exists out of different elements, on both macro and micro levels, which are resounding in the five theories I will be investigating, implementation and insufficient border controls, invisibility, transition and poverty.

This thesis will conclude by a summary of the findings and a policy recommendations chapter in which central problems in origin and host countries are highlighted and accompanied by practical thoughts and policy recommendations on how to solve these. By doing so restoring the element of empowerment in victims that has been damaged by state insecurity, the process of trafficking and sometimes experiences with the legislation on trafficking.

As explained in the above this thesis will examine two particular cases, Nigeria (West Africa) and Bulgaria (Eastern Europe) in order to gain more insight into how elements of state insecurity and transition create push and pull factors for the occurrence of human trafficking. In doing so the stigma of unknowingly deceived victims is left and the element of agency is returned to them. In the following addendum to this introduction, I will explain how and why this research is unique and socially as well as scientifically relevant.

## 1.2 Relevance

Research projects are usually focused on humanitarian aid perspectives or legislation perspectives and rarely on the question why people get involved with human traffickers from an insecurity perspective. The context of insecurity background can shed a light on explaining why people want to migrate (Chrysochoou, 2009 en Carens, 2006, Castles and Miller, 2009). And this could very well also provide insights on why victims chose to follow a smuggler or trafficker and why human trafficking seems to be so successful. In redirecting the focus on explanations in motivations and contextual backgrounds we leave the stigma of weak and troubled victims and place the focus on their agency and will power, their empowerment or in the context of trafficking; their disempowerment. This research project will pose an answer to the question of what makes human trafficking more likely to occur in transitional, unstable or insecure societies and what its effects are on feelings of disempowerment amongst victims of human trafficking from these countries. By doing so we leave the stigma of weak, naive and unknowing victims and turn them in to self-conscious people with an unfortunate background. Self-conscious people have the ability to change the effects of an unfortunate background. Thus turning an intractable problem, into one that can be handled within policy programs.

The societal problem that has triggered the need for this research is the problem of human trafficking and patterns of insecurity. This project contributes to the solving of this problem by providing an answer to contextual background of trafficking and the perception of disempowerment that (female) victims, that have been trafficked, have. It provides an insight that can be of direct assistance to policymakers to provide adjusted and fitted programs to empower these former victims.

Research on human trafficking is usually confined to patterns, networks and legal advice, this research aims at providing better insight into the motivations victims themselves have had to join a network (with or without pressure or lies). Which gives the victims back their agency and makes them active elements in the process of human trafficking, thus being of great importance to policymakers on assisting aid programs for victims.

The project links up to existing knowledge by providing further insight into the motivations of victims of human trafficking, why do people get involved with traffickers, is it because of their perspectives, lack of opportunities, the promises that are made or other? The project is new in the sense that it addresses the backgrounds of victims of traffickers and why they are disempowered by patterns of insecurity in their country of origin. The project aims to deepen existing insights on insecurity and failed states in addition to networks of trafficking and the effects this has on the victims of trafficking.

The theoretical goal is to show that conflict and insecurity provide a platform for human traffickers that makes it more easy to persuade a victim to join a trafficker. Victims might be disempowered by the patterns of insecurity and a failed state which could make them more vulnerable to trafficking. The empirical goal is to show by a literature review that feelings of disempowerment have a connection with the patterns of insecurity and failed state.

The practical goal is to show why these victims are disempowered so we can make an accurate policy in attempting to empower them. The goals are interrelated in the sense that the theoretical frame provides an answer in making a tool or accurate program to help former victims of trafficking. Thus providing insights to aid the victims of trafficking and to lower incentives for trafficking networks in the future.

To provide a new perspective to the existing literature on human trafficking I want to place the focus on the agency of victims instead of perceiving them as 'just' victims. I believe that

for future programs to aid victims, but also in preventing new victims to emerge, focus should lie with the *capabilities* of victims and not with their *weaknesses*. By showing which background variables make trafficking possible or more likely to occur it can be analyzed why trafficking seems to be more likely to originate from transition countries and why victims seem to 'willingly' follow their trafficker. What are the choices a possible victim needs to make? If more possibilities for a better future were at hand, would people still follow the ill promises of traffickers? It is time victims of trafficking are no longer regarded as puppets with no will of their own, but actors in their own future who want a better living, as does everybody else. This research is unique in the sense that it is focusing on the agency of the victims, and by doing so, offering policy recommendations, to assist aid programs to become better equipped to address the power of survivors of trafficking.

In the following chapter I will explain important background information on the topic of human trafficking in this chapter I am elaborating on the differences in legislation, discrepancies in definitions and problems in the implementation of the legislation on trafficking. The chapter will continue to explain how trafficking is manifested, how networks are structured and why this is important to the topic of insecurity.

## 2. Trafficking

This chapter aims to provide an overview of definitions, migrant policies and legislation on human trafficking. It will lay down important characteristics and background information on human trafficking. In this chapter I will specify on the elements in these that are relevant to the victims from the chosen case studies. In doing so an more specific overview is provided on how definitions, policies and legislation, and the very structure of trafficking networks are disempowering victims from the two specific cases of Nigeria and Bulgaria.

### 2.1 Definitions

The most commonly used definition of human trafficking is the definition set by the UN council, but that does not entail that this definition is used worldwide. In this thesis I will use the definition by the UN, because it is commonly used throughout scientific articles. In this thesis articles have been screened and selected on this definition. The definition of human trafficking is often mentioned in the same line as human smuggling. Yet they have one specific difference. Human smuggling is considered to be border transcending by definition, while this is not necessarily the case with human trafficking. Off course, in general, human trafficking can be considered to be border transcending. Yet this is not clearly resounding in its definition. Next to that it is possible for human trafficking to occur within state borders.

The definition on human trafficking that is set by the UN, states as follows:

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

*control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.*

(United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as Trafficking Protocol), in addition to the United Nations Convention against Transnational Organised Crime), Artikel 3(a).

The definition of human smuggling that is set by the UN, states as follows:

*“Smuggling shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident”.*

(United Nations Protocol against the Smuggling of Migrants by Land, Air and Sea (also known as Migrant Smuggling Protocol), in addition to the United Nations Convention against Transnational Organised Crime) Article 3(a).

The definitions on trafficking and smuggling show overlap, people that are trafficked can be previously smuggled for that purpose and smuggling can also be involuntarily. To understand why people are vulnerable to the practice of trafficking, it is also important to understand the dynamics of smuggling. The incentives for leaving the country are quite the same (Arnowitz, 2001;170). As the incentives for both smuggling and trafficking seem to be the same so does the perception on both appears to be. Cases of human trafficking could be perceived as cases of smuggling in statistics because of the emphasis that exists in policy on border controls. It is because of these elements that both definitions will be investigated to provide an answer to the research statement and questions.

Policies are usually focused on border controls (WODC 2002: 12). Focus lies with the *transcending* of borders, which means that there will be less attention spend to the trafficking that occurs *within* country borders. The focus on border controls makes it seem as if the number of smuggled or illegal migrants is higher than the number of trafficked persons, reality could be different (Waughn, 2006; Vocks and Nijboer, 2000). I believe that, in the extension of what I have mentioned before, that the split in legislation between smuggling and trafficking makes the in reality often joint combinations hard to see. Of all places, here on the border, the location where the authorities could provide a tool that stops this practice, the policy is not efficient.

As mentioned, there is a clear overlap between the definitions on human trafficking and smuggling. Human trafficking often starts by smuggling (BNRM 2009; Waugh 2006; Monzini 2004). Victims want to leave their country of origin in search for a better future (Arnowitz, 2001). Splitting trafficking and smuggling provides problems in the international acknowledgement of human trafficking, but also in the prosecution of traffickers (Carens 2006, Castles and Miller, 2006, Varynen 2001). This applies especially for growing groups such as the Bulgarians, where trafficking is less easy proved, victims can come into any country in Europe without any border control since the enactment of the Schengen treaty (1985, with free travel op persons and goods since 1993). It also brings problems in addition to migrant policies, where Nigerian victims, for instance, are not likely to press charges (Verweij-Jonker institute, 2007) because doing so would expose them as illegal immigrants and would pose them to risk eviction. The overlap that exists here between migrant policies and the legislation on trafficking seems to create a disempowering situation for the victims that do not originate from the European Union, in the way that they do not press charges, and also seems to create disempowerment for the ones that are originated out of the European Union, in the way that they remain out of sight for the system.

Most countries in addressing human trafficking today focus on border control (WODC 2002: 12). The focus tends to lie on transcending borders, rather than trafficking that occurs within state borders. As a result of this policy, it may seem as if there are substantially more cases of smuggling than that there are cases of human trafficking. While it could be very much possible that many smuggling cases are in fact cases of trafficking. The differences between trafficking and smuggling are, because of the overlap the definitions show, hard to differentiate. As has been shown in several researches it is not uncommon for human trafficking to start with smuggling (BNRM 2009; Waugh 2006; Monzini 2004).

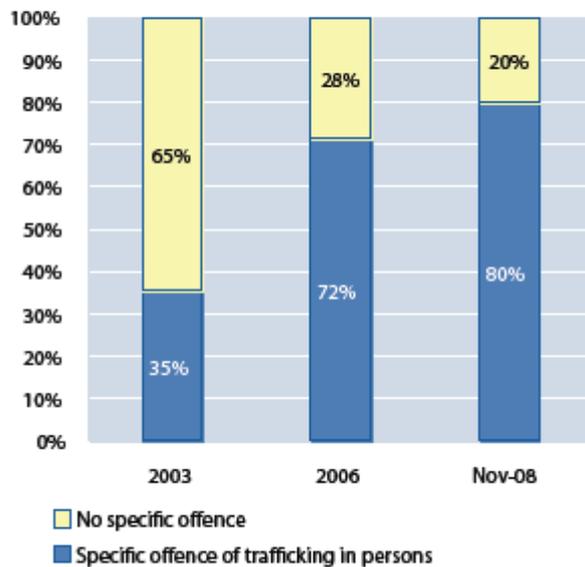
As some authors claim smuggled persons always travel voluntarily, trafficked persons can either begin their trip voluntarily or may have been coerced or kidnapped, (Arnowitz, 2001; 165). As Arnowitz states (2001; 166) while the definitions seem straight forward enough, they are open to interpretation based upon the definition of deception and coercion being utilized. There is no doubt that deception is involved and victims have been trafficked in instances where young women have been promised jobs as governesses or in restaurants only to find themselves forced into prostitution upon arrival in the destination country (Arnowitz 2001;166). What Arnowitz (2001) is missing here is that, first, there are women who are aware of what is happening (Waughn 2006, BNRM, 2009), so of 'no doubt' we cannot speak, and second, many women are raped or forced into prostitution along their journey towards their country of destination, both statements can be found in Vocks and Nijboer (2000), one of the articles Arnowitz (2001) is actually referring to. As Arnowitz (2001; 167) states: the situation becomes a bit more obscure when an individual, as an illegal migrant, willingly accepts a position as a domestic worker and is paid less than a national would be, who is registered and must pay taxes (Arnowitz, 2001; 167). By obscure is meant that it is very difficult to distinguish a forced from an voluntarily worker. Fortified by the fact that what may be low wages in the country of destination (for instance Western Europe) are often high

wages in countries of origin (for instance Eastern Europe or Western Africa). In some cases the 'victims' are willing collaborators (Ojomo, 1999 as cited by Arnowitz 2001; 166) a woman is willingly smuggled into another country to knowingly work in prostitution because her wages are much higher in the destination country than in the country of origin.

Very often the victims of human trafficking are not amongst the very poorest of society (BLinN, 2009, expert interviews in Laan, 2010). They would pay a trafficker or smuggler to transport them into another country. This service is often carried out on the basis of a loan, which can later be repaid by any form of extortion or exploitation (BNRM, 2009). The loan causes victims to be bound to their trafficker. Nigerian victims are expected to follow a JuJu (voodoo) ritual in order to make themselves bound to the debt they need to repay, thus having mental pressure in repaying their debt (BNRM, 2009, BLinN 2007). Bulgarian victims on the other hand seem to be subjected to more physical pressure, resulting in violence (Vocks and Nijboer, 2002, Varynen, 2001). Most of the victims from Nigeria and Bulgaria appear to end up in the prostitution business.

On the subject of human trafficking, and the explanation of its definitions, there seems to be a focus on prostitution than on other aspects of human trafficking. In some parts of the world the definitions on human trafficking in prostitution are much clearer than they are on other aspects of human trafficking (UNODC 2009:2009: 9,18-19, 24, 44; BNRM 2009: 607; WODC 2009). In for instance in the United Kingdom, authorities have problems in police investigation on possible cases of human trafficking, because the legislation and definitions on prostitution and migration law give friction (UNODC 2009: 8, 24). Still many countries do not have a specific policy on human trafficking, although it must be mentioned that the number of those who do is rising (UN, 2009).

Percentage of countries covered by this report that have introduced a specific offence on trafficking in persons into their legislation



Source: UNODC/UN.GIFT

Source: Global Report on Trafficking in Persons, Human Trafficking, United Nations Office on Drugs and Crime, February, 2009, UN.Gift.

## 2.2 Migrant policies

Migrant policies play an important part in understanding the background of trafficking, where this chapter on trafficking is focused on. The idea that victims of human trafficking are disempowered is generally accepted, but the idea that the discrepancies between the legislation on human trafficking and the policies on migration enforce this disempowerment, is not generally accepted. In this paragraph I will explain how this important element in the understanding of human trafficking contributes to the disempowerment of victims.

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Migrant policies play a direct role in the occurrence of trafficking, the battle against trafficking and a direct role in the disempowering of victims. Migrant policies are applicable to most victims of trafficking because victims often transcend borders when trafficked. When victims have their first contact with the legal system as a survivor of trafficking, their initial experience would be with migrant law, not specific laws on trafficking. Yet migrant policies are often focused on keeping illegal migrants out, not providing them with care and shelter, let alone psychological support, because victims of trafficking often have been transported without papers, they are commonly regarded by governments to be illegal migrants.

The problems and disempowering effects that these policies in countries of origin, as well as in countries of destination bring, is insecurity on a micro level to the victims of human trafficking. As will be demonstrated insecurity is disempowering victims in countries of origin as well as in host countries. As mentioned policies vary amongst different countries. Most countries have no specific policy on the link between human trafficking and migrant policies but some countries do. However even the best intended policies can have negative side effects. A good example is found in the B9 procedure that exists in the Netherlands.

There are sharp contrasts in the policies on the return of illegal aliens and the handling of human trafficking. In the Netherlands, for instance, it is possible for victims to retain a temporary permit to stay, during the time a police investigation or trial is pending against their trafficker, this is known as the B9 procedure. The procedure enables victims with an illegal migrant status to perform as witnesses. Yet the credibility and reliability of victims performing as witnesses under the promise of such a permit, is considered by the Dutch council to make them unreliable witnesses (BNRM; 2009). This because now victims will have a benefit by the accused trafficker being convicted, since a conviction would allow a victim to stay in the host country (BNRM, 2009). Even with this special legislation in order to support the victims

of trafficking, they are still continued to be disempowered. While the legislation here appears to be empowering, it is in fact disempowering victims by exposing them as illegal immigrants and portraying them as doubtful witnesses. This group of victims, including the Nigerian group, continues from moment of departure of their home country, right up until they are able to press charges against a horrible crime, to be disempowered. They continue to have the status of an illegal migrants, are exposed as such, have very limited rights, and in addition have to face a reduced reliability in court. The governmental support for victims of trafficking is low, this bring another element of insecurity and is disempowering to the victim.

Shelters and safe houses for the victims of human trafficking are not common. Most countries have no special policies on the protection of victims or witnesses on human trafficking. In some countries, including the Netherlands, it occurs that people, who have been intercepted on border controls and airports, have been accommodated on the airport itself. Some amongst them have been brought to alien detention centers or police stations (BNRM, 2009: 140-163). By doing this the victims miss out on essential, may be even crucial, social and psychological support. By transporting these men and women to alien detention centers and other 'locked' institutions, the victims are treated as perpetrators. Again the treatment victims receive in the country of arrival is containing many elements of insecurity, this contributes to their disempowerment

This works to the benefit of the trafficker, who will use the fear victims have for police, to amplify and fortify their threats. Victims are disempowered by the traffickers, whom take away their agency, possibilities and create an inability to trust the police. Threats used are existing out of elements as, selling one to another (less nice) trafficker or turning one over to the police (Waughn, 2006:18-25, Bovenkerk et al. 2004). The threat of turning over to the police is highly relevant, because many victims reside from countries that have corrupt police forces or police forces that use excessive violence. When victims have negative experiences

with police authorities, the changes of them filing a complaint or pressing charges will diminish. Therefore the dynamics of having bad experiences in insecure countries of origin and as result no trust in law enforcement, are as disempowering in the country of residence as they are in the country of origin.

It is very common that victims of human trafficking, usually with no papers, are considered to be illegal aliens. Therefore the mass of the victims would be send back to their country of origin. Even those exceptions that are able to await there traffickers prosecution will not be allowed to integrate in the country of residence. Reintegrating in their country of origin may be not an option as well. When victims of human trafficking have left their home country without papers, there are countries that will not accept their return. China for instance will not accept residents that have left China unannounced with or without a passport to re-enter the country. Ukraine, Moldavian and Nigerian victims for instance will not be granted access to their home countries without a birth certificate (BLinN, 2009, BNRM, 2009).

Although it seems relatively easy to obtain one, there is a serious problem in obtaining a birth certificate. Nigerian victims are often unable to retain that birth certificate because this has to be arranged by a family member. Many victims are ashamed of their history with trafficking which makes it impossible for them to arrange this with their families. Others have even been sold by their family in the first place. As mentioned before the problems with arranging proper identification will be of a lesser influence on the Bulgarian victims since the country is under the treaty of Schengen.

Next to illegality there are more problems in the legislation on human trafficking, as said before some countries have crystallized their specific legislation on human trafficking, but usually, legislation is not clearly specified on the topic. Next to migrant laws and laws on human trafficking clashing, so do laws between prostitution and human trafficking.

By the great deal of attention spend on the prostitution business as a aspect of human trade, legislation on this aspect is far more specific than it is on other branches of human trafficking. Although there are still problematic elements within this legislation (UNODC 2009: 9, 18-19, 24, 44; BNRM 2009: 607; WODC 2009). In the Netherlands (Peperstraten 2003) as in other European countries, such as France and England, the prosecution laws on human trafficking are remain unclear, because they show mixed interests with the local legislation on prostitution and migrant law (UNODC 2009: 8, 24). An exception to the rule is Italy, where the laws on the trade in women are accounted for in a special amendment. Italy has separate laws for voluntarily and forced prostitution and specified legislation on human trafficking in general (Vocks and Nijboer, 2000).

While the definitions in smuggling and trafficking differ, there are shared, common, elements often both smuggled and trafficked individuals leave a country of origin willingly. Additionally, as their status in the country of arrival is commonly that of an illegal alien, both smuggled and trafficked persons are at risk of being exploited (Arnowitz, 2001; 164). The forms of insecurity are very similar, on top of that it can be extremely dangerous for 'former' victims to be evicted out of the country, when they are returned to their countries of origin they are under risk of becoming victims of trafficking once more. Often the trafficker originates from the same area as the victims do.

### 2.3 Network

The shape and construction of traffickers networks are important in understanding the background of human trafficking. Very often victims originate from the same areas as their traffickers. This fact brings a high amount of leverage to the threats that traffickers use to restrain their victims. It is possible that the trafficker knows the relatives of the victim. Imagine that someone threatens you by hurting your family, when you know that they know your family, they live next door to them and you have seen these traffickers being very capable of using violence before, obviously it is of great influence. This manifestation in the networks of traffickers creates a unsafe situation and is of influence on feelings of insecurity and disempowerment.

Perpetrators often originate from the same province or area as their victims (Waugh 2006; BNRM 2009: 26, 43; Siegel en de Blank 2008). With the rise of globalization victims seem to come from greater distances as before (Castles and Miller 2009: 202-204). But it still occurs that victims are kept close to the place where they originate from. Bovenkerk et al. (2004: 9) shows that in the Netherlands girls are found in cities, to than be dispatched trough an internal network to different cities. After which they are circulated through main cities in the country and some just shortly abroad. Väyrynen (2003) adds to this that the larger the area is across which the victims are transported, the higher the chances are that an large scale network is responsible. Yet this is not always the case as is shown by Waugh (2006) and BNRM (BNRM 2009). Smaller groups of traffickers can be active in areas with a firm family focused social structure. This occurs mainly in Nigeria. About Bulgaria is written that more often gangs are at work (BNRM,2009). There are therefore chances that networks cooperate on a national level as well as they cooperate internationally.

The international character of human trafficking means that a distance is carried, sometimes crossing multiple borders, before victims are in their country of destination. This implies that it is possible that there is an extensive network with multiple players that brings victims from country of origin to country of destination. Many articles have been written on the structure of these networks (Väyrynen 2003; Waugh 2006; BNRM, 2008, 2009). Within these structures there is a growing opening for female perpetrators, not so much for the Bulgarian group as it is for the Nigerian group (UNODC 2009). When female perpetrators prove to be profitable changes are that their number will grow (Leman en Janssens 2008). The roles that are structured in the networks of traffickers show slight differences in culture, Nigerian networks seems to allow more space to female traffickers in any layer, where the Bulgarian network appears to be highly masculine, providing key-positions solely to men (Siegel en de Blank, 2009).

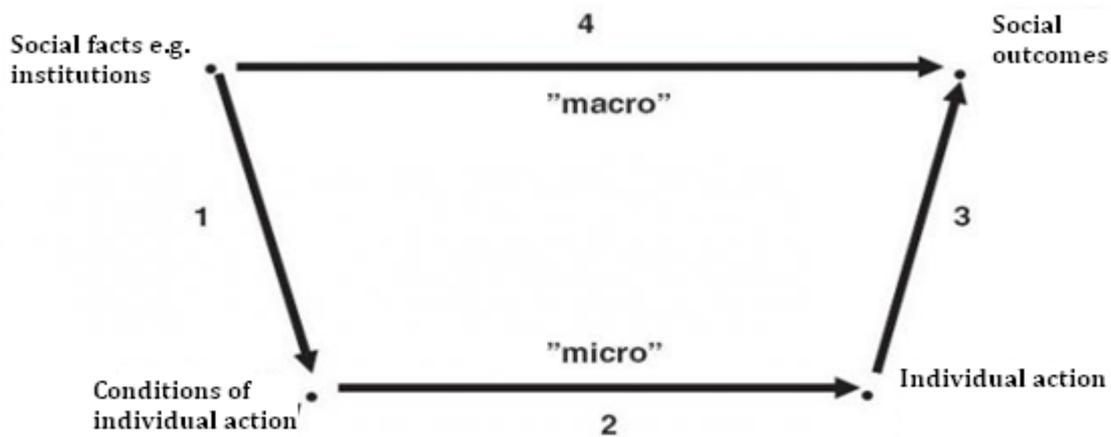
Networks operate in a layered structure where each player performs its role. Surtees (2008) shows that networks of traffickers exist in a layered pyramid structured frame with three different levels. The highest level is that of planning and control, costs and arranging transport of the victims. These persons would avoid transporting themselves. The mid level shows persons that are involved in the border controls, they would produce false documents and bribe customs. On the lowest level Surtees (2008) finds the un-schooled criminals that are involved in picking the victims up on borders and delivering them to their final exploiter. In addition Waugh (2006) finds a level of recruiters, specialized in recruiting new victims and very often existing out of 'former' victims and it is usually a traffickers role assigned to women. She also shows that the three levels as proposed by Surtees (2008) show overlap. It is possible for the person that has been involved in recruiting is also present when transcending the border and sometimes even when the victim is delivered to the final exploiter.

Victims themselves also play a role in this structure. In a way they become active players within the network. Victims would sometimes follow their trafficker (seemingly) voluntarily (Waugh 2006; Hopkins 2005). It is not true that victims have no idea what is awaiting them per definition, sometimes intentions have been made clear to them at forehand. This is in contradiction with the general idea that victims are unaware, always, of their future jobs. Bovenkerk et al. (2004) states that there are girls who are persuaded into working in the prostitution business, these girls know what would be expected of them. Some girls know they are going to work as prostitutes in another country from the very beginning they accept a traffickers offer but still choose to join their trafficker (Hopkins 2005).

### 3. Theories on the occurrence of trafficking

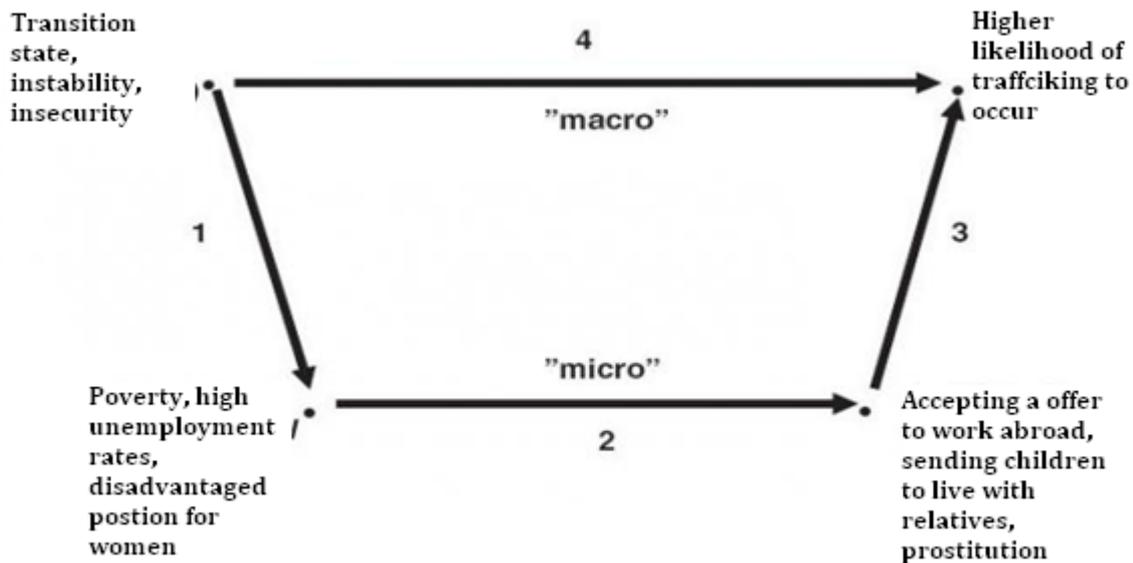
What is it in unstable countries that makes human trafficking more likely to occur? Which elements are important in explaining why human trafficking is more likely to happen in these countries than it is in other countries. The general idea that is explored in this research derived from Coleman, (1987) a sociologist that has created a model for explaining how individual choices, the micro level, can lead to outcomes on a macro level. In this research I use the general idea of Coleman's (1987) model to explain how transition and insecurity on the level of state, can lead to individual choices which result in a higher likelihood of trafficking to occur. Individual insecurity, on the micro level, starts at a macro level when transition states create instability, unstable institutions, and high unemployment rates. These elements of insecurity cause poverty and a disadvantaged position for women on an individual level. It is this form of insecurity from which I believe is the causal connection to why individuals choose to follow a trafficker. The choices individuals make are rooted in insecurity, it results in a higher likelihood of joining a trafficker. In the model is demonstrated how the causal mechanism of macro institutions have their effect on micro conditions and choices made by individuals, who will in return lead to macro outcomes.

In the left corner is illustrated what the driving factor is, social facts and state institutions, as in the case examined, insecurity of state. The model will follow the path to the left corner below where is demonstrated that the state insecurity leads to certain conditions in society. These conditions motivate individual decisions as is demonstrated in the right corner below. And as can be seen in the right upper corner, these individual choices lead to an macro outcome.



Source <http://orgtheory.wordpress.com/2009/03/03/macro-to-macro-causation/>

When I adjust the model to the research question on the topic of trafficking it becomes visible how instability in states causes a higher number of trafficking. Here insecurity is the base of push and pull factors that can explain the occurrence of trafficking. I have derived five theories that have been explicitly and implicitly suggested by other authors as well as some additions in these theories of my own, in order to find an answer to the research question; What is it in transitional, unstable or insecure societies that makes human trafficking possible and how this contextual background show its effects on the experience of disempowerment on the victims of human trafficking from these countries.



In this chapter I will explain the five theories that I have introduced earlier on why trafficking happens. Some of these theories have been derived directly from other authors, others have been suggested by other authors explicitly and implicitly, which I have adapted to be able to use them in this research, some are accompanied by additions of my own. The theories combined will help explain how state insecurity leads to a higher likelihood of trafficking.

### 3.1 Implementation

Policy and policy implementation are not a cause of trafficking, but discrepancies in legislation provide a niche in which trafficking can exist and flourish. The second downside to this niche is that overlap in migrant policies and policies on human trafficking make victims even more vulnerable than they already are. The first problem I would like to address is that there are many elements unclear in definitions and legislation. This poses a problem

because legislation on human trafficking is focussed on border controls, the discrepancies in definitions makes victims at border controls especially less visible. When illegal immigrants are arrested at the border or in a country without proper documentation, they are smuggled persons. The distinction between smuggled persons and trafficked persons can only be determined after the individual has arrived in the destination country, is either free to walk away from the smuggler or is placed in a situation of debt bondage and is exploited (Arnowitz, 2001; 167). This shows that it is very difficult to distinguish voluntary and involuntary travelers at border controls. *Thus the first theory I present is that discrepancies in legislation and inefficient implementation of legislation provides a niche in which trafficking can develop.*

The theory is mainly derived from ideas presented in the articles of Waughn (2006) and Bovenkerk (2007). It is consisted with findings in the articles of the WODC (2008) and BNRM (2009) in which is presented that there exists overlap between migrant law and legislation on human trafficking, which causes a variety of problems when attempting to bring back the amount of trafficking. The idea behind this theory is that discrepancies in legislation provide niches, and the lack of clarity on legislations, that traffickers use to their own benefit.

### 3.2 Border control

Weak border controls are a obvious problem, human trafficking is often border transcending. When the transcending of borders becomes more easy the pay off of trafficking becomes a lot higher and therefore the likelihood of trafficking will increase (Lissenberg, 2001). Border controls in a transition state are often vulnerable to corruption. And extensive networks between countries already exist (Peperstraten, 2001, BNRM, 2009). This provides some indication of a link between sending and receiving countries. As Arnowitz (2001) explains

these links are influenced by a number of factors, such as the traffickers use of the local knowledge about key locations or weaknesses in the border or migration control (IOM, 2000). Other factors are the ease in crossing borders (Kelly and Regan 2000 as cited in Arnowitz, 2001), the presence and tolerance of an extensive sex industry, historical colonial links between countries and the existence of a large immigrant population. Because countries in transition often experience high unemployment rates wages tend to be very low. It is because of that that border controls are likely to be corrupt. This corruption leads to easily bribed border controls. *The second theory that can be derived from this is that weak or insufficient border control results bring forth a higher likelihood for trafficking to occur.*

The theory is directly derived from Rijken (2003) and from Arnowitz (2001) who mentions this theory explicitly in his article. The theory is supported by findings of other scholars such as BNRM (2009) Waughn (2006) and Peperstraten (2001). I believe that there are two main problems with border controls, for one with a focus on border control is that victims often seem to follow a trafficker voluntarily. Thus they will not be visible as victims to border controls and second, And second border controls in countries of origin are often weak, corrupt and far from efficient. The part about the theory that suggests the focus on border controls could have roots in the discrepancies that lie within the definitions on trafficking and smuggling is my own addition.

### 3.3 Invisibility

As long as trafficking is not very visible and in your face, most people would not regard it to be a problem. The invisibility of trafficking causes it to experience a low level of awareness amongst society, which in turn also causes that chances are low that cases of trafficking are reported to the police. As with the previous theory, for this theory is also valid that invisibility of the criminal practice, produces a lower change of getting caught, and thus produces a

higher pay-off for trafficking. *The third theory is that human trafficking is more likely to thrive when this remains invisible.* Arnowitz (2001) is explaining that exploitation in other sectors is likely to be less visible because of the lack of contact with the outside World. Forced laborers are often working on the countryside away from the public eye, while prostitutes have direct contact with customers (Arnowitz, 2001; 168). Which corresponds with the idea that Bovenkerk (2002) has introduced in that women are displaced regularly to different areas in order to keep them invisible for police and unable to make personal contact with customers (Bovenkerk, 2002). So not only does invisibility in general contribute to the continuance of the exploitation situation it also provides a higher pay-off for traffickers.

### 3.4 Poverty

Poverty gives individuals a reason to join a trafficker, whether or not they believe the promises that have been made, I believe that poverty is a push factor for individuals to get in to contact with traffickers, wanting to believe the offers that are made, and even knowingly following a trafficker willingly. *The fourth theory is that poverty drives human trafficking,* as Arnowitz (2001) claims that victims of smugglers and traffickers are often those most disadvantaged in their own countries: those with poor job skills or little chance of successful employment at home. Amongst them women and children. This pattern is clearly seen in the trafficking patterns in countries in East and central Europe and West Africa (Arnowitz, 2001;167). This finding is complementary to a statement made in a report made by BLinN (2007) in which is stated that not the poorest of the poorest are amongst victims of trafficking. The prospect of a better future seems to propel people to join a trafficker.

The theory is directly derived from Doezema, (2005) and Monzini, (2004) and indirectly from Arnowitz (2001). Who does not state the theory so explicitly by does emphasize on poverty within regions of which trafficking originates.

### 3.5 Transition

Although the consequences of transition seem similar to the consequences of poverty, transition has to be seen on a state, macro, level. Whereas poverty has to be seen on an individual, micro, level. When poverty is to be considered the symptom, transition is the disease. Transition may seem similar to poverty, but the causal effect presents itself in a distinct almost chronological order. Poverty would be an effect of transition, while transition is the overlying cause. Transition in itself brings far more insecure situations than poverty alone, such as low institutions which are not able to support poor healthcare and famine. Yet poverty is in this research considered to be a key element in the causal reaction on state insecurity. Illegal as well as legal migration and trafficking are driven by push and pull factors, in these, the causes that propel people to leave the country either through legitimate or illicit channels are the same. Traditionally, countries of origin are developing nations or those in a state of transition. Migration takes place from poorer countries to wealthier more stable states. The pull of promises of a better future are powerful as presented by Arnowitz, (2001;170). Thus the fifth theory is that transition causes insecurity in poverty, which is a key element in the likelihood of trafficking to occur.

## 4. Methods

When performing research a literature review is very important, it provides an overview of what prior research projects have investigated and what kind of outcomes have been found (Boeije, 2006;100-102). The literature review conducted for this thesis has focused on exploring the findings in previous research that are related to the question of how state insecurity enlarges the probability for human trafficking and feelings of disempowerment in victims of human trafficking. Literature has been explored on definitions of insecurity, trafficking, disempowerment and its consequences. Furthermore the literature has been reviewed on two cases; the case of Nigeria (and related literature on Western Africa) and the case of Bulgaria (and related literature on Eastern Europe). To be able to lay down the differences and similarities between them, and by doing so, creating a clearer view of what it is in transitional, unstable or insecure societies that makes human trafficking possible and how this contextual background show its effects on the experience of disempowerment among the victims of human trafficking from these countries.

### 4.1 Case studies

To explain complex issues a case study can be used (Boeije 2006, Ellet 2007, Flyvbjerg 2006). In this thesis a study of two cases is used to answer the research questions How does transitional, insecure situation play a part in making trafficking more likely to occur? Does the insecure state situation affect empowerment in individuals and how does that contribute to making trafficking possible? What is the role of women in a transitional society, in relation to insecurity and an unstable state?

As has been explained by Boeije, (2006; 264) “Case study is a research strategy that involves the empirical investigation of a particular contemporary phenomenon within its real life context, using multiple sources of evidence” , in other words case studies examine existing data resources, as in this thesis, existing literature, focused on a particular case, country and phenomenon, and even a certain group of people, the women being trafficked from these countries.

Several problems with case studies are frequently mentioned throughout the literature on the case study method. I will now address the two most important, one claim is that it would be impossible to generalize from a single case (Ellet 2007, Boeije 2006, Saunders et al.2009). And the other is that the case study method is subjective, giving too much scope for the researcher’s own interpretations. Thus, the validity of case studies would be wanting (Flyvbjerg 2006; 219).

In addressing the first point of critique, the question rises if is it necessary or desirable to generalize from a single case. This study aims at providing insights in differences and coherences that exists between these two cases, on the specific topic of human trafficking. Therefore it is not intended at all to generalize at large, it is merely meant to broaden the existing views on trafficking from transitional countries and the role women play in these. That is not to say that some findings might provide insights for other cases as well. Yet the main goal of this thesis is not by far to generalize its findings. As was explained by Abercrombie, Hill, & Turner (1984; 34) “Case Study: The detailed examination of a single example of a class of phenomena, a case study cannot provide reliable information about the broader class, but it may be useful in the preliminary stages of an investigation since it provides hypotheses, which may be tested systematically with a larger number of cases, Abercrombie, Hill, & Turner, (1984, p. 34) as cited in Flyvbjerg (2006).

It is very plausible though that this thesis could provide insights that are of use to other researches. Either in the manner as mentioned in Flyvberg's quote or more extensively as explained in the following part of his article in which he provides a response to the above (Flyvberg 2006;220) ; "this description is indicative of the conventional wisdom of case-study research, which if not directly wrong, is so oversimplified as to be grossly misleading. It is correct that the case study is a "detailed examination of a single example, it is not true that a case study "cannot provide reliable information about the broader class." It is also correct that a case study can be used "in the preliminary stages of an investigation" to generate hypotheses, but it is misleading to see the case study as a pilot method to be used only in preparing the real study's larger surveys, systematic hypotheses testing, and theory building" (Flyvberg 2006; 220-222). Meaning that case studies can be used to gain insight into patterns that may very well exist elsewhere too. The idea that case studies are merely a tool to create hypothesis for the real research to come, discards a huge section of scientific research as not real enough (!) which would be, next to simply not correct, almost a scandalous thing to do.

Generalization can be seen in the negative or positive sense according to Flyvberg (2006;222) "In its negative form, the generalization would be, "If it is not valid for this case, then it is not valid for any (or only few) cases." In its positive form it would be "If it is valid for this case, it is valid for all (or many) cases" But I would like to address the moderate form in that if it is valid for this case it may be valid or applicable to other cases as well, but not necessarily.

The second point of critique as was mentioned by Flyvberg, (2006; 223) is that "the case study method is subjective, giving too much scope for the researcher's own interpretations. Thus, the validity of case studies would be wanting". I believe that a large part in dealing with subjectivity is influenced by the research design. For instance making an extensive list of

hypothesis that need testing, with the lack of extensive quantitative data resources, could lead to tunnel vision with the researcher. In which the researcher will try to find what he is expecting and would overlook evidence that is overruling his or her hypothesis. I have therefore not made any hypothesis; the research question investigates *if there is an influence* and if, *how* that influence manifests itself, clearly no statement in hypothesis has been made yet. The project is clearly explorative. The outcome of this research could go both ways either there is an influence and I can explain why, or there isn't and then I can explain why not.

## 4.2 Research questions

What is it in transitional, unstable or insecure societies that makes human trafficking possible and how this contextual background show its effects on the experience of disempowerment on the victims of human trafficking from these countries.

Question 1:

What elements of the transitional (insecure) situation make trafficking more likely to occur?

Question 2:

How does the insecure situation affect empowerment and how does that contribute to making trafficking possible?

Question 3:

What is the role of (female) victims in a transitional society, in relation to insecurity and an unstable state?

These questions can provide insight into the dynamics of insecurity of state and the occurrence of trafficking. In how specific backgrounds explain differences in the experience of empowerment for the two chosen cases and to what extent that information can be used to explain other cases/countries of origin. In how can be dealt with these differences and contextual backgrounds when looking to empower this target group. And thus creating policy specific recommendations. On how these cases of insecurity can be overcome.

### 4.3. Literature use

To gain a better overview of the extend of the problem of insecurity I have selected, next to the obvious studies that mention the chosen cases, more extensive literature on the region where these countries lie. This enabled me to identify what where case specific elements and which elements are applicable to the larger region of western Africa and eastern Europe. In doing so I was able to distill more relevant factors on insecurity from both countries.

The literature on trafficking has been reviewed on having the same definition as the UN protocol on trafficking and or smuggling. I have chosen to combine the two because there is a substantial amount of literature to be found on the incentives for smuggling, while there seems to be less literature on the incentives for trafficking. Furthermore I wanted to elaborate on the agency and empowerment of victims from human trafficking on which there seems to be very little literature. The UN protocol definitions on smuggling and trafficking show great consistency toward one another and it has been made highly likely by previous researches that incentives for both are very similar.

### 4.4 Central concepts

In this chapter is explained what the central concepts within this research are. Common used terminology throughout the thesis will be explained here. This provides an clear overview of the definitions and usage of this terminology within this research.

Below I will provide explanations and definitions for the key elements and phrases that are used throughout the research. It is possible that some elements could be open to multiple interpretations. It is therefore that I have provided the definitions used specifically in this

research below in order to avoid confusion on key understandings in this project. In doing so I have made abstract terminology ready for use and comparison in the research project.

### (dis) Empowerment

Empowerment is a sense of agency, where one is able to be an active player in ones own life. The power to be able to make choices freely and having the power to act these choices out. Disempowerment would be that there is no or only a minimal element of agency, that choices have been made for you. One is not able to make or live out their own choices or is forced to follow others. Not necessarily by physical force, but on a force in the shape of any form of pressure beyond the power of an individual. Empowerment can be developed. Access to resources assists the development of empowerment but access to resources alone is not enough to be empowered. Lord (2007) shows that next to agency, practical knowledge is of relevance for the development of empowerment. As she explains: Empowerment is a process, in which woman can freely analyze, develop and voice their needs and interests (Lord, 2007).

### Human trafficking

The definition of human trafficking will be determined by the Palermo protocol, this is the most widespread and commonly accepted definition used, articles that explicitly state to do otherwise will be left out of the equation because it will create uncertainty in what is meant by human trafficking in this research. Because of the overlap shown with human smuggling (UN, 2000) this research also focuses on literature on why people offer themselves to be smuggled, motivations often seem to coincide. In doing so I have extended my available literature.

## Insecurity

By insecurity is meant insecurities brought by an instable transitional state. There are no state institutions, low levels of employment, low on social services, a insufficient border control and the enduring threat of (renewed) violence, which in its turn can cause more instabilities. Even in liberal democracies, perceptions of national insecurity can rapidly destroy citizen support for international law and democratic values, such as the rule of law and tolerance. As political leaders and defense establishments arrogate the right to determine national interest and security threat, undermining democratic checks and balances and creating a politics of fear (Brysk, 2007, 01). But, as she adds, some democracies do better than others, even in the face of overwhelming threats (Brysk, 200701-02). But when security from unconventional threat overwhelms public deliberation and the rule of law, national insecurity becomes a recipe for human rights abuse (Brysk, 2007;05) and can therefore provide a platform for human trafficking.

## Transitional

Is defined as an transition, a country that is undergoing transition, that is transition from war to peace or from communism to democracy or else. Nigeria would be in transition towards more democracy, and in transition from war to peace or some form of negative peace. In transition from active violence to a present but not active form of violence. Bulgaria would be in transition from a communistic regime towards a democracy society, bringing change in various state institutions and legislation. Transition may also create new incentives for violence, (Jarstad 2008; 87) , Postwar situations are difficult periods of transition, involving many simultaneous dilemma's for new and inexperienced governments (Jarsrad 2008; 213). But transition does not necessarily have to be a post conflict transition, transitions can also be transitions from poor to wealthy, through industrialization, or from autocracy to

democracy. In any situation it is valid that transition includes efforts to introduce, reintroduce or reinforce political reforms (Jarstad, 2008; 134).

### Negative peace

According to Galtung (1969) negative peace is generally defined as the absence of personal violence, (Galtung, 1996; 190). Absence of structural violence would be defined as positive peace (Galtung 1996; 183) As he explains in another article on the concept of peace in peace programs, the whole idea of conceiving peace both negatively and positively is a way of rejecting the dissociative approach as a goal; it is too negative, too uncooperative- non-integrative even if there may also be harmony in dissociation. The goal lies beyond negative peace, hence the necessity of a positive peace concept in addition (Galtung, 1985; 30).

negative peace is defined as a state requiring a set of social structures that provide

security and protection from acts of direct physical violence committed by

individuals, groups or nations (Sandy,2002;04). In general, policies based on the idea of negative peace do not deal with the causes of violence, only its manifestations. Therefore, these policies are thought to be insufficient to assure lasting conditions of peace. Indeed, by suppressing the release of tensions resulting from social conflict, negative peace efforts may

actually lead to future violence of greater magnitude (Woolman, (1985; 08) as cited by Sandy,2002; 04-05) There is not an active war, but no state of peace either, there is still an thread of renewed violence.

#### 4.5 Related topics

Related topics, such as failed states, will not be handled in this research project. To do so would be beyond the scope of this investigation. State insecurity and the effects it has on the disempowerment of victims from human trafficking, together with the likelihood of trafficking to occur, has largely covered the effects of negative peace and failed states on this topic. The elements of specific state transitions are only regarded as relevant in the effect of insecurity and instability that they bring. There are other researches that do elaborate on this topic, but I regard it to be too extensive to handle each definition separately in this project.

There are many researches on empowerment and its definitions, for this project the definition given in the chapter methods, should be sufficient to explain more on the effects that insecurity has on disempowerment. To read more on the definition and implications of empowerment I would like to redirect to the study I have performed for BLinN; Empowerment measuring the effects of the programs designed by BLinN, 2010-2011.

The literature on the cases has been expanded to include literature on the wider region of western Africa and Eastern Europe when the literature was applicable to the topic.

## 5. Case specific results

I have chosen the cases of Nigeria and Bulgaria because these are two countries where most of the victims of human trafficking in Western Europe are originated (BNRM, 2009; 207). The cases appear at first glance to be very different, one is situated in Western Africa and the other in Eastern Europe. Nigeria lies in a turbulent conflict zone, brushing sides with Benin, Niger, Chad and Cameroon. While Bulgaria is part of the relatively calm European Union. Yet when looking closer they share some important characteristics; these countries both experience a form of instability; low employment rates and an instable legal system.

This chapter aims to provide insight into what elements of instability within states have an effect on the likelihood of human trafficking to occur, and on the likelihood of victims of trafficking to join a trafficker. As mentioned the two cases examined will be Nigeria and Bulgaria, I consider both countries to be 'unstable'. And shall therefore explain why instability is an important characteristic in relation to trafficking. Both countries are neither both post-conflict nor transitional. But their economies and general environments are insecure and unstable for individuals. This is an prominent factor in the occurrence of human trafficking.

Instability within states brings several problems, there are no or very little state institutions, poor law enforcement and corruption. This seems to be one of the root cause for victims to have no faith in the system, it creates insecurity, on a personal level, towards the state and a mistrust in law enforcers (Verwey-Jonker Institute, 2006). Which in turn has a disempowering effect on (female) victims of trafficking, the effect keeps the chances low for victims to go to the police or ask for help when they are approached by traffickers.

Next to poor state institutions, low employment rates are a dominant factor of instable states. This in particular seems to heighten the chances for human trafficking to occur. To persuade

victims, a trafficker would use force or false promises. Very often jobs are offered, such as working as an au-pair or as a domestic worker (BNRM, 2009). The following argument is regularly used; the dispenses the mediator would make on the individual could be easily repaid by the wages he or she is going to make. The promise is a false one, in reality victims are hardly ever able to repay the debt. Although the causes of instability between Nigeria and Bulgaria vary, the consequences they have on insecurity and instability and the effects they have on trafficking are very similar (Thies, 2010;400).

## 5.1 Nigeria

*It starts with the promise of a better life. The parents are taken in. The children are persuaded. When they leave home they do so willingly, with some excitement, not trepidation. The trafficker has promised a good job, a schooling, a regular income. But that is not how it works out.* (Little, BBC correspondent Nigeria, 17 April 2004).

Nigeria is a insecure state, neither out of conflict nor is the country in conflict at the time of writing. Yet Nigeria is not at peace either, Nigeria could be defined as in a state of negative peace, because the country does not experience a full blown war, yet small rebel groups are still present. But what is relevant for this research is that Nigeria can most certainly be regarded as an instable state. Nigeria is a country which has no stable institutions, bad border controls and a corrupt, dysfunctional legal system. The country experiences high unemployment rates and occasional outbursts of violence. Individuals experience poverty, famine and deceases. In the following chapter I shall explain which factors contribute to Nigeria being an instable country and what these factors have for effect on the local population and by doing so explaining how these consequences contribute to a higher

likelihood of human trafficking to occur. I will start by explaining the insecurity that is originated in Nigeria's negative peace.

## 5.2 Nigeria, negative peace

Striking about Western Africa is that there is a relatively low level of interstate violence in the region compared to the rest of Africa and the developing world (Thies, 2010;390). As Thies (2010) explains: West Africa has seen only one interstate war since independence in a brief confrontation between Mali and Burkina Faso in 1985. Based on this type of observation, Kacowicz (1998:07, quoted in Thies: 2010;391) classifies West Africa as a 'zone of negative peace' from 1957 to 1996, which he defines as the 'the absence of systematic, large scale collective violence between political communities. But conflicts within its border where present, that does not entail that there is little to no threat of conflict spilling over to surrounding countries (Thies, 2010; 392). West Africa thus appears to exist in a zone of negative peace marked by intermitted formal intrastate violence that is generally not allowed to spiral out of control into open warfare (Thies,2010; 397).

The occurrence of Negative peace can be explained in a number of ways, for instance a realist explanation for the negative peace is the existence of an external threat. Kacowicz (1998: 150 as cited in Thies, 2010; 398) suggests that while Nigeria and other Anglophone states have often perceived France as a threat to the region, and states of the region may have viewed other former colonial powers as economic threats, the security of the region has not been challenged by external threats. The main threat to most states has been from internal rivals, ethnic conflict, political opponents and coups d'état. The interaction of social divisions and weak state structures has produced a personalist form of rule in much of Africa whereby the state serves as the 'fountain of privilege 'for the ruler and his supporters, engaging in what Reno (1998) refers to as 'warlord politics'(Thies, 2010;398). Nigeria's

attempts to increase its power though ECOWAS may break down the regional negative peace. (Thies, 2010;409). These elements make Nigeria an instable country, Thies (2010) also states that chances of Nigeria becoming more stable in the future are not very promising.

As Kaplan (1994;05) is stating the prospects for a transition to civilian rule and democratization are slim. Ethnic and regional splits are deepening, a situation he believes is made worse by an increase in the number of states from 19 to 30 and a doubling in the number of local governing authorities; religious cleavages the will to keep Nigeria together is now very weak (Kaplan 1994;05). Whether or not the will to keep Nigeria together is weak. It is a fact that Nigeria experiences instability. As explained before instability within states brings several problems, there are no or very little state institutions, poor law enforcement and countries experience a high level of corruption (Verwey-Jonker Institute, 2006).

As Kaplan (1994; 07) continues he makes clear that the instability of Nigeria is demonstrated in multiple aspects; given that oil-rich Nigeria is a bellwether for the region, its population of roughly 90 million equals the populations of all the other West African states combined, it is apparent that Africa could be facing faces cataclysms such as famine. This is especially so because Nigeria's population, including that of its largest city, Lagos, whose crime, pollution, and overcrowding make it the cliché par excellence of Third World urban dysfunction, is set to a probability to rise during the next twenty-five years, while the country continues to deplete its natural resources (Kaplan, 1994;05). It may be that it is not necessarily these reducing resources that Kaplan mentions that will be the catalyst for future problems, but rather the transition that Nigeria experiences, as growing more towards a democracy, but with the history of battle and 'warlord politics' fresh in its memory (Thies, 2010;398-402). Transition creates instability on a state level that can be a factor in the occurrence of instability in states as well as on a societal level (Brysk, 2007;05-07).

Next to the instability of state there is another factor that creates insecurity as Kaplan (2007) claims; as many internal African borders begin to crumble, a more impenetrable boundary is being erected that threatens to isolate the continent as a whole: the wall of disease (Kaplan 2007;05). By which he is referring to Hepatitis and Malaria. But to this he adds that of the approximately 12 million people worldwide whose blood is HIV-positive, 8 million live in Africa and that in Africa the HIV virus and tuberculosis are now "fast-forwarding each other." (Kaplan, 2007;06-07). Diseases as AIDS can also be seen as a causal effect of insecurity. There are no institutions that can eliminate or at the least control the problem by the funding, arranging and support to medical aid programs.

Although the borders within West Africa are increasingly unreal, those separating West Africa from the outside world are in various ways becoming more impenetrable. (Kaplan, 1994; 22). I believe that it is possible that a low level of interstate violence is of influence on the amount of trafficking, because it is not unimaginable that having low levels of interstate violence causes that there is no real priority for sharp border control and second, as the article by Thies (2010) states; when there is a high level of violence within the state it can be a direct cause for low levels of unemployment, these elements have a direct effect on individuals in Nigerian society, and both factors combined may cause a higher level of trafficking.

### 5.3 Nigeria, society

Negative peace that exists in Nigeria has an important effect on Nigerian society as has been explained by the theory of Coleman (1987) situations and institutions on a state level; show direct effects to the situation in societies. In the case of Nigeria the state of negative peace and transition brings insecurity in states, that is transformed to society into insecurity and

poverty in all its facets. A form of insecurity in society that creates a vulnerability for human trafficking on an individual level.

There exist stark differences in economies between Western African countries (Arnowitz 2001;182-184) which cause trafficking across those borders. It could be that people are aware that economies are more promising in surrounding countries and would therefore join a trafficker in pursuit of these.

In Nigeria it is common for children to be raised by family or extended families (Pinto, 200----) Just as it is common in collectivist societies such as Nigeria to have children raised by extended families, because it is assumed they can provide a better care, other forms of wealth are also shared.

Wealth is distributed amongst families, which is why it is regarded as high status to have a child (that can send money to the family) abroad. While Western organizations will regard sending a small amount of money monthly home as a sign of extortion, the rapport of BLinN (2007) mentions an amount of ten euro's, Nigerian families would regard the same amount of money send home to be a success. The same BLinN report (2007) mentions that ten euro's is the amount an average worker earns in a week. So if the amount was translated to the proportions of Dutch minimum wages, the amount of money would be around 300 to 400 Euros a month extra (a quick calculation leaves me to 3600 to 4800 Euros a year). Showing the proportional amount provides a better idea of how much value is contributed to the amount that is send back to Nigeria.

As is said, it is very common for Nigerian families to have a daughter or to know some-ones daughter who is send abroad. This is also demonstrated in how young children are involuntarily sent by their parents, in the false believe that they are helping their child. Yet

they are often subjected to years of extensive labor and exploitation in foreign countries, the rapport written by BLinN (2007) states that the same is valid for women and girls, so this mechanism might be applicable to a larger group. The common practice to send children to be raised by other relatives is common in many collectivist cultures, but there are also elements that are unique to Nigeria alone.

Victims originating from Nigeria form a special group in the fact that JuJu or Voodoo is regularly used to restrain victims. Making trafficking less visible due to the absence of violence. The effects of a JuJu ritual are not to be taken lightly, victims have strong believe in the rituals who have symbolic and religious meaning in Nigerian society. It binds the victims to the trafficker, thus disempowering them, making it impossible to leave. While the threat of violence can be fled by escaping the aggressor, JuJu is believed to be a ritual with consequences that will follow you no matter where you are. Victims believe that there is no way to protect yourself from its influence. This highly disempowering effect of the ritual makes it impossible to escape the psychological threats that voodoo poses on them, breaking such a promise, if it were possible in the first place, would result in even more hardship, misery and deacease. This shows that use of violence is not always common in human trafficking, there is a trend emerging in which less physical violence is used, the method of restraining the victims of human trafficking lies more on the psychological field, by using fear as leverage (Rijken, 2003). It is unique to Nigerian victims of trafficking.

Another special element about the victims of human trafficking who originate from Nigeria is that this group is often able to repay their debt after which they are free to go, or gain better positions in the network of traffickers (becoming money collector or even madam) (Siegel and Blank, 2009). By this trait the Nigerian group is an exception to the rule that often debts are unable to be repaid, It is an unique characteristic of the Nigerian victims of trafficking.

What sets the Nigerian case apart is for one the collectivist society, that makes it common for children to grow up in extended families, and therefore it is perhaps more common that children are sent abroad. The second special element about the Nigerian case is that victims are suppressed and restrained by JuJu ritual, thus disempowering them with relatively low levels of violence, but very high levels of psychological pressure. The third unique trait in the Group of Nigerian victims is that Nigerian victims are often able to repay their debt, which seems to be an empowering element, but due to the stigma that lies on prostitution in Nigerian society, it empowers women solely to develop a career in the trafficking business, which cannot undisputedly be regarded as empowerment, and by becoming an active player in the trafficking network, will be disempowering to other women in the future.

On a more general level, and possibly applicable to other cases as well low levels of employment and low possibilities for women to get jobs causes disempowerment. But what about feelings of empowerment in the context of trafficking? As mentioned before it is common for Nigeria families to have or know someone who has a daughter abroad, children are raised by extended families in the belief that they will have a better life. Many families have at least one daughter abroad, this is regarded as high status (to have one of your children abroad or to go abroad yourself). So here again incentives for travelling make incentives to take a trafficker's offer even higher. And perhaps the opportunity to travel is regarded to be empowering.

And perhaps it is regarded to be empowering to join a trafficker, other girls have gone before you and they were able to do it, make a living, gain wealth, so why won't you? This idea is fed by Nigerian society, in particular Benin city. Where former traded women, who have worked as prostitutes, now return with wealth, housing and cars. Other women see this and regard it as proof of the good money that can be made abroad (IOM, 2006). In an interview I have held with van den Berg in 2010, in the process of making my bachelor thesis (Laan,

2010) I was told that many women already work as prostitutes in Nigeria (which was also found by Arnowitz, 2001;187), and that job possibilities are very low, especially for women. It is because of this that the boundaries for joining a trafficker are even lower (BLinN, 2009). In this way returning survivors of human trafficking are reinforcing the believe amongst Nigerian victims that it is possible to make it abroad, while reality is that the chances are slim. Although it is possible for Nigerian victims to repay the debt, victims rarely realize how high this debt is and therefore fail to notice that it would mean that they would have to work for years before they are able to repay their debt (Waugh, 2006). Which means that if it is regarded to be empowering to be active in the trafficking business and to be in search of a better future, even through being exploited through human trafficking, today's policies would have to be seriously refocused.

To teach potential victims of trafficking the dangers of what might happen to them seems not enough, after all they are aware bad things may happen. And perhaps feel they will have to go through these in order to gain wealth abroad.

## 5.4 Bulgaria

*The fall of the Berlin Wall and the subsequent collapse of the Soviet Union opened doors to Eastern European countries. Many of them, like Bulgaria, were unprepared for the transition and disparities inside Europe steadily increased. Impoverished, jobless, and desperate, women from Bulgaria and other Eastern European countries became easy prey for traffickers. Lured with fake job offers (as waitresses or cleaners), they often ended up locked, sold and trafficked for prostitution in foreign countries. (Chakarova, Under the red light; the price of sex, undertheredlight.com).*

In the following part of this chapter I will focus on the case of Bulgaria in very much the same way as I have focused on Nigeria. I will start to explain what are the general characteristics of Bulgaria, followed by an elaboration on Bulgaria's state transition, that brings insecurity on a state level. To continue I shall explain how the insecurities that have originated from state transition, transcend to insecurity on a societal level and how this insecurity dis-empowers individuals within that society. As explained I will start by introducing the main characteristics on Bulgaria.

Bulgaria is a country going through an economic and political transition. The transition from communism to democracy, and from a centralized to a liberal economic market has produced a particular kind of insecurity in modern Bulgaria.

Transition states often experience instability (Call and Cousens, 2007). Trafficking originates mostly from transition countries (Carens, 2005, Vocks and Nijboer, 2000). Countries that are in transition towards a free market economy, and with that leaving the status of an third world developing state and countries that are implementing a new legal system and or are in the

aftermath of an civil war. Trafficking occurs most often from transition countries, from a country that experiences economic growth (Castles and Miller, 2009). The promise of prosperity seems to provide women with trust in a better future for themselves and their family. When promises are made to gain better jobs, women seem to be motivated easier to accept the offer. When women see proof that money can be made abroad, such as in Benin city Nigeria, where former trafficked women return with money and built homes, buy cars and as such displaying their wealth, other women in the community regard this as proof that it is possible to make it abroad (BLinN, 2009). Which is in sharp contrast with the possibilities that there are in the country itself, job possibilities are low, while unemployment rates are high (BLinN, 2009). Visible enhancements and prosperity in the nearby surrounding also contribute to the likely hood of victims to join a trafficker. In Bulgaria it is not the victims of trafficking who come to display their wealth, as in Nigeria, it is the parents or relatives of victims who are, after having sold their daughters (BLinN, 2009).

### 5.5 Bulgaria, transition

Bulgaria experiences economical growth since its transition towards a more democratic system. When employment possibilities in the industries are growing often men are preferred before women, making women extra vulnerable to human trafficking. In a developing economy there is less space for traditional female occupations, such as childcare and medical assisting professions (Castles and Miller 2009). Gendered labor shifts have pushed women increasingly toward lower paid and part time work. As industries are privatized, for example, men are increasingly dominating occupations and professions that had historically been inclusive of women, while women are being relegated to the shrinking public sector and the small scale service sector (Gal and Kligman, 200;61 as cited in Kligman and Limoncelli,

2004, 07). The fiscal constraints imposed by the International Monetary fund on successive Bulgarian governments have meant an inevitable decrease in public services that once allowed Bulgarian women to combine work and family. As kindergartens, hospitals and schools have been systematically closed throughout the 1990's, Bulgarian women have been the ones responsible for providing care to children the elderly and the sick. At the same time real wages and salaries in Bulgaria have declined to such low levels that few families can afford wives and mothers to stay at home. These dual pressures have placed a heavy burden on Bulgarian women (Ghodsee, 2004; 24). Especially young Bulgarian women experience difficulties with finding employment.

Bulgaria has a severe problem with youth unemployment, and more and more women are being pulled into sex work (Ghodsee, 2004;33). Next to the fact that there are few possibilities to find employment, the provisions for those who are out of a job are lacking sufficiency. Ghodsee mentions a study by Tchoudomirova in 1997 in which was found that a prostitute in Bulgaria could earn more money from a single contact with a customer than both her parents received from their monthly pensions, additionally this study mentions that of the women that have been interviewed 42% wanted to travel abroad (Ghodsee, 2004;34).

In some cases, young women apply to employment agencies which promise to arrange legal work in Western European countries as an au pair, nanny or nurse. Waughn, (2006) makes several remarks on the existence of these agencies throughout her book, in which she explains that these agencies work by simply placing ads in newspapers with a phone number to call, the phone will always be answered by a women, to avoid suspicion of the future victim. The agencies arrange the visas and pay for the transportation and the women agree to pay the money back from their future salaries (Ghodsee, 2004;34).

Next to the problem that women are drawn towards these agencies, driven by poverty and insecurity, perhaps the most evasive problem in Bulgaria is the lack of legislation defining, and putting forth a sentence to punish offence. While this is true of many countries in transition and development, they often have legislation prohibiting activities included in the trafficking process falsification of documents, living of the proceeds of a prostitute kidnapping and or transporting children across borders without permission of parents and false imprisonment. (Azerbaijani, 2007;182). A lack of political will and corruption often come hand in hand as officials profit from human trafficking payment visas passports etc an lack the political will to stop this practice by legislation (Azarbajijani 2007;184). Extensive unguarded borders and weak border patrols as a result of a lack of both manpower and material researches hinder many immigration and law enforcing policies and thus facilitate the smuggling of migrants and children (Azarbajijani, 2007; 185).

The opportunity to earn a considerable amount of money in a short period of time is found to be irresistible by many victims of human trafficking. The idealized imagination of the 'rich western countries', originating from the period of relatively closed communist societies, and although weakening, still has a strong impact (Vocks and Nijboer 2000;383). In addition do weak border controls and corrupt law enforcers provide a platform for human traffickers (Azerbaijani, 2007)

## 5.6 Bulgaria, society

As the transition state of Bulgaria causes insecurity from a state level, causing limited job opportunities and poor implementation of legislation on trafficking, poverty is the symptom that strikes Bulgarian society. Bulgarian society has next to poverty several other traits, caused by state insecurity, that can lead to an higher likelihood of trafficking. Such as

historical migration patterns, a disadvantaged position for women, and a collectivist culture in which traffickers and victims are originated from the same villages. These elements are discussed in the following paragraph.

Movement can be attributed to social economic and historical factors. Historical patterns of migration show their legacy in patterns of trafficking today. It is common in Bulgarian society for children work from a young age. Bulgarian society shows traits of an collectivist society where the life and education of a child is part of the responsibility of an extensive family. Similar to the case of Nigeria it is not uncommon for a child to grow up with other relatives than his parents or even third persons. If these persons live in better circumstances in relation to education and or employment. In part the voluntarily placement of children (which often leads to their trafficking) is driven by poverty, parents do so by desire to provide for a better life for your children (Vocks and Nijboer, 2000). The mechanism is comparable to that Nigerian society, where children are raised by extended families if parents believe their living standards would improve.

The reasons which propel individuals from these countries or areas to sometimes irregular channels to migrate or the methods which are used to entice and traffic the individuals may differ. the conditions which these individual flee from their countries are comparable to those in other countries, extreme poverty, limited or non existed educational and job opportunities and the hope for a better life for themselves or their children elsewhere (Arnowitz, 2001:170).

In addition to a female dis advanced position perpetrators often originate from the same province or area as their victims (Waugh 2006; BNRM 2009: 26, 43; Siegel en de Blank 2008). Which leads to an enforced network closing in on the victim, making it impossible to flee from the trafficker, it is not uncommon for (next to the parents themselves having sold

their children) that more relatives and neighboring communities are aware of the trafficking agreement (Hopkins, 2005).

All sorts of women and girls are finding themselves and their rights transacted in a variety of alarming and dis-empowering ways which are not simply tied to the impunity of warlords (Azarbaijani, 2007;137). Traffickers promise that the debt can be easily repaid by the wages that the victim is going to make. The promise is a false one, in reality victims are hardly ever able to repay the debt (BNRM, 2009). Where Nigerians form the exception to the rule, the Bulgarians do not. In Bulgarian human trafficking the levels of violence are higher compared to Nigerian human trafficking and loans would continue to rise.

Since Bulgaria can be regarded as having a patriarchal structure (Castles and Miller, 2009) it is likely that women suffer a disposition in society. This explains in part why women are so exceptionally vulnerable to trafficking but also explains why female children are sold by their families (Hopkins, 2005, Waughn, 2006, Azarbaijani, 2007;182).

Although it also occurs that women join a trafficker in search of a better future themselves, sometimes aware that they would work as prostitutes (Azarbaijani, 2007; 186). It must be remembered that victims of trafficking even if they have consented to their initial departure have suffered unspeakable degradations and physical violence (Azarbaijani, 2007;187). In addition, if victims do find themselves capable of escaping the trafficking situation, it is problematic for the victims to return.

In both the cases of Nigeria and Bulgaria, due to stigma and sometimes illegal status of prostitution in country of origin it is very difficult to reintegrate victims. (Arnowitz, 2001;168). Thus maintaining the pattern of disempowerment from the moment one joins a trafficker, to the actual exploitation and even after (if at all possible) the victims escape.

## 6. Results

This chapter will provide the results derived from the literature review. Here will be outlined what the effects of instability and legislation are on the disempowerment of the victims of human trafficking. The focus lies on the insecurity that arises within both the cases of Nigeria and Bulgaria, that contributes to a higher likelihood of trafficking to occur. The topics of instability and legislation will be provided below.

### 6.1 Insecurity

This chapter will present the results found in both the cases. It will explain how insecurity of state cause disempowerment in an individual. Insecurity in relation to the topic of trafficking exists out of compounding elements. As explained and demonstrated by the cases the insecurity within states causes, insecurity on a societal and individual level. When victims are trafficked the process of insecurity that creates disempowerment continues to add up. This process will be explained by the following part of the research results. I will start by laying down the effects of insecurity of states that show resemblance in both the cases and will then explain how these effects contribute to the disempowerment of victims.

It is clear that especially women from transition countries appear to be vulnerable to human trafficking. One of the causes to this is that border controls are weak in these countries and there are few options of employment (Carens 2006, Vocks and Nijboer, 2000). Often border controls are very aware of the traffickers intentions, but due to slow development in job possibilities, resulting in poor payment, these controls are easy to bribe (Väyrynen 2003, Waughn 2006, IOM, 2007). The problem with weak border controls exists in both Nigeria as

in Bulgaria. In Nigeria border controls are weak because of corruption, which is also the case in Bulgaria, but to the case of Bulgaria can be added that due to the Schengen treaty border controls might have become less relevant in the battle against human trafficking.

Next to problems with border control, both cases show problems that emerge from an unclear definition on trafficking, which add to the fact that it is already difficult to tell when someone is being trafficked. While the definitions of trafficking seem straight forward enough, they are open to interpretation based upon the definition of deception and coercion being utilized. There is no doubt that deception is involved and victims have been trafficked in instances where young women have been promised jobs as governesses or in restaurants only to find themselves forced into prostitution upon arrival in the destination country. What Arnowitz is missing here is that there are women who are aware of what is happening, so of 'no doubt' we cannot speak, and second many women are raped or forced into prostitution along their journey towards their country of destination, both statements can be found in Vocks and Nijboer, (2000) one of the articles Arnowitz is referring to. I believe this process shows the elements of disempowerment that victims experience, for one victims are aware of the risks, but still join a trafficker, or a smuggler. Second considering the statement by Vocks and Nijboer, (2000), they would do so of their own 'free' will. As Vocks and Nijboer explain; *"In most cases, trafficking in women involves explicit decisions by (potential) victim"* (Vocks and Nijboer, 2000; 381) (to which I would like to add that there are exceptions, some women are sold, kidnapped or otherwise forced). Therefore the victims who do join voluntarily feel they have no better options than to do so. In that way the choices made to follow a trafficker cannot be seen as empowerment.

In both cases it is shown that the process of trafficking has an highly disempowering effect. As is explained by Arnowitz (2001) persons fleeing war zones or political persecution may be better educated or skilled. Once they choose, however, to use the service of smugglers to

illegally enter a country, their use of these illicit channels often leads to a situation of total dependence which may result in serious human rights abuses (Arnowitz 2001; 168). What Arnowitz is stating here is that both the situation of smuggling and trafficking are both highly disempowering. In which he puts emphasis on the disempowering effect of living as an illegal migrant. Yet in both the cases of Nigeria and Bulgaria it is not the poorest of the poorest who are trafficked, although some authors might claim otherwise.

As Arnowitz explains: “many who fall prey to smugglers and traffickers are usually those most disadvantaged in their own countries: those with poor job skills or little chance of successful employment at home. They are often women and children. This pattern is clearly seen in the trafficking patterns in countries in east and central Europe (where women are trafficked into the west for sexual exploitation) and west Africa (where children are trafficked for forced labor)” (Arnowitz, 2001; 167). In other words the most deprived people, the most disempowered people will join a trafficker, since they have no choice. But research from BLinN (2007) also shows that very often it is not the poorest of people who would join a trafficker. Arnowitz has explained something similar in that persons fleeing war zones or political persecution may be better educated or skilled (Arnowitz, 2001;168). So therefore, yes it does appear that insecure, unstable transition countries have the highest amount of trafficked people, but *no* it cannot be explained just by poverty alone. Poverty is rather a symptom that derives from the state insecurity than that it is a factor on its own. Insecurity causes a fast array of symptoms next to poverty, that is indeed a causal factor for the likelihood of trafficking to rise. Next to poverty state insecurity brings a lack of education, low employment, a disadvantaged status for women and corruption. State insecurity brings through these symptoms a disempowering effect on victims of trafficking. As said before when victims are trafficked the process of insecurity that creates disempowerment continues to add up

First the victims are disempowered in their country of origin by the elements of insecurity. Second, as can be found further along in the article of Vocks and Nijboer, (2000) as well as in other articles (BRNM, 2009, 2010, BLinN, 2009, Waughn, 2006, Hopkins, 2005 Väyrynen, 2003), victims are disempowered along their journey towards the country of destination, often threatened, beaten, violated and raped. Third victims are continuously disempowered when they are in the country of destination both by their isolation (Bovenkerk et al, 2004) and by their illegal status, (BLinN, 2009 BNRN, 2009). As Arnowitz,(2001;166) continues “the situation becomes a bit more obscure when an individual, as an illegal migrant, willingly accepts a position as a domestic worker and is paid less than a national would be, who is registered and must pay taxes”. And in addition: In some cases the ‘victims’ are willing collaborators (Ojomo, 1999 as cited by Arnowitz 2001; 166). But as he also mentions: “a women is willingly smuggled into another country to knowingly work in prostitution because her wages are much higher in the destination country than in the country of origin” (Arnowitz, 2001;167). This phenomenon is also reported in other articles (Waughn, 2005, Hopkins, 2005, Azarbaijani, 2007). This could be regarded as a form of disempowerment, because women have no other options for well-paying employment, and have no possibility to re-integrate in their society (Arnowitz 2001; 166), due to the stigma that lies on prostitution. On the contraire it could also be regarded as a sign of empowerment, because these women have made a choice to pursue a better paying job and they obviously see career possibilities. The following paragraph will explore how insecurity leads to individual disempowerment and ho this disempowerment manifests itself.

## 6.2 Disempowerment

A basic assumption in the study of Vocks and Nijboer (2000) is that people act in a goal oriented way. They make decisions from perceived alternatives on a more or less rational informed basis. Rational choice theory assumes contextual influences which structure opportunities and restraints for human behavior (Coleman 1990; Lindeberg 1990 as cited in Vocks and Nijboer). Risk and trust are important considerations. Not only are the consequences of a decision taken into consideration, but also the probability of certain outcomes (Vocks and Nijboer, 2000; 381). One of those possibilities is that it is possible to repay your debt and make money for yourself. Nigeria shows incentives especially because there are some women who return with money and show it off. It provides a signal to other girls that it is very well possible to make money abroad, better money than at home. Here is also believed that women who do not make it, owe it to themselves, so incentives for joining a trafficker are very high (Girl Power Initiative information folder, Nigeria, 2006). This leaves local women, possible victims, disempowered and vulnerable to trafficking.

Another element that is disempowering is a return to patriarchal family structures together with a shortage of positions on the labor market. This has led to a situation in which women have a greater risk of losing their jobs and have more difficulties entering the labor market. High inflation rates in certain countries, not sufficiently compensated by pay rises, has caused a decrease in the standard of living. At the same time, existing social security facilities have broken down. The position of women from ethnic minorities is even more precarious, because in many cases they are already victims of discrimination. A combination of these factors have driven more women into prostitution (Vocks and Nijboer, 2000; 382). The group of women that will experience the highest levels of disempowerment are, unmarried, young adults.

According to Kootstra (1999, as cited in Vocks and Nijboer, 2000;383) most (Central and Eastern European) victims of women trafficking are between 18 and 25 years of age, unmarried and without children. Relatively often, victims of trafficking, especially central European victims, come from problem families, single parent families, alcohol abusing parents, situations of incest, mistreatment, financial and housing problems (Vocks and Nijboer, 2000; 383). All of these elements are clearly disempowering.

Disempowerment of victims is resounding in their illegality, because they have been trafficked they usually have no passport. And as they originate from a instable state it is even more difficult to obtain a new passport, than if they were not. The form of disempowerment this brings differs: for instance Nigerian victims will have need for a permit to stay, or they will be regarded as illegal immigrants, Bulgarians do not need such a permit, but are therefore hard to track by state officials and remain out of the view of aid organisations. Other forms of disempowerment are that victims are made to be depended on their trafficker for food and shelter. In addition, victims are expected to bring back money to their families, this is often not possible. Especially for the Bulgarian group, where traffickers often are part of a gang operating on an national and international level.

Victims are disempowered by isolation. Women are deprived of any communicational options and are isolated from friends family and other victims in order to make sure they cannot form bonds to try to escape, the isolation makes victims totally depended of their trafficker for besides food and shelter, communication and contact to the outside world, this creates such a level of disempowerment that victims are unable to flee from their traffickers.

Disempowering elements in trafficking can also be found in the article of Vocks and Nijboer, (2000) where they summarize a number of tools of oppression that traffickers use to suppress their victims. For one they mention threat of or actual violence. Yet there is a difference in use of violence between EU and African victims, where Eastern Europe appears to be the most violent of these cases and the Nigerian being the least violent (BNRM 2009). Second tool they mention is threat or actual violence against the family of the victim, which is occurring in both cases. The third tool that is mentioned is of the financial kind: coercion by debt binding, fourth withholding money for a return ticket and seizure of identification papers. Fifth confinement of victim at their workplace, The sixth is constant monitoring and prohibiting any contact with family or friend (or better to say perhaps isolation, which in turn also causes disempowerment). To which I want to add the disempowering effects of the JuJu (voodoo) ritual. All these 'tools' as mentioned bij Vocks and Nijboer (2000) have an disempowering effect on victims either through (physical) threat, financial binding or isolation. The disempowering effects of JuJu are that all these former tools are reinforced by a form of spiritual binding. The JuJu ritual is solely held amongst Western African victims.

Another disempowering background variable is an acquaintance with prostitution. As Vocks and Nijboer (2000) explain; large number of victims had already worked as a prostitute before and more than half of them knew they would have to work in the sex industry abroad (Vocks and Nijboer, 2000; 383).

If that is the case (Western) aid programs are looking the wrong way, to teach girls the dangers of what might happen to them is in this case not enough, after all they are aware bad things may happen, but this is part of what one must endure. Perhaps it is more wise to lay the focus on the fact that many of them simply do not make it, do not make money and become rich, but often die in the process or have to live with feelings of shame and guilt when returning in society. I know of the Girls Power Initiative in Nigeria, a local social

program, that is focusing on that, so perhaps they see it more clear as this organization is from the same background as their target group. They do have a large amount of successes, but that may also be because of the high social control that Nigerian society is prone to (Expert interviews in Laan, 2010, BLinN, 2009).

## 7. Conclusion

The elements of the transitional, insecure situation that make trafficking more likely to occur are insecurity, insufficient border controls, high levels of unemployment and an disadvantaged position for women. A lack of stable institutions cause corruption and a low level of law enforcement. Next to that the status of surrounding countries could also be of influence.

The situation of insecurity affects empowerment. It effects empowerment in the way that job possibilities are low, status of women is low and there is no stable legal system. This contributes to making trafficking possible. The fact that low law enforcement a high corruption rate are present, causes victims to not feel they cannot go to organisations or institutions, and very often it seems they are right in that. Border controls are bribed and it does occur that victims are brought back to their traffickers by border controls.

Women in a instable countries are more vulnerable to human trafficking because they have even smaller chances of getting regular employment than men in these countries do. In societies where women are considered to be not equal to men, this effect is even stronger.

In some countries, such as the cases of Nigeria and Bulgaria it is common practice that children are raised by extended families. This practice occurs especially in poor instable regions.

In conclusion this thesis has shown that insecurity contributes to greater rates of human trafficking through a number of co-existing factors. A combination of unstable institutions, insufficient law enforcement and legislation, together with low employment numbers and a lower status of women, that makes this group especially vulnerable to human trafficking. In Nigeria it is mostly unstable institutions, corruption and the return of former victims, that were

able to repay their debt, that cause incentives for women to join a trafficker. In Bulgaria invisibility of victims and the low status that women have in society, are the significant factors. Both countries have a common practice of having their children raised in extended families, when these families are regarded to be better capable of doing so. This means that it is common for both countries to send children away from home, when this seems to benefit them. This could make it easier for traffickers to persuade parents to send away their children, but at the very least it has the effect that it is common to have a relative abroad. This makes trafficking less noticeable in countries of origin.

The impossibility for former victims to be accepted in the country of residence nor the country of origin, will result in victims being unable to perform regular jobs or education. It leaves victims vulnerable for ending up in human trafficking situations once more. Additionally, as their status in the country of arrival is commonly that of an illegal alien, both smuggled and trafficked persons are at risk of being exploited (Arnowitz, 2001; 164). Thus creating a vicious circle. They will return as victims one way or another, an obvious case of disempowerment, where victims are trapped in an impossibility of choices.

As been explained by Arnowitz (2001): many who fall prey to smugglers and traffickers are usually those most disadvantaged in their own countries: those with poor job skills or little chance of successful employment at home. They are often women and children. This pattern is clearly seen in the trafficking patterns in countries in east and central Europe (where women are trafficked into the west for sexual exploitation) and west Africa (where children are trafficked for forced labor) (Arnowitz, 2001; 167). In other words the most deprived people, the most disempowered people will join a trafficker, since they have no choice. But a research from BLinN (2007) also shows that very often it is not the poorest of people who would join a trafficker. Arnowitz has explained something similar in that persons fleeing war zones or political persecution may be better educated or skilled (Arnowitz, 2001;168). So

therefore, yes it is made visible that instable, insecure transition countries have the highest amount of trafficked people, but *no* it cannot be explained just by poverty alone. This is because poverty is a symptom of insecurity as are other explanatory factors, an disadvantaged position for women, low employment rates and poor institutions. Causing those who don't have employment to be left without any resources. Thus making them more vulnerable to trafficking.

## 8. Recommendations

As announced in the introduction of this research, the central goal is to be able to make policy recommendations. In this chapter I will make these recommendations based on the findings in the cases studies. In addition I will emphasise on how to solve the compounding disempowering effects that individuals from these cases experience, once they are trafficked towards another country. I shall start by providing my recommendations towards victim's visibility, problems in border control, migrant law and preventative programs.

For the Bulgarian group of victims visibility is a problem, due to the Schengen treaty these victims will not be found at border controls. While there are mechanisms in law enforcement focused on illegal migrants, that have a side effect of being able to find victims that originate from Nigeria, there is not such a system available for the Bulgarian group. It could be beneficiary to this group and to handle trafficking from Eastern Europe in an larger sense, to focus more on policies on trafficking within the European Union, instead of today, where there is focus on border controls. More emphasis on European victims is clearly needed.

I would like to see emphasis on controls within states on legal, fair working conditions which is largely missing out of this equation. There should be governmental control on trafficking within countries, since traffickers are well adapted to legislation focused on borders, this might be very effective for a period of time. That is until traffickers adapted to such controls, the recommendation I am making therefore is that there must remain an certain element of unpredictability in the way these controls will be implemented. An idea could be to combine the tax controls that are already implemented on all companies, to be better equipped to recognize signs of human trafficking. Since tax controls are already present, it would require only a minimum of governmental funding to enable already employed controllers to be able

to recognize the signs of trafficking. This could be done by offering courses and workshops. In addition tax controllers could be accompanied by police, as this does already happen in suspected cases of fraud, the institutions for police joining the controllers are already in place, it will require but a minimum of effort to have police joining controllers in the future in suspected cases of trafficking. Although this solution is not as ideal as having a sole expanded police force just for detecting trafficking within countries, (beyond of red-light districts off course since these are often already in place). It is a cheap, fast and very plausible solution until such institutions are in place.

The second policy recommendation I would like to make is on the overlap between trafficking and migrant legislation. The policies on migrant laws create a continuum of disempowerment as victims that do reside from outside the European union are not allowed in, but are also unable to return to their home countries. The disempowerment that has risen from insecurity, transcends through the disempowerment of trafficking into the disempowerment of being an illegal alien. There appears to be no way to break out of the circle. I recommend that policies on migrant laws should have a clause, as with the B9- procedure in the Netherlands, that provides shelter and psychological care for possible victims of trafficking. Nigerian victims, as do other victims that could otherwise fall into an illegal status, should have the possibility to make an anonymous charge against their trafficker for instance, now confronting their trafficker is already a huge thing to do. This is even more dangerous when your very stay in the country is depended on it. It is more productive to spend time and funding to such a clause than it is to keep the system as it is. Victims that are returned to their home countries will be returning where they were send from in no time, and the criminal activities of traffickers are not stopped. Thus creating a network and route for all kinds of border transcending criminal activities, to fight against that, I am sure, will prove to be more time and money consuming than a reviewed policy on trafficking will cost.

The third recommendation I would like to make deals with insufficient border controls. Focus today still lies with border controls. And as countries of origin obviously fail to tackle the problem due to an insecure state, countries of arrival should do more. Perhaps border controls in countries of origin could be enforced with the aid and equipment of receiving countries. As has been done by the UN in times of (civil) war, why can't this be done in insecure states that are experiencing a high rate of trafficking?

The fourth recommendation I will place here is that to teach girls the dangers of what might happen to them in countries of origin is simply not enough, after all they are aware bad things may happen. Here perhaps it is more wise to lay the focus on the fact that chances of becoming wealthy abroad are very slim. Many victims of trafficking will not become rich and often die in the process. There could be more focus on the societal problems trafficking would bring, having to live with feelings of shame and guilt and not being able to reintegrate in country of arrival nor country of origin.

As announced in addition I will emphasise on how to solve the compounding disempowering effects that individuals from these cases experience, once they are trafficked towards another country, in particular Western host countries. The policies in these countries are mal adapted to cases of trafficking in which the victim has entered the country illegally or without proper documentation. In general can be said that current policies on trafficking are not working, not only is the number of trafficked persons growing every year, but victims that are detected by the system are not provided with protection, but are often treated as criminals due to their illegal status. Thus countries of destination are contributing to and continuing the disempowerment that the victims have been experiencing that has led to their departure.

## 8.1 Specific recommendations on legislation

Since present policies are obviously not empowering victims, while disempowerment can so clearly lead to cases of exploitation, I would like to make policy recommendations on how legislation in host countries can better empower the victims of trafficking. I will use the current policies in the Netherlands as an example, the current policy and the disempowering effects will be explained. These are followed by my policy recommendations in extend of this research project.

There are sharp contrasts in the policies on the return of illegal aliens and the handling of human trafficking. As mentioned in the Netherlands, it is possible for victims to retain a temporary permit to stay, in the form of an B9 procedure. This is important because one way it empowers victims to stand up against their trafficker, but it dis-empowers them as the duration and validation of the permit is dependent on the conviction of their trafficker. There are two important elements of disempowerment to this procedure, one is that victims are still exposed as illegal immigrants at the very moment they press charges against the trafficker and a second element is that they are dependent on the system to retain the permit to stay, when their trafficker cannot be convicted, they too would have to leave the country. In this order I believe the very disempowerment that exists in their home country, that of having few options and no real prospect of a better future, remain in the country of destination and even throughout the whole prosecution process. Victims remain illegal, or otherwise deprived from decent jobs and independent living..

Despite the fact that the B9 procedure in the Netherlands is a huge advance on other policies, I still cannot regard it as a perfect tool to empower the victims of trafficking. As mentioned, the B9 procedure is only valid for the duration of the trial against traffickers,

which makes it possible for the victims to perform as witnesses during trial. Yet the credibility and reliability of victims performing as witnesses under the promise of such a permit is considered by the Dutch high council to make them unreliable witnesses. Because now they will have a benefit by the accused trafficker being convicted, since they are allowed to stay in the country (BNRM, 2009). To me this entails that even if victims have transcended their disempowering status in the country of origin, and gained empowerment by pressing charges against their trafficker, then they could still be disempowered once more by the disbelief and illegal status the system in many countries places on them.

Policies are usually focused on border controls (WODC 2002: 12). Because focus lies with the transcending of borders, so in extension of this policy there will be less attention spend to the trafficking that occurs within country borders, for the Bulgarian group this is particularly the case. Because of the Schengen treaty additive since 1993, that allows for free travel of goods and persons within the European Union, Bulgarian victims are less visible in the legal system, since Bulgaria is regarded as an European country victims are not likely to be detected at border controls. Bulgarian victims will not be evicted out of the country by the legal system, and thus will not end up in detention centers or be registered as victims of trafficking at large. This is of importance because very often first contact with aid programs is made in detention centers (BLinN, 2009). Nigerian victims are redirected to aid programs because they are found by police and are regarded as illegal immigrants (BNRM.2009), this makes them highly visible by the system(BNRM, 2009), but also makes the possibility that a victim would press charges much smaller (Verwey-Jonker Institute, 2006), this is a underlying reason why Bulgarian victims are less visible (Verwey-Jonker Institute, 2006).

This is relevant especially for groups such as the Bulgarians, where trafficking is less easily proven, victims can come into any country in Europe without any border control since the Schengen treaty additions in 1993. It also brings problems in collision with migrant policies,

where Nigerian victims are not likely to press charges, (BNRM, 2009, BLinN, 2009) because doing so would expose them as illegal immigrants and would pose them to the risk of eviction (Verwey-Jonker institute, 2006).

To solve this issue it should be made possible for victims to file an anonymous report against their trafficker, in addition possible victims should receive immediate protection from the host country. As for now it still happens that victims are left without shelter, this is an unacceptable and possibly seriously dangerous situation. Victims should also not have to face a status as an illegal migrant when they press charges, as explained before it reduces chances that a charge would be made to begin with, but it also decreases the reliability of victims in court. Therefore the situation as it is, is not beneficiary for the procedures within the legal system, since these two legislations obviously interact with each other.

The disempowering effects that legal systems can have do not end here, there are countries including the Netherlands which would place victims in detention centers awaiting their trial or awaiting to be evicted out of the country, eviction is relevant especially to the Nigerian group of victims (BNRM, 2009: 140-163). It does happen that victims are brought to detention centers, jails and the like. Deprived of mental support and in essence treated as criminals. This works to the benefit of the trafficker, who will use the fear victims have for police, to amplify and fortify their threats. Victims are disempowered by the traffickers in a way that takes away their options, making victims believe that they cannot trust the police, nor can they escape the psychological threats that voodoo poses on them, breaking such a promise, if it were possible in the first place would result in even more hardship, misery, famine and decease (BLinN,2007, BNRM, 2009, 2010).

The use of violence is not always common in human trafficking, there is a trend emerging in which less physical violence is used, the method of restraining the victims of human trafficking lies more on the psychological field, by using fear as leverage (Rijken, 2003). These threats are existing out of elements as, selling the victim to another (less nice) trafficker or turning the victim over to the police (Waughn, 2006:18-25, Bovenkerk et al. 2004). The threat of turning over to the police is highly relevant, because many victims come from countries that have corrupt police forces or police forces that use excessive violence as is the case with both Nigeria and Bulgaria. When victims have negative experiences with police authorities, the chances of them filing a complaint or pressing charges will diminish. These dynamics also exist in their home country, for Nigeria and Bulgaria is valid that police often has ties to the traffickers and smugglers (Waughn, 2006, Hopkins, 2005) and it is common that victims who are evicted to their country of origin will be awaited by their trafficker (BNRM, 2009, Waughn, 2006, Hopkins, 2005, Väyrynen, 2001, Vocks and Nijboer, 2006).

To persuade victims, a trafficker would use force or false promises. Very often some form of employment is offered, such as working as an au-pair or as a domestic worker. The following argument is regularly used; the expenses the mediator would make on the individual could be easily repaid by the wages he or she is going to make. The promise is a false one, in reality victims are hardly ever able to repay the debt, for Bulgarian victims the loan would continue to rise because of new 'expenses' that are made (Waughn, 2006, Hopkins, 2005). For Nigerian victims it is possible to repay the debt (BLinN, 2009, BNRM, 2009) although victims rarely realize the severity of the debt (BNRM, 2009, Peperstraten, 2005).

The highly undisputed disempowering effects of the 'shelter' that is sometimes provided in police cells, detention centers and airports are unacceptable policy effects. There should be more shelters available that are specifically designed and equipped to the support of formerly trafficked persons. These shelters should be able to provide mental, psychological support as well as physical, medical support. As victims of human trafficking often experience problems with infections, sexually transmitted diseases, malnutrition, trauma and other medical conditions that need professional attention. In addition these shelters should be able to provide physical safety for the former victims of trafficking, in alien deportation centers it happens that victims are collected by their trafficker, it is needless to say that that creates an unwanted situation. In addition police forces, who are often the first officials to get into contact with trafficked persons should be educated on detecting the signs of trafficking, recognizing victims, as some victims show no traces of violence, or are working in a relatively invisible 'branch' of trafficking. Police officials and aid workers should be skilled on how to communicate with former victims, who have been subjected to violence, false promises and have grounded reasons for mistrusting police.

By attending the overlap in legislation, where migrant laws dis-empower victims and expose them as illegal migrants, providing adapted shelters to this particular group, attending to the victims mistrust in police officials and placing focus on the communication with victims, there can be worked on the re empowering of the victims of human trafficking. Thus breaking the vicious circle of disempowerment that has started in state insecurity, transcended though societal conditions, that have led to individual choices that have led to higher numbers of trafficking. And by doing so provided a way out of the compounding of disempowering elements and providing the possibility for former victims to empower themselves and escape the stigma of trafficking.

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