

Labour Migration and Human Trafficking:
A Case Study of the Gulf Cooperation Council (GCC)

by

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Abstract

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Human Trafficking is on the rise in part due to the dramatic expansion of labour migration in the neoliberal era. The global migrant worker population grew from 175 million in 2000 to 232 million in 2013(UNESDA, 2013a). The GCC has more than 22 million migrant workers who are required to go through recruiters in order to obtain the required permits to work in the GCC. There exists limited governing bodies to regulate the activities of recruiters, thus migrant workers are at the mercy of recruiters who are known to charge exorbitant fees that indebt migrant workers prior to arriving at their destination countries, and provide false contracts which do not reflect the conditions in which migrant workers find themselves upon arrival at destination countries. This, in addition to the domestic migrant labour legislation in the GCC such as the *Kafala System* create, what this thesis argues, is state sanctioned trafficking and labour exploitation.

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Chapter One

Introduction

Human Trafficking refers to the act of recruiting, transporting, transferring, harbouring or receiving of people “through the means of threat, force, deception, coercion, abduction, fraud, abuse of power or position of vulnerability”(OHCHR, 2000), for the purpose of exploitation, which can include forced labour, sexual exploitation, organ removal, forced begging or many other forms (UNODC, 2014). Bales (2004) argues that human trafficking is the new slavery; slavery has existed in various forms throughout human history and its contemporary form as human trafficking is deeply entrenched in the global political economy and further aided by globalization. (Behbahani, 2014) It is a highly complex topic with close links to the issue of global inequality and the dynamics of capitalist development. Slavery and human trafficking saw a dramatic increase in the latter half of the twentieth century. This was due to in part to the dynamics of population growth, but, as I will argue, to a much greater degree to the dynamics of capitalist development on a global scale—the evolution of capitalism into a world system (Delgado Wise & Veltmeyer, 2015). Since the end of World War II, which provided the context for an unprecedented process of economic growth and capitalist development of the forces of production, the world population grew from two billion to seven billion, with most of this growth taking place in the developing world (Bales, 2005: 127). Due to globalization and the structural adjustment programs imposed on the developing world in the eighties and

early nineties, the resulting development process was very uneven, favouring some parts of the world while impoverishing others (Bales, 2005: 127; Petras & Veltmeyer, 2001).

Accompanying this process of uneven capitalist development, and to some extent resulting from its globalizing dynamics, has been a process of productive and social transformation—the transformation of an agriculture-based society characterized by precapitalist relations and a traditional communalist culture into an urban-centred modern industrial capitalists system. The dynamics of this process can be understood by reference to three distinct narratives, each based on a meta-theory of social change: *modernization*, *industrialization and proletarianization*, each with reference to the transformation of a society of small landholding agricultural producers or peasant family farmers into a proletariat or working class (Delgado Wise & Veltmeyer, 2015). The dynamics of this process, based as it is on the capitalist development of agriculture, can be traced out in a process of forced out migration in which the agricultural producers or family farmers are squeezed off the land, dispossessed from their means of production, and proletarianized, rendered landless or near-landless, forcing or encouraging them to abandon the countryside and take one or both ‘development pathway’ out of rural poverty, namely labour and migration (World Bank, 2008).

The resulting migration processes—rural out migration to the urban centres and cities in their country of origin or abroad (cross-border, international)—provide a major catalyst of capitalist development: cheap surplus rural labour. As Arthur Lewis, a major development theorist in the modernization school, pointed out, economic development is based on the exploitation of the ‘unlimited supplies of surplus labour’ provided by the agricultural sector (Lewis, 1954). What he did not point out, however, and what most

development economists have tended to ignore, is the extraordinarily high social and human costs of this development. One of these costs, which will be examined in this thesis, is the trafficking of human beings for the purpose of labour exploitation. The magnitude of this problem is evident in a number of studies into the dynamics of labour migration and human trafficking connecting the root causes for inequity and the need for labour migration from developing regions to more affluent ones.

The research problematic

One of the objectives of this thesis is to illustrate how the domestic migrant labour policies in the GCC creates conditions that are conducive to human trafficking. I argue that trafficking in this context is state sanctioned because the GCC states, despite ratifying the Palermo Protocol (with some reservations), maintain domestic legislation that as well as the *Kafala System*, that render migrant workers highly susceptible to being trafficked and exploited within the region. The research conducted to this end focuses on the following dimensions of this problematic:

1. the conditions of vulnerability in the origin countries of migrant workers brought about and further entrenched by neoliberal economic policies, as well as the ways in which these vulnerabilities create a great supply of labour to be recruited and exploited in the GCC.
2. The high demand for migrant labour in the GCC, and the ways in which the migrant labour policies in the region foster conditions conducive to labour exploitation and human trafficking as they meet the criteria for human trafficking outlined in the Palermo protocol; and.

3. The lack of protectionist measures and regulations for migrant labourers between origin countries and the GCC that would prevent migrant labourers from being trafficked and exploited, particularly in regards to recruitment of migrant workers from their countries of origin.

Parts of the Global South with high rates of labour out migration have undergone significant neoliberal economic adjustments, particularly during the late 1970s and 1980s. And as such their economies have become too weak to accommodate its labourforce, unemployment increased dramatically, poverty rose, and already existing social inequities became even more deepened as a result of the growing poverty. All of these vulnerabilities have contributed to the increasing rates of labour migration from the Global South to more affluent regions within the Global South and to the Global North. Coupled with the previously listed vulnerabilities in the origin countries of labour migrants, is the incredibly high and ever growing demand for cheap migrant labour in regions like the GCC.

The GCC has seen exponential economic growth in the last several decade, and has a very high demand for labour as a result of its growing infrastructure to accommodate its large scale integration into the neoliberalized global political economy. Echoing Eric Wolf's (1982) discussion of the tendency of capitalism to embed itself in existing structures in order to perpetuate itself, I argue here that capitalism's contemporary phase of neoliberal globalisation has embedded itself in the *Kafala System* of the GCC to take advantage of the high availability of the migrant labour from the Global South and its high demand for migrant labour to fill the labour demands of its private sector.

The *Kafala System* is a migrant labour sponsorship program that requires migrant workers to have a sponsor who is a citizen of the country to which they are migrating. It is a system originating from the Bedouin¹ ethic of hospitality, which sets particular duties in the treatment and protection (Bajracharya & Sijapati, 2015: 3) for accommodating and hosting non-native guests. It was instituted in the early 1930s as a procedure for hosting foreigners in GCC societies as a way for hosts to give assurance of foreign guests' visit and assume responsibility for their behaviour and wellbeing. However, in more recent times the *Kafala System* has devolved to a system through which the governments of GCC nations control migrant labour flows into the region (Khan and Harroff-Tavel, 2011) by giving authority and responsibility for migrant workers to private citizens and businesses (Motarparthy, 2015). This gives sponsors, i.e. citizens and businesses in the GCC, absolute control over the migrant workers visa status as well as their mobility, as their legal immigration status is completely dependent on the sponsor. Taking this into account, migrant workers are often in very precarious conditions because they are not covered under the GCC's labour rights laws and are stuck within the confines of the *Kafala System* (Bajracharya and Sijapati, 2015: 3).

Conceptual and theoretical framework

Based on precarious economic conditions, and the need to migrate for work and survival—and acknowledging of the particularities of gender, class, and to a degree, race—people from the Global South are more vulnerable to human trafficking, as they are

¹Bedouin is a name used to describe the Arab nomadic ethnic group noted for being welcoming and generous to their guests. Elizabeth Losleben (2003). *The Bedouin of the Middle East*. Lerner Publications. pp. 4–5. ISBN 978-0-8225-0663-8. Retrieved 1 November 2012.

more likely to migrate for labour, or more susceptible to the deceit of recruiters who promise employment opportunities and better living conditions in the more developed regions. Echoing the idea that human trafficking is a consequence of opportunists 'fishing in the stream of migration' (True, 2012) this research draws connections between the economic conditions that drive survival or crisis migration, and the vulnerability of migrants to human trafficking during the migration process and in destination countries. These vulnerabilities are further enhanced by gender discrimination and its intersection with race and class; thus, this research considers the value and feasibility of using a gendered lens to assess the dimensions of labour migration and human trafficking. In using a gender analysis it would be remiss not to consider the ways that race and class intersect with gender to make certain women in the developing world more vulnerable to trafficking than others.

Gender, race and class are not only significant factors in creating vulnerability. They also play a role in every facet of the trafficking process. For example, poverty (a condition of social class) and the desire for better working conditions and better quality of life, plays a role in determining people's choice to migrate in the first place. Race and gender as factors that drive people to choose to migrate: for example, as Edith Kinney discusses in *Securitizing Sex, Bodies, and Borders*, women of ethnic minorities in the borderlands between Burma and Thailand are "subjected to systematic use of rape as a weapon of war" by the Burmese military as a tactic against the ethnic minority separatist groups (Kinney, 2010: 85). The women suffering this sexual violence are targeted because of their race as ethnic minorities, but also because of their feminine gender. In the same vein, it can be argued that poverty and gender influence people's choice to

migrate through irregular means, as in many cases they may be lacking the necessary economic resources to afford the required migration documents, such as work permits. The fact that many societies maintain patriarchal conditions in which men are more likely to earn more than women, or have better access to the job market, further demonstrates why gender would play a role on the means by which people choose to migrate based on resources. Upon arrival in the destination country, either through trafficking or non-trafficking forms of irregular migration, migrants face conditions in which their race, gender and class play a significant role in determining their likelihood of exploitation, as well as the ways in which they are exploited.

The primary working ideas used in this research are derived from the following schools of thought regarding human trafficking: *The Feminist Political Economy Approach*, *The Rights Based Approach*, and *The Labour Rights Approach*; all of which will be assessed in the literature review. It would be remiss at this point not to mention the need for a more nuanced gender analysis on human trafficking, although it is well beyond the scope of this particular thesis. Gender is only one among a number of social dimensions, such as race and ethnicity, class, sexual orientation etc. that must be considered in addition to gender when researching the implications of gender and gender discrimination in relation to human trafficking. Gender is not a central argument in this research because a sufficient analysis of the gendered dimensions in addition to the other social dimensions mentioned above are beyond the limitations of this research. Instead, I make use of the Political Economy Approach based on the idea that it adequately connects some social dimensions, neoliberal globalisation, migration, and human trafficking.

Based on these ideas, this research aims to bridge the gap between human trafficking and labour migration. I want to challenge the normative understanding of Human trafficking as an phenoma in which evil traffickers snatch vulnerable people (particularly women and children) from their homes and force them into sex work. Instead,with the profound understanding that the previously illustrated picture is very real and that kind of trafficking does occur, this research seeks to complicate that idea and bring to light the nuances of the issue. People are moving, migrating through regular and irregular routes, being consensually smuggled, and being trafficked all over the world. The crux of the matter is that if at any point during the migration process, even in the case of consensual smuggling, any characteristic of human trafficking such as threat, abuse or exploitation is introduced in the scenario, then all consent becomes nullified and the situation transform from migration or smuggling to human trafficking. In light of this and within the context of labour migration as human trafficking in the GCC, the migrant workers who are being exploited are the victims of trafficking, the recruiters providing workers in origin countries with false contracts and other such fraudulent activities, are the traffickers, and the private sector employers who abuse their migrant worker employees in any fashion are the exploiters. However, the state whose legislation allows these abuses to be legally feasible can also be considered the trafficker and exploiter, or at the very least, a facilitator in creating the conditions conducive to human trafficking and exploitation.

Methodology

To illustrate the argument that the domestic labour migration legislation in the GCC region creates conditions conducive to human trafficking, as well as the connections between neoliberal economic policies in origin countries of migrant workers and the conditions of vulnerability that they seek to escape, this research makes use secondary analysis of academic research, qualitative content analysis and a case study. This research uses data from the domestic GCC legislation on migrant labour, the protocols from the United Nations Convention Against Transnational Crime, and the ILO conventions on migrant labour protection, qualitative data on narratives of victims, and documentary evidence based on interviews collected from academic studies done on the topic. It makes use of documentary analysis of the above listed sources, as well as data collected from existing academic research on labour migration in the GCC and narratives of domestic workers collected from studies done on the region. The clandestine nature of trafficking and exploitation renders data accuracy on the exact numbers of people trafficked and exploited impossible to come by, therefore this research uses estimates provided in the United Nations Office on Drugs and Crime (UNODC), the ILO, the IOM, as well as academic studies on labour exploitation and human trafficking in the GCC.

The use of a case study in this research is to illustrate how i) the recruitment of migrant workers to the GCC, and ii) the domestic migrant labour policies in the GCC create conditions which are conducive to human trafficking. All of which is based upon the need for people to migrant as the economies of their countries of origin can no longer accommodate them, in part as a result of neoliberal economic policies. The GCC provides a unique and interesting case study for labour migration and human trafficking because of

the massive influx of migrant workers entering the region. The GCC states comprise of some of the largest ‘pull’² states for migrant labourers globally (Colton, 2010), the percentage of foreign workers in the GCC region grew from 50.6 per cent in 1975 to 66.9 per cent in 2008 (Winckler, 2010), and the presence of migrant labourers has been essential to the rapid growth and development of infrastructure of which the region boasts.

Thesis statement

Based on my research I argue that neoliberal globalisation has led to an increase in migration from the Global South to the Global North. This provides ample opportunity exploitative employers, recruiters, and traffickers to prey on the most vulnerable of the migrating populations. The goal of my case study on the GCC is to illustrate how (i) the recruitment of migrant workers to the GCC, and (ii) the domestic migrant labour policies in the GCC create conditions which are conducive to human trafficking. It argues that this is in many ways state sanctioned trafficking. All of which is based upon the need for people to migrate as the economies of their countries of origin can no longer accommodate them, in part as a result of neoliberal economic policies.

I argue that the conditions of economic and social vulnerability in origin countries of migrants; the high demand for cheap labour for the building of infrastructure and the service industry in the GCC (as it further integrates itself into the neoliberalized political economy); and the lack of protectionist measures for migrant workers between origin and destination countries greatly contribute to the escalated incidences of human trafficking

² Pull factors are elements in destination countries such as increased labour demand, a higher standard of living, access to healthcare and education, etc., that lead people to choose to migrate (Bales 200, 147).

being reported. This thesis aims to highlight the connections between human trafficking in the Gulf Cooperation Council (GCC) and the conditions of vulnerability in origin countries brought about by the implementation of neoliberal economic policies in those countries. Furthermore, this research asserts that human trafficking cannot be considered and addressed as a development issue without considering its root causes as development issues and seeking to solve them.

Structure of the thesis argument: Chapter by chapter overview

Chapter Two of this thesis is a review of the literature regarding human trafficking arranged according to the dominant schools of thought from which they emerge, with conclusions as to their relevance to this research. This chapter identifies the Economic Supply and Demand approach which argues that there is a market for human trafficking generated by the increasing demand for low cost labour by businesses, and the increase in vulnerability of human beings to exploitation (Wheaton, Schauer & Galli, 2010). It then assesses Political Economy Approach that draws connections between the expansion of the capitalist system, particularly its present stage of neoliberal globalisation, and the precarious economic conditions in many parts of the developing world. It understands human trafficking to be a consequence of neoliberal economic policies implemented in the developing world from which a majority of trafficking victims originate and the high demand for cheap exploitable labour in the Global North. What follows is a discussion of the Feminist Political Economy Approach which stems from a similar school of thought as the Political Economy Approach, however it lays more emphasis on the role of gender in determining the populations that become most vulnerable to human trafficking. It gives

a brief discussion on Critical Race Theory as related to human trafficking in the GCC.

This chapter also considers the Human Rights Approach, which seeks to move the focus of trafficking from the criminal investigation of traffickers and the criminalisation of victims, to the preservation and protection of the human rights of the victims (UNHCR 2011). Lastly, the chapter discusses the State Security Approach, which takes a classical realist³ stance in that it understands human trafficking to be a threat to the state and its borders. It is based on the securitisation discourse that prioritises the security of the state over human security (Lobasz, 2009). Subsequently, Chapter two provides several working ideas and a theoretical framework based on a Feminist Political Economy approach, the Human Rights approach, and the Labour Rights Approach. This chapter provides a context for the key working ideas used in this research.

Chapter Three provides a context for this research by analysing the human trafficking dimension of migration. It illustrates the changing patterns of global movement and how it provides opportunities for traffickers to exploit the migration pool. This chapter discusses the changing global division of labour and the ways in which neoliberal globalisation has restricted the global labour force; it considers the consequences of this changing labour force on migrant workers. In addition, it paints a picture of human trafficking that shows the various forms that human trafficking takes, the patterns of geographic distribution, and some demographic information on the victims and perpetrators of human trafficking. This section provides key information regarding the structural context from which trafficking emerges and how it works globally.

³ Realism considers the primary actors in the international arena to be states. It takes the stance that States are principally concerned with their own security, they act with the sole aim of attaining their own national interests, and struggle for power.

Chapter Four is a case study of the GCC as a destination country for trafficked migrant workers. Based on the argument that migrant labour conditions in the GCC meet the three main criteria of human trafficking it analyses the effects of neoliberal economic expansion in the region and draws connections between those policies and the state instituted migrant labour policies (in the sense that they foster human trafficking).

Chapter Five provides a general conclusion derived from our research findings. It revisits the thesis statement, discusses the limitations of the research, and potential areas for future study. In addition, it considers the contribution of this research to the academic study of labour migration and human trafficking, and it situates it among broader debates on the topic.

Chapter Two

The Human Trafficking problematic:

A Literature review

There are various approaches used in the study and understanding of human trafficking. This chapter will analyze and compare several of the dominant approaches. First, I review the economic supply and demand approach, which argues that there is a market for human trafficking generated by the increasing demand for low cost labour by businesses, and the increase in vulnerability of human beings to exploitation (Wheaten, Schauer & Gali, 2010). This approach understands human trafficking to be a “monopolistically competitive industry in which traffickers act as intermediaries between individuals and employers by supplying differentiated products to employers.” In the market of human trafficking consumers are perceived to be employers of trafficked labour, and the products are human beings (Wheaten, Schauer & Gali, 2010).

A second school of thought on understanding and addressing human trafficking is based on political economy approach. Proponents of this approach view human trafficking as a consequence of capitalist development—the evolution of the capitalist system, particularly in its current phase of neoliberal globalization or free market capitalism (Hubbard, 2009). This approach claims that human trafficking continues to grow as a result of economic recessions suffered by countries in the global south, recessions brought about by the neoliberal economic policies—Structural Adjustment

Programs (SAP) of the 1980s⁴— implemented by International Financial Institutions such as the International Monetary Fund and the World Bank. In addition, it argues that nations in the global north provide a significant demand for human trafficking as a labour commodity (Hubbard, 2009)

A third school of thought, which can be described as a Feminist Political Economy Approach, stems from a similar school of thought as the traditional political economy. However, it lays more emphasis on the role of gender in determining the populations that become most vulnerable to human trafficking. In addition, this approach considers the influence of power inequities and structural injustices such as racism, sexism, economic inequity and environmental injustice can play in creating and perpetuating conditions that lead to human trafficking.

There is also a Human Rights approach to human trafficking that seeks to move the spotlight of human trafficking from criminal investigations of the traffickers to the human rights of the victims. Proponents of this approach include a number of organisations within the UN system—in particular rights-based approach to human trafficking reports carried out in joint efforts by the Office of the High Commissioner for Human Rights (OHCHR), the UN Office on Drugs and Crime (UNODC), the United Nations High Commissioner for Refugees (UNHCR), UNWOMEN and UNICEF. Proponents of this approach argue that a more effective approach to addressing human trafficking would be a human rights rather than a crime and border control issue.

⁴ Structural Adjustment Programs are a set of loan packages and policies provided by the International Monetary Fund (IMF) and the World Bank, to countries in the Global South that experienced economic crises in the late seventies and early eighties. These policies required countries to shift from an Import Substitution Industrialization (ISI) to a raw material export oriented industrialization (EOI). The policies also included the restructuring of economies that shifted funding and focus from welfare and social security.

(OHCHR 2011) The human right approach confronts the state security approach, which takes a classical realist⁵ stance in that it understands human trafficking as a threat to the state and its border control. Thus, proponents of this approach are concerned about and focus primarily on border security and migration control. With the survival of the sovereign state as the primary concern, the traditional security approach prioritizes state and border security over the security of trafficked people. It therefore sees the deportation of those considered to be undocumented immigrants, as well as the tightening of its borders as a solution to human trafficking (Lobasz, 2009). Unlike the Human Rights approach, which seeks to bring the rights of trafficking victims to the forefront, the state security approach understands trafficking as a criminal issue (Lobasz, 2009).

In this chapter we will look at human trafficking from the perspective and lens used by proponents of these five schools of thought.

Economic supply and demand of human trafficking

This approach argues that the global economy is negatively affected by human trafficking due to the loss of the labourforce from countries of origin, and the cost of undocumented migration that falls on transit and destination countries. In addition, it confers that breakdowns in international trade relations arise when issues of trafficking are brought to the bargaining table (Wheaton, Schauer & Galli, 2010). Although the economic aspects or the business of human trafficking cannot be addressed separately from the root causes and the individual and organisational actors that it affects, this approach confers that

⁵ Realism considers the primary actors in the international arena to be states. It takes the stance that States are principally concerned with their own security, they act with the sole aim of attaining their own national interests, and struggle for power.

traffickers are motivated by profit and take advantage of the illegal opportunities available within the market to maximize their profit (Aronowitz, Theuermann & Tyurykanova, 2010). It is imperative to understand the business elements and market factors of human trafficking, as well as the interaction of trafficking organisations and individuals with formal, informal, legal and illegal economic activities, as this will make clearer the market forces that foster trafficking and allow for them to be more directly disrupted (Aronowitz, Theuermann & Tyurykanova, 2010).

Exponents of this approach recognize the need to understand not only the factors that create conditions which leaves people vulnerable to human trafficking, but to include the motivations of the traffickers, as well as the consumers of trafficked labour and goods produced by trafficked and exploited labour. It aims to place the economic onus on employers and consumers of trafficked labour by decreasing the financial and labour benefits to traffickers and employers of trafficked labour as well as the net benefits of undocumented migration (Aronowitz, Theuermann & Tyurykanova, 2010). Therefore this approach argues that increasing the cost of human trafficking by coordinating international law enforcement and implementing more severe penalties for traffickers, would increase the planned cost of trafficking and affect the supply aspect of the market. Additionally, it claims that a boost in the creation of job opportunities in low job/ high emigration areas would increase the opportunity cost of human traffickers (OSCE, 2010).

The literature illustrates that there has been a shift from crime control to crime prevention in global efforts on tackling human trafficking. Crime prevention in regards to human trafficking, according to this approach, addresses the demand aspect based on the

notion that a reduction in the demand for trafficked labour and services will in turn diminish the benefits to traffickers and employers of trafficked labour. It makes the assumption that consumer boycotts on commodities produced with trafficked labour can put employers and business owners under sufficient pressure that it decreases the benefits of utilizing cheap trafficked labour, thus reducing the demand for it (Aronowitz, Theuermann & Tyurykanova, 2010).

The United Nations Global Initiative to Fight Human Trafficking (UNGIFT) put forth a study on the economics and business model of human trafficking in 2010 through the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings (OSCE). This study confers that should trafficking organisations and traffickers function as businesses with the primary goal of curtailing overhead costs and maximizing profits, then it is necessary to understand how decisions are made. (Becker, 1986) It argues that at an individual level, the choice of individuals to become traffickers can be understood using the Rational Choice theoretical framework which asserts that criminals exercise reasoning by weighing the costs, benefits, and risks when making decisions about a criminal activity. In regards to human trafficking, this decision making may include a consideration of the payoffs, such as the probability of an available supply of potential victims, a considerable demand for those victims in the market, a considerably high return on profit, and small probability of being arrested and prosecuted.(Siegel, 2004)

Proponents of this theory also considers the traffickers decisions regarding location and time of trafficking. For example, in terms of trafficking for labour excluding

sex work, the demand for cheap and easily exploitable labour is highest in the area of crop harvesting and other seasonal work, and this demand can be very easily satiated by the supply of trafficked labour. In essence, Rational Choice theory argues that traffickers will only abstain from trafficking vulnerable people when the risks of being arrested and prosecuted outweigh the profits and there is a significantly high possibility of being caught. Additionally, when trafficking stops generating a profit and traffickers have access to legal means of generating substantial income, they are less likely to carry on with the crime. In analyzing human trafficking on an organisational level, this approach uses the business model and market selection principles (Aronowitz, Theuermann & Tyurykanova, 2010).

Furthermore, there is the Demand Theory and Economic Theory put forth in the work of Thozama Mandisa Luty and Mark Lanier (2015). In analysing human trafficking from a business economic point of view it highlights motivations of traffickers, employers and consumers of trafficked labour as primarily economic, i.e. as seeking to maximize profit and satisfaction with minimal investment. It proposes that an effective means of addressing human trafficking should be taken from an economic perspective as well, such as removing incentives that make the employment of trafficked labour more desirable by for employers by mobilizing a consumer boycott of commodities produced with trafficked labour. Additionally, the development of more certain and severe penalties for traffickers makes them, according to Rational Choice theory, less likely to choose to engage in human trafficking. Similarly the availability of legal and attractive job opportunities reduces the likelihood that people will choose to

engage in human trafficking as they would have access to a work that can sustain their livelihoods.

While this approach provides an economic rationale for the reasons perpetrators chose to become traffickers, as well as the ways that authorities and states can curtail trafficking by increasing the overall costs for traffickers, and employers and consumers of trafficked labour, it does very little to illustrate the root causes of trafficking or how larger structural factors such as the inequity between countries in the global political economy plays in making certain groups more likely to be vulnerable to trafficking or become traffickers. Furthermore, it fails to take into account the nuances created when migrants who may have initially consented to being smuggled to the destination country, find themselves being trafficked instead. For these reasons, this research does not make any significant use of this approach.

Feminist Political Economy — the policy implications of a gendered discourse

This approach to understanding human trafficking confers that human trafficking is a consequence of capitalist development. Scholars such as Andrea Marie Bertone (1999) argue that human trafficking is the corruption of the interconnectedness of politics, the economy, and globalization. She argues that while there is great variety throughout the world in the ways that it occurred, neoliberal capitalism has risen to become the most prominent economic system, and the international trafficking in human beings is deeply embedded in the “international political economy of the capitalist world market” (Enloe, 1989; Pettman, 1996; Raghu, 1997; Skrobanek et al., 1997). While Bertone’s work is

primarily concerned with the sex trade, I apply a number of her arguments to the trafficking in human beings in general. Where she states that the international political economy of sex encompasses the supply of women from the Global South, or the less economically affluent states, and the demand from the organisers of the trade and the consumers of exploited sexual labour (Bertone, 1999) I hypothesize that the international political economy based on the capitalist world market includes the supply of vulnerable people (including women) from the Global South, who desire to sell their labour, and a high demand of cheap and easily exploitable labour in the Global North.

“Today’s global political economy functions on a specifically gendered axis. The post colonial economic order in countries such as the Philippines, Ethiopia, and Eritrea...provide powerful examples of economies functioning on both gendered and sexist axes” (Mhadavi & Sargent, 2011) the fact that women lack opportunities in the formal economy renders them highly vulnerable in the informal economy and easily exploitable. Therefore the more that women are excluded and restricted from formal economic activities, more likely they are to seek out “uncertain and potentially exploitative methods to secure work...wherever it can be found. The possibility of physical and psychological harm is mitigated by the pressing need to provide for one's family, self and community” (Mhadavi & Sargent 2011).

The discourse

This section seeks to answer the following questions based on the existing literature: (i) How has the construction of discourse (gendered and racialized) affected the policy surrounding human trafficking in destination countries? And (ii) how has the capitalist labour market perpetuated economic and social conditions that foster human trafficking?

Mahdavi and Sargent (2011) cite Chang and Kim (2007) in arguing that a combination of globalization and the implementation of neoliberal policies have created a lack of employment and economic opportunities in home countries. This combined with an increasing demand for cheap labour increases workers' motivation to attempt to migrate for the purpose of selling their labour elsewhere. (Chang & Kim, 2007) They go further to claim that people from all parts of the world migrate-- "immigration, migration and trafficking are taking place everywhere simultaneously" (Mhadavi & Sargent, 2011). However the dominant discourse surrounding human trafficking, they argue, has some problematic racist and sexist biases in the following ways:

1. in the racism embedded in neoliberal feminist rhetoric about Third World women being kidnapped, duped, or tricked into leaving their homes (as discussed earlier);
2. in the racism implied in the TIP Report, which is written by the United States and holds all countries accountable to (Western) standards, while at the same time implying that trafficking is a problem taking place outside of Euro-America;
3. in the racialization of trafficking 'victims' versus 'traffickers', and

4. in the racism that informs moral anxieties regarding which migrant bodies are crossing which borders (Mhadavi, 2011).

These racially biased discourses are problematic particularly when discussing trafficking in the context of the Arab states of the Gulf because they perpetuate islamophobia. Mahdavi 2011 argues that when activists and policy makers paint the Arab states of the Gulf as the hotspot for human trafficking, they do so based on particular ideologies based ‘orientalist’⁶ beliefs about Arab and Muslim people and culture (Mhadavi & Sargent, 2011). In addition, they analyze the gendered discourse surrounding human trafficking and its implications on policy and activism. For example, while it is indisputable that human trafficking stems from gendered inequities, the experience of trafficking is not by any means limited to members of one gender. The focus is often primarily on ‘women and children’ as the most vulnerable groups, and this dominates the discourse “to the point where the continuous repetition of the phrase has turned to *women and children*, which can easily collapse into *women as children*” (Mahdavi & Sargent, 2011). Critical feminist theorists have critiqued this fusing together of women and children as symbolic of a construction of the idea of women (third world women in particular (Mohanty, 1986)) as lacking agency, and thus denies them agency (Sjoberg, 2006: 897). Thus it excludes men, while it is accurate that women are disproportionately affected by trafficking for sexual exploitation compared to men, the exclusion of men and

⁶ Edward Said (1978) argues that Orientalism is the construction of discourse “in which the West’s Knowledge about the ‘Orient’ are inextricably bound up with its domination over it” (Azam 2014). Said departs from Michel Foucault’s argument that all knowledge is constructed within specific power regimes and thus reproduce those power regimes; i.e. to establish anything as an object of knowledge is to presume power over it. The Western representations of the ‘Orient’ as inferior and different has made it possible to legitimize Western rule and intervention (Lewis, 1996:16).

transgendered people from the discussion of sexual exploitation and forced prostitution additionally marginalizes “already stigmatized populations within the commercial sex industry” (Shah, 2006: 270). As a result of the highly gendered discourse that emphasizes “innocence and vulnerability” (Mahdavi & Sargent, 2011) above all else, men and women who do not fit into the construct of gender passivity are excluded from the trafficking discourse and their narratives are not addressed in the current policy frameworks. (Mahdavi & Sargent, 2011).

Scholars such as Mahdavi and Sargent critique the gendered construction of discourse regarding human trafficking as excessively dichotomous, because it oversimplifies the deeply complex issue of trafficking and purports the notion of (i) men as having agency and willingly choosing to undergo irregular migration, and thus completely invulnerable to trafficking—this excludes trafficked and exploited men from resources, and protective policies and services—and (ii) women (and children) as having been fooled and/or forced from their homes, and are not economic migrants (Chapkis, 2003: 924).

This research takes a serious deliberate consideration of the critiques of a gendered and dichotomous approach to the construction of discourse on human trafficking regarding race, class and gender. It is evident in the available data that all types of people across the world are migrating (voluntarily and involuntarily), they are being smuggled, taking irregular routes, or being trafficked. The orientalist notions of the Middle East and the gulf region being the hot spots of trafficking, women as agentless actors who are more easily tricked and forced into sex work, and men as impervious to

being trafficked, are all very problematic rhetorics, because, as discussed in the sections above, it perpetuates the sexist and racist notions about human trafficking that hinders the anti-trafficking and victim protection resources and policies and renders them less than effective. However, this does not detract from the main focus of this research, which is that as a result of certain migrant labour policies (which stem from the embeddedness of capitalism into the traditionally practiced *Kafala System*⁷) labour migration to the GCC is akin to human trafficking for the purpose of labour (including sex work) exploitation.

The Human Rights Approach

The human rights approach understands human trafficking as a violation of human rights of the victims trafficked. The United Nations Human Rights Office of the High Commissioner (OHCHR) highlights the human rights most relevant to human trafficking as Human rights most relevant to trafficking as:

1. The prohibition of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status . The right to life;
2. The right to liberty and security
3. The right not to be submitted to slavery, servitude, forced labour or bonded labour
4. The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment
5. The right to be free from gendered violence

⁷ Wolf (1982) in his discussion of modes of production argued that capitalism did not eradicate all preexisting modes of production but integrated and even intensified them to reproduce itself.

6. The right to freedom of association
7. The right to freedom of movement
8. The right to the highest attainable standard of physical and mental health
9. The right to just and favourable conditions of work
10. The right to an adequate standard of living
11. The right to social security
12. The right of children to special protection (UNHRC, 2014).

In this conception the violation of some of human rights are related to the causes of human trafficking, such as the right to adequate standard of living (Human Rights and Human Trafficking Fact Sheets UNHRC, 2014) the violation of which leaves certain people vulnerable to becoming victims of human trafficking. Others such as the right to be free from slavery and the right to a fair trial (Universal Declaration of Human Rights) are more relevant to the process of trafficking and responses to trafficking respectively.(Human Rights and Human Trafficking Fact Sheets UNHRC, 2014).

This approach argues that human rights should be at the core of the way human trafficking is addressed. It states that instead of treating human trafficking as an immigration issue or a border control and state security issue, it should be considered a violation of the human rights of the victims trafficked and dealt with accordingly. There has recently been a consensus in the international community on the necessity of a rights-based approach to human trafficking, a rights-based approach is essentially a conceptual framework based on international human rights standards which are focused on the

promotion and protection of human rights. In this approach it is necessary to analyze how human rights are violated in the cycle of human trafficking and States' responsibility on the issue under international human rights law. Accordingly, all facets of national, local, regional and international response to human trafficking should be rooted in human rights of trafficked people and the responsibility of states and the international community under international human rights law. It argues that policies developed in response to human trafficking should be identify "right holders, such as trafficked people, people at risk of being trafficked, and people accused of trafficking- their entitlements and the corresponding duty bearers—usually States—and their obligations" (OHCHR, 2002). A significant aspect of the rights based approach to addressing human trafficking is it's call for the non-criminalization of trafficked persons; in countries of transit or destination for trafficked people, it is not unusual for them to be arrested, charged and sometimes prosecuted for illegal activities such as undocumented migration, working without the appropriate legal documents, or engaging in prostitution. Trafficking victims often do not have the correct migration or working documents, or their identifying paperwork may have been confiscated by their traffickers, and this leaves victims vulnerable to being criminalized by the authorities in the transit or destination countries to which they have been trafficked. Essentially, often times when trafficking victims are detained and charged, they are not considered victims of human trafficking, but as undocumented migrants or undocumented migrant workers (UNHCR, 2014), and are subsequently deported which disallows them the "right to participate in legal proceedings or to access an effective remedy". (UNHCR 2014) It is for this reason that the criminalization of trafficking victims is significant, because it sheds light on the failure of the State to grant

victims their legal rights under international human rights law (Human Rights and Human Trafficking Factsheet UNHRC, 2014). States that are party to international human rights law treaties have certain obligations in regards to human trafficking.

The rights-based approach also seeks to eliminate the human rights violations that create conditions that leave people vulnerable to further exploitation through human trafficking (ILO, 2011). In addition it aims to ensure that States and anti-trafficking organisations do not create or perpetuate conditions that contribute to human trafficking through policies that violate the rights of people already vulnerable to trafficking. The former UN High Commissioner for Human Rights, Mary Robinson, asserted in her 1999 speech at the Ad Hoc Committee on the 52nd Elaboration of a Convention Against Organised Crime in Vienna, that it is imperative to maintain focus and attention on trafficked people, by refraining from dealing with human trafficking as simply a migration or organized crime issue; but to address the root causes such as prejudice, racism, poverty, social and economic inequity that deepen conditions that leave them susceptible to being trafficked. Additionally, she stated that there is a need for anti-trafficking organisations to refrain from discriminating against and criminalizing undocumented migrants as this would compound and intensify their already difficult conditions of vulnerability. She insists that an effective approach to dealing with trafficking should include measures that “strengthen the ability of vulnerable groups to

claim their human rights and support their self-organization and self representation”
(Robinson, 1999)⁸

Scholars such as Hila Shamir (2012) critique the Rights-based approach as lacking meaningful effectiveness on the problem of human trafficking as it creates the impression that the international community is more active in addressing the root causes of trafficking than it does in reality. Instead she proposes a labour approach to address what she understands to be a structural labour market condition that leaves workers with inferior bargaining power in their places of work, which leaves them vulnerable to exploitation. (Shamir ,2012) She calls for an archetypal shift in anti-trafficking approaches and policy from a human rights to a labour approach.

Labour Rights versus Human Rights in regard to human trafficking

Shamir argues that while the Labour Rights and Human Rights movements have similar goals such as promoting ‘distributive justice’ and furthering the interests of structurally marginalized and disadvantaged populations, as well as recognizing the role that rights play in attaining these goals, there remains considerable differences in their understandings of what constitutes disadvantage and how that can be mitigated. She argues that the labour approach and human rights approach target different realms of power and influence: while human rights is focused on the individual’s power compared to the state labour rights is concerned with power of labour in relation to capital (Arthurs,

⁸Message from the UN High Commissioner for Human Rights, Mary Robinson, to the Ad Hoc Committee on the 52 Elaboration of a Convention Against Organised Crime, Fourth session, Vienna, 28 June-9 July 1999.

2011). Therefore, the labour rights movement gives priority to class struggle and socioeconomic issues such as the right for workers to unionize, collective bargaining as a tool for improving labour's working conditions and increasing share of profits (Shamir, 2012). On the other hand, the human rights movement has been concerned with embedding universal human rights and absolute values into national constitutions and legislature (Compa, 2010). Despite recognizing freedom of association and the right to decent wages in the 1948 Universal Declaration of Human Rights (UNCTAD, 2004)⁹ human rights activists considered labour unions and collective bargaining as mainly economic matters that are secondary to the human rights vision (Gross, 2003). In recent years, however, the Human Rights movement has become more interested in social and economic rights "particularly material inequality and global solidarity between individuals and groups in the global North and global South" (Roth, 2004). Shamir states that this shift in focus was brought about by the following: first, the end of the Cold war and the disintegration of communism in Eastern Europe, which made the addition of economic and social rights in capitalist democracies seem less threatening (Shamir, 2012). Secondly, the drastic increase in economic disparities between countries in the Global South and the Global North which brought attention to poverty as a human rights issue; finally the rising criticism of human rights by activists and scholars from the Global South, who claimed that the human rights movement was a eurocentric neocolonial project based on inequitable power dynamics (Mutua, 2002). There has also been a shift in the labour movement, which, Shamir argues, was brought about by the decline in trade union membership and activity and economic globalization brought about by the

⁹ G.A.Res. 217 (III) A, art. 23, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

consolidation of the neoliberal socioeconomic agenda (U.N. Conference on Trade & Dev., Discussion Papers, No. 173, 2004). Therefore it took on the fundamental rights discourse similar to the human rights discourse, as a way to regain legitimacy (Naru & Zabin, 2009). These changes in both the labour and human rights movements brought about a confluence between the movements which is most evident in the 1998 International Labour Organization's Fundamental Declaration of Principles and Rights at Work. This declaration recognized four categories of central to the labour rights movement; "freedom of association and collective bargaining, abolition of forced labour, elimination of child labour, and freedom from discrimination" (ILO, 1998). However, instead of establishing and raising labour standards, the declaration focused on banning certain practices (Mundlak, 2009).

Shamir (2012) claims that the current dominant approach in international anti-trafficking is evidence of the confluence between the human rights and labour rights approaches and its consequences, as the majority of both movements have accepted the human rights approach to addressing human trafficking. She argues that this is dangerous because it excludes the labour movement's core values concerning the critical understanding of imbalanced power dynamics in the labour market arena. (Shamir 2012) Therefore a labour approach to addressing human trafficking would have a specific archetypal difference from the human rights approach, despite their apparent confluence.

A case for a Labour Rights Approach to addressing human trafficking

Shamir contends that the protection, assistance, and rehabilitation of trafficking victims procedures implemented under the human rights approach is insufficient for addressing the root causes of trafficking, a fundamental one of which she claims is the vulnerability of workers due to structural labor market inequalities in bargaining positions (Kempadoo, 2005). She critiques the human rights approach for having too narrow a scope, in that it focuses primarily on victim rescue and does little to deal with the structural causes of worker vulnerability. In addition, in seeking to address only the most severe cases of human trafficking, this approach ‘normalizes’ (Kennedy, 2002) the exploitation that many migrant as well as non-migrant workers experience in the sectors in which they are more susceptible to trafficking (Kennedy, 2002). In addition, she claims that because this approach focuses primarily on the post-exploitation condition of the victims of trafficking, thus there are fewer resources targeted at improving working conditions for workers who are severely exploited and desire to transform rather than leave their working conditions (Shamir, 2012).

The labour approach on the other hand understands trafficked people to be workers exploited in the market context (Shamir 2012). Thus it concerns itself with the workers’ bargaining power relative to their employer, lack of labour rights, as well as labour conditions. This approach argues that workers’ vulnerability to trafficking and exploitation is informed by a culmination of some or all of the following elements:

belonging to an ethnic, racial, or national minority; undocumented status and the legal consequences of being undocumented in a particular system, including lack

of access to the legal system; limited market mobility because of visa restrictions or contractual or social constraints, such as binding arrangements or caste systems; debts to be repaid, including debts to the employer, a middleman, or a recruitment agency; employment in a labour sector characterized by de jure or de facto exclusion from protective employment and labour law; lack of alternative income sources because of welfare ineligibility or the absence of family or community resources; and isolation from one's social network (Wijers & Van Doorninck, 2002).

This approach confers that some of these elements are structural in nature and are dependent on the destination countries' institutions of labour, immigration, law etc. It argues that the dynamics of power inequity caused by these factors are essential to the human trafficking. Shamir claims that the labour approach would draw focus to the elements that affect exploited workers bargaining condition and seek to reconcile their vulnerability with social, economic and legal resolutions beyond the 'individual rescue' method of the human rights approach (Shamir, 2012). For the purpose of this research, much like the political economy (and feminist political economy) approach, this approach is incredibly useful for illustrating the interconnectedness of various elements such as the political economy, inhospitable labour conditions, structural and political inequities between and within origin and destination countries of trafficked people, and immigration policies in destination countries, particularly in regards to whether they regard victims of trafficking as criminals or people in need of protection. This research considers human trafficking through an integrated lens of the political economy approach, the feminist political economy approach,, and the rights based approach with attention to the

importance of the labour rights approach. In addition, it rejects the state security approach as discussed below.

The State Security approach

The central question in understanding human trafficking in the context of state security considers whether the state can be concerned with securing itself and its interests as well as the interests of the people that have been trafficked into its borders without perceiving and thus treating them as threats to its very security. Traditional security approach takes a classical realist stance in that it understands trafficking to be a threat to the state and border control, it thus focuses primarily on border security and migration control. With the survival of the sovereign state as the primary concern, the traditional security approach prioritizes state and border security over the security of trafficked people, it therefore sees the swift deportation of those considered to be undocumented or irregular immigrants, as well as the tightening of its borders as a solution to human trafficking. Essentially, it understands trafficking to be primarily a criminal issue.

This approach stems from the securitisation discourse which itself is based on the premise of imminent threat. In her discussion of the politicisation of human trafficking, Laya Behbahani (2014) argues that construction of the discourse regarding human trafficking is significantly aligned with state security in lieu of the security of the people being trafficked (human security). She considers this rhetoric to be problematic because as a result of the way that language is used, the fact of whether or not an issue is an actual threat ceases to be the focus of the dominant discourse. Instead, the ways it can be

socially constructed to constitute a threat take centre stage (Jackson, 2006). In doing so, decisions regarding politicized or non politicized issues can be taken out of the realm of public debate and democratic procedures as they become 'security' issues that need to be addressed with urgency (van Munster, 2012).

Nicole J. Jackson (2006) makes the claim that international organisations use specific language to lump together illicit activity into a single 'threat package' that needs to be combatted against. Thus advocating the use of the same kind of security strategies to address very distinct issues. (Jackson, 2006: 310) In addition, the construction of this militaristic rhetoric seeks to draw comparisons between 'terrorism post 9/11, crimes, and migration' encourages states to securitise trafficking by connecting it with terrorism (Jackson, 2006). These connections allowed for the justification of policies that are focused on the security of the state and not of the trafficked people, and can be seen in the rigid immigration policies that sees trafficked people as criminals and sees to their swift deportation as a response to the crime of human trafficking. Alternatively, a rights based approach would perceive the crime as a threat to the human and not the state, thus take a human security approach which may include providing providing some sort of legal residency status that allows the trafficked person to seek out help instead of evading authorities for fear of criminalisation and deportation (Matter, 2006).

Jackson (2006) argues that the repercussions of the securitising the rhetoric in regards to human trafficking are the negative impacts it has on the people who have been trafficked, the security of trafficked people is place secondary to that of the state. As mentioned in the section on the rights based approach to human trafficking, human

trafficking is a violation of human rights and “a crime against the security of an individual that poses a threat to human security” (Matter, 2006). A human security framework in lieu of a state security framework would focus on the rights of the trafficked person to safety, economic, political, legal and cultural security, thus exploring and potentially addressing the root causes of insecurity and vulnerability to human trafficking (Mattar, 2006). Mattar (2006) contends that the domestic laws in most destination countries to which people are trafficked take on the traditional state security approach with its rigid immigration laws, and punishes the trafficked person through deportation. Alternatively, he claims that the human security approach confers that victims of trafficking should not be punished for any unlawful activity carried out as a result of their being trafficked (Matter, 2006).

The Copenhagen School¹⁰ points out the need to deconstruct the securitisation discourse, and focus on proven instead of perceived threats (Jackson 2006) as a way of accurately assessing the urgency of human trafficking. Mattar (2006) advocates the repositioning of focus from addressing trafficking as a threat to border and state security to human security, by “applying the principle of non-criminalization to the acts of trafficked people” (Matter, 2006, as quoted in Behbahani, 2014) and protecting victims of trafficking by granting them legal status (temporary or otherwise), instead of resorting to deporting them back to the conditions from which they were trafficked.

¹⁰ The Copenhagen School of Security Studies stems from the work of theorist Barry Buzan, particularly his 1983 book “People, States, and Fear: The National Security Problem in International Relations”. It focuses on the social aspects of security, and the construction of the discourse regarding security (McSweeney, 1996).

Using the case of the European Union (EU) Wylie (2006) argues that state security policies contribute to widespread human insecurity when EU member states frame migration as a security threat to their states, as this increases the insecurity of people already vulnerable to being trafficked. She discusses the understanding of cross-border migration as a security threat which had seen a dramatic increase in the post 9/11 world, and has led to what she terms the 'semi-militarisation' of security (Wylie, 2006). Wylie argues that this 'securitisation of migration' has significantly increased migrants vulnerability to exploitation and trafficking, as there is the added fear of the state. She points out that in many European nations, trafficking is understood to be primarily an infraction of migration law with focus on the increase of border controls and prosecution of traffickers. An example of the state security response to irregular migration and trafficking is the use of Carrier's Liability legislation targeted at blocking the arrival of irregular migrants, regardless of their circumstances, into Europe (Wylie, 2006): A consequence of this intense focus on border control includes the lack of protection provided for victims of trafficking, as well as their criminalization. This is a factor that the human rights approach seeks to address. Wylie points out that across Europe lobby groups, civil society and NGOs are putting pressure on governments to increase focus on victim protection by offering welfare service such as safe housing, rehabilitation, and short-term residency, the concern remains that these services may be contingent upon the victims' readiness to participate in the criminal prosecution of their traffickers, rather than as a human right to which they are entitled (Wylie, 2006). Essentially, Wylie argues that the framing of human trafficking as a state security threat is fundamentally distorted, as it does not connect the securitisation of migration, the criminalisation of victims of

trafficking, and how it leads to the considerable increase in human insecurity and enhances the vulnerability of people to human trafficking (Wylie, 2006).

In his policy analysis on irregular migration, state security and human security, Khaled Koser (2005) discusses the distinction between migrant smuggling and human trafficking as a means to illustrate how migrant smuggling can transform into human trafficking. Therefore within this context, irregular migrants entering a country either through consented smuggling, being trafficked against their will, or consenting to being smuggled and then being exploited in the process (thus rendering their consent void) are seen as security threats under the state security approach. Khaled (2005) argues that policy on irregular migration is often fueled by the ideology that destination countries are at risk of becoming 'overwhelmed' by massive amounts of irregular migrant who are threats to the security, economy and culture of the destination country. This ideology is fed by the socially constructed securitisation discourse embedded in the state security approach, which does not seek to protect the rights and security of trafficked people or address the root causes of trafficking. For this reason, this research does not make use of this approach as a framework with which to understand and address human trafficking. However, it is a valuable tool to use in understanding the role that states may play in perpetuating the insecurity of trafficked people.

Conclusion

This research derives its primary working ideas from an integration of several of the frameworks discussed in the previous sections of this chapter. It roots itself in the understand that there exists a power dynamic in the construction of dominant discourse

regarding human trafficking, this discourse shapes the way reality is perceived and significantly informs the trafficking policies and resources available to aiding people who have been trafficked and exploited. Based on this premise, this research makes use of the discourse analysis framework outlined in the section on feminist political economy. In addition, it makes use of the rights based approach method of understanding human trafficking as an issue of human and not state security, and finally, stemming from the political economy approach, it understands that the phenomenon of human trafficking cannot be separated from the inequities within the global political economy and conditions of vulnerability (cultural, economic, and societal) that it perpetuates, the micro inequities that migrants seek to escape within origin countries, and the high demand for cheap and exploitable labour in destination countries.

The chapter to follow—Dimensions of Labour Migration and Human Trafficking—analyses the context in which human trafficking occurs i.e. the forms taken, patterns of geographic distribution, and discussion on the alleged victims and perpetrators. It aims to illustrate the interconnectedness of human trafficking and the global political economy by highlighting the shifts in the global division of labour as a result of an amalgamation between capitalism and globalisation. This is to demonstrate the ways in which some conditions of vulnerability that force people to migrate for labour and leave them susceptible to human trafficking and exploitation. It is, however, pertinent to mention that the discussion on the power regimes of knowledge construction applies here; a considerable amount of the data on the pattern of trafficking flows is collected from the United Nations Office of Drug Control, (UNODC) and thus is not exempt from the colonial library. Nevertheless, the aim of acknowledging that the data used in this

work is very much implicated in the colonial library is to attempt to interrupt the reproduction of racist, sexist, and gender biased human trafficking discourse.

Chapter Three

Labour Migration and Human Trafficking Dynamics

This chapter outlines the broad dynamics of labour migration and human trafficking so as to contextualize the debates and policy implications on victims of human trafficking. It will first provide a broad overview of labour migration dimensions to illustrate the connections between the conditions that drive people from the Global South to migrate for survival and employment, and the international political economy i.e. the changing structure of the global labourforce and the international division of labour as a result of neoliberal globalisation. It provides a discussion on the role of neoliberal economic policies and practices in intensifying conditions of vulnerability that lead to forced migrations in developing countries.

Secondly, the chapter explores some fundamental questions of human trafficking such as: Who are being trafficked? Who are the traffickers? What regions are they coming from and going to? Is there a racial dynamic? What sectors are people being trafficked to? In seeking to answer the above listed questions, this chapter will integrate some theoretical literature, grounded in an integration of various theoretical frameworks as discussed in the previous chapter, as well as the available quantitative data on the demographics of human trafficking.

Finally, it will provide the definition of trafficking as used in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as an addition to the UN Convention against Transnational Organized Crime adopted by the

UN General Assembly in November 2000, and argue the nature of recruitment to and exploitation of labour migration in the Gulf Cooperation Council qualifies as human trafficking .

Dimensions of labour migration

There are three major dimensions of labour migration within the structural and institutional framework of the world capitalist system. The dynamics of these dimensions are outlined and briefly discussed below.

The changing structure of the global labourforce / international division of labour

The global labour force has undergone dramatic shifts in recent years, one of the fundamental elements of neoliberal globalisation in regards to labour is the reduction of labour costs through the strategies of Multinational Corporations (MNCs) and government policies (implementation of trade liberalisation policies). As a result of economic liberalization, deregulation, and privatisation policies, the manufacturing sectors that many developing countries had built through ISIs were torn apart.

Additionally, the agricultural sectors were neglected by state brought about the process of depeasantization,¹¹ thus contributing to the inordinate growth of a “global reserve army of labour” (Delgado-Wise, 2013; Foster, 2011). This reserve army of labour is interconnected with the economic insecurity that typifies neoliberal globalisation; the International Labour Organisation (ILO) estimated the amount of workers in insecure

¹¹ Proletarianization

labour conditions increased to 1.53 billion in 2009 (Geneva OIT, 2011). Furthermore, the increase of Global unemployment to 205 million has escalated the need for internal and international labour migration (Delgado-Wise, 2013).

Another fundamental element of neoliberal globalisation is the high demand for cheap labour, the existence reserve army of labour ensures that labourers remain in insecure conditions, as they are easily replaceable by the readily available reserve of labourers desperate for work (Delgado-Wise, 2015).

The role of neoliberalism in intensifying vulnerabilities in developing countries

McChesney (2001) refers to neoliberalism as a body of national and international economic policies that involve the dominance of economic gain and business over “social affairs without countervailing forces”. It is based on the ideology that markets have the ability to address social problems more efficiently than alternative means, least of all state intervention, and it calls for the deregulation of the market (McChesney, 2001).

Neoliberal dogma asserts that poverty reduction and economic growth comes about when countries practice comparative advantage, i.e. when they specialise in the production of goods and services in which they are most relatively efficient. Their efficiency, however, can only be ascertained through open competition that involves the outsourcing of inefficient sectors by imports from more efficient sectors, thus allowing labour to move to the noncompetitive to competitive sectors. In order for this process to occur, there must be the implementation of liberalisation policies that stimulate competition and promote investment. Within this context, neoliberals argue that globalisation provides an excellent

opportunity for developing countries insofar as market friendly policies are implemented (Kiely, 2007: 424). The economic growth of the 'developed' world is largely attributed to their economic openness historically by classical economists and proponents of neoliberalism. Scholars like Chang (2007), however, counters these claims with historical analysis of the way that Great Britain, the United States, and other countries, for example, Japan whose economic growth have been falsely attributed to trade liberalisation and neoliberal economic policies. In discussing how rich countries became rich, Chang makes mention of the government interventionist and protectionist strategists that significantly contributed to Britain's rise to economic dominance during the industrial revolution (Chang, 2007: 24). He argues that the push for further implementation of neoliberal policies in the developing world based on the idea that these policies worked wonders for the presently developed world, is not necessarily accidental or misinformed, but an action 'selective historical amnesia' (Chang, 2007: 80).

It has been pushed as a development approach by International Financial Institutions (IFIs) such as the World Bank, based on the assumption that poverty in the developing world is falling due to policies that have stimulated economic growth. It argues that '(a) reduction in world barriers to trade could accelerate growth, provide stimulus to new forms of productivity-enhancing specialization, and lead to a more rapid pace of job creation and poverty around the world' (World Bank, 2002a: 1, xi; see also IMF, 1997: 72).

To illustrate a causal relationship between the expansion of neoliberal economic policies and poverty reduction and economic growth, the Bank claims that these policies

reduce poverty because economies that are more integrated are prone to widely diffused fast growth (Kiely, 2005: 898). However, Kiely (2005) argues that it is only an assumption that trade liberalisation leads to economic growth is actually unfounded (Kiely, 2005: 899). There has been a failure to highlight specific connections between trade, economic growth, and poverty reduction. Furthermore, it does not account for the nature of goods being traded, nor does it address the effects of trade liberalization on countries at varying stages of development and with different systems of production (UNCTAD, 2002a: 102, as cited in Kiely, 2005: 899). In addition, a United Nations Conference on Trade and Development (UNCTAD) study of forty-nine Least Developed Countries (LDCs) suggests that there has in fact been an increase in poverty among LDCs that have implemented the most trade liberalisation policies. (UNCTAD 2002: 115-119)

Proponents of neoliberal globalisation fail to address the existence of hierarchies in the international economy that have risen out of uneven development and is perpetuated by the growing concentration of capital which intensifies amassing in certain regions while crippling others. (Kiely, 2005: 424) In contrast, neoliberalism's critics assert that liberalisation impairs the ability of developing countries to cultivate active and vital comparative advantage through policies aimed at developing industries through state implemented protectionist measures, which are not in harmony with neoliberal conventions. This impairment is further perpetuated through IFIs such as the World Trade Organisation (WTO), which has regulations that are promote the expansion of free trade. (Kiely, 2005: 434). There exists a 'double standard protectionism' of the developed world, such as the preclusion of protectionist policies that promoted their economic development from the present "international neoliberal order". This allows states of the

Global North sustain their position in the world economy (Kiely, 1998: 111-156; Chang, 2002; Wade, 2003: 621-644).

Scholars such as Anthony Giddens (2000), who claim that the hierarchies of the global economy, or international political economy do not play a seminal role in the problems of the developing world; that the societies of the developing world themselves are responsible for the problem of underdevelopment due to their “authoritarian government, corruption, conflict, over-regulation and the low level of emancipation of women” (Giddens, 2000) toe the precarious line of reproducing Western-centric discourse of the developing world that is based in the Colonial Library¹². This echoes the sentiment of Valentine-Yves Mudibe’s Africanism and Edward Said’s Orientalism, which assert that similar to the global economic hierarchy, there exists a power based knowledge production regime that determines the dominant discourse regarding the global political economy (Wai, 2012). Wai’s discussion on the way that power biased dominant discourse constructs reality is evident in the widespread adoption of neoliberalism despite the historical inaccuracies upon which it is based (Chang, 2007).

There has been an increase in migration driven by conditions of extreme poverty, increasing levels of unemployment and underemployment (ILO, 2015). These conditions that migrants seek to escape have considerable links to the implementation of neoliberal economic policies; in addition, the demand for cheap (easily exploitable labour) is also

¹²The Colonial Library is a concept developed by Valentin-Yves Mudimbe, to describe the way that the idea of Africa was constructed and continues to be reproduced through Western-centric knowledge production regimes. Zubairu Wai defines it as all ‘bodies of text, regimes of knowledge, and systems of representation’ that together have built or ‘invented’ an understanding of Africa as different (Wai 2012,10). This has developed as a result of a world order in which the Global North is considered the norm against which the rest of the world must be measured.

linked to neoliberal globalization's system of 'capital internationalization',¹³ which, led by Multinational Corporations (MNCs), drastically decreased the cost of labour (Delgado Wise, 2012: 127). This system is established on global commodity chains that are based on outsourcing strategies, and the employment of international labour migration as a method of reducing labour costs in destination countries. According to Delgado Wise (2012) these processes have led to forms of unequal exchange between the Global South and the Global North, that are considerably more predatory than policies like Structural Adjustment Programs (SAPs) or the exchange of raw materials for finished manufactured products, thus deepening inequalities between the countries (Delgado Wise, 2012: 127).

Consequences of shifts in international division of labour, and vulnerabilities in destination countries

As a result of the changing dynamics of the global labour force or the restructuring of the international division of labour, there has been a shift in the demand and supply chains of labour. The majority of labour migration is from the Global South to the Global North, as there is a growing demand for cheap migrant labour in the Global North and the necessity for workers from the Global South to migrate for work as a result of the conditions of economic and social precarity in their home countries. For example, in 2012 the Metcalf foundation put out a report that illustrates that the terms of Canadian temporary migrant worker permit leave migrants workers in conditions that are highly vulnerable to exploitation. Canada's Temporary Foreign Worker Program (TFWP) for lower skilled

¹³This is based on the works of Delgado Wise regarding labour exportation as a new level in the international division of labour.

migrant workers leaves migrants workers in conditions of permanent insecurity as they are, by law, excluded from temporary residency. (Faraday, 2012) Faraday's (2012) research argues that the Canada's labour market has shifted to depend more and more on migrant workers, particularly in the low skilled and low wage sectors. The Canadian immigration system is structured in a way that keeps a majority of these low skilled migrant workers on time-limited work permits which, Faraday confers, "constructs their insecurity through each stage of the labour migration cycle"¹⁴ (Faraday, 2012: 3) as they are likely to stay in exploitative work conditions for fear of losing their already precarious status as temporary foreign workers. Workers in all four low skilled labour migration programs face the same restrictions of mandatory 'tied' work permits, which allows them to worker on for the employer, at the job specified on the permit, and for the period of time authorized on the permit. This leaves workers completely dependent on a specific employer to maintain their migrant status; the power dynamic between employer and employer in these cases are significantly uneven and diminish migrant workers' capacity to object to exploitative working conditions. In addition, the permits preclude migrant workers from seeking additional training or "enrolling in courses of education and training which contributes to worker deskilling" (Faraday, 2012: 5).

The above example illustrates the systemic ways in which migrant workers are forced into conditions of insecurity even when they embark on legitimate paths of migration (as opposed to irregular).

¹⁴ Labour migration cycle : "(i) recruitment; (ii) obtaining a work permit; (iii) information prior to and on arrival in Ontario; (iv) living and working in Ontario; (v) expiry/renewal of work permit and (vi) pathway to permanent residence/repatriation" (Farraday, 2012: 5).

Dimensions of human trafficking

According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, human trafficking is defined as:

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; The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.¹⁵

This definition provides a relevant distinction between human trafficking, smuggling, and irregular migration. While all three of those topics are very closely linked, and one condition can insidiously transform to the other, it is imperative that the differences between them are understood, as their definitions can have significant implications of the policies regarding the treatment of victims of human trafficking.

¹⁵ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the UN Convention against Transnational Organized Crime), adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the UN General Assembly, article 3, paragraph (a). The protocol entered into force on 25 December 2003.

Although one of the general underlying arguments of this thesis is that no human being is illegal, and all people in conditions of vulnerability and exploitation should be treated with dignity and aided in their removal from conditions of vulnerability and exploitation, this section will distinguish between people that have entered into consensual smuggling arrangements and are not being coerced and exploited throughout the process, people that have chosen to take an irregular or undocumented path to migration and have not entered into circumstances in which they are coerced and exploited, and people from either of the aforementioned conditions in addition to other conditions that have found themselves, either in transit or destination, in situations where any form of force, violence, or coercion has been introduced into the arrangement. While it is theoretically arguable that anyone that chooses the irregular or undocumented path to migration or chooses to be smuggled, is in one way or another being coerced by structural or proximate factors that makes the choice of being smuggled elsewhere seem practical and reasonable, this section looks specifically at people who have been trafficked as defined in the Protocol.

According to the United Nations Office on Drugs and Crime (UNODC) 2014 Global Report on Trafficking in Persons the trafficking of human beings is happening everywhere. It reports that there between 2010 and 2012 there were identified victims with an estimated 152 different citizenships in 124 countries worldwide. In addition, it found a 'criss-cross' pattern of at least 510 trafficking flows, which are the theoretical lines connecting origin and destination countries of detected victims, across the world. It is imperative to point out that these are only minimum estimates of the visible aspect of human trafficking, thus it is probable that the actual figures are significantly higher (UNODC, 2014). Identifying global 'major trafficking hubs' proves exceptionally

challenging because majority of trafficking flows are inter-regional. In terms of trans-regional trafficking victims are often moved from the Global South to the Global North, and it is within countries of the Global North that trafficking flows are most often detected (UNODC, 2014). There is a statistical correlation between the Gross Domestic Product (GDP) of the destination countries and the number of victims trafficked from the Global South, i.e. there are victims of various national origins, as well as other continents, in the more affluent countries; while the trafficking flows in the less affluent countries are primarily sub-regional or domestic (UNODC, 2014).

Who is being trafficked?

The UNODC Report shows that most victims of trafficking are non-natives of the country in which they are identified as victims. It estimates that over 60 per cent of all victims have been moved across a minimum of one national border, however, a significant amount of detected trafficking cases occur with sub-regions i.e. stay within neighbouring countries. Nonetheless, domestic trafficking makes up to one in three cases.(UNODC, 2014,: 29) Data collected between 2003 and 2012 indicates that an overwhelming majority of people being trafficked are women and girls; however the profile of trafficking victims indicates a small decrease in the cases of adult women and an increase in girls, men and boys. (UNODC, 2014: 29) It is estimated that 49 percent of people

being trafficked are women, 21 percent are girls, 18 percent are men, and 12 per cent are boys (UNODC, 2014: 29) Detecting a global estimate however has proven to be acutely challenging, according to the Report, it is a topic of contentious debate, due to the issue of methodology. The report states that there currently does not exist a ‘methodically sound’ estimate of the number of victims of human trafficking, however, it is taking steps to make such an estimate possible. In 2013 the UNODC hosted researchers and academics of ‘hidden populations’, to deliberate on the best research method for obtaining a reliable global estimate of victims of human trafficking (UNODC, 2014: 29).

The available data on trafficking victims based on region show that of the people being trafficked from Africa and the Middle East children make up 62 percent and adults make up 38 percent. Of those being trafficked from the Americas, 31 percent are children and 69 percent are adults; from South East Asia and the Pacific 36 percent are children and 64 percent are adults; and from Europe and Central Asia 18 percent are children and 82 percent adult (UNODC, 2014: 31).

Evidently, there are significant regional differences in trafficking patterns. For example, in Africa and the Middle East, children make up the majority of trafficking victims, while in Europe and Central Asia, adults account for approximately 83 percent of the total number of trafficked people in the region. The Americas, East Asia and the Pacific and South Asia have similar age patterns, where adult victims make approximately 67 per cent of trafficked people and children make up the remaining 33 percent (UNODC, 2014: 31)

Who are the traffickers

In regards to the citizenship of the traffickers, it is reported that most convicted offenders are citizens of the countries in which they are convicted, i.e. approximately 60 percent of traffickers are convicted in their home country (UNODC, 2014: 23). An estimated 22 percent of traffickers are foreigners from the same region, and 14 percent are foreigners from different regions (UNODC, 2013: 23). Countries of origin, i.e., countries from which trafficking victims are recruited in regards to cross-border trafficking, usually convict local traffickers, estimated to be around 95 percent of total convictions. In contrast, in destination countries, 42 percent of convicted offenders were nationals, while 58 percent were foreigners (UNODC, 2014: 25).

The data show that in regards to the gender profile of potential traffickers, based on their initial contact with the criminal justice system, during investigation, but before prosecution, 38 percent of suspected traffickers were women and 62 percent were men, based on statistics between 2010 and 2012 (UNODC, 2014: 27). In comparison to other types of crimes in which female participation is 10 percent to 15 percent, this shows considerably high female involvement (UNODC, 2014: 27). The UNODC Report showed that between the years 2007 to 2010 countries from the most underage girls were trafficked also showed that high rates of female offenders, the Report suggests that female traffickers play a highly significant role in trafficking underage girls (UNODC, 2012). It also implies that female traffickers are used in the more visible and thus more easily detected (UNODC, 2012: 30) aspects of trafficking, and in particular in the recruitment of victims for sexual exploitation, because women are more likely to trust other women (UNODC 2014: 27). Another assumption regarding the high involvement of women in the

trafficking phenomenon, is ‘offending linked to intimate or close family relationship’ (UNODC, 2014: 28). This refers to the types of offenses in which victims are recruited by close family members, such as parents or siblings; this may be a causal factor in the exceptionally high rates of female involvement in trafficking (UNODC, 2014: 28) In addition, there are some considerable regional differences gender of traffickers; in the between the years 2010 and 2012, 78 percent of convicted traffickers were in Western and Central Europe were men, and the remaining were women. In Eastern Europe and Central Asia, men comprised 45 percent of convicted traffickers, and women made up the remaining 55 percent. South Asia, East Asia and the Pacific, showed 71 per cent of convicted traffickers to be men, 61 per cent in the Americas, and 71 percent in Africa and the Middle East.(UNODC, 2014: 29)

What is the pattern of trafficking flows?

The UNODC regional analysis of trafficking flows between 2010 and 2012 shows that 34 percent of trafficked people were moved within domestic borders, 37 percent were trafficked across borders within the same region, 26 percent were trafficked across regions, and three percent were moved from nearby sub-regions (UNODC, 2014: 38).

The report claims that intra regional trafficking is the most commonly detected kind of trafficking with victims being moved from relatively poorer countries within a given geographical region to relatively richer countries within the same region. Similarly, domestic trafficking often comprises of victims from relatively poor areas of a certain country to more affluent areas of the same country. Meanwhile, transregional trafficking, which comprises approximately 27 percent of the overall of trafficking flows. Wealthy

areas of Western Europe, the Middle East and North America are the main destination countries in which victims are most often detected. Transregional trafficking requires a considerable amount more resources, skills, and capital than intraregional and domestic trafficking; for example, in trafficking victims across borders, traffickers may need to acquire valid visas and travel documents that allow access into the destination country, international and local transportation “in both the sending and receiving countries, lodging, supervision of the victim during the travel and a way to collect and control the victim upon arrival at destination, before the exploitation commences” (UNODC, 2014: 38). It is often crucial for traffickers to involve other offenders in the trafficking process.

In the Caribbean, North American and Central America 58 percent of trafficked victims are trafficked from within the region, while 42 percent are trafficked from outside the sub-region. In the case of Western and Central Europe, 61 percent of victims are trafficked within the region and 39 percent from outside the sub-region. In Central Asia and Eastern Europe, 99 percent of victims are trafficked within the region; while North Africa and the Middle East only 32 percent of victims are trafficked within the region. In South Asia, East Asia, and the Pacific, 96 and 97 percent of victims respectively are trafficked within the region. Similarly, in Sub-Saharan Africa and South America, 97 and 94 percent of victims respectively are trafficked within the country or sub-region. (UNODC, 2014: 39)

The Middle East has the highest percentage of inflow of trafficking from other regions,

Into what forms of exploitation are people trafficked?

The main forms of exploitation carried out in human trafficking is forced labour, sexual exploitation (sexual labour in form of prostitution, sexual slavery, etc., and organ

removal. While this research focuses exclusively on human trafficking for forced labour, this section provides an overview of all the forms of exploitation that human trafficking is involved in, as well as the labour sectors into which victims are trafficked. 'Forced labour' encompasses a variety of exploitative labour activities in which the victims are working against their will and without adequate compensation, it can involve domestic work, domestic servitude, construction, factory work such as textile production. Using the UNODC report based on 88 countries, and which cites the forms of exploitation of 30,592 trafficking victims between the year 2010 to 2012, 53 percent of victims in 2011 suffered sexual exploitation, and 40 percent suffered forced labour, 0.3 percent suffered trafficking for the purpose of organ removal, and seven percent were trafficked for reasons other than sexual exploitation, labour exploitation, and organ removal (UNODC, 2014: 33). There have been ten identified types of exploitation in trafficking separate from forced labour, sexual exploitation, and organ removal; they include trafficking for a combination of sex exploitation and forced labour, baby selling, illegal adoption,¹⁶ armed combat, begging, pornography, forced marriage, rituals, committing crime, and benefit fraud (UNODC, 2014: 34). Despite the fact of sexual exploitation comprising the major of sectors into which victims are trafficked, there has been an increase in the cases of trafficking for forced labour excluding sex work; between 2007 and 2011, there was an 8 per cent increase in the total number of people trafficked for forced labour (UNODC, 2014: 34) In terms of the regional profiles regarding the types of trafficking that occur,

¹⁶ The interpretative notes on article 3 of the Trafficking in Persons Protocol (see A/55/383/Add.1, paras. 63-68) indicate that illegal adoption is to be considered as a purpose of trafficking in persons where this amounts to a practice similar to slavery as defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (cited in the Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, p. 347).

Europe (particularly Eastern Europe) and Central Asia are the regions in which trafficking for sexual exploitation account for more than 65 percent of trafficked victims (UNODC, 2014: 34). However, in other regions such as South Asia, East Asia, and the Pacific trafficking for forced labour is estimated to account for approximately two thirds of the total number of trafficked victims (UNODC, 2014: 34). In addition, over 80 percent of detected trafficking cases in South Asia were for purposes of forced labour. In the Americas on the other hand, there is an almost equal distribution in the detected amounts of people trafficked for sexual labour and for forced labour; in the Caribbean, North America, and Central America over 50 percent of the detected victims were trafficked for forced labour, while in South America, it amounts to approximately 40 percent (UNODC, 2014: 34).

Regarding trafficking for other forms of exploitation excluding sexual exploitation and forced labour, the UNODC outlines the distinct regional differences; in Asia forced marriage is quite regularly reported for people who are trafficked for reasons other than forced labour, sexual exploitation and organ removal. In Central Asia and Europe, victims of trafficking for 'other forms of exploitation' are mainly forced into begging and committing petty crimes. Meanwhile, in Sub-Saharan Africa it is often in the form of child trafficking for armed combat i.e. in the recruitment of child soldiers (UNODC, 2014: 36).

Trafficking for the removal of organs was detected in 12 countries and was estimated to account for 0.2 percent of the total number of victims trafficked between 2010 and 2012 (UNODC, 2014: 36) in addition, most of the victims trafficked for organ removal were male. However, it is important to mention that the interrelationship between

the ‘profile of the victims’ and the types of exploitation they suffer is only limited. While there exist some correlation between the two, it is a highly nuanced; for example the global estimates show that the majority of women and girls trafficked are forced into conditions of sexual exploitation, and the majority of men and boys trafficked are put in forced labour conditions. Nevertheless, closer analysis shows that approximately a third of detected victims of trafficking for forced labour were female, showing that the numbers of women and girls trafficked into forced labour conditions are also quite significant (UNODC, 2014: 36). In regards to the regional distribution, in South Asia, East Asia, the Pacific, Africa, and the Middle East, women and girls composed a majority of the detected victims trafficked into conditions of forced labour (UNODC, 2014: 36). The UNODC suggests that the exploitation in domestic labour may be responsible for the high amounts of female victims in these regions.¹⁷

In Central Asia, the Americas and Europe, male victims make up the majority of people trafficked into forced labour. In turn, while the majority of victims for sexual exploitation are women and girls, it would be remiss to suggest that men and boys are not also trafficked for sexual exploitation. Men and boys made up approximately three per cent of the total number of detected victims of trafficking for sexual exploitation between 2010 and 2012, and eight percent for all types of exploitation (forced labour and sexual exploitation) in the sex industry (UNODC, 2014: 36). The number of detected male victims trafficked for sexual exploitation varies based on region, it ranges between two to

¹⁷ Labour Trafficking in South-eastern Europe: Developing prevention and assistance programmes, NEXUS Institute to Combat Human Trafficking, 2007; and United Nations Inter-Agency Project on Human Trafficking (UNIAP), Recruitment Agencies and the Employment of Cambodian Domestic Workers in Malaysia, July 2011.

five percent which it is comparatively low, the numbers are higher in Europe and lower in Africa and the Middle East (UNDOC, 2014: 36).

Labour migration and human trafficking in the Gulf Cooperation Council (GCC)

The GCC provides a unique and interesting case study for labour migration and human trafficking because of the massive influx of migrant workers entering the region. The GCC states comprise of some of the largest ‘pull’¹⁸ states for migrant labourers globally (Colton, 2010). The percentage of foreign workers in the GCC region grew from 50.6 percent in 1975 to 66.9 percent in 2008 (Winckler, 2010), and the presence of migrant labourers has been essential to the rapid growth and development of infrastructure of which the region boasts. The table below shows the native and foreign components of the GCC labourforce from 1975 to 2008.

		1975	1985	1990	1999	2008 ¹⁹	%Female in 2008
Saudi Arabia	Nationals	1,027	1,440	1,934	3,173	4,173	16
	Foreigners	773	2,662	2,878	4,003	4,282	14
	Total	1,800	4,102	4,812	7,176	8,455	15
	%Foreigners	42.9	64.9	59.8	55.8	50.6	
Kuwait	Nationals	92	126	118	221	351	46
	Foreigners	213	544	731	1,005	1,742	23
	Total	305	670	849	1,226	2,093	27

¹⁸ Pull factors are elements in destination countries such as increased labour demand, a higher standard of living, access to healthcare and education, etc., that lead people to choose to migrate (Bales 2000: 147).

¹⁹ 2009 data for Kuwait; 2010 data for Bahrain (employed only); 2006 data for UAE female rates (Winckler 2010 as cited in Baldwin Edwards 2011).

	%Foreigners	69.8	81.2	86.1	82.0	83.2	
Bahrain	Nationals	46	73	127	113	139	33
	Foreigners	30	101	132	194	458	17
	Total	76	174	259	307	597	20
	%Foreigners	39.5	58.0	51.0	63.2	76.7	
Oman	Nationals	137	167	189	313	276	n.d
	Foreigners	71	300	442	503	809	n.d
	Total	208	467	631	815	1,169	n.d
	%Foreigners	34.1	64.2	70.0	61.7	74.6	
Qatar	Nationals	13	18	21	36	72	36
	Foreigners	54	156	230	244	1,193	8
	Total	67	174	251	280	1,265	10
	%Foreigners	80.6	89.7	91.6	87.1	94.3	
UAE	Nationals	45	72	96	124	455	22
	Foreigners	252	612	805	1,165	2,588	13
	Total	297	684	901	1,289	3,043	14
	%Foreigners	84.8	89.5	89.3	90.4	85.0	
Total s	Nationals	1,360	1,896	2,485	3,979	5,466	
	Foreigners	1,393	4,375	5,218	7,114	11,072	
	Total	2,754	6,271	7,703	11,093	16,538	
	%Foreigners	50.6	69.8	67.7	64.1	66.9	

Table 1. Native and foreign components of GCC labour forces, 1975–2008 (000s)

(Winckler 2010)

Based on the sheer number of migrant workers entering into the region, the increasing cases of migrant labour abuse, and the argument that a significant portion of migrant labour in the GCC meets the conditions of human trafficking as outlined in the Palermo protocol. This research uses the GCC as a case study to illustrate the argument that the labour migration pattern, conditions of vulnerability/insecurity that migrant workers seek to escape in the home countries, human trafficking to the GCC, and the conditions of exploitation and abuse that many migrants find themselves in the GCC are interconnected with the globalized capitalist system. A characteristic of this globalized

capitalist system is the shifting international division of labour or the shifts in demand and supply chains of labour; the supply and demand are being created by (i) economically inhospitable conditions for the poorest in origin countries (considerably result of the implementation of neoliberal economic policies), and (ii) the need for cheap and temporary labour in the GCC as it develops its infrastructure and advances itself in the global market.

Conclusion

With a profound acknowledgement of the complexity of the issue, as well as the implication of biased discourse, this chapter has illustrated the interconnected between certain characteristics of neoliberal globalisation, conditions of vulnerability in origin countries, the growing demand for cheap labour in destination countries and the phenomenon of human trafficking. It has laid out the argument that each of the prior listed elements are inseparable from the big picture of human trafficking, and any anti-trafficking policies that ignore them will ultimately prove ineffective. This chapter provided data highlighting the wide scope of human trafficking, and provided a brief introduction to the case study, which will be further explored in the following chapter.

Chapter Four

Human Trafficking and the Gulf Cooperation Council

Introduction

Working within the context of human trafficking is a development issue, this case study argues that human trafficking stems in part from the intersection of vulnerabilities created and perpetuated by neoliberal economic policies in origin countries of the Global South in addition to the domestic migrant labour legislation in the GCC, which make it conducive to human trafficking and labour exploitation. First, this case study introduces human trafficking as a development issue by echoing the argument advanced by scholars such as Ha-Joon Chang (2002), Chandra Mohanty (2003), Paul Cammack (2003) that neoliberal economic expansion has led to and continues to perpetuate conditions of vulnerability to exploitation in developing countries. One of these exploitations takes the form of human trafficking for forced or unfree labour. Historically, these policies were implemented under the ideology that economic liberalisation was the key to addressing and poverty and underdevelopment; however, the scholars upon whose arguments this research is based, claim that, the result of the neoliberal development agenda was and increase economic inequality and entrenched poverty. These economic vulnerabilities are further entrenched by the systemic injustice of sexism, which is evident in the increased vulnerability of women, particularly in the developing world. (True, 2012).

Second, this case study analyses the Gulf Cooperation Council (GCC), which is a massive destination country for migrant workers and trafficked people (UNESDA 2013a).

Human trafficking to the GCC is a unique and interesting case because of the *Kafala System* in addition to the GCC's domestic legislation on migrant labour. The *Kafala System* is a migrant labour sponsorship system that gives employers complete power over migrant workers. This thesis takes the position that workers seeking to migrate to the GCC for work (as well as those already working in the GCC labour sector), are highly susceptible to labour exploitation and human trafficking as a result of the *Kafala System* which inherently skews the power dynamic between employer and employee in a way that leaves at the employee absolutely at the mercy of the employer (Bajracharya & Sijpati, 2012). Migrant worker recruitment and working conditions in the GCC meet the three main indicators of human trafficking as defined in the Palermo Protocol (Behbahani, 2014), and will be further discussed in the following section.

It is important to note, that this case study does not claim that neo-liberal economic policies are the sole culprits of vulnerability to human trafficking in developing countries, instead it argues and illustrates in the following sections that there exist strong correlations between conditions of vulnerability brought about by neoliberal economic expansion, forced migration, and human trafficking.

Brief overview of the GCC

The Cooperation Council for the Arab States of the Gulf which is known more commonly as the Gulf Cooperation Council (GCC) comprises of six states, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, and migrants make up approximately two thirds, roughly twenty-two million of its labourforce.(Behbahani 2015) Behbahani (2015) argues that the slave like labour conditions and treatment of migrant workers in

the GCC is a consequence of its state development strategies, specifically the state sponsored *Kafala System*. There are an estimated 47 million people living in the GCC states. (The Cooperation Council for the Arab States of the Gulf, 2014) The Kingdom of Saudi Arabia is the largest of the six states, and has a population of approximately 27 million people, which includes 8.4 million non native residents (Royal Embassy of Saudi Arabia Washington DC, 2014). The Sultanate of Oman (Oman) has a population of 2.9 million (British Broadcasting Corporation, 2013) is the oldest state in the Arab World

The Kafala System

The *Kafala System* is a migrant labour sponsorship program that requires migrant workers to have a sponsor who is a citizen of the country to which they are migrating. It is a system originating from the Bedouin²⁰ ethic of hospitality, which sets particular duties in the treatment and protection (Bajracharya & Sijapati, 2012) for accommodating and hosting non-native guests (Bajracharya & Sijapati, 2012). It was instituted in the early 1930s as a procedure for hosting foreigners in GCC societies as a way for hosts to give assurance of foreign guests' visit and assume responsibility for their behaviour and wellbeing. However, in more recent times, the *Kafala System* as devolved to a system through which the governments of GCC nations control migrant labour flows into the region (Khan & Harroff-Tavel, 2011) by giving authority and responsibility for migrant workers to private citizens and businesses (Bajracharya & Sijapati 2012). This gives sponsors, i.e citizens and business in the GCC absolute control over the migrant workers

²⁰ Bedouin is a name used to describe the Arab nomadic ethnic group noted for being welcoming and generous to their guests. Elizabeth Losleben (2003). *The Bedouin of the Middle East*. Lerner Publications. pp. 4–5. ISBN 978-0-8225-0663-8. Retrieved 1 November 2012.

visa status as well as their mobility, as their legal immigration status is completely dependent on the sponsor. Taking this into account, migrant workers are often in very precarious conditions because they are not covered under the GCC's labour rights laws and are stuck within the confines of the *Kafala System* (Bajracharya & Sijapati, 2012).

The GCC and the Palermo Protocol

Many scholars argue that conditions under which migrant workers enter into the GCC's labourforce, as well as the conditions in which they work constitutes human trafficking because they meet the three primary indicators of human trafficking as defined by the Palermo protocol.²¹ These indicators are that they (migrant workers) are (1) recruited by (2) means of fraud and deception and abuse of power by someone in control for the (3) purposes of exploitation. Behbahani argues that the denial of labour rights to migrant workers allows for exploitation and leaves them in conditions similar to slavery.

According to international law, there is rarely a distinction between those conditions and human trafficking, thus they can be understood as "state sanctioned manifestations" (Behbahani, 2015). These 'manifestation' are exclusive to the GCC, but mirror the phenomenon of 'unfree' labour brought on by neoliberal capitalist expansion in other regions (Behbahani, 2015). Within this context, the exploitation of migrant labourers in the GCC is systemic (Behbahani, 2015) in that it is necessarily not a problem of the

²¹ The Palermo protocols are three protocols ratified by the United Nations as an addition to its 2000 Convention Against Transnational Organized Crime. The protocols are as follows:

- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
- the Protocol against the Smuggling of Migrants by Land, Sea and Air.
- the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition

They are under the administration of the United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/treaties/CTOC/index.html> (accessed July 21 2015)

occasional abusive employer, but is allowed through policies implemented by the state. Some problematic policies that exacerbate migrants workers vulnerability to being trafficked and exploited include, the absence of a required minimum wage (Behbahani, 2015) the necessity for migrants workers to surrender their passports to their employer for the duration of their stay, the inability of migrant workers to bargain collectively or associate with labour unions due to the criminalisation of such activities, the high probability of debt bondage arising from the absence of maximum fee that sponsors/employers can charge for process of migration, the lack of migrant workers' rights to change employers, and the denial of vacation time rights (Behbahani, 2015). Despite its ratification of international laws regarding human trafficking and labour exploitation such as the Palermo protocols, the GCC states' limitation of migrant workers labour rights and protection creates and perpetuates forced labour conditions and exploitation in the region.

All the member states of the GCC have ratified and are thus parties the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. None of the GCC states however, have ratified or are signatory to the International Labour Organisation's Convention Concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO's 1975 Convention No. 143, International Labour Organisation, 2014). Neither are they party to the 1990 International Convention On the Protection of All Migrant Workers and Member of their Families, all the conventions stated are concerned with the protection of migrant workers rights, and as a region which depend quite heavily on foreign labour, the GCC states should be considered if the protection of migrant workers rights is a genuine

concern (Behbahani, 2014: 72) Despite having agreed to (some aspects) of the Palermo protocol, they have not all made themselves legally binding to the treaty without some reservations to certain aspects of the protocol. Which allows for significant gaps in its translation to domestic legislation that leaves “migrant workers particularly vulnerable to becoming victims” of human trafficking (Behbahani, 2014: 72). For example, the Kingdom of Bahrain agreed to the treaty on the 7th of June 2007, as well as the State of Qatar who agreed to the treaty in on the 29th of May 2009 (Behbahani 2014: 71), both refused to be bound by “paragraph 2 of article 14 of the Protocol” (UN Treaty Collection, 2014) which informs us as follows:

Any dispute between two or more State Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of the those State Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those State Parties are unable to agree on the organization of the arbitration, any of those State Parties may refer the dispute to the International Court of Justice by request in accordance with the Statue of the Court” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000).

In addition, Qatar refused to adhere to Paragraph 3(d) of Article 6 (UN Treaty Collection, 2014 as cited in Behbahani 2014) which states that:

[e]ach State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non- governmental organizations, other relevant organizations and other members of civil society, and in particular, the provision of:

(d) Employment, educational and training opportunities (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000).

In this connection, see also the articles concerning the legal status of victims of human trafficking such as Paragraph 1 of Article 7, which states that:

[i]n addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000).

The United Arab Emirates (UAE) consented to the Protocol on the 21st of January 2009 but held reservations against Article 15(2), as did the Kingdom of Saudi Arabia who agreed to the Protocol on the 20th of July 2007, but in addition, rejected Article 6(3) and Article 7. (UN Treaty Collection, 2014, cited in Behbahani, 2014) Kuwait and Oman however, ratified the Protocol without any reservations (Behbahani, 2014: 71).

All member states of the GCC have created national legislature which criminalises the act of human trafficking as a response to Article 5 in paragraph 1 of the Protocol which states that “[e]ach State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally” (UNODC, 2009, cited in Behbahani, 2014).

In article 1 of Law No. 1 of 2008 with Respect to Trafficking in Persons, Bahrain defined human trafficking as “...the recruitment, transportation, transfer, harbouring, or receiving persons by means of threat or the use of force or other forms of coercion, abduction, fraud, deceit, abuse of power or of position or any other direct or indirect unlawful means.” The article adds: “[e]xploitation shall include the exploitation of such persons or the prostitution of others or any other forms of exploitation, sexual assault, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

As for the UAE article 1 of Federal Law No. (51) of 2006 on Combatting Human Trafficking Crimes defines human trafficking in the following terms:

Recruiting, transporting, transferring, harbouring, or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, 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 includes all forms of sexual exploitation, engaging others in

prostitution, servitude, forced labour, enslavement, quasi-slavery practices, or detachment of organs.

Article 2 of Qatar's Law No. (15) of Year 2011 on Combating Trafficking in Human Beings similarly defines human trafficking in the following terms:

Whoever recruits, transports, submits, harbors, receives a natural person in any form, whether inside a state territory or across its national borders, through the use of force, violence or threat to use any of them or through abduction, fraud, misrepresentations or through the abuse of power or by exploiting a position of vulnerability or need or by promising to provide or receive of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation in whatever form, is coming the crime of trafficking in human beings. Exploitation shall include the exploitation of the prostitution of others or any forms of sexual exploitation and sex trafficking of children, pornography or begging, forced labor or services, slavery or practices similar to slavery servitude or removal of human organs, tissues or parts of it, commits a crime of trafficking in human beings.”

Article 2(a) of *Royal Decree No. 126/2008 Anti-Trafficking Law* in the Sultanate of Oman defines human trafficking as follows:

Any person shall be deemed committing a human trafficking crime if they intentionally or for the purposes of exploitation:

[The u]se, transfer, shelter, or receive a person by coercion, under threat, trick, exploitation of position of power, exploitation of weakness, by use of authority over that person, or by any other illegal means directly or indirectly.

Article 1(1) of Saudi Arabia's *Anti-Trafficking in Persons Law Royal Decree No. (M/40)* defines human trafficking as the "Use, recruitment, transportation, harbouring or receipt of a person for the purposes of exploitation". In addition, article 2 states that:

[i]t is prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another persons for the purpose of sexual assault, forced labour or services, mendicancy, slavery or slavery-like practices, servitude or the removal of organs or for conducting medical experiments thereon.

Finally, article 6 of Kuwait's Law No. 91 of 2013 Trafficking in Persons and Smuggling of Migrants, defines human trafficking is 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 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.

Kuwait also considers the issue of forced and exploitative labour conditions in article 1 of Ministerial Legislation Number (201) for the year of 2011 on the Ban of Forced Labour:

With consideration to the provisions of Law of Labor in the Private Sector No. 6 of 2010, on labour in the domestic sector:

a. It is prohibited for employers who work in the domestic sector to use any means that result in forcing labourers to work for them against their will and to undertake labour that is outside their responsibilities as employees.

b. Without breaching the provision of the previous article, it is prohibited for employers to make use of employees/labourers without providing them wages.

c. and with that, and within the limits of Ministerial Legislation Number (188/2010), it is permissible for employers to commission their employees/labourers to work additional hours.

In spite of their ratification of the Protocol and their consideration of human trafficking and labour exploitation in domestic legislation, there remain two significant areas in domestic legislation that contribute to the conditions that leave migrant workers vulnerable to being trafficked. They are i) the *Kafala System* of worker sponsorship, and ii) “the lack of protection for certain categories of migrant workers such as domestic workers and agricultural workers under national labour laws” (Behbahani ,2014: 80)

The *Kafala System* and conditions of vulnerability

As discussed in Chapter One, and to a lesser degree in Chapter Two, the *Kafala System* has historically been a cultural practice of hospitality, which has been co-opted traffickers and recruitment agencies as a means to recruit cheap and exploitable labour. The *Kafala System* of labour migrant sponsorship has advanced quite significantly despite the high levels of criticism it frequently receives. This is in part as a result of the reluctance of nationals to carry out to types of work that migrant labourers usually do, as well as the massive growth rate of the private sectors that requires more labour than the national populations can often meet. Each GCC state has different ratios of migrant to domestic

workers, the UAE private sector labour force for example, consists of 90 per cent non-national work force (Dechert LLP, 2013, cited in Behbahani, 2014: 81). In Kuwait, the estimated number of non-national/migrant workers is 3.8 million, and eight million in Saudi Arabia (Behbahani, 2014: 81).

Certain stipulations of the labour laws of GCC states set the terms of the relationship between employer and employee, particularly in regard to the *Kafala System* which leaves migrant workers in the private sector legally bound to their employers, and considering the significant discrepancy in the power between employer and employee, leaves migrant workers particularly vulnerable to being exploited.

Contract language:

The work contracts that migrant workers are required to sign prior to starting work must in Arabic in order to be legally binding according to Article 19 of the Bahrain Labour Law, Article 16 and 77 of the Saudi Arabian Law, Article 21 of the Oman Labour Law, Article 2 of the UAE Labour Law, and Article 29 of the Kuwait Labour law (Behbahani 2014, 81). This practice is problematic because considering that most migrant workers in the region are recruited from countries such as Bangladesh, Ethiopia, Eritrea, Ghana, India, Indonesia, Nepal, and Pakistan (United States Trafficking In Persons Report 2013, as cited in Behbahani, 2014: 81) it is highly probable that the migrant workers are not entirely cognizant of what they consent to due to the language barrier. In situations where the employer provides a translation of the contract for the migrant workers, although they are not required to by law, the non-Arabic contract is not legally binding. For example, a

2011 study of Bahrain Labour Market Regulatory Authority (LMRA), carried out by the US Trafficking in Persons Report, discovered that 89 percent of migrant workers were not aware of the terms of their employment at the time of their entry into the country, and 65 percent of them had not actually seen an employment contract. (US Trafficking in Persons Report, 2011: 85)

Wages:

With regards to wages to be received by migrant workers, Article 115 of the Saudi Arabia Labour Law, Article 38 of the Bahrain Labour Law, Article 50 of the Oman Labour Law, and Article 63 of the UAE Labour law is vague and leaves it up to the employer to determine “based on the general wage level of a given sector”. (Behbahani 2014, 82)

Recruitment fees:

In terms of ‘recruitment fees’, there are maximum percentages that sponsors can charge migrant workers for the repayment of recruitment loans as referenced in Article 44 and 45 of Bahrain’s Labour law. The clauses, however, are “vague and open to interpretation”, (Behbahani 2014, 82) which allows recruitment firms take advantage of the vagueness of the laws and charge migrant workers inordinate recruitment fees with interest rates that may take workers a long time to pay off. This often creates conditions of debt bondage (US Trafficking in Persons Report, 2013, cited in Behbahani 2014, 82)

Transfer of employment:

According to Article 18 of the Oman Labour Law, Article 71 of Bahrain Labour Law, Article 42 of the Qatar Labour Law, as well as 11 and 15 of Qatar Law No.4, migrant workers are prohibited from transferring employment when they arrive into any of the GCC states while they are under the sponsorship (which they are required to have before entering the region as migrant workers) of a specific employer. Thus, migrant workers are bound to their employer and are susceptible to fines and arrest should they attempt to escape exploitative conditions (Behbahani, 2014: 82)

Passport withholding:

In the *Kafala System* some GCC states such as Qatar in its Article 6 of Law No.4 state that employers are required to withhold the passport of their employees. This practice is against the law in other states such as the UAE for example, but is still prevalently practiced (US Trafficking in Persons Report 2013). In countries where it is supported by the law however, migrant workers' rights to movement and mobility are severely infringed upon.

Similarly Kuwait's Labour Law punishes migrant workers for fleeing abusive workplaces.(US Trafficking in Persons Report, 2013: 225) Behbahani (2014) argues that these laws have established a "culture of immobility" for migrant workers that allows them to be retrained in their place of work indefinitely (U.S. Trafficking in Persons Report, 2013, as cited in Behbahani, 2014, 83). According to Qatar's Article 51 Law No. migrant workers

who refuse to turn over their passports and travel documents to their employers, face a penalty fee of 10,000 Qatari Rials (Behbahani, 2014: 83).

Restriction of the right to collective bargaining:

Migrant workers in the GCC are generally denied permission to associate freely and bargain collectively, as these rights are limited to nationals of the GCC. For example, Article 116 of the Qatar Labour Law and Article 99 of the Kuwait Labour Law acutely inhibits migrant workers' ability to question any ill treatment or demand their labour rights without fear of consequences such as abuse or deportation (Behbahani, 2014: 83). Penalties for violating the labour laws in the GCC for first time offenders include a "maximum term of three years imprisonment and a maximum penalty of 50,000 Qatar Rials" for migrant workers who transfer employment. Multiple offenders face a "maximum term of imprisonment of three years and a maximum fine of 100,000 Qatari Rials, the equivalent of approximately USD \$27,461" (Behbahani, 2014: 83). According to the 2013 US Trafficking in Person Report, one of the unfortunate consequences of such harsh penalties is the added vulnerability to exploitation that migrants who flee abusive employers and try to evade state authorities face on account of their undocumented status in the GCC.

Lack of protective labour laws for domestic and agricultural workers

The labour rights of domestic and agricultural migrant workers are not protected under any labour laws in the domestic legislation of the GCC. In fact, they are expressly exempt

from the protections and privileges of domestic labour laws by Article 3 of the Qatar Labour Law, Article 5 of the Kuwait Labour Law, Article 2, paragraph (b)(1) of the Bahrain Labour Law, Saudi Arabia's Article 3, paragraph (b)(1)(2) and paragraph (c), Article (2), section (3) of Oman's labour Laws, and Article 3, paragraph (c) and (d) of the UAE Labour Laws (Behbahani, 2014: 83).

The implication of these laws on the recruitment of migrant workers into those two sectors (domestic and agricultural work) is incredibly significant as they are neither required to acquire work permits nor be registered with the Ministries of Labour. Leaving these migrant workers in unregulatable employer/employee "contractual relationships", which have been frequently reported to be incredibly exploitative. According to the US Trafficking in Persons Report (2013: 318), some domestic workers report work conditions that are drastically different from those advertised by recruiters or outlined in their contracts, while others report never having seen or signed any contracts (cited in Behbahani, 2014: 84).

Theoretical underpinnings

The GCC as an example of the way that neoliberalism dialectically engages with existing structures of production in each country. In the case of the GCC it takes the form of the *Kafala System*, A traditional practice of hospitality that has been co opted by capitalism to perpetuate itself through the recruitment and exploitation of 'unfree' migrant labour for the building of infrastructure in the GCC, as it integrates itself into the international political economy/ global market. As Wolf (1982) conferred in his discussion of modes of

production, capitalism did not eradicate all pre existing modes of production, but integrated and even intensified them to reproduce itself.

Conclusion

There has been considerable effort made to record and classify the types of human trafficking occurring in the GCC; the United Nations (UN) as well as nongovernmental organisations (NGOs) have produced reports on the issue, the reports of the National Committee to Combat Human Trafficking in the United Arab Emirate (UAE) is one of such studies (Harrof-Tavel & Nasri, 2013: 27) Similarly, The International Labour Organisation (2012) has released some of its findings on human trafficking in the Middle East, and reports that there are an estimated 600,000 victims of forced labour trafficking in the region. In addition, based upon regionally based research, the UN Rapporteur on Trafficking in Persons found that women and girls in domestic labour, and sex work; and men and boys in construction or agriculture were the most vulnerable (Huda 2007). In light of all the information regarding human trafficking in the region, this case study has illustrated that labour migration policies in the GCC have created conditions that are conducive to human trafficking and labour exploitation. While the push factors, this research argues, are deeply connected with the implementation of neoliberal economic policies and the restructuring of the restructuring of the global division of labour. In which more and more, people are compelled to migrate in order to sell their labour and obtain sustainable livelihoods as employment opportunities disappear in their home countries. The pull factor of the GCC is the high demand for migrant workers in the private sector to fill positions that GCC nationals are unwilling to take. However, with an

acute recognition of the complexity of the issue of labour migration and human trafficking, within the confines of this research the following elements create and perpetuate conditions conducive to human trafficking and exploitation of migrant workers:

Inhospitable economic climates origin countries/ Lack of employment opportunities in origin countries

Human trafficking is a negative consequence of migration and is interconnected with the processes of globalization and trade liberalisation (True, 2012). The implementation of neoliberal economic policies have had devastating impacts on developing countries, and has deepened existing inequalities (Chang, 2008; Kiely, 2007; Harvey, 2005), which are contributing factors to the phenomena of forced migration. Mexico for example, despite its comparably “developed physical infrastructure” (Chang, 2008: 52), suffered massive loss of industry (which had been painstakingly developed during its Import Substitution Industrialisation (ISI) period) as a result of broad sweeping trade liberalization in the 1980s and 1990s (Chang, 2008: 52). In addition, there was large scale loss of employment, slowed economic growth, and as a result of the North American Free Trade Agreement (NAFTA) the Mexican agricultural sector was flooded with subsidized products, like corn from the US (Chang, 2008: 52). Mexico’s *per capita* income before NAFTA, i.e. during its ISI period showed an average growth of 3.1 percent annually, compared to 0.3 percent between 2001 and 2005 (Chang 2008, 52); showing that despite its claims for poverty reduction, trade liberalization has been detrimental to the Mexican

economy. Similarly, the 1980s are known as the ‘lost decade’ (‘lost to development’) both in Africa and Latin America because of the extensive economic decline it suffered as a result of neoliberal economic policies such as Structural Adjustment Programs (SAPs). In developing countries with social security safety nets that range from precarious to nonexistent, large-scale loss of employment creates economic inequity, and increased poverty, all of which significantly increase the vulnerability of people in those countries to human trafficking. More and more people seek employment elsewhere, and the desire to migrate for work reaches desperate levels.

Governance, or regulatory control of labour migration

The International Labour Organisation (ILO) and its constituents consider the governance of labour migration through protecting the rights of migrant workers employed outside of their home countries, to be of utmost importance to their operations. In its 2014 Decent Work background papers it (ILO) conceded that while the ideal scenario for cross-border labour migration is a ‘triple win’ situation for the destination countries in that they gain economic growth through the acquisition of additional skills and labour; for the country of origin through the increases of remittances, skills acquisition and the reduction of unemployment; and for the migrant worker because of paid decent work that provides the opportunity for higher income. The ‘triple win’ scenario has yet to be realized by all three parties involved, least of all by the migrant worker. Within this context, the ILO argues that it remains crucial to establish migration systems that are fair, and equitably benefit

the migrant workers, origin and destination countries, nationals, and employers (ILO, 2014: 5).

In October 2013 The Declaration of the UN General Assembly High-level Dialogue on International Migration and Development (HLD) recognized how pertinent migration and human mobility is to attaining the Millennium Development Goals. Thus the promotion of “sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” was proposed as one of the Sustainable Development Goals. One of the targets of particular interest to this research is the goal to “protect the labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment” (United Nations, n.d.). In addition, the HLD highlighted the urgency of the protection of the human rights of migrants in all labour sectors, as well as the promotion of international labour standards for migrant workers in their places of work

To illustrate the challenges facing fair migration policies the ILO gathered the following data: Worldwide international migrants escalated from 154 million to 175 million in 2000, which grew to 232 million in 2013.(UNESDA, 2013a) Asia and the GCC host 71 million of those migrants.(UNESDA, 2013a). The GCC has more than 22 million migrant workers, and is the primary destination of migrant from South and South-East Asia. The UAE and Saudi Arabia host nine million and eight million migrants respectively, between 2010 and 2013 there was an 11 percent increase in migrants to the GCC. (ILO, 2014:6)

	Bahrain	Kuwait	Oman	Qata	Saudi Arabia	UAE	Total
Bangladesh	100 444	279 169	148 314	220 403	1 309 004 1	089 917	3 147 251
India	262 855	730 558	644 704	576 776	1 761 857	2 852 207	6 828 957
Indonesia	29 553	82 139	35 027	64 849	379 632	320 684	911 884
Nepal	722	2 006	-	1 583	17 918	7828	30 057
Pakistan	87 8921	2 44281	117 208	92 860 1	319 607	953 708	2 915 556
Phillippines	43 971	1 22214	21 669	96 487	1 028 802	477 139	1 790 282
Sri Lanka	9 804	27 251	14 091	21 516	147 032	1 06 394	326 088
Other	194 116	540 435	131 019	426 481	3 096 581	2 019 104	6 407 736
Total	729 357	2 028 053	111203 2	1 600 955	9 060 433	7 826 981	22 357 811

Table 1: Migrants in GCC destination countries from selected Asian countries of origin, 2013.²²

With these numbers, efforts to monitor and regulate migration flows across regions have increased drastically over the past two decades, with a heavy reliance on

²² Source: UNDESA, 2013b. Note 1: These are drawn from UNDESA estimates of 2013 that mainly use the population census as the source. The data differ significantly in some cases from administrative records (e.g. Nepal). Note 2: Total migrant stock at mid-year by origin and by major area, region, country or area of destination.

national legislation as well as Memoranda Of Understanding (MOU), which are the extent to which bilateral and international initiatives are limited.

In terms of International cooperation on the governance of labour migration the Colombo Process and the Abu Dhabi Dialogue focus on facilitating dialogue between Asian origin countries, and advancing coordination between origin and destination countries respectively. (ILO, 2014: 10) The Abu Dhabi Dialogue that was established in 2008 as a collaborative approach to undertaking labour migration governance between Asian countries of origin and destination countries. It focuses a number of labour migration issues, in particular inhibiting exploitative recruitment practices, and protecting migrant workers in destination countries. (IOM).

To address the issue of trafficking and labour exploitation in the worker migration process, the ILO (2014) stated that the following must be achieved:

1. Coherence in regulation and enforcement between origin and destination countries
2. Development of equitable recruitment system in which migrant workers and employers are efficiently matched in order cost of migration to worker and employer, thus reducing risk of labour exploitation.
3. Equitable recruitment through increased participation of businesses and employers
4. Increasing recruitment options
5. Gender based accommodation of migrants needs during recruitment process
6. Addressing “capacity-building needs of tripartite constituents and other stakeholders in working towards fair migration”.

The ILO argues that any change regarding migrant labour rights protection depends on the political will of origin and destination countries, as well as the support of all the stakeholders involved. (ILO, 2014) In order to reduce the opportunity for exploitation and trafficking, it recommends that the ILO legislation -such as Convention No. 181 regarding private employment agencies, and Conventions No.97 which focuses on freedom of association and protection of the rights to organise, 143 regarding migrant workers in abusive conditions, and 189 which focuses on decent work for domestic workers- be advanced and enforced in both origin and destination countries.

Despite the existence of these migrant labour governing legislation, there is no effective enforcement systems that would, for example, trump the domestic legislation of GCC states that prohibit the migrant workers from unionising, thus infringing on their rights to associate freely.

Migrant labour policies in the GCC

The crux of this case study lies in the argument that the labour migration policies of the GCC create conditions that are highly conducive to human trafficking. To support this argument, the weaknesses of domestic legislation regarding migrant workers of each GCC state had been highlighted. Although each GCC member state ratified the Palermo Protocol, four out of six of them did so with reservations to certain articles with considerable implications for the security of migrant workers. Particularly in regards to language of contract, wages, recruitment fees, transfer of employment and withholding of passports.

According to the Protocol, the following criteria constitute human trafficking:

“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...*²³

The criteria for recruitment by means of deceit is applicable in this case study, for example in the case of domestic workers recruited from Nepal to the GCC, recruitment agencies in origin countries have been reported to substitute contracts drawn in countries of destination with terms and conditions that differ from the ones under which migrant workers will actually have to face upon arrival to the GCC. In their report on Nepali Domestic Workers in the GCC, Bajracharya and Sijapati (2012: 4) report that contract malpractices also take place in destination countries. Rita Afsar (2209) in her working papers assessing the “vicious cycle of recruitment” of migrant labour to the GCC, states that the private recruitment agencies through which private sector GCC employers hire migrant workers are not adequately monitored in any origin countries, and that there are insufficient regulations set in place to manage the recruitment fees charged to migrant

²³. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (supplementing the UN Convention against Transnational Organized Crime), adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the UN General Assembly, article 3, paragraph (a). The protocol entered into force on 25 December 2003.

workers. (Afsar, 2009: 2) Resulting in circumstances in which migrant workers are deeply indebted prior to arriving at their destination countries. This fulfills the 'deceit' criteria, as migrant workers are not always aware of the conditions to which they are agreeing. For domestic workers in particular their exploitation is more invisible, and abusive employers can practice the previously listed methods of exploitation that some of the domestic labour laws in the GCC facilitate, such as the restriction of mobility by means of passport withholding, fear of intensified abuse or deportation, potential debt bondage through the charging of exorbitant recruitment fees etc. Here the abuse of power and exploitation conditions are met.

Chapter 5

Conclusion

My research has led me to conclude that neoliberal globalisation has led to an increase in migration from which exploitative employers and traffickers prey on vulnerable populations seeking to migrate for labour. It started with a review of the literature on human trafficking arranged according to the schools of thought from which they emerge. First it looked at the Economic Supply and Demand Approach to understanding human trafficking, which situated the phenomena of trafficking within the context of classical economic theories, and argued that in order to eliminate human trafficking, it is necessary to understand the economic rationale behind trafficking and address that by making it more expensive to traffick, hire trafficked labour, and purchase commodities produced by trafficked and exploited labour. Ultimately, this approach proved to be lacking in intersectionality; meaning that it failed to address the structural linkages between domestic economy, international political economy and social inequities, and the ways in which they contribute to i) the vulnerability of certain populations to human trafficking and ii) the root causes of human trafficking.

Second, in my research I considered the Feminist Political Economy Approach with a focus on the policy implications of a gendered discourse on human trafficking. While the Feminist Political Economy Approach confers that human trafficking is a

negative consequence of capitalist development (Bertone, 1999) and a perversion of the connectedness between globalisation, politics, and the international economy, it also highlights the role that social and structural inequities between and within the Global South and Global North exacerbate the conditions of vulnerability that create conditions conducive to human trafficking. In addition, it looks at the impact that a racially and gender biased discourse has on the international policies regarding human trafficking and the negative consequences that survivors can face as a result.

I also discussed the Rights Based Approach to addressing human trafficking. This approach argues that root causes of human trafficking emerge from the violation of human rights such as the ‘The right to liberty and security’, ‘The right not to be submitted to slavery, servitude, forced labour or bonded labour’, and ‘The right to adequate standard of living’. Exponents of this approach argue that only through the restoration of these rights to survivors of human trafficking and the implementation of means by which universal human rights can be protected for all people will trafficking be eradicated. This section also included a critique of the rights based approach to addressing human trafficking, and a call to utilise instead the Labour Rights approach. The Labour Rights Approach argues that human trafficking is an extreme form of labour exploitation, and it can be addressed by ensuring that the labour rights of all workers are protected both in their home countries, and destination countries of migrant workers.

Lastly, Chapter two considered the State Security Approach to understanding and addressing human trafficking, and found it unsuitable for this research because i) it does not consider the root causes of human trafficking ii) it concerns itself only with the security of the state and not the security of the victims of trafficking iii) as a result of the

rigid border control and immigration policies, it criminalises victims of trafficking and sees their swift deportation back to the conditions from which they were trafficked as a solution to human trafficking. Of all the schools of thought considered in the literature review, I found State Security Approach least useful for the construction of working ideas for this research. Instead this research draws its framework predominantly from the Feminist Political Economy, the Rights Based and Labour Rights Approaches.

Chapter Three examined the dynamics of labour migration and human trafficking. It considered the changing structure of the global labourforce or the international division of labour, and the role that neoliberal economic policies have played in its restructuring as well as in intensifying the vulnerabilities in origin countries that contributes to the choice of large populations of people to migrate for work and survival. In addition, it analysed the broader dimension of human trafficking and provided information on the people being trafficked, who the traffickers are, patterns of trafficking flows, and the forms of exploitation into which people are trafficked. It also provided an introduction to the topic of labour migration in the Gulf Cooperation Council (GCC), and gave the rationale and context for using the GCC as a case study.

Chapter four provided a case study on the GCC is to illustrate how the recruitment of migrant workers to the GCC, and the domestic migrant labour policies in the GCC create conditions which are conducive to human trafficking. This chapter discussed the *Kafala System* and contextualised it in Wolf's (1982) discussion of Capitalism's tendency to embed itself in existing cultural practices instead of eradicated them. In that sense, the *Kafala System* as well as the GCC's domestic legislation (as illustrated in the previous chapter) create conditions conducive to human trafficking, and together with the

neoliberal economic policies in the origin countries of migrant workers (and in the international political economy in general) results in an pith of exploitation. All of which is based upon the need for people to migrant as the economies of their countries of origin can no longer accommodate them, in part as a result of neoliberal economic policies. This case study revealed that although the GCC states are signatory to the UN Anti-trafficking Protocol (*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*), and has its own anti-trafficking legislation, the conditions fostered by its domestic migrant labour legislation are leaves migrant workers highly vulnerable to exploitation and human trafficking, and needs to be reconciled with it anti-trafficking legislation.

In the context of international development, the findings of this research illustrate the complexity of human trafficking and its interconnectedness with other development issues such as capitalism and the international political economy; the patterns and driving forces of migration; economic conditions of countries of origin; labour migration and the labour rights movement; international human rights law and its limitations in terms of enforcement; the limitations of international governing bodies such as the ILO and IOM to completely regulate and protect migrant workers. Therefore, attempting to understand and address the deplorable phenomena of human trafficking as a stand alone crime, without taking into the consideration its root causes as well as its interconnected with the above listed issues would be ineffective, and may in fact prove to be problematic.

Limitations of research and future areas of research

The primary restriction faced in this research was in the area of data collection. As a result of the clandestine nature of irregular migration and human trafficking, obtaining definite figures on the scope of human trafficking globally and in the GCC was challenging. The estimates used in this research were collected from academic research as well as reports from the UN, ILO, and IOM. Similarly obtaining an exact gender breakdown proved to be impossible, but ignited some ideas for future potential areas of interest. An area of particular interest that was partially discussed in the literature review is the gendered dimensions of human trafficking and the policy consequences of a gendered discourse. Scholars such as Mahdavi (2011) and Sargent (2011) critique the dominant discourse on human trafficking as being racist in its assumptions about the types of people doing the trafficking and being trafficked, as well as its assumptions on the role that gender plays, not only in determining who is trafficked and who does the trafficking, but in the ways the anti trafficking policy is created and victim support resources are allocated. Researching this would be an area of particular interest because it could help ensure that no one is excluded from the discourse on human trafficking and thus anti-trafficking policies and resources can reach all the people that have suffered through human trafficking regardless of race or gender.

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