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RESTRICTIVE EU IMMIGRATION POLICY, HUMAN TRAFFICKING AND SEXUAL EXPLOITATION

A STRUCTURAL AND FEMINIST
ANALYSIS

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RESTRICTIVE EU IMMIGRATION POLICY, HUMAN TRAFFICKING AND SEXUAL EXPLOITATION: A STRUCTURAL AND FEMINIST ANALYSIS

RESUME

This paper examines how the European Union's (EU) securitised approach to migration (characterised by the tightening of external border controls, restrictive visa regimes and the criminalisation of irregular entry in the Member States) does not protect migrant women from sexual exploitation but, on the contrary, intensifies the structural conditions that make such exploitation possible. By combining a feminist abolitionist theoretical framework with a critical analysis of the EU institutional and legal immigration policy, this research advances the argument that the vulnerability of migrant women to human trafficking and sexual exploitation cannot be understood in isolation from the architecture of migration governance that purports to address it.

This analysis is grounded in the intersection of feminist migration scholarship and abolitionist theory. Drawing on Rutvica Andrijasevic's (2010) ethnographic research on migration, agency and citizenship in the sex trade, as well as the broader abolitionist tradition represented by scholars such as Kathleen Barry and Catharine MacKinnon, this research understands prostitution as a system of objectification rooted in patriarchal structures of domination. From this perspective, sexual trafficking is not an aberration of the migration system but one of its gendered outcomes: it is brought about the low income and social status of women and sustained by male demand for commercial, violent and dominating sex, both of which are structurally reproduced by conditions of economic precarity, legal irregularity and social injustice within migrant women cases.

A central argument of this academic work is that border controls and visa policies do not prevent migration; they channel it through dangerous and irregular routes, generating profit for trafficking networks and third parties while rendering women's precarity invisible behind the discourse of "organised crime" and victimhood. When formal migration channels are inaccessible (due to prohibitive costs, bureaucratic obstacles or deliberate policy restrictions), migrants become dependent on third-party intermediaries. The debt accrued through irregular crossings binds women to these parties, while their undocumented status forecloses access to legal employment, healthcare and institutional protection. The fear of deportation further prevents women from seeking help into institutions, deepening their confinement and strengthening third-party control over their bodies.

This structural feminist analysis critically evaluates three dominant EU policy frameworks: the MacKinnon rights-based approach, the Palermo Protocol and the EU's security-centred anti-trafficking architecture. And it is found that each shares a common structural flaw, they target individual traffickers rather than the conditions that produce trafficking. Anti-trafficking campaigns such as the International Organization for Migration (IOM) are similarly critiqued for relying on victimising and passive representations of female bodies that discourage informal migration without

acknowledging the role of EU immigration policy in generating the vulnerability they claim to address. The result is a policy paradox in which the institutional response to exploitation reproduces the conditions it seeks to dismantle.

In response, it is proposed a reorientation of EU policy along three axes: a shift towards financial sanctions and asset seizure targeting the economic infrastructure of the trafficking networks (Le Rousseau Martin, 2025), the development of victim – centred legal protections that decouple residence permits for law enforcement cooperation and recognise trafficked women as rights-bearing subjects rather than passive objects (MacKinnon, 2011, 2013), and a comprehensive immigration reform that expands legal migration pathways and addresses the structural socioeconomic inequalities that drive vulnerability to migrant women. Ultimately, this paper makes the case that effective action against the sexual exploitation of migrant women requires an essential consideration of the migration governance model, one grounded in feminist analysis, structural reforms and the full recognition of migrant women as political and legal subjects (Chadambuka et al., 2025).

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INTRODUCTION

In the actual times, European Union has witnessed an unprecedented securitization of migration, marked by the militarization of borders, the externalization of control to third countries and the criminalization of irregular entry. Yet, as these policies proliferate (ostensibly to combat Human Trafficking and protect vulnerable populations) they have paradoxically intensified the very conditions that render migrant women susceptible to sexual exploitation. This study begins from a central observation. The EU's restrictive immigration regime does not merely fail to prevent trafficking, it actively produces the structural vulnerability it claims to address. By examining the experiences of migrant women in the sex industry, this research exposes how border controls, visa regimes and the denial of legal pathways to migration channel women into irregular, debt – laden routes, where their labour and bodies become commodified under the guise of “protection”.

This analysis lies in the feminist abolitionist framework, which rejects the depoliticized framing of trafficking as a crime committed by isolated “evildoers”. Instead, it situates sexual exploitation within interlocking systems of oppression: patriarchal gender hierarchies, racialized capitalism and the neoliberal restructuring of labour markets. Drawing on the work of scholars such as Catharine MacKinnon (1989), Kathleen Barry (1995) and Rutvica Andrijasevic (2010), this study understands prostitution not as a marginal or deviant phenomenon, but as a gendered outcome of migration governance. The EU's approach (rooted in a security paradigm) prioritizes the policing of borders over the protection of rights, thereby obscuring its own complicity in crating the precarity that fuels trafficking networks. When formal migration channels are financially inaccessible, bureaucratically obstructive or deliberately restricted, migrant women are forced to rely on third – party intermediaries, accruing debts that bind them to exploitative labour conditions. Their undocumented status then forecloses access to legal employment, healthcare and institutional support, while the constant threat of deportation silences their pleas for help, deepening their confinement.

This paper advances three interrelated arguments. First, the vulnerability of migrant women to trafficking cannot be disentangled from the architecture of EU migration governance, which treats mobility as a security threat rather than a human right. Second, existing anti – trafficking frameworks perpetuate a policy paradox: they target individual traffickers while ignoring the structural conditions (economic inequality, gender subordination and restrictive immigration laws) that enable exploitation to thrive. Third, the dominant discourse around trafficking (often framed through the victim/whore binary) erases migrant women's agency and subjectivity, reducing their complex migratory projects to narratives of passivity or criminality. By centering the testimonies of migrant women themselves, this study challenges these reductive representations, demonstrating how their experiences reveal the intersectional violence of border regimes, patriarchal demand for commercial sex and neoliberal labour precarity.

To substantiate these claims, the analysis proceeds through a qualitative literature – based methodology, synthesizing ethnographic research (interviews with migrant women ins situation of prostitution) with a critical reading of the EU legal and

institutional frameworks. This dual approach allows the study to bridge the gap between the lived realities of confinement and exploitation documented in feminist scholarship and the discursive and legal mechanisms through which the EU constructs its role producing vulnerability. The paper critically evaluates the Palermo Protocol and the EU's security – centred anti – trafficking architecture, exposing their shared structural flaw: they address the symptoms of trafficking while leaving its root causes untouched.

Ultimately, this research calls for a reorientation of the EU policy, grounded in feminist analysis and structural reform. It proposes three axes of intervention:

- Financial sanctions targeting the economic infrastructure of trafficking networks.
- Victim – centred legal protections that decouple residence permits from law enforcement cooperation, recognizing trafficked women as rights – bearing subjects rather than passive objects.
- A comprehensive immigration reform that expands legal migration pathways and addresses the socioeconomic roots of vulnerability.

By doing so, this academic paper not only critiques the existing paradigm but also imagines alternative futures, ones in which migrant women are no longer sacrificed in the name of border security, but instead recognized as political and legal subjects with the right to mobility, dignity and freedom from their bodies exploitation.

THEORETICAL FRAMEWORK

This academic paper is written from a feminist perspective committed to illuminating power relations with an awareness of structural injustice and domination that shape migrant women's lives, while retaining the ambition to inspire alternative forms of knowledge and forms of political and social action. Feminist scholarship is treated in this study as a basis for policymaking and social engagement. In today's world, feminist researchers should not be afraid of becoming more directly involved in both the production of policy and in social activism, taking the lead in making academic research more socially relevant rather than confining to the space of the university.

This commitment carries a specific consequence for how migrant women's testimony is treated throughout the study. To consign migrant women to the position of victims amounts to an act of epistemic violence, since it forecloses in advance the possibility that their accounts of why and how they migrated might resemble other forms of women's transnational migration. A feminist epistemology attentive to power therefore requires taking migrant women's own narratives seriously as a source of knowledge in their own right, rather than treating them merely as illustrative material for a pre-established narrative or as a raw data to be processed through legal categories such as "consent" or "coercion". This is also why this academic paper draws on feminist scholars who have studied the construction of migrant subjects in relation to the oppressive dynamics of power. Attending to how norms and discourses of gender, sexuality, victimhood and citizenship are inhabited, negotiated and at times contested

by migrant women themselves allows the analysis to hold together two claims: that migrant women's vulnerability is structurally produced by the EU's migration governance model, and that migrant women remain subjects of their own migratory projects rather than merely objects upon which that model acts.

The analysis distinguishes amongst three categories of actors. Migrant women in situation of prostitution are the subjects whose vulnerability and agency the paper seeks to foreground. Third parties are the organisers of prostitution, (not always men, although the head pimp usually is), who do not follow a uniform business model; women, too, regularly feature as third parties, typically running "recruitment" agencies, organising transport, or controlling other women's exploitation in street prostitution, within what remains as asymmetrical power relationship. Clients, finally, are disproportionately male, white and in stable employment, in sharp contrast to the migrant, undocumented and stigmatised women they engage with. Studies of clients who purchase sex from socially, economically and racially "other" women in conditions of confinement link this preference to Western constructions of hegemonic masculinity and to a self – ascribed capacity either to harm or to "save" the women concerned, an asymmetry that reproduces, in the client – prostitute relationship, the same patriarchal logic of domination that structures the sex trade more broadly (Andrijasevic, 2010).

METHODOLOGY

Methodologically this study employs a qualitative, literature – based methodology that combines feminist abolitionist theoretical framework with a critical reading of EU institutional and legal immigration policy. The research draws on and synthesises existing ethnographic accounts, legal text and institutional frameworks to expose the structural conditions that reproduce vulnerability among migrant women in the European sex trade. The methodology is interdisciplinary, as the intersectional nature of trafficking cannot be capture through a single lens. By centering migrant women's testimonies alongside policy discourses, the study test its central hypothesis: that the EU migration governance does not merely fail to address sexual exploitation but actively reproduces the conditions that enable it.

The analysis draws on three sources of evidence. First, it synthesizes ethnographic scholarship to foreground the lived realities of confinement, debt, economic and legal precarity that migrant women experience. Second, it critically interrogates EU and international legal frameworks, such as the Palermo Protocol, the EU Anti – Trafficking Directive and residence permit regimes; to uncover how institutional mechanisms construct trafficking as a criminal issue rather than a structural one. Finally, it incorporates NGO and Human Rights reports to bridge the gab between theoretical critiques and real – world policy impacts.

The study's analytical framework is rooted in feminist abolitionist theory, which rejects the commodification of women's bodies and links exploitation to systemic oppression. By reading this registers together (the lived experiences of migrant women and the institutional frameworks that governs them) the study tests its central claim: that EU migration governance is complicit in producing the vulnerability it claims to address.

This approach ensures that the analysis attentive to power dynamics, centres marginalized voices and challenges dominant narratives of trafficking as a mere criminal issue. Ultimately, this methodology is not just technical but political. It aligns with a feminist epistemology that validates migrant women as knowledge producers and rejects the victim/whore binary. By synthesizing ethnographic evidence with policy critique, the study exposes the structural roots of exploitation and advocates for alternatives grounded in rights, justice and systemic change.

ANALYSIS: THE SECURITISED ARCHITECTURE OF EUROPEAN MIGRATION

The regulation of circulation within the EU has been achieved primarily through the strengthening of control at its external borders. The intensification of these controls has largely compensated for the lifting of internal borders between Schengen Member States and the creation of an area of free circulation of EU citizens, relocation control to the Union's external edges and producing what has been described as "fortress Europe", a term that captures the difficulty of accessing EU space through either official or irregular channels, and the extent to which new Member States have been turned into the EU's migration "gatekeepers", responsible for intercepting undocumented migrants on behalf of the EU – 15 (Segrave & Milivojevic, 2015).

Obtaining a visa is, according to NGO sources, a long, costly and often deliberately obstructed process, to the point that even agencies specialising in visa procedures can find it impossible to secure one for a client. Sexual trafficking accordingly combines legal and illegal elements: a legally obtained visa may coexist with illegal payments demanded by agencies or consulates, so that when formal migratory channels are financially or bureaucratically inaccessible, migrant women turn to irregular channels that exploit precisely this legal vulnerability, whether by charging inflated fees for travel and documents or by profiting from women's subsequent prostitution. The length of an undocumented crossing, on foot, by truck or by boat, is itself consequential: the longer journey, the greater debt accrued and the greater women's exposure to violence and sexual exploitation en route, compounded by the fear of apprehension, disease and loss of control over the terms of travel (Andrijasevic, 2010).

Far from preventing trafficking, the stricter immigration control carry the unintended consequence of serving third parties' economic interests, by increasing migrants' debt and, with it, the level of control third parties exercise over them (Andrijasevic, 2010); deportation, in turn, deepens women's dependency on recruiters and agencies for a second attempt at migration. This dynamic is reinforced by structural push factors on the side of countries of origin: a report by the International Helsinki Federation for Human Rights (2000) on women in transition economies in eastern Europe linked high female school drop – out rates and rising unemployment to economic crisis, while women's own accounts point to a wider set of motivations for leaving: the pursuit of financial independence, an escape route from patriarchal family relations, and intra – family violence, which several women identified as a decisive factor in their decision to migrate, without framing themselves as a result, as "victims" (International Helsinki Federation for Human Rights, 2000).

The EU's own policy response compounds rather than resolves this dynamic. Measures aimed at deterring trafficking through international law – enforcement cooperation and tighter control of cross – border movement increase the visibility of “illegal immigrants” while rendering invisible the role of EU law itself in generating irregular migration (Askola, 2007; Edwards, 2007). By locating responsibility for trafficking with actors outside the Union, this framing positions EU governments as bystanders rather than co-producers of migrant women's vulnerability to sexual exploitation (MacKinnon, 2011). Border controls and the denial of entry, detention and deportation do not, in practice, function purely as mechanisms of exclusion, since they rarely stop migratory movement outright. Instead, they decelerate its speed, momentarily divert its direction, and regulate its timing, with the effect of channelling women into more dangerous, and more third – party – dependent, routes rather than closing them off (Askola, 2007).

THE STRUCTURAL CAUSES OF VULNERABILITY

Vulnerability to sexual exploitation within third – party controlled prostitution is best understood not as the product of any single cause but as a multi – layered condition of confinement, in which the personal control exercised by third parties interlocks with impersonal forces arising from legal and economic constraints (Segrave & Milivojevic, 2015). Rather than assuming that third parties exercise total control over migrant women, this study follows a more nuanced account of overlapping conditions, physical restraint or its threat, and the threat of non – economic sanctions such as imprisonment or deportation, that jointly foreclose women's exit from prostitution (Andrijasevic, 2010).

Personal forms of control typically begin with a moment of shock upon entry into street prostitution, produced by vague or entirely absent terms of the arrangement with the third party and by confrontation with the concrete reality of the work itself. This initial period is followed by a phase of resignation, reinforced by spatial isolation and restrictions on movement. Women were often permitted to move only between their residence and the street, forbidden from socialising with clients or with women working for other third parties, and, even when a third party was not physically present, subjected to a “illusion of control” sustained through mobile phones and through other women reporting on their whereabouts, a mechanism that fostered distrust and competition among women and discouraged collective organising (MacKinnon, 1989). The threat of physical violence, most concentrated in the initial period after arrival, gave way over time to control maintained primarily through its threat rather than its exercise, often delegated to other women who had previously been in the same position.

Impersonal forms of control operate alongside these personal mechanism. Economic pressure, the need to secure money for the family or for basic necessities, and above all the presence of the debt contracted for irregular border crossings or high visa fees, binds women to third parties for a set period, since for the third party prolonging that period is generally more profitable than the repayment of the debt itself (Chadambuka et al., 2025). The role of the state compounds this economic pressure: undocumented status confines women to informal sectors of the economy, exposes them to arrest and deportation, and through the fear of apprehension it generates, deters them from seeking

help from the police, a fear that plays directly into third parties' hands by keeping women confined to their accommodation and place of work, within few social contacts beyond it. The specific vulnerability migrant women face therefore lies in the overlap between third – party control on one hand and the control the state and the EU exercise over migrants' mobility and labour through restrictive immigration and employment regulation on the other (Edwards, 2007). It is the fear of deportation, combined with the impossibility of accessing other forms of work under residency and employment law, that confines migrant women to prostitution and deepens their dependency on a controlling third party (Andrijasevic, 2010).

Existing this condition of confinement is correspondingly difficult. Episodes of acute violence often functioned as a trigger, but leaving prostitution remained contingent on women's ability to secure both financial and emotional resources beforehand and, frequently, on constructing a self – representation as a “not – prostitute”, typically by reframing a commercial sexual relationship as a romantic one within a heterosexual relationship recognised as legitimate. This need to be acknowledged as something other than a “prostitute” also underlies women's engagement with the whore/victim binary encoded both in prostitution's discursive structures and in the legal schemes addressing sex trafficking, including the residence permits granted to recognised “victims of trafficking”. While such permits have been crucial in enabling some women to exit situations of abuse, they simultaneously require women to perform a normative narrative of passive victimhood in order to avoid deportation, so that the same legal mechanism that offers protection also reproduces the very image of migrant women as objects rather than subjects that this study seeks to challenge (Andrijasevic, 2010).

CRITICAL ANALYSIS OF EXISTING POLITICAL – LEGAL FRAMEWORKS

- **The Palermo Protocol and the Politics of Consent**

To understand why the Palermo Protocol took the shape it did, it is necessary to situate it within a broader historical shift. In the early 2000s, Human Trafficking moved out of the sphere of human rights and into the sphere of international law governing transnational organised crime, at a moment when concern about organised crime and permeable borders was intensifying across destination Member States (Segrave and Milivojevic, 2015). Rather than being treated as a distinct phenomenon requiring its own framework, human trafficking was folded into the broader migration – control agenda then being pursued by Member States seeking to intensify border controls and repress irregular immigration (Doezema, 2002).

Within the European Union. This shift took a specific form, the abolition of internal borders among Schengen Member States was accompanied by increasingly restrictive and punitive migration policy at the Union's external edges. These measures were consistently justified by the dual claim that they would prevent organised crime and protect vulnerable women arriving from the Global South (Segrave and Milivojevic, 2015). Anti – trafficking rhetoric allowed the complex realities of trafficking and other forms of gendered migration to be absorbed into a general narrative of crime, providing a rationale for intensified border control presented as an act of protection. Restoring

order at the border accordingly came to dominate national, regional and international policy responses to trafficking, with border policing, the prosecution of traffickers and the repatriation of victims established as the principal measures by which anti – trafficking efforts came to be judged successful.

The Palermo Protocol, adopted in November 2000, was the culmination of this process, arriving amid a rapid expansion of anti – trafficking funding, agencies, non – governmental organisations and academic engagement (Segrave and Milivojevic, 2015). The Protocol was not adopted as a freestanding human rights instrument but as a supplementary protocol to the UN Convention against Transnational Organized Crime, formally cementing the organised – crime framing. It defines trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons by means of force, coercion, abduction, fraud deception the abuse of power or of a position of vulnerability, or the exchange of payments to obtain the consent of a person with control over another, for the purpose of (sexual) exploitation.

While the Protocol defines exploitation broadly, it leaves central terms: abuse of power, vulnerability, control, etc. undefined, an ambiguity that is partly the legacy of intense feminist lobbying during the two years of negotiation (Doezema, 2002) and partly a consequence of the Protocol’s character as a criminal justice rather than a human rights instrument (Segrave and Milivojevic, 2015). This same breath has made it difficult to produce reliable measures of anti – trafficking efforts, since the Protocol collapses sexual exploitation, forced labour, slavery and the removal of organs into a single legal category, presupposing that a uniform criminal justice response is adequate to all of them, and prioritising criminalisation and prosecution while treating victim protection as an addition rather than a starting point.

A Working Group established in 2005 to review the Protocol’s implementation has itself acknowledged the absence of measurable outcome data, alongside concerns among some Member States that its scope remains too narrow. While its treatment of border management sits uneasily alongside the companion Smuggling Protocol, requiring border controls to prevent human trafficking without specifying what such controls should entail (Edwards, 2007). This unresolved vagueness is what has allowed border – securitisation measures pursued for unrelated reasons to be retrofitted and justified as anti – trafficking measures.

This legal framework locates the site of intervention in the individual transaction between woman and trafficker or “client”, rather than in the immigration governance model that determines which women arrive in the EU undocumented, indebted, and therefore dependent on third parties in the first place. A rights – based response to trafficking cannot, on its own, dismantle a system of vulnerability that is continuously reproduced by policy instruments external to it (Askola, 2007).

- **Representations and the Politics of the Image: The IOM Anti – Trafficking Campaigns**

As one of the principal Europe – wide actors developing counter – trafficking programmes and advising governments on anti – trafficking policy, the IOM occupies

a privileged position in shaping public understanding of trafficking. Yet, the role that immigration policy and gendered labour – market segmentation play in producing the conditions of vulnerability that undocumented migrant women face in service and sex sectors is consistently absent from its campaigns. This omission is not incidental. Consistent with the broader argument of this academic paper, Andrijasevic (2010) confirms that the border controls and visa regimes do not stop migratory movement from countries of origin. Rather, they push it into undocumented and irregular channels, expanding the role of trafficking networks and increasing the profits accruing to third parties. The IOM's campaigns, however, respond to this structural reality with an individualised message: instead of addressing the policy architecture that generates precarity, they mobilise victimising images of women's bodies to warn the potential migrant women of the dangers of migration and prostitution, framed as a matter of informed individual choice rather than a structural constraint (Barry, 1995).

These visual strategies used to produce these warnings are themselves implicated in the objectification they claim to denounce. Recurrent imagery, such as lifeless body bound by cords and manipulated by an unseen third party, constructs the trafficking victim as a "human marionette", a passive object without agency whose suffering is legible only through its resemblance to a broken doll. Far from empowering women to migrate safely, this repertoire discourages informal labour migration altogether and casts remaining at home as the only safe option, idealising the domestic space as free of conflict, danger and exploitation, and, in doing so, folding women's mobility back into traditional, heterosexual and domestic order (Andrijasevic, 2010).

The theoretical importance of this critique lies in the distinction between "woman as representation" and women as historical subjects of social relations (Barry, 1995). The IOM's imagery repeatedly reduces trafficked women to "woman" as a symbolic figure, bound within a system of signification that positions her as passive, embodies and devoid of consciousness, and therefore easier to discipline and render unthreatening. This reduction is compounded by a voyeuristic and eroticising gaze that displays women's bodies as objects to be looked at even as it presents them as victims, so that victimisation and eroticisation operate as two sides of the same representational strategy, what Andrijasevic terms a "technology of gender" through which control over women's bodies, sexuality and mobility is exercised alongside control over the EU's external borders (Andrijasevic, 2010).

This exposes the same structural flaw identified in the evaluation of the Palermo Protocol and the EU's security – centred anti – trafficking architecture above: institutional responses to trafficking target the visible symptoms of exploitation, individual traffickers, dangerous routes, or migrant women's own choices, while leaving unexamined the immigration governance model that produces the underlying vulnerability. By discouraging migration rather than expanding its safe and legal channels and by representing migrant women as passive objects rather than rights – bearing subjects, the IOM's campaigns reproduce precisely the gendered and border – centred order that this study argues must be dismantled for any effective anti – trafficking and prostitution policy to succeed (Andrijasevic, 2010).

POLICY REORIENTATION PROPOSALS

- **Axis I: Financial Disruption of Trafficking Networks**

Already embedded in the Council of Europe Convention on Action against Trafficking in Human Beings, this policy reorientation rests on the premise that trafficking and sexual exploitation is a financial crime, and that its perpetrators can only be effectively deterred once they are deprived of the profits it generates. The Article 23(3) of the Convention places a general obligation on Member States parties to adopt financial sanctions enabling the confiscation of the instrumentalities and proceeds of trafficking offences, an obligation situated within the broader framework of the Council of Europe conventions on the laundering, search, seizure and confiscation of the proceeds of crime (Le Rousseau Martin, 2025).

Yet a recent Council of Europe review of the implementation of the Article 23(3) across 37 Member States parties reveals a striking gap between the scale of the problem and the financial response to it. A 2021 European Commission study estimated the annual revenues of the EU's nine main criminal markets at between 92 and 188 billion euros, while Europol found that only around 2 percent of criminal proceeds across the EU are provisionally seized or frozen and barely 1 percent are confiscated (Le Rousseau Martin, 2025). This asymmetry confirms that the institutional responses to trafficking continue to concentrate on prosecuting individual offenders while leaving the economic infrastructure that sustains their activity largely untouched, so that even where a conviction is secured, the third party's capacity to reinvest in further exploitation remains intact.

The gap is attributable to fragmented legal tools and their reactive use. Financial investigations are described as under – deployed and dependent on whether individual investigators happen to have financial expertise, since professionals typically specialise either in trafficking investigations or in financial investigations. This study proposes that financial investigation be made a mandatory and simultaneous component of every trafficking investigation, rather than a discretionary step taken only after an conviction. And that specialised financial investigators be assigned to trafficking cases (Segrave and Milivojevic, 2015).

A second structural limitation lies in the dependence of confiscation on a prior criminal conviction. Convictions for trafficking remain difficult to secure, because prosecutions typically rely on victim testimony, and protection is only granted to women able and willing to present themselves inside a narrative of passive victimhood (Andrijasevic, 2010). The consequence is a point of failure: whenever a prosecution does not succeed, whether because a woman cannot or will not testify, or because an offender cannot be located the confiscation of trafficking – related assets fails along with it, and third parties retain the economic means to continue their activity.

This study proposes a Non – Conviction based recovery be adopted as the ordinary route to confiscation in trafficking. These kind of confiscation regimes allow assets to be frozen and recovered independently of a criminal conviction. The rationale is the same one that runs through the critique of the VoT permit regime, just as a woman's

access to protection should not depend on her success as a witness, the financial dismantling of trafficking networks should not depend on a successful criminal prosecution either. Both currently hinge on the same fragile requirement and both should be decoupled from it (Le Rousseau Martin, 2025).

Finally, the confiscation of criminal assets should be understood not merely as a punitive measure but as a redistributive one. Article 15(3) of the Convention permits Member States parties to channel confiscated proceeds of trafficking directly into victim compensation (Le Rousseau Martin, 2025). Yet the review found that most Member States parties do not collect data on how confiscated assets are used. This study proposes that EU Member States establish a binding requirement to allocate a defined share of confiscated trafficking networks is directly tied to the material recognition of migrant women as rights – bearing subjects entitled to redress. Given the transnational character of the trafficking networks operation across the EU’s eastern borders, this axis requires strengthening cross – border cooperation between financial intelligence units, since trafficker’s ability to move proceeds abroad within hours continues to outpace the mutual legal assistance mechanisms currently available to investigators (Le Rousseau Martin, 2025).

- **Axis II: Decoupling Protection from Prosecutorial Cooperation**

The second axis of policy reorientation addresses a gap between the international definition of trafficking and its domestic institutional implementation. Human Trafficking is internationally defined as the recruitment, transfer, receipt or exploitation of a person in any economic activity, licit or illicit, by means of force, deception, abduction or the abuse of a position of need or of power over a person, a definition first codified through the 2000 UN Convention against Transnational Organized Crime and its Trafficking and Smuggling Protocols. As this study has argued, the phenomenon is intrinsically linked to migration: a supply of people available for severe exploitation is itself produced by a capitalist model of economic globalisation that has condemned entire regions to destitution, generation push factors that combine with the pull factors of destination countries to sustain this conditions.

At the level of international policy design, the response to trafficking has been structured around what is known as the “3P Policy”: prevention, protection and prosecution. A victim – centred framework that in principle prioritises the protection and welfare of the victim over the punishment of the offence. Yet, the why in which this victim – centred approach is meant to be implemented internationally does not always translate into how Member States handle the reality in practice. It is not enough for the 3P framework to be formally adopted, the institutional architecture that operationalises it must itself be reformed for the comprehensive, victim – centred approach to be genuinely assumed rather than merely declared (Wijers, 2015).

The first requirement is an efficient response to trafficking, that depends on a multiagency system that allows the range of actors who may come into contact with victims, police, labour inspectorates, healthcare providers, NGOs and social services, to jointly register and detect them, since detection itself is the first point at which the current system fails (Wijers, 2015; Andrijasevic, 2015). Collaboration and intersectoral

action should accordingly be built into the design of victim identification mechanisms from the outset, rather than left to the initiative of individual bodies acting in isolation.

The central regulatory reform this axis proposes concerns the legal architecture within which victim assistance and residence status are currently embedded. Matters such as victim granting of recovery and reflection period should be regulated separately from immigration law, within a legal instrument dedicated to victim protection. Immigration law, in turn, should provide for an exceptional residence permit grantable on humanitarian grounds alone, without conditioning it on the victim's cooperation with law enforcement authorities. This is the same structural argument that has advanced in relation to the VoT permit regime and to non – conviction – based confiscation: as long as a woman's legal status depends on her usefulness as a witness, protection remains an instrument of prosecution rather than a right, and the same evidentiary logic that should not determine access to protection continues, in practice, to determine it (Wijers, 2015).

Finally, the scope and depth of assistance programmes themselves require reform. Assistance should not be limited to emergency support but should include longer – term measures oriented towards reintegration and occupational training, and particular attention should be paid to the needs of minor victims, both through better training of assistance providers in identifying their circumstances and through programmes that go beyond an emergency – only model (Wijers, 2015). Lastly, protection measures currently available, by their nature, only to victims without regular residence status should not simply be applied more consistently to that group, they should be extended to all victims of trafficking regardless of migratory status, so that protection is organised around the fact of victimisation itself rather than around a victim's documentation, nationality or evidentiary usefulness to the state.

- **Axis III: Immigration Policy Reform and the Structural Socioeconomic Roots of Vulnerability**

Where the first two axes intervene after the fact, the third axis addresses the conditions upstream of exploitation. The socioeconomic and immigration – policy structures that produce, in the first place, population of migrant women vulnerable to being trafficked. A recent global scoping review confirms empirically that human trafficking is not a marginal by – product of migration but converges with precarious employment as an outcome of the same structural and systemic inequalities in labour and economic protection, gendered labour dynamics and restrictive immigration policy, compounded by the intersection of gender, race and immigration status (Chadambuka et al., 2025).

Debt bondage remains the central financial mechanism linking precarious employment to trafficking, and it originates well before a woman ever enters a situation of exploitation. Chadambuka et al. (2025) trace it cost incurred at the point of migration itself, recruitment fees, safety deposits charged to prevent overstay or unauthorised work, and mandatory savings schemes imposed by receiving countries echoing the account of debt contracted for irregular border crossings and inflated visa fees. Where legal protections are weak, this debt becomes a tool of coercion in third parties' hands, allowing them to withhold wages, confiscate passports, restrict communication and

isolate women from social networks. The structural point is that these mechanisms do not depend on the presence of a trafficker from the outset, they are built into the ordinary financial architecture of low – wage labour migration, and trafficking emerges as their intensification rather than as an external intrusion upon it.

Recruitment itself is not a neutral channel standing outside these dynamics but can be directly implicated in them. Some women who refused informal job offers precisely because they recognised an association with sex trafficking were, upon attempting to escape exploitative arrangements, returned by recruiters to work unpaid for extended periods within private household, an outcome of labour trafficking (Chadambuka et al., 2025). This confirms that structures generation vulnerability, recruitment practices, debt, tied legal status and weak labour protection, operate as a continuum rather than as separate stages that a single anti – trafficking intervention could address in isolation.

On this basis, the study proposes that comprehensive immigration reform proceed along four lines.

- Work authorisation should be decouple from a single employer, sponsor or spouse, to that leaving an abusive or exploitative arrangement does not automatically entail the loss of legal status.
- Recruitment fees should be prohibited and the costs of legal migration shifted onto recruiters, removing the debt – bondage.
- Legal migration pathways should be expanded specifically for low – wage and informal – sector work, not only for skilled migration. So that women are not structurally channelled into irregular routes for lack of any accessible formal alternative.
- Policy design and enforcement should adopt intersectional lens, as Cha Chadambuka et al. (2025) themselves recommend, combined with accountability mechanisms and reporting channels for abuse that do not expose undocumented women to immigration enforcement, so that the fear of deportation (identified as a mechanism of confinement) no longer functions as a deterrent to seeking help.

Taken together, these measures target the input side of the pipeline that has been analysed. If the securitised architecture of European migration channels women into irregular and third – party dependent routes, and the structural production of vulnerability shows how that irregularity combines with debt and confinement to sustain exploitation, this third axis argues that comprehensive immigration and labour reform is the only level capable of altering the conditions under which women enter the EU in the first place, rather than continuing to manage, financially or legally, the consequences of a governance model that generates them.

CONCLUSIONS

The experiences of migrant women examined through this study show that sex trafficking is not an aberration external to the EU's migration governance model but one of its structural outcomes, produced at the intersection of border policy, labour market segmentation and patriarchal gendered relations. As the former President of the European Commission's Expert Group on Trafficking in Human Beings, Marjan Wijers, has observed, trafficking targeting women for the prostitution industry has been used by Member States more often to legitimise repressive measures against migrants than to protect women from abuse and secure their rights. The restrictions the EU imposes on migrants' movement, the hierarchical organisation of access to its labour market and citizenship and the tensions that arise from women's own pursuit of mobility are consistently depoliticised through the discourse of "organised crime" and "victimhood" (Martins Jr, 2016).

Underlying this diagnosis is a broader point this study shares with critical trafficking scholarship. The Palermo Protocol, and the instruments modelled on it, remain in this respect a "blunt instrument" (Segrave and Milivojevic, 2015). The recurring failure of these frameworks to curb trafficking reflects a prior framing choice, one that constitutes trafficking as an external problem for which Member States must arm themselves, and that consequently encourages a reactive, defensive posture directed outward at traffickers and criminal networks rather than inward at Member States' own policies. What this framing obscures is that border enforcement, labour regulation, the policing of organised crime and the protection of victims are treated in law and policy as separate and distinct domains, when in practice they are inseparable from one another and from the state's own role in the accumulation of capital. Member States don't need to be understood as deliberately producing the vulnerability that traffickers exploit for this argument to be legitimate, it is enough that border, labour and immigration policy continue to be designed and evaluated as though they belonged to unrelated policy spheres, when they are structurally connected.

Because Member State borders and sovereignty do not map neatly onto the territory of the EU, this work has argued that the conventional exclusion/inclusion and outside/inside analytical frameworks are of limited use in accounting for migrant women's experiences. What those experiences instead demand is a new vocabulary for citizenship, one capable of bringing together feminist theories of gender and sexuality with critical political theory and of recognising migrant women not as passive victims to be rescued nor as freely choosing economic agents in a neutral market (Barry, 1995), but as political and legal subjects navigating a system of border al labour regulation that produces their vulnerability in the first place.

This recognition also requires moving beyond a liberal feminist framing that treats prostitution as inherently empowering because it is chosen. Since such framing rarely asks who is represented by this notion of choice, and whether non – white, marginalised and non – western women share the experience it assumes. Calling something empowering merely because a woman selects it ignores the conditions under which that "choice" was made: poverty, educational and institutional barriers, gender inequality and displacement are not backdrops incidental to that choice but among its principal

drivers, and a neoliberal reframing that rebrands the commodification of bodies as “agency” risks isolation the individual from the very system that constrains her (MacKinnon, 2011; Barry, 1995).

Ultimately, this study maintains that effective action against the sexual exploitation of migrant women cannot be reduced to prosecuting individual traffickers, screening individual consent or producing cautionary images of victimhood. It requires an essential reconsideration of the migration governance model itself, one grounded in feminist structural analysis, in reforms that expand rather than restrict legal migration pathways, and in the full recognition of migrant women as rights – bearing political subjects rather than objects of protection or control.

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