Promoting Gender Equality to Combat Trafficking in Women and Children

ASEM Seminar co-organized by the Ministry for Foreign Affairs, Sweden, and UNIFEM in co-operation with UNESCAP
7-9 October 2002
The views expressed in the papers in this publication are those of the authors and do not necessarily represent the views of UNIFEM, the United Nations or any of its affiliated organizations.

**Promoting Gender Equality to Combat Trafficking in Women and Children**, ASEM seminar co-organized by the Ministry for Foreign Affairs, Sweden and UNIFEM in co-operation with UNESCAP, 7-9 October 2002

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Cover photo: Nick Rain

The women in the cover photo are from a remote village in North Borneo, Indonesia. They represent one of the many groups of women and children vulnerable to trafficking. Living in economic hardship, with little education and few alternatives, they are easy targets for traffickers. While these women themselves have not been trafficked, many women from their village have.
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Acknowledgements

The seminar and publication on “Promoting Gender Equality to Combat Trafficking in Women and Girls” was initiated by the Swedish Government and co-ordinated by the Ministry for Foreign Affairs, Sweden, and UNIFEM in co-operation with UNESCAP. Several institutions and people also contributed richly. We wish to acknowledge and specially thank them.

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Promoting Gender Equality to Combat Trafficking in Women and Children

Messages

Gun-Britt Andersson
Former State Secretary for
Development Co-operation, Migration and Asylum Policies,
the Ministry for Foreign Affairs, Sweden

Traficking in human beings is a serious problem all over the world, in Asia as well as in Europe. Women and children, girls and boys, are recruited, marketed, transported and sold by traffickers to be exploited in prostitution, forced labour and for other purposes - from rural to urban areas, from poorer to wealthier regions, within and across countries. In order to find lasting solutions we have to be aware of the root causes of trafficking.

The unequal balance of power between men and women, reflected in gender inequality and patriarchal attitudes, paves the way for trafficking by leaving women and girls powerless and in subservient roles. Lack of awareness and respect for the human rights of women and children make them vulnerable to exploitation. Trafficking illustrates not only discrimination but also the worst form of gender inequalities.

Thus, it is important and necessary to focus on trafficking in persons from a gender and rights-based approach. By promoting gender equality and human rights, we can combat trafficking, poverty and underdevelopment.

The ASEM seminar on Promoting Gender Equality to Combat Trafficking in Women and Children, held in Bangkok, 7-9 October 2002, brought together experts, policymakers and practitioners, along with representatives from ASEM governments, the UN, international organizations, non-governmental organizations and the research community. It provided an excellent opportunity to identify and formulate how to prevent human trafficking by developing and strengthening measures directed at promoting gender equality.
In our global world, migration has become a fact of life for people in all regions. Women as well as men are increasingly on the move, unable to find livelihoods in the communities where they were born or drawn by the promise of new opportunities and a better life elsewhere. But the opportunities and the promise are not the same for everyone. Globalization has opened up two very different labour markets – one for those with the education and skills demanded by new technologies, and one for those willing to take the low-skilled and low paid jobs people in high-growth areas do not want. The terms of employment are also very different – involving not only wages and working conditions but also their status in the host country – as legal immigrants with job protection and benefits, or as illegals, with neither rights nor protection. It is in this second global labour market that trafficking, including trafficking in human beings, has grown and flourished.

Human trafficking is expanding across borders and continents, becoming a big business as well as a major international human rights concern. Trafficking in human beings affects vulnerable individuals, particularly women and children, in every region of the world. Its purposes include not only prostitution and sex slavery, but also multiple forms of forced labour and services, such as slavery and debt peonage. While gains have been made in terms of international frameworks and national plans of action to promote and protect women’s human rights, trafficking continues to grow, fueled by the engines of poverty, discrimination and gender inequality.

The trafficking of women and children must be viewed in the broader context of labour migration and the movement of people as refugees from situations of conflict. This report clearly sets out this context, and locates it in a gender and human rights framework. It sets out the major human rights agreements that deal with the problem of trafficking, including Security Council resolution 1325 on women peace and security, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2000. These build on commitments to human rights and gender
equality made at the world conferences of the 1990s and through the Convention on the Elimination of All Forms of Discrimination Against Women, now ratified by 177 countries.

Nevertheless, these agreements leave important questions unanswered: How can developing countries eliminate the kind of poverty, discrimination and hardship that leaves women and children vulnerable to trafficking? What must be done to ensure international protection for workers of all kinds – and eliminate the conditions that allow trafficking to thrive?

This publication, a product of the conference on “Promoting Gender Equality to Combat Trafficking in Women and Girls” endeavors to address these concerns. In addition to background papers, it includes presentations, discussions and recommendations for action among governments, national and international NGOs, bilateral donors, UN partners and the private sector – from 25 countries in Asia and Europe. Their productive exchange identifies the root causes of the problem and points out ways on how to tackle them. Most importantly it shows that there is hope that through our joint efforts trafficking in women and children can be stopped.
I
INTRODUCTION

Trafficking in persons is defined as the recruitment, transfer, transportation, harbouring and receipt of persons, by means of blatant force or violence, or subtle inducements that capitalize on an individual’s vulnerability to achieve “consent” – for the purpose of exploitation. Exploitation refers to exploitation of the prostitution of others and other forms of sexual exploitation, forced labour/services and slavery or slavery-like practices. Marked by willful deception, coercion and exploitation, trafficking nullifies initial “consent”, to move or migrate within or across national boundaries. It thus distinguishes itself from migration, which is characterized by “consent”, although poor and unskilled migrants are also exploited.

Trafficking in persons is not new. It has however acquired grave dimensions worldwide in the recent context of globalization. These are:

- its increasing magnitude\(^2\) and global reach, with women and children being the majority of those trafficked. This has been referred to as “the dark side of globalization”;\(^3\)
- newer source and destination sites, with people flows from poorer to more prosperous venues;\(^4\)
- its occurrence largely within the migration process, by manipulating the vulnerability of persons and official migration channels;\(^5\) The latter may involve: (a) legal mechanisms of entry but illegal residence (outstaying visas) and illegal work or conditions of work; (b) illegal entry, but finally regularizing resi-
## APPENDIX 1: SEMINAR PROGRAMME

### Day 1: Monday, 7 October 2002

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Venue</th>
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<tbody>
<tr>
<td>08.00 - 09.00</td>
<td>Registration</td>
<td>Ground Floor</td>
</tr>
</tbody>
</table>
| 09.00 - 09.30 | **Opening Remarks**  
- Gun-Britt Anderson, State Secretary for Development Co-operation, Migration and Asylum Policy, Sweden  
- Rosa Linda T. Miranda, Regional Programme Director, UNIFEM East and Southeast Asia  
- Keiko Okaido, Deputy Executive Secretary, UNESCAP | Room 4, Level 1         |
| 09.30 - 09.50 | **Programme Overview**  
Rosa Linda T. Miranda, UNIFEM Regional Programme Director, a.i., UNIFEM, Bangkok | Room 4, Level 1         |
| 09.50 - 10.15 | Coffee Break                                                           |                        |
| 10.15 - 11.00 | **Plenary 1:**  
"Gender Equality, Human Rights and Trafficking: A Framework of Analysis and Action"  
by Jean D' Cunha, Technical Advisor/Programme Manager, UNIFEM Asia-Pacific and Arab States  
Regional Programme on Migration  
*Respondent:* Aurora Javate De Dios, Chair, National Commission on the Role of Filipino Women, the Philippines  
**Open Forum**  
*Moderator:* Phil Marshall, Manager UN Interagency Project on Human Trafficking in the Mekong Subregion, Bangkok | Room 4, Level 1         |
| 11.00 - 12.30 | **Plenary 2: Anti-trafficking Strategy Papers**  
1) "Providing Livelihood Options for Women and Adolescent Girls: An integrated Approach" by Lorraine Corne, Regional Economic Advisor, UNIFEM  
*Respondent:* Syed Nuruzzaman, Social Affairs Officer, Poverty Centre, Office of the Executive Secretary, UNESCAP  
2) "Providing Education for Livelihood and Resilience for Girls and Boys" by Sean Devine, Consultant, and Vibeke Jensen, Programme Specialist, UNESCO  
*Respondent:* Phuong Nguyen, Project Officer, Education, UNICEF Regional Office for East Asia and the Pacific  
3) "Providing Social Security and Protection for Women and Children in Difficult Circumstances" by Marjorie Monchy, Regional Advisor on Child Protection, UNICEF Regional Office for East Asia and the Pacific  
*Respondent:* Prof. Sven Hessle, Department of Social Work, Stockholm University, Sweden  
**Open Forum**  
*Moderator:* Gun-Britt Anderson, State Secretary for Development Co-operation, Migration and Asylum Policy, Sweden | Room 4, Level 1         |
| 12.30 - 13.30 | Lunch                                                                   | Room D, E & F, Level 1  |
| 13.30 - 15.00 | **Workshop A on Strategies 1, 2 and 3**                                | Room D, E & F, Level 1  |
| 15.00 - 15.20 | Coffee Break                                                           |                        |
| 15.20 - 16.30 | **Workshop A on Strategies 1, 2 and 3 (continued)**                    | Room D, E & F, Level 1  |
| 16.30 - 16.45 | Group Photo (Hallway between Room 3 & 4, Level 1)                      | Room D, E & F, Level 1  |
| 17.00 - 19.00 | Reception: Hosted by Gun-Britt Anderson, State Secretary for Development Co-operation, Migration and Asylum Policy, Sweden | Public Foyer, Ground Level |
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### Day 2: Tuesday, 8 October 2002

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>08:30 - 08:40</td>
<td>Synthesis of first day&lt;br&gt;Jean D’Cunha, UNIFEM</td>
<td>Room 4, Level 1</td>
</tr>
<tr>
<td>08:40 - 10:10</td>
<td><strong>Plenary 3: Anti-trafficking Strategy Papers (continued)</strong>&lt;br&gt;4) &quot;Safe Migration and Citizenship Rights for Women and Adolescent Girls&quot; by Jyoti Sanghera, Senior Consultant, UNICEF. (Presenter: Alfhild Petrén, Senior Advisor, Ministry for Foreign Affairs, Sweden)&lt;br&gt;5) &quot;Promoting Effective Legal Strategies to Combat Trafficking&quot; by Shanthi Dairiam, Executive Director, International Women's Rights Action Watch Asia Pacific&lt;br&gt;6) &quot;Promoting Changes in Existing Social Attitudes to Women, Men and Sexuality&quot; by Bo Lewin, Professor of Sociology, University of Uppsala, Sweden&lt;br&gt;Respondent: Prof. Julia O’Connell Davidson, School of Sociology and Social Policy, University of Nottingham, U.K.</td>
<td>Room 4, Level 1</td>
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<tr>
<td>10:10 - 10:30</td>
<td>Coffee Break</td>
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<tr>
<td>10:30 - 12:30</td>
<td><strong>Workshop A on Strategies 4, 5 and 6</strong></td>
<td>Room C, D &amp; E., Level 1</td>
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<tr>
<td>12:30 - 13:30</td>
<td>Lunch Break</td>
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<tr>
<td>13:30 - 15:00</td>
<td><strong>Workshop A on Strategies 4, 5 and 6 (continued)</strong>&lt;br&gt;<strong>Moderator:</strong> Alfhild Petrén, Ministry for Foreign Affairs, Sweden</td>
<td>Room C, D &amp; E., Level 1</td>
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<td>15:00 - 15:20</td>
<td>Coffee Break</td>
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<tr>
<td>15:20 - 17:00</td>
<td><strong>Plenary 4: Presentation of Workshop Reports</strong>&lt;br&gt;<strong>Moderator:</strong> Alfhild Petrén, Ministry for Foreign Affairs, Sweden</td>
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### APPENDIX 1: SEMINAR PROGRAMME

**Day 3: Wednesday, 9 October 2002**

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<th>Venue</th>
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<td>09.00 - 10.00</td>
<td>Plenary 5: Synthesis of Workshops</td>
<td>Room 4, Level 1</td>
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<tr>
<td></td>
<td>• Jean D’Cunha, UNIFEM</td>
<td></td>
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<tr>
<td></td>
<td>• Alfild Petren, Ministry for Foreign Affairs, Sweden</td>
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<tr>
<td>10.00 - 10.30</td>
<td>Coffee Break</td>
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<tr>
<td>10.30 - 12.00</td>
<td>Workshop B on Actions to be Taken</td>
<td>Room C, D &amp; E, Level 1</td>
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<tr>
<td>12.00 - 13.00</td>
<td>Lunch</td>
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<tr>
<td>13:00 - 14:30</td>
<td>Plenary 6:</td>
<td>Room 4, Level 1</td>
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<tr>
<td></td>
<td>• Workshop Reports and Recommendations</td>
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<tr>
<td></td>
<td>• Sectoral Recommendations: Governments, Civil Society,</td>
<td></td>
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<tr>
<td></td>
<td>International Development Co-operation and UN Agencies</td>
<td></td>
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<tr>
<td></td>
<td><strong>Moderators:</strong> Rosa Linda T. Miranda, UNIFEM</td>
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<tr>
<td></td>
<td>• Alfild Petren, Ministry for Foreign Affairs, Sweden</td>
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<tr>
<td>14:30 - 15:00</td>
<td>Closing</td>
<td>Room 4, Level 1</td>
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<tr>
<td></td>
<td>• Sienoi Kashemsanta Na Ayudhaya,</td>
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<tr>
<td></td>
<td>Secretary-General, National Youth Bureau, Thailand</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Stephano Starache Janfolla,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ambassador, Embassy of Italy in Thailand</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Gun-Britt Andersson, State Secretary for Development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Co-operation, Migration and Asylum Policy, Sweden</td>
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</tbody>
</table>
## APPENDIX 2: PARTICIPANT PROFILE

<table>
<thead>
<tr>
<th>Participant Category</th>
<th>No of Participants</th>
<th>Country/Organizational Details</th>
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</thead>
<tbody>
<tr>
<td>Governments</td>
<td>36</td>
<td>Belgium, Cambodia, China, Indonesia, Ireland, Lao PDR, Malaysia, the Philippines, Republic of Korea, Sweden, Thailand, Vietnam</td>
</tr>
<tr>
<td>Diplomatic Missions</td>
<td>26</td>
<td>Austria, Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Portugal, Sri Lanka, Sweden, UK, USA</td>
</tr>
<tr>
<td>International Development Co-operation Agencies</td>
<td>11</td>
<td>AUSAID, CIDA, Japan Foundation, NORAD, Rockefeller Foundation, SIDA, USAID</td>
</tr>
<tr>
<td>UN Bodies</td>
<td>11</td>
<td>UNDP, UNESCAP, UNFPA, UNHCR, UNICEF, UNIFEM, UNODCCP</td>
</tr>
<tr>
<td>Specialized Agencies and related Organizations</td>
<td>10</td>
<td>FAO, IBRD, ILO, WHO</td>
</tr>
<tr>
<td>Intergovernmental Organizations</td>
<td>6</td>
<td>ADB, EU, IOM, SEAMEO</td>
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<tr>
<td>Resource Persons and Specialists</td>
<td>17</td>
<td>Asia and Europe</td>
</tr>
<tr>
<td>Research Institutions and Private Sector</td>
<td>10</td>
<td>Asian Institute of Technology, Chulalongkorn University, 5 Companies from private sector in Thailand: Ban-Thum-Thai Company Ltd, Oriental Interpoly Company Ltd, ROHM Apollo Electronics Company Ltd, Somboon Group, Track Team Service Company Ltd</td>
</tr>
<tr>
<td>Observers</td>
<td>14</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>171</strong></td>
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**APPENDIX 3: ACRONYMS**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>ASEM</td>
<td>Asia Europe Meeting</td>
</tr>
<tr>
<td>AusAID</td>
<td>Australian Agency for International Development</td>
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<tr>
<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
</tr>
<tr>
<td>IWRAW-AP</td>
<td>International Women’s Rights Action Watch Asia Pacific</td>
</tr>
<tr>
<td>IBRD</td>
<td>International Bank for Reconstruction and Development</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>ISS</td>
<td>Institute for Social Studies, The Hague</td>
</tr>
<tr>
<td>NORAD</td>
<td>Norwegian Agency for Development Co-operation</td>
</tr>
<tr>
<td>SEAMEO</td>
<td>Southeast Asian Ministers of Education Organization</td>
</tr>
<tr>
<td>SIDA</td>
<td>Swedish International Development Co-operation Agency</td>
</tr>
<tr>
<td>UNESCAP</td>
<td>United Nations Economic and Social Commission for Asia and the Pacific</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UNIAP</td>
<td>United Nations Inter-Agency Project to Combat Trafficking</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
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<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
</tr>
<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<tr>
<td>UNODCCP</td>
<td>United Nations Office for Drug Control and Crime Prevention</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
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</table>
The Ministry for Foreign Affairs, Sweden and Swedish missions abroad are responsible for Sweden’s relations with other countries. The areas of responsibility include promoting and enhancing the respect for human rights, contributing to equitable and sustainable global development which must embrace all policy areas, promoting Swedish business and Swedish economic interests abroad and securing Sweden’s relations with other countries.

UNIFEM is the women’s fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies that promote women’s human rights, political participation and economic security. Within the UN system, UNIFEM promotes gender equality and links women’s issues and concerns to national, regional and global agendas by fostering collaboration and providing technical expertise on gender mainstreaming and women’s empowerment strategies.

UNESCAP’s Gender and Development Section (GAD) works to promote women’s empowerment and advancement, overcoming barriers to gender equality while reducing poverty in the UNESCAP region. In order to reduce poverty, promote development and achieve gender equality, it is necessary to increase women’s access to economic resources, education, information and communication technologies and governance, as well as to protect women’s human rights and eliminate all forms of violence against women. GAD provides capacity-building and training, facilitates policy formulation, awareness-raising and outreach throughout the region and globally. GAD welcomes opportunities to engage in new partnerships and strengthen long-standing networks in an effort to promote cross-cutting and multidimensional approaches to progressive change for women and girls throughout the region.
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Fax: +66 2 288 1000
Website: www.unescap.org
Discussions and Recommendations

The concept paper and six related strategy papers were presented in plenary sessions. Each of the seven papers had a respondent who commented on the relevant paper during plenary. Participants were divided into six smaller workshop groups according to the themes of the strategy papers. Workshop discussions were guided by questions and issues raised by the concept and strategy papers and the respondents’ comments. This section captures the key issues raised and recommendations made during plenary and workshop discussions.
The concept paper lays down a detailed and multi-layered framework of analysis that sees trafficking as an issue that is intertwined with varied aspects of women’s status, roles and location in societies. The complex factors that contribute to the systematic marginalization of women correctly connects the issues around trafficking of women with structural, historical, institutional and ideological factors that account for women’s continued subordination, including their pervasive abuse as sex objects in the private and public spheres. Despite progress that has been made to improve women’s lives, in no country are women substantially free from violence and abuse. The visibility of trafficking in women as an issue today illustrates this point.

An important insight of the concept paper is the need to better address the demand dimensions of the issue, including male demand for women’s sex services in prostitution – a sector into which large numbers of women are trafficked. This has implications for the way we frame the analysis of trafficking as a gendered phenomenon that is rooted in ideological constructions of the social roles of women. Even more important, it will have implications for the substantive direction of education and awareness initiatives and of legal frameworks. However the paper has not elaborated the role of pornography or new information technologies and their utilization by the sex industry as a means of socializing men into being sex consumers. It should be noted that sites for sexual services are some of the most profitable and fastest growing mediums for the marketing and exploitation of women and children. They reinforce racist and misogynist images of women. The high growth rate and massive income derived from sex sites indicate that changing male attitudes and demand for sex may not be so easily attainable. There is need for greater involvement of male advocates in anti-trafficking campaigns and initiatives to transform male-centred attitudes and behaviour that generate demand for trafficking and proliferation of institutions into which they are trafficked.
Issues Raised

- There is need to adequately recognize the significance of community-based anti-trafficking initiatives, and ensure that good practice is replicated and scaled up.
- Finally participants also reinforced the view that while a gender sensitive rights-based approach is woman-centred, it does not exclude preventing trafficking in men and boys or assisting them if trafficked.

**WORKSHOP 1**

Strategy Paper: *Providing Livelihood Options for Women and Adolescent Girls: An Integrated Approach*

by Lorraine Corner
Regional Economic Adviser, UNIFEM

Respondent: Syed Nuruzzaman
Social Affairs Officer, Poverty Centre
Office of the Executive Secretary, UNESCAP

- There is need to place the preventive role of livelihood opportunities for women and girls in relation to trafficking within the total socio-economic context of migration and trafficking. Relevant livelihood opportunities may be located in developed or developing countries. Macroeconomic policies in both countries may contribute to their creation or destruction, and to whether they have a negative or positive impact on migration and trafficking.
- Prevention calls for an integrated and multi-sectoral approach that addresses migration and trafficking within the context of national development policy. Many countries of origin do not regard trafficking, gender mainstreaming or human rights as development priorities, and the links between trafficking and global macroeconomic environments and specific macro policies in countries of origin and destination are not widely recognized.
- There is need to recognize and address the role of industrialized nations in prevention by addressing women’s fundamental human rights to livelihood and decent work.
- There is need for a more sophisticated analysis and critical review of the role of economic opportunities and empowerment, as strategies for preventing trafficking and rehabilitating the survivors of trafficking. Key issues for review include trafficking as a component of the continuum of population mobility, the role of economic factors on both the supply and demand sides in generating population mobility in general and trafficking in particular, and the relative roles of micro interventions and macro-economic policies.
Priority Group Recommendations

- Micro credit and entrepreneurial programmes:
  (a) need to be strategically focused on specific target groups at the local level;
  (b) should be linked to savings and build on skills acquired abroad (for returnees in particular); and
  (c) must be market-oriented, generate profits and offer returns that are potentially competitive with those available through trafficking or irregular migration.

- Skills development programmes must adopt both a gender perspective and an empowerment approach.

- Reintegration of returnees should take account of their specific needs and the wider socio-economic situation.

- Education for girls should be gender sensitive and provide marketable skills.

- Bilateral MOUs and regional agreements should focus not only on trade in commodities but also on the mobility of people and their protection.

- Governments should:
  (a) enforce contractual obligations and monitor labour standards;
  (b) prosecute exploiting employers and agents;
  (c) ensure a rights-based approach to protect migrants;
  (d) develop localized and targeted interventions for specific groups; and
  (e) consider sectoral approaches to prevention in specific localities.

- The Poverty Reduction Strategy process should:
  (a) be gender sensitive, participatory, and inclusive of vulnerable groups;
  (b) attentive to integrating issues such as trafficking that are not directly “owned” by a specific agency; and
  (c) promote corporate responsibility among employers especially in countries of destination.

WORKSHOP 2

Strategy Paper: Providing Education for Livelihood and Resilience for Girls and Boys
by Sean Devine, Consultant, UNESCO
by Vibeke Jensen, Programme Specialist, UNESCO

Respondent: Phuong Nguyen
Project Officer on Education
UNICEF Regional Office for East Asia and the Pacific

Issues Raised

- The marginalization of women and children, especially girls, from education and sustainable jobs, heightens vulnerability to trafficking.

- Education systems must accommodate all children and be geared towards developing sustainable livelihood skills and resilience to live and sustain a living in their own communities, or in larger towns and cities to which they have migrated on a safe and voluntary basis.

- This would entail major curricula reforms and management changes in education systems that view formal and non-formal education and information dissemination as complementary and in need of improvement; provision and support of work options towards which edu-
cational opportunities are geared; need to make formal and non-formal curricula more gender- and rights-responsive; • need to be able to scale up successful community-level interventions to a national level and incorporate successes into national policy; need to build alliances in a multi-sectoral way.

**Priority Group Recommendations**

- Ensure a match between better education and available job opportunities.
- Incorporate gender and human rights concerns, including themes like trafficking into school and university curricula.
- Ensure life skills and resilience training that raises awareness on the ploys of traffickers and harms of trafficking, and provide assertiveness and self-defence orientation.
- Conduct gender- and rights-awareness training for teachers and heads of institutions who will impart these values to students.

**WORKSHOP 3**

**Strategy Paper: Providing Social Security and Protection for Women and Children in Difficult Circumstances**
by Margie de Monchy
Regional Advisor on Child Protection
UNICEF Regional Office for East Asia and the Pacific

**Respondent:** Prof. Sven Hessle
Department of Social Work, Stockholm, Sweden

**Issues Raised**

- Social protection with reference to trafficking needs to be discussed in relation to broader social exclusion, rather than limiting it to poverty.
- Community protection programmes with “social safety nets”, must be developed with a special focus on prevention and hence early intervention.
- Considerations for successful interventions should include recognition of links between migration and trafficking; targeting of the most discriminated groups, and addressing the special and different needs of women and children at special risk of exploitation.
- The paper presented illustrations of government and civil society initiatives on social safety net programmes in Asia and an assessment of these. Lessons learned included reaching the unreached, ensuring the participation of vulnerable women and children in programmes, linking targeted assistance with institution building, improving information and monitoring mechanisms so that they reach the most violated women and children, developing
Priority Group Recommendations

- Institutionalize training on children and women’s rights.

- Improve the knowledge base on trafficking and build the information base on good practice on social security and protection for women and children.

- Strengthen the capacity of middle-level administrators on technical, logistical, management, perspectival and governance issues.

- Ensure participation and empowerment of target groups in social security and protection schemes.

- Provide services like counselling, life or livelihood skills, safe shelters, girls’ residential schools, foster care to communities identified to be at special risk, or to high-risk populations.

- Support community-based protection bodies and social security initiatives like social funds.

- Strengthen social work capacities and social welfare systems.

Workshop 4

Strategy Paper: Safe Migration and Citizenship Rights for Women and Adolescent Girls

by Jyothi Sanghera
Consultant, UNICEF

Respondent: Dr. Bridget Andersson
Senior Researcher, Institute of Social and Cultural Anthropology
University of Oxford, UK

Issues Raised

- While the right to leave one’s country is recognized as a fundamental right, there is no concomitant right to enter another country. Visa and entrance requirements for migrants from poorer countries make it difficult to enter and work legally, thereby restricting mobility. This is especially true for women who are discriminated against by their skills not being respected, their jobs regarded as low-skilled, or by legal requirements that enforce dependence on male spouses. Emigration regimes that restrict women’s migration, force them into “illegality” and render them vulnerable to abuse.

- Promoting safe migration and citizenship rights is crucial in combating trafficking. Stringent immigration controls do just the opposite – they

- Trafficking may occur in legally sanctioned systems of immigration: women may enter as “wives” or “au pairs” and be forced into work, including into prostitution. Many legal migrants are tied by immigration rules to a named employer, making it impossible to retract from the employment contract even if they have been deceived as to the terms and conditions of work. Enforced dependence increases vulnerability, especially if enforced by the State.

- It is important to recognize women’s migration in terms of exercising agency. This leads us to problematize the “feminization of trafficking”. We must refrain from adopting an essentialist model that sees men as “undocumented” workers or “smuggled aliens” and women as passive victims of trafficking, because there are also men who are trafficked and women
do migrate. In fact trafficking transforms women as agents into victims, within the context of migration.

- The characteristic endpoint imagined in discussions on trafficking, is that of the trafficking person as a helpless victim. While this undoubtedly happens, there are many who escape the situation on their own or with the help of others. They are transformed into irregular immigrants. Should they be punished or treated as trafficked persons to be assisted? This lack of recognition of other endings to the trafficking process results in responses and strategies that reinforce other forms of dependencies. It can also result in the construction of hierarchies of victimhood and oppression, whereby the most worthy of help are those who suffer most, while those who struggle out of misery become less deserving or even undeserving of support – for instance support related to regularization of irregular immigration status or granting citizenship rights. Promoting safe migration and citizenship as a strategy to combat trafficking must address such intricate questions and all the unfoldings of the trafficking process – individual and collective.

- It is further important to examine the consequences of repatriation and return, especially from the safety angle. For repatriation does not always mark the end of abuse, exploitation and harm. Nor does it mark the end of mobility, as many re-migrate or are re-trafficked.

Priority Group Recommendations


- Generate databases on migration disaggregated on the basis of sex, age, ethnicity, etc., that provide information on sectors of job demand, supply, remittances.

- Build women’s capacity to deal with potential exploitation through pre-departure gender and rights-based orientation and training, thus enhancing their access to entitlements.

- Regulate recruitment and travel agencies in terms of protecting workers rights and develop mechanisms for accountability.

- Provide reliable and regulated sources of easy, low-interest credit, especially to women migrants, as a means of avoiding highly exploitative indentured labour contracts. Sources of credit need to be separated from employment and recruiting agencies.

- Review immigration laws and policies in accordance with international human rights standards, and an assessment of demand for migrant women’s labour in various sectors.

- Enforce minimum national labour standards for the protection of national and foreign women migrant workers.

- Facilitate collective action and organization in countries of origin and destination.
Promoting Gender Equality to Combat Trafficking in Women and Children

- Trafficking in persons, the majority of whom are women, largely occurs in the context of migration and is not often recognized by destination countries as a violation of human rights. Rather, it is addressed as irregular migration, and action is taken against trafficked persons for irregular immigration status.

- Guiding principles of a human-rights-based legal approach to trafficking are as follows: place trafficked women at the centre of the issue; decriminalize the victim; avoid conflating trafficking with migration; address all violations throughout the trafficking cycle; ensure provision for bilateral and multilateral agreements protecting trafficked persons; enumerate the legal obligations of countries of origin and destination to protect the trafficked person; pay special attention to the needs of ethnic minorities and stateless persons; eliminate all forms of discrimination against women in countries of origin and destination.

- Ratify the UN Protocol to Suppress, Prevent, Punish Trafficking in Persons, Especially Women and Children, as an international instrument that meets basic standards from a rights perspective.

- Ratify other international conventions that have a bearing on trafficking such as the Convention on the Rights of the Child and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women, the Palermo Convention on Transnational Crime, etc.

- Amend or adopt national legislation in accordance with the UN Trafficking Protocol and other international standards.

- Ensure that trafficking legislation and its enforcement is gender- and rights-responsive, with protective provisions for victims and witnesses. Eliminate clauses penalizing or discriminating against women in prostitution.

- Collect and analyze good practice of organizations striving to protect the rights of trafficked and non-trafficked persons in prostitution without demanding legalization or decriminalization of the industry.

- Enhance the efficacy of legal enforcement through the following:
  (a) Develop guidelines for the rapid identification of trafficked persons.
  (b) Generate databases (disaggregated on the basis of sex, age, nationality, ethnicity, etc.) on trafficked persons, purposes for which they were trafficked, profiles of traffickers, patterns of trafficking, routes and operations of traffickers.
  (c) Institutionalize legal refresher courses for enforcement agencies and gender and rights training to identify trafficked victims and treat them in accordance with gender and human rights principles and standards.

WORKSHOP 5

Strategy Paper: Promoting Effective Legal Strategies to Combat Trafficking
by Shanti Dairam
Executive Director, International Women’s Rights Action Watch Asia Pacific

Respondent: Eleanor Condor
Lawyer, the Philippines

Issues Raised

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  (c) Institutionalize legal refresher courses for enforcement agencies and gender and rights training to identify trafficked victims and treat them in accordance with gender and human rights principles and standards.
Strategy Paper: *Promoting Changes in Existing Social Attitudes to Women, Men and Sexuality*
by Bo Lewin
Professor of Sociology
University of Uppsala, Sweden.

Respondent: Prof. Julia O’Connel Davidson
School of Sociology and Social Policy, University of Nottingham, UK

**Issues Raised**

At one end of the discussion was a point of view represented by the respondent as follows:

- Analyses that explain trafficking by focusing on general questions about notions of womanhood and manhood, and prevailing beliefs about male and female sexuality are limited in a number of respects.

To begin with, women and girls are trafficked into a range of sectors, including factory work, domestic work, agricultural work, as well as prostitution. Questions about the cultural construction of male and female sexuality are not relevant to understanding the use of exploitative and slavery-like practices in these other sectors.

- Though general questions about the cultural construction of male sexuality are relevant to understanding the general demand for commercial sex, they do not necessarily help to account for trafficking for prostitution. Not all those who work in prostitution have been trafficked. In other words, demand for commercial sex does not always or necessarily represent demand for trafficked persons’ labour and services, and so general questions about why men buy sex or about whether and when women are imagined as sexually inert, are not on their own enough to explain why some women and girls are subject to forced labour within the sex trade.

Instead, we need to think about patterns of labour exploitation within the sex trade, and how these may or may not link to particular patterns of consumer behaviour. In other words we need to address the complexities of both the supply and demand side of commercial sex and the relationship between the two.

- Many are reluctant to consider these complexities because they object to the sex trade on moral and/or political grounds, and therefore take the trafficked woman or child as emblematic of the condition of all prostitutes. But the commercial sex sector is organized and imagined by many sex workers, employers and clients as a kind of personal service industry, and it is enormously complex and diverse. Hierarchies exist not only between owners and controllers on one hand and sex workers on the other, but also among clients and sex workers themselves. These hierarchies and patterns of employment relations within the sex industry are linked to the intersection between gender inequalities and a range of...
other social, economic and political inequalities. Further it is social attitudes towards prostitutes, rather than some general category of ‘women’, that make sex workers particularly vulnerable to abuse and exploitation. Although the stigmatization of prostitutes is intimately bound up with general social attitudes towards women and sexuality, it is important to note that measures to promote greater gender egalitarianism will not automatically help to destigmatize prostitutes, who are often imagined as standing outside the community of good, decent, rights-holding women. Moreover prostitution law in most countries enshrine this stigma, leaving particular groups of sex workers hugely vulnerable to abusive and slavery-like employment practices. There are few countries in which prostitution law helps establish employment norms within the sex trade that are respectful of prostitutes’ rights as workers.

So to understand linkages between the sex sector and trafficking, it is vital to analyse the legal and social regulation of the commercial sexual experience, as opposed to sexual experience in general. We need ask how ideas about race/ethnicity/nationality, in combination with global, political and economic inequalities, and restrictive immigration policies, intersect with ideas about gender and sexuality to place particular groups of migrant sex workers at the bottom of the price hierarchy in the most exploitative working conditions.

- Whatever we believe about the rights and wrongs of buying sex, there are huge differences between clients in terms of their motivations and practices as consumers. While some clients actively seek prostitutes from groups that are most likely to be subject to abusive and slavery-like employment practices, others actively attempt to avoid prostitutes from these groups. Variations in patterns of demand for commercial sex do not merely reflect individual differences between clients, or general cultural norms regarding male sexuality, but also different social norms regarding what is and is not an acceptable way to behave as a buyer in the commercial sex market. Even as actors in what is often a completely unregulated market, clients do have a sense of, and generally want to conform to the prevailing norms of the commercial sex market. As consumers in other markets, people tend to observe what other consumers do and follow suit. However most people are very malleable in terms of their morality in any market and can quickly adjust themselves to practices that they would previously have considered exploitative, provided everyone else appears to be doing the same thing. Clients are no different.

- In some settings, prostitution is socially imagined and regulated in ways that construct women and girls as debased objects of trade, rather than as workers selling a personal service. When men’s actions as clients are informed by such a framework, they are much more likely to feel it is acceptable and justifiable to use trafficked/unfree, young and vulnerable prostitutes, and more likely to tolerate or justify violence against them. And even where prostitution is imagined and regulated as a personal services market in which sex workers sell their skilled and alienable sexual labour, the existence of racialized hierarchies in terms of prices and working conditions can make the mistreatment of certain groups of sex workers appear to be normal and acceptable.

- The following conclusions can be derived from the above:

1. There are many who wish to promote change in existing social attitudes towards women and sexuality. But if the concern is to identify realistic and workable anti-trafficking measures, and come up with short-term, harm reduction measures for those most vulnerable within the sex trade, we need to focus specifically on attitudes towards commercial sex among buyers of sex. Efforts should be directed towards establishing and promoting universal standards and norms in relation to the minimum rights of sex workers that would be respected by a majority of both employers and clients.

2. We must recognize the complex interplay between gender and other social hierarchies – especially class, race, ethnicity, nationality and age, if anti-trafficking measures are to be effective.
We must address the state’s central role in creating and reinforcing the social, economic and political inequalities that leave some women and children vulnerable to various forms of abuse and exploitation, including trafficking. With regard to questions about social attitudes towards women and sexuality, we need to consider ways in which prostitution law or the regulation of the commercial sex trade, may enshrine the negative stigma attached to prostitute women. This acts as a barrier towards collective organization among those working in the sex industry in pursuit of greater rights and status. It discourages rather than encourages the establishment of social norms among employers and clients that are respectful of prostitutes’ rights as workers.

Finally many abolitionists call for laws to forbid men from buying sexual services. But it is important not to confuse sentiments about prostitution with those about trafficking. Not all clients buy sex from trafficked prostitutes, or even from groups of sex workers among whom trafficked persons are likely to be found. The case for criminalizing prostitute-use per se must thus be made through appeal to something more than simply the fact that the sex industry is currently a site of exploitative and slavery-like employment practices. Further criminalizing the buying of sexual services would be an unrealistic response in settings where prostitute use is widely socially accepted as a normal aspect of male sexual behaviour. Laws against prostitute-use are particularly likely to be ineffective in settings where more than 70 percent of male police officers may themselves have experience of buying sex. Furthermore, since children and members of other politically, socially and economically marginalized groups are among those who provide demand for commercial sex, punitive approaches to those who buy sex may in many cases conflict with concerns for children’s rights and other social justice issues. Finally, in settings where female prostitutes are most intensely stigmatized and where their civil and human rights are most systematically and consistently violated, calls for punitive approaches towards clients are likely to have unintended and negative consequences for women and children in the sex trade. All of this points to the conclusion that a “one measure fits all” approach along the lines of “penalize the buyers” is unworkable. Instead, policy measures to address the demand side of the market for commercial sex need to be sensitive to the particularities of the regional and local context within which demand occurs.

Responding to the above point of view were participants who argued that:

- The social construction of manhood and womanhood, male and female sexuality, combined with other socio-economic and political factors, is intricately linked to both prostitution in general and to trafficking into the sex and other sectors as follows:
Promoting Gender Equality to Combat Trafficking in Women and Children

Prostitution is based on the patriarchal ideological assumption that sex is a male right; that sex and women’s bodies are commodities to be bought and sold, used and abused in the interests of male clients. Women in prostitution are constructed as “lascivious providers of sexual pleasure” and stand in contrast to the wife – “the procreators of a husband’s legitimate progeny”. First, the very condition of commodification of sex and women’s bodies is a condition of alienation. Second, violence is built into a male-defined institution like prostitution and women are pitted against women – “whore vs madonna”.

Any male who can pay a price for sex and women’s bodies can have recourse to them. In an increasingly alienated and consumerist world, alienation which includes sexual alienation, results in demand for newer forms of sexuality and different and sexual partners. Class, race and ethnic factors interface with gendered notions of sexuality, resulting in the further abuse of women in prostitution.

Hierarchies exist among women in prostitution in terms of institutional arrangements, degrees of freedom and control, other terms and conditions of work. Hierarchies notwithstanding, female prostitution involves the appropriation of women’s sexuality by men who buy sex. Research also establishes client, pimp or state violence against women in the upper echelons of the sex sector.

- How do gendered constructions of male and female sexuality relate to trafficking of women and children into the sex sector? The sex sector has in the recent context of globalization assumed the dimensions of a profitable global sex industry. A vast array of women and children from any part of the world can be provided to a vast array of clients from or in another locale. New information and communication technologies rapidly and inexpensively facilitate the process.

As both migration and trafficking studies point out, feminized migration and trafficking is largely a demand-driven phenomenon. While it is true that not all women are trafficked into the sex sector, research and ground evidence particularly, though not only from poor countries, suggest that women and children are kidnapped or abducted for prostitution. Or their consent to migrate deriving from a force of circumstance, is nullified by coercion, exploitation or deception, which includes insidiously capitalizing on vulnerability to gain consent. At the other end of the spectrum are women who knowingly move into the sex sector, but are deceived about job categories within the sector and other terms and conditions of work, thus vitiating original consent. All this amounts to trafficking as defined by the UN Optional Protocol on Trafficking. Further, observed trends related to prostitution and trafficking into the sex sector establish that the age of persons in the sex sector is rapidly falling. Trafficking, especially across national boundaries is thus a principal method of supply into the sex sector. Traffickers thus use the bodies of young women and children as a central resource for the generation of profits.

- Assertions of class, racial, and male hegemony intertwined with gendered constructions of male and female sexuality are also relevant to women trafficked into other sectors, such as domestic work or sweat shop labour. Rape and other forms of sexual violence against women trafficked into other sectors are a well-documented phenomenon. Further, employers and contractors employing foreign or national migrant women workers in sweat shops or in export processing zones are known to also hire them out for prostitution. There are also cases of domestic workers being forced to entertain clients in sex establishments owned by their male employers.

- There is no doubt that clients exhibit varied motivations, attitudes and behaviour to women in prostitution. But these remain broadly within a power mindset – an exercise of class, racial, male hegemony, interlinked with gendered notions of male and female sexuality.

 Clients normally do not go to brothels and to the hospitality sector (a euphemism for prostitution) into which trafficking also occurs, asking for women who are there by “choice”. Nor do
owners tell them that they employ trafficked women. The appropriation of the sexuality of growing numbers of young women, minors and children testifies to large numbers of men showing blithe disregard for women and for children.

- Penalizing clients may act as a deterrent, though it may still be too early to ascertain the impacts in countries that have introduced the measure. However it defines “buying sex” as a crime and unacceptable behaviour and generates public discussion on existing notions of male and female sexuality, towards change.

- The respondent’s paper suggests encouraging clients and employers to treat women in prostitution with respect, within a legalized, decriminalized industry. This is proposed as a short-term harm reduction measure. However, once normalized like any other business, the proliferation of sex services to cater to varied client demand will result in greater sexual violence against women, as ground experience shows.

Normalization of paid sex and the objectification of sex and women’s bodies, would diminish the value of struggles for gender equality and for the elimination of sexual harassment and violence against women. For what is defined as sexual harassment and violence in contexts where no monetary transaction occurs, would be defined as legitimate work in institutions where monetary transactions take place.

- Finally women and children in prostitution, including those trafficked for sex and other purposes must be decriminalized. Their rights as individuals must be protected. The focus must be on efforts to protect their rights without legitimizing the institution, as well as for long-term preventive development measures.

Priority Group Recommendations

- Undertake participatory research on the experience of sex and sexuality of non-trafficked and trafficked women and children in prostitution.

- Undertake studies on client motivation, attitudes and behaviour to persons, especially women and children providing sex services, and on client experience of sex and sexuality in prostitution.

- Raise awareness especially among young girls and boys, young men and women, challenging existing gendered constructions of male and female sexuality that endorse the abuse of women and reinforce the demand for institutions into which they are trafficked.

- Use gender and rights-based sex education as a tool directed at youth, school children, parents and communities to prevent trafficking for sex.

- Advocate for women’s sexual integrity to be accepted as a normative issue and eliminate the social stigma against women in the sex trade.

- Enhance access of women in prostitution to woman-friendly sexual, reproductive and general health services.

- Expand the gender and human rights framework to the domain of sexuality.
SECTORAL RECOMMENDATIONS

Recommendations by Governments, Civil Society, International Development Co-operation and UN Agencies

GOVERNMENTS

- Place trafficking on national development agendas, linked to millennium development goals, with adequate budget allocations.
- Develop engendered databases on trafficking and monitoring and impact assessment indicators.
- Ratify the UN Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, 2000.
- Mainstream a gender sensitive rights-based perspective into development and anti-trafficking plans, policies, legislation and programmes, in an integrated multi-sectoral manner.
- Address the special needs of children in development and anti-trafficking plans, legislation and programmes.
- Establish mechanisms for inter-ministerial, inter-agency, multi-sectoral collaboration in formulating, implementing and monitoring policies and programmes.
- Collaborate with NGOs in formulating and implementing these policies and programmes.
- Conduct gender sensitive rights-based training on trafficking for policymakers and staff of concerned government agencies.
- Develop regional and subregional co-operation and exchange to combat trafficking, including bilateral and multilateral technical co-operation.
- Address the demand side of the problem in both Europe and Asia.
- Encourage all ASEM countries to implement the above recommendations.

CIVIL SOCIETY: NGOs, PRIVATE SECTOR, MEDIA, SPECIALISTS

- Advocate with governments to ratify and enforce relevant international instruments such as the Palermo Convention 2000, the UN Optional Protocol to Prevent Suppress and Punish Trafficking in Persons especially Women and Children, the Convention on the Elimination of All Forms of Discrimination against Women 1979, the Convention on the Rights of the Child, 1989.
- Review and reform anti-trafficking laws from a gender sensitive rights perspective, including policy and practice restricting women’s mobility.
- Run media campaigns to combat trafficking.
- Promote gender and human rights education at all levels especially among young children and youth.
- Implement gender sensitive rights-based awareness-raising and training on labour laws, HIV/AIDS, existing social attitudes on gender roles and sexuality, for vulnerable groups.
- Integrate UNHCHR Human Rights Guidelines and Standards on Trafficking and the perspectives of trafficked persons and NGOs, into the formulation and implementation of plans, policies, legislation and programmes on trafficking.
INTERNATIONAL DEVELOPMENT CO-OPERATION AND UN AGENCIES

- Treat trafficking as a development issue.
- Support the development of engendered databases, monitoring and impact assessment indicators on trafficking.
- Support inter-sectoral plans of action marked by a gender sensitive rights-based perspective.
- Support initiatives that aim to understand the motivations and operations of traffickers and how demand is generated.
- Support awareness-raising initiatives that aim to transform male-centred attitudes and behaviour that generate demand for trafficked persons, as well as initiatives involving men as advocates against trafficking in women and in children.
- Enhance gender rights sensitivity among staff of international development co-operation and UN agencies.
- Support efforts at regional collaboration and exchange to combat trafficking.

Alfhild Petrén, Rosa Linda T. Miranda and Thelma Kay
The paper maintains that sexuality and gender are social constructs, varying between cultures. It points out that there are marked differences in power between countries, regions and individuals; and that within each country, region and subculture, there are also power differentials between men and women.

Such differences are broadly illustrated by comparing how different groups of cultures attempt to control female sexuality. A more specific and partly different example is provided by exploring the specific historic circumstances surrounding the development of a relative gender equality in the Nordic countries.

The paper concludes by urging future work to be based on the specific circumstances of each culture and understanding how not only sexuality, but women themselves, become commodities for a market. Finally it points out that when planning interventions, we must make clear whether we are dealing with a culture of shame or one of guilt.
When wishing, for whatever reason, to change people’s perceptions of reality and behaviour, it is easy to be seduced by our own wishful thinking. Our wishes, however, will not change reality; not even our brilliant analysis will in itself change it. Nevertheless change is possible once we realize that what is crucial is not the nobleness of our aims, but rather our ability to identify possible leverages of change.

Such leverages are dependent on the specific cultural setting. When we talk about “social attitudes” – as in the title of this paper – we must realize that they are determined by a social process and are the result of a specific culture (or even subculture). That all known societies have been dominated by males does not mean that such dominance has been achieved by the same means or has resulted in even comparable cultural constructs. There are vast differences between societies and cultures in how differences between men and women are perceived. This is in itself evidence of the fact that differences between the sexes are by no means fixed or naturally or divinely ordained. Our perceptions and preconceptions of women (and men), of sexuality and of women and sexuality are social constructs.

Once realizing that, we will be forced to accept that there is no one way to change these social constructs, but rather that any change has to be culture-specific. Ready-made “solutions” cannot be exported.

In the context of trafficking in women and children, it is obvious that we are already from the outset talking about different cultural contexts. On the one hand, we have to deal with the culture of origin of the woman (or child), i.e. the cultural (and subcultural) contexts of the victims, and on the other hand, we have to deal with the cultural contexts of the male buyer. To further complicate matters, the profiteers will be found in any culture and social context involved. For trafficking to flourish, there must be a supply as well as a demand. The conditions that are conducive to supply are, however, not the same as those generating demand. When we talk about trafficking, the factors related to supply operate in a cultural setting that is different from the cultural setting where demand is shaped.

At the bottom lies an unequal distribution of wealth and power among nations, regions, subcultures and individuals. There is also an unequal distribution of wealth and power between men and women in each nation, region and subcultures. Changing existing attitudes to women and sexuality entails dealing with the unequal distribution of wealth and power. We must also not forget that this unequal distribution of wealth and power is the result of culture-specific processes and beliefs.

Social reality is created by the interaction of human beings. Our interactions do not take place in a void, but are shaped by the same social order we are recreating and possibly modifying through these actions. Let us, however, try to be more specific and relate what has been said to more specific geographical, historical and social contexts. This paper discusses the consequences of specific historical conditions important in shaping gender relations in some of the Nordic countries and how such specific circumstances can make gender relations very different. The purpose of the discussion is to demonstrate that we cannot escape our historical background, but must build on it. Our Nordic patterns cannot be exported, but the lessons may be learned and comparable patterns sought in other cultures. The paper seeks to illustrate a method to search for solutions, not to propose a solution in itself, because solutions – or roads to change – have to be culture-specific.
Our point of departure will be what has already been noted: all known societies have been dominated by men.¹ All societies have rules and customs governing the orderly transfer of power, wealth and privilege from one generation to the next, i.e. primarily from one group of men to a related group of men in the next generation.

But men do not bear children. Men may be the fathers of the next generation of rulers, but men do not give birth to other men. This is the weak link of patriarchy. Men are dependent on women to have heirs, in spite of universally being the ruling gender. Further, women can be certain about their progeny, but men cannot.

Men are thus dependent on women and their fecundity – thus sexuality becomes not only an issue for spouses in the individual partnership, but also becomes an issue of great significance for society at large. The fecundity of women, and ultimately the sexuality of women, hence has to be controlled, since this really is the weak spot of patriarchy: determining who the real father of the alleged son and nephew is. We cannot have wealth, power and privilege passed to the wrong male child since that would be totally against its orderly, organized and foreseeable transfer. The sexuality of women thus constitutes a threat to male supremacy and the existing social order and is indeed a crucial issue.

IIa  PROTECTING THE SOCIAL ORDER

Accepting the above background – at least for the sake of argument – we find that societies have responded in at least two very different ways to handle the threat of women’s sexuality; and that there are different and deeply culture-specific ways of understanding, explaining and socially creating women and sexuality. We must examine the specifics of each culture and its roots to be able to facilitate change.

Many societies have attempted to de-sexualize women. Good women are not sexual beings. They may, nay they shall, give their husbands their marital rights, i.e. sex, but their true vocation is not that of a harlot but of a mother. Motherhood is the fulfilment of womanhood. Thus female sexuality is controlled and the threat to male supremacy avoided in most Western Christian cultures. Of course there are other women, women who are sexualized, but they are seen as aberrations and not worthy of the respect given the Mother Woman. This also breeds an attitude that facilitates prostitution and trafficking since the sexual woman is not a true woman and hardly human.

On the other hand, societies may accept that women as men are sexual. If denial of female sexuality is not chosen, then women’s sexuality has to be controlled physically. This is done through segregation so that men and women outside of the family meet only under very restricted circumstances. Given that society is controlled and dominated by men, the restrictions necessary to control sexuality of course mainly limit and restrict the freedom and possibilities of women, so that their sexuality does not destabilize the orderly society created by men. This strategy is common among Muslim societies, where it is the responsibility of fathers, brothers and husbands to help uphold the order of society and to control the perceived threatening sexuality of their women.

There are other possible ways of trying to protect the social order, but these two patterns are interesting because they are common to large parts of the world, illustrate very different ways of dealing with the same “problem”, and both have become intertwined with religious beliefs. How women are and to what extent they are sexual is often seen as being part of a religious creed when it is rather the result of a social construct. But often, important social constructs are given a religious legitimacy, even when they are not part of the creed in itself.
Furthermore these two cultural strategies illustrate very clearly that counterstrategies used to promote the situation of women and to change attitudes to women and sexuality must be culture-specific. What may work in an occidental Christian or post-Christian culture is obviously not the counterstrategy that would be relevant in a Muslim culture where the question about whether women are sexual or not, is not an issue. The fact that they are seen as sexual, is the issue.

### IIb Social Conditions that may Lead to Different Outcomes

The world does not consist of two huge cultures, but of an almost infinite number of specific cultures and subcultures. The more specific we get, the greater the chance of finding mechanisms that can be utilized to change attitudes to women and sexuality in a certain culture, although the same mechanisms may not be available in other cultures.

In the Nordic countries, relations between the sexes are in some ways different from those in most other countries in the industrialized West. Attitudes to sexuality, and in particular to female as well as adolescent sexuality is more accepting than in most other Western societies. Gender roles are in some ways less polarized and the male role probably slightly less aggressive. Male behaviour that in many Western societies would be called “assertive” would in the Nordic countries probably be called “aggressive” and frowned upon.

It has been said that the Nordic countries are sexually liberated. This is, however, not particularly accurate. Sexuality is governed by a complex set of social norms just like in any other culture. It is not true that anything is accepted. It is just that these norms pertaining to sexuality, women and adolescents are slightly different than in many other cultures. The reason being the specific history of the Nordic countries.

Why then is it so? The answer, it is claimed, has to be sought for in the roots of Western culture, i.e. roots that one finds on the one hand in ancient Greece, a collection of city states all characterized by inequality and an unequal distribution of wealth. Democracy was not for women and slaves. Other roots are to be found in Rome, an empire built on a slave economy and on an accumulation of incredible wealth and power that had to be transferred in an orderly way to the next generation of males. After the fall of the Roman empire, Western culture was characterized by feudalism, i.e. once more emphasizing the extremely unequal distribution of wealth, and an accumulation of wealth, power and privilege by a few at the top of the feudal pyramid. A Church just as feudal and also intent on amassing wealth supplied an ideological system supporting this societal construct, where the sexuality of women was seen as a possible threat to the existing social order. Sexual women were perceived to be at least in contact, if not fornicating, with the devil. The sexuality of women could definitely be used against women to control them socially.

From this, the Nordic countries differed markedly. They were on the borders of Western culture. They were never part of the Roman empire, and they were Christianized very late. Christianity did not reach these remote shores until almost one thousand years after Christ. But what most likely is more important is that they were extremely poor. At the time of the early wealthy urban cultures at the Mediterranean, there were nothing but very poor subsistence economies in Scandinavia. Population density was extremely low and the largest agglomerations counted only a few thousand inhabitants.

With the partial exception of Denmark that was more densely populated, blessed with better soil and actually producing a surplus (and to which the arguments in this article only partly applies, since Denmark is not only part of the European continent but in many ways is also culturally closer to continental Europe), there was no surplus expropriated by a ruling feudal class, simply because there was not enough surplus produced to supply
In accordance with the argument presented here, this meant that the sexuality of women was seen as less of a threat to the social order. Rather, the fecundity of women was important. It was not so much the fear of illegitimate heirs that governed societal norms, but rather the fear of not having offspring to assist on the family farm. Thus female virginity never became an issue. On the contrary, unmarried cohabitation was common. Also, women were more important as fellow workers than as kept, non-working objects. And no doubt women knew that.

When eventually Christianized, even the Church had to at least partially accept that Swedes formed consensual unions without the benefit of marriage. Church records from as late as the 18th century indicate that the unmarried couple so and so had their third or fourth child, etc., and the children were brought by their (unmarried) parents to church to be baptized.

Even in semi-modern and modern times, Swedish society, when subjected to major changes, has been reverting to these old pre-Christian patterns. Sweden was industrialized only recently — in the last decades of the 19th century. Rapid modernization created great uncertainty, and unmarried cohabitation became common once more among Swedes living in the new agglomerations that grew rapidly as part of industrialization. In the breakdown of norms, people reverted to ancient patterns.

On this note, a last example: During the 1960's, when Sweden left behind the last traces of its rural past, and the economy went through an immense industrial restructuring, unmarried cohabitation once more became common. Between 1966 and 1972 the marriage rate in Sweden dropped by 40 percent, and at that time the future of the nuclear family was believed by some to be threatened. But unlike in many other countries of the West, unmarried cohabitation in Sweden was not deviant and not as in other countries primarily a phenomenon among radical students. The enormous drop in the marriage rate clearly indicated that it was not only small groups in opposition to society that opted for unmarried cohabitation. On the contrary, “most people”, i.e. ordinary people just stopped marrying and entered consensual unions without the blessing of the Church or the State simply because during these transitional times such conventional behaviour as marrying was not seen as necessary. But the traditional Nordic values of partnership were still, or perhaps even more, emphasized — acceptance of sexuality in adolescence and outside marriage, but an emphasis on companionship and fidelity for both spouses in marriage. And this is in several ways different from the mainstream of the contemporary Western industrialized culture.

Indicators of this deviance of Sweden can be found in various areas of life related to sexuality and the relations between the sexes. For instance: sex education in schools was made compulsory in the 1950's. The schools, according to legislation, were to promote the right to individual choice when it came to sexual lifestyles, to promote the equal rights of men and women, to promote gender equality, and to work against double standards. Female labour force participation was higher in Sweden at an earlier date than in other European countries. Parental leave (note, not maternal leave) is a right, and part of the leave is automatically assigned to the father. Since the 1970s, there has been only one ground for divorce, i.e. at least one of the partners does not wish to continue the marriage. For the last 30 years, adolescent clinics have supplied teenagers with contraceptives and prescriptions. And compared with most Western countries, as already noted, female virginity was never much of an issue.

The point is not that this is unique to Sweden, because it is not. Rather, these “reforms” were often not reforms but enactments of deep-rooted cultural traits and therefore accepted more easily and earlier than in other countries.

The acceptance of adolescent sexuality (for both sexes) can be illustrated also by two linguistic examples.

In Anglo-Saxon parlance one may well speak about (and actually until only a decade or so ago only spoke about) premarital sexuality. In Sweden we spoke about adolescent sexuality. The subject matter was the same: the sexual behaviour of...
young people. But in the Anglo-Saxon cultural setting the fact that it did take place outside of marriage defined it. When, or if, people of the Anglo-Saxon variety of the Western culture abandon talking about premarital sexuality and instead start talking about adolescent sexuality, their perception of sexuality of young people will have changed. Their preconception will be different, and the social construction of the sexuality of young people will be different.

Furthermore, in the American language, one may speak about sexually “having gone all the way”, meaning having had penile sex. The lesser importance accorded to virginity and coitus in the Swedish (or Nordic) culture may well be illustrated by this phrase. Behind the phrase lies the idea of culturally acquired sexual experiences moving incrementally from hugging, kissing, caressing, through caressing without clothes, including manual and oral stimulation possibly to orgasm, and finally, to genital intercourse. In Nordic countries, this is not so. Genital intercourse comes much earlier in the accumulation of sexual experiences, whereas manual and particularly oral stimulation to orgasm comes after genital intercourse. In the American context, going all the way is thus a confirmation of a relationship, whereas among young people in Sweden, genital intercourse is an initiation to a possible relationship.

IIc DIFFERENT IS NOT MORALLY SUPERIOR

In the Swedish (or Nordic) context, the relative equality between sexes, as well as a more accepting attitude to nevertheless subjugated groups such as adolescents and women having sexual experience, are by no means the result of moral superiority. They are simply the product of an almost equally shared poverty that made women partners and companions rather than threats to the male order. The extremely low population density also made the fecundity of women more of a blessing than a threat. A lesson that people from the Nordic countries very often have to learn in this context is that we are the deviants – not the rest of the world. The world is not going to eventually catch up with us and be like us. We are not the norm. However, this does not mean that lessons cannot be learned from our (admittedly very specific) history.

So has, for instance, prostitution traditionally been considerably less prominent in the Nordic countries (with the exception of Denmark) than in other countries of the industrialized West. This is a result of the comparative equality between the sexes, the relative acceptance of women’s sexuality and the related emphasis on companionship – factors that according to the analysis have their roots in the historical equality of poverty and not in any moral superiority.

This also means that these particular cultural traits may be threatened by changes that threaten their roots. With increasing affluence, Nordic societies are more easily influenced by predominant Western attitudes to women and sexuality. Only so far will our heritage protect us. This is also obvious in relation to prostitution, which appears over the last decades to have become a growing problem.

Two to three decades ago it would have been fair to say that there really was not much of a prostitution problem per se in Sweden. Prostitution grew as a result of a huge drug problem, where some of the women entered prostitution as an alternative to theft and robbery to finance their use of illicit drugs. Today prostitution is partly of a different type. It is still not widespread, and definitely not as accepted as in most countries of the West. It has, however, gone through some very profound and ill-boding changes related to increased affluence. Trafficking in women – with Sweden as a receiving country – as well as sex tourism from Sweden to countries in Eastern Europe and the Far East have become important aspects of prostitution. These changes are attributable to Sweden being an affluent society. Individual males can pay enough for sexual services, and enough to make
trafficking profitable. They can also travel abroad with the intention of procuring sexual services. This development is in line with the arguments put forth in this paper since it appears that affluence has made it easier to view individual women not as possible partners and companions but primarily as suppliers of sexual services. The prostitution that has been increasing is that related to the relatively more costly trafficking and sex tourism rather than the less costly drug-related prostitution.

III BUILDING ON WHAT THERE IS

To borrow a quote from an old American TV commercial: “But where is the beef?”. So where is the proposed strategy? It is in the preceding analysis and discussion.

This can be itemized and elaborated as follows:

1 That our aims by some standards may be perceived as highly ethical will not necessarily make it easier to reach these aims. Morally compelling is not so.

2 Sexuality may be perceived as naturally determined, but there is no natural sexuality. Sexuality is socially constructed.

3 Similarly, there are biological differences between women and men, but masculinity and femininity are socially constructed.

4 When we say that gender roles and sexual scripts are socially constructed, what is also implied is that ready-made solutions often cannot be exported. Interventions have to be truly culture-specific.

5 Factors to be analysed in relation to trafficking must be scrutinized in at least three different cultural contexts, namely those of a) the victims of trafficking; b) the profiteers; and c) the buyers of services.

6 Factors to be analysed in each of these cultural contexts include, but are not limited to: a) which mechanisms are used and which references are made when female sexuality is defined, and how does this differ from how male sexuality is understood? b) which mechanisms are at work when sexuality becomes a commodity for a market? and c) which mechanisms are at work when not only sexuality, but women themselves, become commodities for a market?

What we have to study is “socialization”, i.e. how we are formed by (our) society, while simultaneously shaping society through our participation in social processes. Society may appear reified, but change is possible. In times of rapid external changes, traditional values and mores break down because the old ways no longer appear feasible or even possible. Also in areas not directly related to the induced societal transformation, traditional norms will be questioned and weakened. What sociologists call an anomic state will persist with an attitude of “anything goes”, but not forever and perhaps not even for long. Lack of norms is mentally exhausting, with people having to decide all the time what to do, how to do it and where the limits lie. People will develop new norms, and in doing so, build on old ones. If the most recent appear non-viable, there will be a strong tendency to revert to even older ones – to the roots of the particular society. This is our window of opportunity.
The strategy proposed is then to analyse particular social contexts attempting not only to be descriptive, but understanding how cultures and subcultures have been formed. This will enable us to find exactly those areas where women and men are seen as companions, those areas where people are people and not commodities, and those areas of these particular cultures and subcultures where the sexuality of women is not perceived as threatening.

From these areas we must build. If we are to achieve any but the most superficial change, we must start from what is and not from what we want. We can achieve at least part of what we want if we find the proper solid and culture-specific foundation. The strategy is thus: from the bottom up.

Finally, a last word of caution. This paper has taken a rather lengthy example as its point of departure. This is because such an illustration may make clear how to proceed and point to what may be found when dealing with very different cultures. It was initially pointed out that male-dominated societies have reacted in at least two very different ways to the perceived threat of women’s sexuality. On the one hand, one could attempt to desexualize women, and on the other hand, it could be accepted that women like men are sexual, but the perceived threat was met by segregating women so that their sexuality would not hinder or disturb men in their important societal tasks.

In this context, another equally important dividing line between cultures is related to whether one lives in a culture of shame or one of guilt.

Is what matters, whether others know that one did it or that one actually did it (irrespective of what the others know)? Is it losing face or one’s own belief in oneself that matters most? Does one live in the context of another directed ethics or in the context of an inner directed ethics? Is one most susceptible to shame or to guilt?

The answer is crucial and must be part of our strategic analysis because here lies the answer to whether it is more important to change the sentiments of the potential actor or the sentiments of his or her surrounding. In a culture of shame, it is perhaps not even necessary to change the attitude of the potential actor, the risk of losing face and being socially ostracized may suffice. In a culture of guilt we may have to influence only the potential actors, but they have to be more thoroughly influenced. As before, our strategic analysis must take this into consideration: from the bottom up; from a solid cultural foundation to perhaps the vicinity of our visions.

**ENDNOTES**

1 This does not, of course, rule out that (many) individual men are subjected to the power of individual women. What is meant is that men as a collective have resources that subjugate women as a collective, and that organization of all known societies is conducive to males dominating females (on a collective level). Although ruling queens, female Prime Ministers, wealthy women actively leading large corporations, etc., are known to exist, and there are provisions made for females assuming such roles, such provisions are the exceptions.

2 It should immediately be made clear that the previous statement – that is, all societies are dominated by males – applies also to Nordic societies. It is not claimed that gender equality exists in Scandinavia or in the Nordic countries. What is claimed is that the accepted male gender role is slightly less aggressive; that sexual...
double standards are less pronounced than in many other countries; and that equality between the sexes is in some ways less controversial than in other societies within the Occidental
culture.

3 We have previously been talking about the Nordic countries, the Nordic culture and of Scandinavia simply because the modern nation States did not exist in the modern sense 2000 years ago. When we now talk about modern times and contemporary legislation we have to be more specific. Sweden is the most clear-cut example among the Nordic countries.

Finland was for 500 years part of Sweden and most of what is said applies also to Finland, although modern legislation is different since Finland from 1809 until independence in 1917 was part of the Russian empire. Much of what is said applies to Norway, which gained independence from Sweden in 1905 (after having been part of Denmark until 1814). Some things apply and some don’t for Denmark, which is the only Nordic country with a true feudal history. In line with the argument presented, prostitution in particular has been much more accepted in Denmark than in the other Nordic countries.
The problem of trafficking in women is not only a result of a complex of social, economic and political factors and a reflection of discrimination against women embedded in social and cultural roots, but it is also an act of violence against women and a crime against humanity. ¹

Trafficking in persons, the vast majority of whom are women, is most likely to occur through the process of labour migration and is often not recognized by receiving countries as a violation of human rights. Rather it is addressed as illegal migration and action is taken against trafficked persons for illegal entry. The phenomenon of trafficking in persons requires serious consideration as its incidence is likely to increase as globalization intensifies and as the development policies of poorer nations fail to provide viable and sustainable economic options for their citizens.

Women are at greater risk because of a combination of poverty and factors related to their subordinated position as women. What is fact is that trafficking takes place for a variety of reasons such as prostitution, forced labour or forced marriage. What has got to be clearly recognized however is that not all women are trafficked into prostitution and not all women who migrate for purposes of prostitution are victims of trafficking.
Legal remedies available at the national level in some countries are applicable to trafficking or to elements such as migration that are associated with trafficking or to the components of the crime involved in the process of trafficking such as kidnapping, forced prostitution and slavery, which are punishable.

Direct legal remedies to address trafficking are also available or being considered at international levels. For example, the South Asian Association for Regional Cooperation (SAARC) has a Convention on Preventing and Combating Trafficking in Women and Children and the United Nations Commission on Crime prevention has developed a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

This paper intends to outline the essential elements of legal strategies to address the problem of trafficking. In so doing some examples and assessment of existing legal strategies will be made. The following issues are raised as a basis for discussion.

## Underlying Causes of Trafficking: The Issue of Discrimination

Strategies to address the problem of trafficking have to be based on an understanding of the causes underlying trafficking and factors that make trafficking possible. This is essential so that holistic and long-term measures for prevention as well as short-term measures for protection of victims and penalizing of traffickers can be adopted to effectively address the problem.

The Foundation for Women and The Global Alliance against Traffic in Women (GAATW), both based in Thailand, have mentioned the following factors and circumstances that are at the root of trafficking.

<table>
<thead>
<tr>
<th>Causes of Female Labour Migration: Women Entering the Sex Industry</th>
<th>Factors That Facilitate Trafficking: Vulnerable Circumstances of Women</th>
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</thead>
<tbody>
<tr>
<td>• Development of urban-centred industrial and service sectors, leaving rural sectors underdeveloped</td>
<td>• Lack of social support for women in difficult circumstances</td>
</tr>
<tr>
<td>• Traditional ideology and roles of women that emphasize familial responsibility for women</td>
<td>• Difficulties of obtaining contracts through official channels for women</td>
</tr>
<tr>
<td>• Limited employment opportunities and gendered division of labour</td>
<td>• Lack of information and understanding about the risks</td>
</tr>
<tr>
<td>• Demand for services in the sex industry</td>
<td>• Complicity of government officials</td>
</tr>
<tr>
<td>• Double standards in society that value chastity in women</td>
<td>• Violence in the family and failed marriages</td>
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</tbody>
</table>
The CEDAW Committee\textsuperscript{1} views trafficking as a form of discrimination. Based on Article 1 of the CEDAW Convention that defines discrimination as any act of "restriction, exclusion or distinction" that denies women the exercise of any right, the CEDAW Committee in its General Recommendation 19, presents the view that as many rights of women are violated in the process of being trafficked that it is indeed a form of discrimination. Because of this view, it is possible to use the full range of the provisions of the CEDAW Convention, depending on the identification of the rights violated, to address the problem of trafficking holistically and provide remedies for victims.

This approach enables States Parties to determine the actions by which they can fulfil their obligations under Article 6 of the CEDAW Convention which requires them "to take measures to suppress all forms of trafficking".

In fact, the CEDAW Committee is of the view not only that trafficking in women is a form of discrimination but also that discrimination against women generally has made women vulnerable to trafficking. So taking legal and other measures to eliminate all forms of discrimination against women would be the first step to prevent trafficking in women.

\section*{HUMAN RIGHTS PRINCIPLES FOR ANTI-TRAFFICKING LEGISLATION}

\subsection*{1 Focusing on protecting human rights, especially of women and children}

The guiding principle of and the human rights approach to any effort to bring about a solution to this problem has to be that trafficked persons, especially women must be placed at the centre of such concern.

Any solution that is adopted should not result in further violation of their rights. Solutions must be empowering.

\subsection*{2 Decriminalizing the victim}

The trafficked woman must be viewed as a victim and the fact that she may have violated immigration laws of the country in which she is trafficked should not be the focus of criminal law and attention. This is often the approach taken by officials in countries in which women find themselves as victims. Most foreign workers do not have legal status. When they are arrested, they are charged with illegal entry and put in a detention centre awaiting deportation.

Although many illegal migrants are victims of trafficking or they were not trafficked but had to work in exploitative labour conditions and faced different forms of abuse and violence, there is usually no system to provide assistance and protection for them once arrested. This vulnerability to arrest and deportation just leads to greater victimization of women and makes them more vulnerable to exploitation by traffickers as the latter know that the women will not be offered protection by the policies and agents of the State.

\subsection*{3 Avoiding conflating trafficking with migration}

Since trafficking takes place in the process of the movement of persons from their places of origin within their countries or across borders, such migration itself is seen as the cause of trafficking. This has been the case in Nepal where the Foreign Employment Act 1985 restricts the rights of women under the age of 35 to travel abroad to work unless accompanied by a male relative or only with the consent of a guardian.

This has resulted in the restriction of the movement of women leading to the violation of women’s rights to mobility, and a reduction in their job options. It further reinforces women’s dependency on male relatives and generally increases their vulnerability.
A clear and realistic definition of trafficking is important but still missing in the attempts to curb trafficking worldwide. The existing understanding of trafficking has tended to conflate trafficking with smuggling of migrants or with prostitution. The United Nations Commission on Crime Prevention has proposed a distinction between trafficking and migrant smuggling. The latter has been defined by this body to be “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.” The first international definition of trafficking has also been produced by this body and is contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In this protocol trafficking is defined as “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 purposes 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.”

While this definition seems to be comprehensive and takes into consideration the actions of many parties who are responsible for transporting, harbouring or the receiving of trafficked persons, it seems to emphasize the criminalization of the process of movement of the trafficked person. The emphasis is better placed in the outcomes of trafficking when women may find themselves unwilling parties not only during the process of transportation but perhaps after they have been trafficked and placed in certain “jobs”. In fact they may have been willing parties during the process of movement and they may become victims of trafficking, their vulnerability being the result of illegal status and language difficulties, making them an easy prey for exploitation.

Women activists in Thailand have provided a different picture of the situation describing a continuum of contexts in the process of trafficking.

The context of trafficking – for different purposes – can be understood through a trafficking continuum as outlined by Dr. Kritiya Archavanitkul (1998). The continuum of contexts found below helps us cast the net wide and enable most of the affected women to benefit from the law:

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
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</thead>
<tbody>
<tr>
<td><strong>Totally forced</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Voluntary labour</strong></td>
</tr>
</tbody>
</table>

- **A** Victims are forced and/or kidnapped, and trafficked.
- **B** Victims are given false information, and are trafficked into types of business other than promised.
- **C** Victims are aware of the kind of work, but not the work condition.
- **D** Victims are aware of the kind of work and work condition, but are not aware and/or are able to foresee the difficult situations they may encounter.
- **E** The workers (who may have been trafficked victims before) are aware of the kind of work and work conditions, but are not given alternative work sites (cannot choose where they want to work).
- **F** The workers (who may have been trafficked victims before) are aware of the kind of work and work conditions and are able to select their work site.
Need for bilateral and multilateral agreements

Trafficking involves more than one country hence it is important that bilateral or multilateral agreements such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime are entered into. It is then imperative that according to Article 5 of the above protocol, domestic legislation and other measures are adopted to establish criminal offence regarding abusive brokerage practices, deception and coercion during the recruitment and transport process on the one hand, and the exploitative working and living conditions once at the destination on the other, as well as to provide protection and support to victims as committed to in the bilateral or multilateral agreements.

Addressing all violations comprehensively

“Trafficked women face different forms of human rights violations and discrimination at various stages and sites.

“During the recruitment process, there is usually a degree of deception involved: the women may not be told the truth about the kind of work they will do or the working and living conditions they will find.

“During the process of transportation, the women may face different forms of violence including rape. In many cases, they are given false documents to travel that make them vulnerable as illegal migrants and are subjected to prosecution under immigration laws.

“At a transit or destination place, the women also face different degrees of violence and exploitation. They may find themselves in a situation of debt-bondage, slavery i.e. being sold and resold, and are made to accept work in the conditions that they did not expect. In many cases, these conditions include poor and unhygienic working and living environment, confinement, long working hours and very low or no wages. In many cases, trafficked women are threatened about different dangers that they or their family may face if they try to run away. Trafficked women are also vulnerable to sexual abuse by employers. In addition to the above conditions, for women who are forced into prostitution, most are denied rights to choose clients and conditions of selling sex as well as methods to prevent themselves from sexually transmitted diseases and HIV/AIDS.”

Enumerating the legal obligation of receiving and sending country to protect the rights of the victim

The legal provisions in the agreements will set out different and to some extent common sets of obligations of receiving and sending countries. It would be essential for both sets of countries to have laws that criminalize brokerage practices, deception and coercion during the recruitment and transport process, as agents may be from both sides. Along with this, legal provisions should also provide for adequate victim protection and support, legal aid and information about rights. In the country of entry, provisions for various forms of social support such as ongoing income earning opportunities, housing, asylum, and potential for permanent stay is essential. The privacy of women must also have legal protection.

In countries like the Netherlands, it was reported at the CEDAW session in June 2000 that with regard to victims of trafficking in women, there were provisions for granting asylum and residence permits – possibly permanent ones on humanitarian grounds. Victims were given three months to decide whether they wished to press charges, during which time they could remain in the Netherlands and take advantage of financial, legal and other services. If the available evidence indicated that returning to the home country would be too dangerous, a permanent permit would be granted. Temporary resident permits were automatically granted within 24 hours of filing the complaint.

But there were flaws in the implementation of these laws. There is a lack of information among legal and other organizations on the types of protection available and women end up in hopeless asylum-seeking situations. The fact they are victims of trafficking is ignored or not recognized, and they do not get protection. No support is given to victims
to build a new future when investigations are on; they are in shelters but not granted work permits. Once the case is heard, they have to go home even if in danger of reprisal upon return – a condition that is difficult to prove in the courts of the Netherlands. It is hence not enough to have protective laws; the effect of the laws needs to be monitored.

Sending countries must undertake legal obligations for repatriation, and multi-sectoral programmes for reintegration into society which would include: health services, shelter, and building up of economic capability and for physical and psychological recovery. Such programmes need to be provided without coercion.

Giving special attention to ethnic minorities and stateless persons

Women of ethnic minorities or stateless women who fall victim to trafficking often face problems in returning home. In a detention centre in Taiwan, there were six Thai women and a child who had been there for three years. The women had been trafficked to Taiwan and forced into prostitution. The delay in their deportation was due to the fact that they were stateless, being descendants of refugees from China who had not been granted Thai citizenship. Similar situations have also been documented among Vietnamese women who are arrested and detained in Thailand. The law must provide for special treatment for the most vulnerable groups.7

There must be provisions in agreements to establish co-operation between and among countries regarding sharing of information such as methods of transport of the trafficked persons, border controls and obligations placed on carriers to monitor and keep of the use of the carriers for trafficking of persons.

Finally there must also be provisions for training of all officials concerned.

Eliminating all forms of discrimination

Long-term and short-term measures for prevention should be a key focus. Discrimination against women in all its forms must be eliminated in countries of origin. In receiving countries, all laws and policies need to be examined to assess whether they contribute to the vulnerability of migrant women. For example, in the Netherlands, non-European Union migrants are not given permits to work legally as prostitutes, although more than half the prostitutes working in the Netherlands come from non-European Union countries. These women are more vulnerable to trafficking.

ENDNOTES

1 GAATW; Trafficking in Women in Thailand; Base line draft report prepared for the IWRAW Asia Pacific Project – Facilitating the Fulfilment of State Obligation to Women’s Equality.

2 The Expert UN Committee that monitors the compliance of States with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women. (CEDAW Convention).


5 GAATW; Op cit.

6 Ibid.

7 Ibid.
This paper is an attempt to highlight the linkages between migration and trafficking from the perspective of development, gender and human rights. While there is a general spate in migration, both in-country and cross-border, this paper seeks to draw attention to the feminization of migration, a specific phenomenon which has been growing over the recent two decades, especially in Asia.

Since a majority of the female migrants are moving through clandestine means, this area of study is consequently mired by absence of reliable statistics. An attempt is made via this discussion paper to lay out some critical reasons for the expansion of feminization of mobility as well as to suggest some possible areas for formulating rights-protective remedies.

In looking at the gendered face of mobility, this paper foregrounds the movement of young women and girls. In so far as the category “youth” extends way beyond the age of majority (i.e. 18 years), and in so far as a preponderant majority of female migrants do fall within the category of “youth”, the analysis in this paper is certainly located at the centre of the international community’s concern with the vulnerability, rights and protection of young women and adolescent girls.
I

CONTEXT

Evicted from their homelands by powerful forces of exclusion and disadvantage, a growing mass of floating migrants is squatting on global Borderlands, yearning and searching for new homes. Contained within countries of the global North as well as the global South are growing patches of these global Borderlands, the migrant inhabitants of which are marked perhaps by still worse exclusion and disadvantage than that which they sought to escape from when they emigrated from their homelands. The migrant residents of the global Borderlands are non-nationals, non-citizens and practically non-existent to those that reside in and manage the business and defence of homelands. While often invisible to agents of governance and the acknowledged citizenry in their host countries, the new Borderlanders do have a face and a body. And increasingly this is a young woman’s face with a disproportionately smaller body. Of the numerous new migrants criss-crossing borders and boundaries today, a large number are adolescent girls and women, predominantly from the global South; and of these a significant majority belong to the Asia-Pacific region.

Indisputably, transnational migration as well as in-country migration is increasing in all regions of the world, including the Asia-Pacific. By now it is clear that migration is a necessity and a growing feature of the current global economy. It benefits both countries of origin and destination in vital economic ways. Migration affects the lives of millions of women, men and children, of those who move and of those who are left behind. International responses to the “Migration Dilemma” are exceedingly incomplete and this issue continues to occupy a sensitive and politically charged field.

Today, according to available statistics, more than 2.5 percent of the world’s population is migrant. This effectively means that one in every 50 human beings, or more than 150 million people are migrants. If one deconstructs the category of “migrant” into its various segments, then of these 150 million, 80-97 million are estimated to be migrant workers and members of their families and approximately another 12 million are refugees living outside of their countries. These figures do not include the estimated 20 million internally displaced persons who are forced to move, nor the tens of millions of internal migrants who move from villages to cities and from cities to cities within their own countries. These statistics certainly do not include the millions of invisible transnational migrants who are illegal, undocumented, irregular and trafficked. These countless invisible migrants – increasingly young women and often continuously floating – constitute the principal subjects of this paper and are referred to as the squatters of the new global borderlands.

II

IN HARMS WAY: THE GENDERED FACE OF MIGRATION AND TRAFFICKING

It is noteworthy that half of all the migrants today are women and girls, many of whom are migrating independently rather than as part of a family. The feminization of migration is observed to be of relatively recent origin, increasing fairly rapidly over the past two decades. It is estimated that in most countries of Asia, within a decade prior to 1987, the transnational migration of women had increased from 15 percent to 27 percent, resulting in Asian women outnumbering Asian men as overseas migrants. The numbers of mobile Asian women have only increased since. A majority of these women come from the Philippines, Thailand, Indonesia, Hong Kong, Singapore, Bangladesh, Thailand and Sri Lanka and are headed towards countries of the Middle East, other Asian destinations such as Japan, South Korea, Taiwan, Singapore and Malaysia, and the global North. Furthermore and equally importantly, Asian women also migrate internally within regions and subregions of Asia. There is
rapid mobility of women crossing borders within the Mekong region as well as within the South Asian subregion.

The right to freedom of mobility is a fundamental human right enshrined in the Constitutions of most countries. Transborder mobility is supported by Article 13(2) of the Universal Declaration of Human Rights (UDHR) which accords everyone the “right to leave one’s country”. Article 12 of the International Covenant on Civil and Political Rights (ICCPR) further reinforces the right to freedom of movement within and across borders and the right to choose one’s residence. Coupled with these, “the right to a nationality” outlined in Article 15 of the UDHR, which is upheld as the “right to have rights”, should ideally provide adequate protection to migrants against the vulnerabilities emanating from mobility and statelessness as well as provide them with access to other fundamental rights in the civil, political, social, economic and cultural realms.

Therefore, a young woman desirous of migrating, for whatever reasons, in order to pursue her fate and fortunes across borders should be able to do so while being sufficiently equipped with human rights. As she traverses borders on her journey, she should feel assured that she is a resident of this planet and not an alien, and by virtue of being a human being she is entitled to some fundamental human rights and protections, regardless of her nationality.

Why then is there an expanding litany of tales of disempowerment, violations and abuse of migrants, especially women and girls, by state and non-state actors, alike?

To answer this query it is necessary to grasp the forces of exclusion and disadvantage which contribute to the large-scale movement, voluntary or forced, of so many young women, especially from the Asia-Pacific region. At the same time it is vital to comprehend the conditions under which women and girls negotiate their journeys in the public world of travel, and the various pitfalls they encounter or avert.

Gender discrimination and lack of social status, together with domestic responsibilities, reduce the access of girls and women to resources, education, training and labour markets. The traditional male out-migration for employment, alongside increasing insecurity of food and sustainable livelihoods, have pushed women and girls into assuming key roles as income earners for their families.

At the same time, reconfiguration of the global labour markets generates a sustained demand for a female workforce in underpaid work ghettos of the unregulated service sector. This interplay of supply and demand in the labour market has resulted in increasingly larger numbers of women and girls migrating in search of gainful employment to urban centres of their own or neighbouring countries.

Trafficked women and girls are at greater risk of contracting HIV and other STIs as they may not be in a position to control the nature of their sexual relations . . .

Trafficking in women and girls must be viewed within the context of transborder and in-country movements and migrations that are increasingly undertaken today for a multiplicity of reasons, including the reconfiguration of economies and states as a result of globalization, displacement and dispossession of marginalized populations, search for sustainable livelihoods, armed conflict, the transformation of political boundaries, search for more challenging and fulfilling futures, and a human aspiration to explore the world. The relatively limited access of women and girls to the public world and to safe channels for mobility, as well as their lack of legal and social protection intensify their vulnerability to harm in the process of migration.

Trafficking is a harm that women and girls, and indeed persons, may encounter in the course of their migration. While all persons, including the young, have a fundamental right to freedom of movement and mobility, trafficking however, is a particularly coercive and violent form of movement, which must be prevented since it is predicated on the use of force, abuse, violence, deception and exploitation.
It is important to understand that trafficking is a harm and becomes a crime because it reflects elements of abuse and rights violation along the continuum of migration. These abuses are not inherent to the migration process per se and it is perfectly possible to envisage and, indeed undertake, a journey which may be devoid of coercion and abuse, free from harm and therefore, safe. Neither is trafficking the only or most common form of violation which women and girls experience in the course of their journeys across and within borders.

Depending on the extent of their marginalized status, migrant women face aggravated harms at several points in the course of their mobility, including sexual harassment and sexual violence; swindling and mugging; conning and other forms of deception; and disease and ill-health. While trafficking is connected to migration, it needs to be mentioned that given the demand fielded by certain industries for exploitable and vulnerable women and girls, agents have been known to lure these girls by selling the idea of a “lucrative job”, and thus creating the “need” to migrate at the same time.

The clutch of vulnerabilities faced by a young girl is forever dynamic and is constructed by a combination of several social, economic and cultural factors. As a trafficked person she is vulnerable to several harms, including prosecution from the state if she is illegal or lacks citizenship rights, abuse at work if it is coercive, poor living conditions, and health risks. It is also through this clutch of vulnerabilities that trafficked women and girls are at a greater risk of contracting HIV and other STIs as they may not be in a position to control the nature of their sexual relations and hence their sexual health.

In order to better understand the interlinkages among gender, migration and trafficking, the following factors need to be noted:

1. **The gender division of labour**

   At the core of the specific demand for women’s labour and hence the feminization of migration, lies the social construction of gender and gender roles. The labour performed by men and women is not gender-neutral; it is patterned according to the specific roles assigned to them within society on basis of the traditional sexual or gender division of labour. As such, women are historically, as well as currently, assigned tasks which are consistent with their roles as mothers, wives, nurturers and care providers. Hence women’s work is considered “less important” and consequently economically undervalued, as compared to men’s work, within all patriarchal societies. The gender division of labour not only relegates women to tasks within the reproductive sphere but actually defines women as “reproducers” such that any work that women do thenceforth is considered “contaminated” by the “reproductiveness” of their “essential” nature, and is automatically undervalued. This basic equation (i.e. women = reproductive being), constructed by the traditional gender division of labour, is conveniently appropriated by corporate capitalism in its globalizing agenda since it serves capital well to reproduce itself many times over.

   **... work is largely unregulated with little regard for labour standards, and consequently renders the women workers vulnerable to all forms of human rights violations.**

   Therefore today, when more and more women enter the market for paid work, they carry with them the value and stigma placed upon them by the gender division of labour, regardless of the nature of the work they do. According to this logic, market forces not only refrain from equalizing women’s roles and treating them at par with men as workers and producers of goods and services, rather the market itself succumbs to the gender division of labour and entrenches gender inequality. The market gets gendered in two ways: first, by relegating women to that sector of the economy which fields a demand for women’s reproductive labour in the provision of personalized and sexualized services, including the sex entertainment and service, domestic work, care of elderly, and the marriage market. This work is largely unre-
gulated with little regard for any labour standards, and consequently renders the women workers vulnerable to all forms of abuse and human rights violations. Second, the market segments itself such that even in the productive sphere women workers are slotted in certain kinds of industries within which their “womanly traits” are more valued; these include among others the garment industry or the electronic industry, where women’s nimble fingers are valued.

The undervalorization of women’s labour both in the reproductive and productive spheres of the economy makes for an increase in the demand for women workers simply because they are paid less, controlled more easily and yield more profit. This is also the prime cause for the feminization of migration and attendant harms including trafficking, exploitation and forced labour.

### 2 Supply and demand factors

The present feminization of migration is spawned by two simultaneous and interconnected processes which are generated by globalization: (i) the marginalization of socio-economically and culturally disadvantaged communities which has heaped greater disadvantage on already discriminated categories such as women and girls, resulting in an increased exclusion of women from the economic resource base. This has led to women and girls seeking out more viable and sustainable means of livelihoods, and (ii) a gendered labour recruitment due to a demand for female labour. This demand is fielded by the global growth of the service sector relying on various forms of reproductive labour requiring personalized services, including but not limited to domestic work, sexual services, care of the elderly and sick, and intimate arrangements such as marriage.

### 3 Greater connectivity

Greater connectivity to the world via the media and increased awareness provides an impetus for young women and girls to migrate for a variety of reasons including personal factors such as intimate liaisons, escape from abusive and dysfunctional family arrangements, or merely to explore the world.

### 4 Gender as a category

Until recently, in research and policy interventions on migration, there has been a virtual absence of gender as an analytical category. This exclusion was based on the assumption that women are too traditional and culture-bound to migrate independently and when they do migrate, it is only as associational migrants of family units.

### 5 Migration and empowerment

Voluntary migration has been recognized by gender and development experts as an indicator of women’s empowerment. It is argued that women are traditionally and notionally assigned the sphere of the private and domestic realm and excluded from the public world of travel and trades due to their historical disadvantage arising out of the sexual division of labour. In the context of this notional confinement, when women seek to move to better their existing situation then this is to be viewed an act of exercising their agency. It has also been acknowledged that exposure and increased ability to negotiate structures of power in the public world amounts to women’s empowerment. Therefore, increased consensual mobility has been recognized as a measure of women’s empowerment. Mobility in the public world of travel and work is seen to enhance women’s awareness and negotiating skills.

### 6 Consent, deception or non-consent

Notwithstanding the conceptual linkage between empowerment and migration, in reality the manner in which migration occurs determines whether a woman or a girl will feel empowered or victimized at the end of this process. In other words, if she migrates consensually within or across borders into a situation of work or personal arrangement of which she had knowledge of and consented to, then she has succeeded in exercising her choice
and right to freedom of mobility with a positive outcome. If, on the other hand, her need or wish to migrate is facilitated in abusive and violative ways through the use of coercion or deception where in the entire chain of events from recruitment and transport to the end purpose is exploitative, then the woman discovers herself to be trafficked. The equation between trafficking and migration is such that all trafficked women and girls are migrants, but not all migrants are trafficked. It does need mention that the very existence of a gender division of labour which undervalues women’s labour per se may in itself result in women ending up in exploitable conditions of work even when their migration process has been free of trafficking. Hence women’s agency is often not fully realized.

Just as the current phenomenon of mobility is feminized, so too some of the more serious risks related to mobility are feminized. And hence, alongside the feminization of migration we also notice the feminization of trafficking. It is noteworthy that the image invoked by the term “trafficking” is that of a young woman, a young girl or child but seldom that of an adult man; men are invariably referred to as migrants, undocumented workers or smuggled aliens. If freedom of mobility and migration is a right and trafficking is a harm and obstacle in the realization of that right, then a key strategy for creating an enabling environment for women and girls must be to make their journeys harm-free and safe.

III THE MIGRANT-MOBILITY REGIME

In recent years, avenues for regular, legal and safe migration have decreased worldwide, due to restrictive migration and immigration policies of countries of transit and destination. This has given rise to a growing market for clandestine migration services under what this paper refers to as the migrant-mobility regime – a system emanating from the need for marginalized social groups to migrate on the one hand and the demand for cheap, exploitable labour at sites of origin, on the other. Irregular labour services, smuggling, facilitation of illegal migration, provision of false passports and visa permits, underground travel operations, and trafficking are some of the numerous activities subsumed under the expanding continuum of clandestine migration services. The migrant-mobility regime is not an aberration or a “rogue” regime. It may be the “villain” but at the same time is an integral player in the plot to generate increased surplus accumulation, in tandem with the regular labour-importation system.

In the playing field of global economics, migrations do not just happen; they are produced. And they do not simply involve a random cluster of countries of destination, sites of employment or mobile groups of labour; these are all patterned. Countries of origin and destination stand to gain in significant economic ways from migration, including from clandestine migrant-mobility. Cash remittances and transfer of skills, when computed, register phenomenal increases over the recent years. It is estimated that recorded remittances have increased from 2 billion to 70 billion today, in a matter of two decades. It is also widely acknowledged that a majority of the remittances from migrants do not flow through regular channels of the economy and are therefore largely invisible. In fact few sending and receiving countries have data on the economic and non-economic impact of migration. Micro studies from various parts of the global South, including the Asia-Pacific region, reveal that the remittances of women migrants travel back through informal and underground conduits, and sustain household, community and sometimes even local and national economies.
IIIa  THE CLUTCH OF VULNERABILITIES: FROM AGENTS TO VICTIMS

In order to fully grasp the integral link between gendered migration and trafficking as well as other related harms, it is necessary to untie the clutch of vulnerabilities faced by young girls and women. Some of these vulnerabilities arise out of structural disadvantages that girls and women might face as members of specific social groups which are marginalized. Yet other vulnerabilities are specifically gendered and patterned on norms of sexuality, femininity and gender. The complex clutch of vulnerabilities is socially constructed in juxtaposition with the construction of disadvantage, which in turn is woven through several identities, including gender, sexuality, class, ethnicity, religion and others which carry social value. Comprehending this critical and dynamic interplay of intersectionalities is vital to untangling the clutch of vulnerabilities.

At the very outset we learn that no single, unilateral approach, be it gender, class or ethnicity, will suffice to address the issue of vulnerability of girls and women. The complex web of vulnerabilities must be understood and addressed through a complex intersectionality perspective which ultimately aspires to the remedy of social justice.

Principal elements of gendered vulnerabilities which render girls and women amenable to migration and exposure to subsequent human rights violations are:

- insecurity of food and livelihood, and the growing economic reliance of households on earnings of women and girls;
- the gender division of labour which undervalues women’s roles and tasks per se;
- the erosion of social capital and the breakdown of traditional societies;
- increased need to migrate for work and a growth in the feminization of migration as well as female-headed households;
- lack of access to information on mobility and travel, employment, reproductive health and rights;
- increasing transnationalization of young women’s labour in sectors which do not comply with any labour or human rights standards, and often rely on exploitative labour, forced labour and slavery-like conditions of work;
- rapid increase in closure of regular avenues of migration and immigration through stringent policies on the part of countries of transit and destination;
- absence of safe channels of migration and a rapid consolidation of the clandestine migrant-mobility regime;
- non-recognition on basis of lack of citizenship of the right of migrants to residence, labour protection, health provisions, human rights, and other legal protections.

IIIb  THE ULTIMATE VULNERABILITY: FROM MIGRANTS TO CRIMINALS

It is necessary to enumerate certain vital economic facts which are integral to the sustenance of the global economy today:

(a) growing and persistent demand on the part of capital for an increased rate of profit which can only be fulfilled by depressing the wages of labour and lowering cost of production.
(b) need for abundant supply of low-wage labour to sustain the economy of global metropolises.
(c) demand for a vast feminized, menial workforce of sexualized, racialized service providers in-
Safe Migration and Citizenship Rights for Women and Adolescent Girls

A strategic framework for enhanced understanding and consolidated action on issues of feminization of migration, trafficking and related harms is grounded in the understanding that trafficking is not merely a problem of law and order but a development issue, and is integrally grounded in the context of migration. Any effective action for the protection of migrants, prevention of trafficking, and care and support of those affected by trafficking and related harms must be informed by an intersectionality perspective and based on a development, gender and rights-protective approach.

Recognizing the key elements of sustainable livelihood and migration as vital needs of those affected by trafficking, a rights-protective strategy would be based on:

- promoting avenues for sustainable livelihoods and safe health for women and girls in their communities and at sites of origin;
- promoting the rights of migrants to safe, healthy and secure mobility and transportation;
- promoting the rights of women and adolescents (over 16 years of age) to employment which is safe and free of health hazards, exploitation, coercion and abuse;
- promoting the provision of care and support services to women and girls affected by trafficking and related harms, which do not stig-
“Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential that the protection of all human rights must be at the centre of any measures being taken to prevent and end trafficking. Anti-trafficking measures shall not adversely affect human rights and dignity of all persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum seekers.”


matize, discriminate and recriminalize but rather support their right to a decent and safe livelihood, autonomy and bodily integrity.

As discussed above, transborder migrations and feminization of migration are embedded in larger geopolitical and transnational economic dynamics, and yet the site of enforcement of restrictive immigration regulations is always the individual border-crosser at the border as though it is she who is responsible for the “problem” and indeed the “scourge” of transnational migration. The current rules in most states to penalize, criminalize and deport migrants as a response to the growing “problem” of transnational migration and trafficking reflects a striking poverty of imagination and analysis.

Any half-serious study on migration reveals that the onus for the recent spate in all forms of migrations cannot be on the individual woman or man who moves. It is systemic. Therefore closing doors to keep individual migrants out, deporting or incarcerating another handful is merely a facile and unthought-out response. The powerful economic engine which drives transborder and feminized migration is almost completely absent in responses based upon the barrier method to deter migrant trespassers who are viewed as the aggressors. Both sending and receiving countries merely step out of the narrative and present themselves as the passive and aggrieved parties.

Given the benefits accruing from the migration of women and young girls to both countries of origin and destination, there is a pressing need for multilateral approaches to transborder migration. Sending and receiving countries need to recognize the ongoing contribution of migrant women and girls to their economic health, and locate them as partners in development, not as aggressors, trespassers or criminals. Such a bold shift in the retelling of the narrative of migration and its feminization will not only be closer to the truth but will assist in formulating multilateral policies to right the wrongs. Such responses are necessary in order to protect the rights of all migrants, including women and girls; curtail the power and profit of the clandestine migrant-mobility regime; and to maximize the contribution of migrant women and girls to sending and receiving countries as well as to their households; and to prevent trafficking.

Some noteworthy initiatives have been taken in the Asia-Pacific region to address the specific harm of trafficking in the course of migration. These are:

- The SAARC (South Asian Association for Regional Cooperation) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, January 2002;
- The Asian Regional Initiative Against Trafficking (ARIAT) Regional Action Plan Against Trafficking in Persons, especially Women and Children, March 2000;
- Thailand’s Memorandum of Understanding (MOU) on the Common Guidelines for Agencies Concerned with Cases where Women and Children are Victims of Human Trafficking (B.E 2542), June 1999.

The above initiatives together with the International Principles and Guidelines on Human Rights and Human Trafficking recently finalized by the Office of the United Nations Commissioner for Human Rights (April 2002), do reflect a growing commitment on the part of States in the Asia-Pacific region and the international community to address the crime of trafficking and its feminization.
But the feminization of migration is not a crime, even though some of the most common state responses tend to see it as such. There is an urgent need to shift thinking and critically analyse the gamut of state responses in order to develop new ones which are more in harmony with forces of transnational economics, national needs, development imperatives, and the goals of gender/children’s rights and social justice.

One international instrument which will strengthen the rights of migrant communities is the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This Convention was opened up for signature in December 1990, and has only recently received the required ratification to come into force. However, it needs to be pointed out that the term “migrants” is much broader than “migrant workers”, and indeed, a majority of female migrants as well as minors who travel independently are clustered in sites of labour in the informal sector which may not be even defined as “work”. How do we extend human rights protection to these migrants who are exploited for their labour but are deemed “non-workers”? The sphere of rights protection needs to be expanded to incorporate the concept of “human rights of all migrants”. As a result, important categories of migrants, such as victims of trafficking, undocumented workers, contract workers, and all those working in non-recognized sectors of work including sex workers should receive protection.¹²

Any rights-based response to safe migration must rest on two non-negotiable human rights guidelines – participation and representation, at every level, of migrant and trafficked women in developing programmes for their empowerment; and the principle of non-discrimination must lie at the very centre of any strategy.

Recommendations for Countries of Origin and Destination

1 Develop comprehensive policies: Develop more coherent national policies regarding transborder and in-country migration which are based upon a comprehensive understanding of the socio-political and market forces which drive migration and the feminization of migration. These policies need to be realistic and veer away from responses which penalize and criminalize migrant women and girls.

2 Simplify procedures: Sending countries relying on overseas migration and remittances must simplify procedures to facilitate the safe mobility of migrants including young women. Considering that the literacy and exposure levels of migrant women are often low, assistance must be extended to them to expedite procurement of passports, visas and all necessary travel and employment documents.

3 Regulate labour recruitment and travel agencies: Agencies involved in labour recruitment and transportation of migrants must be regulated in efficient ways. Procedures for accountability as well as those which ensure safe living and working conditions must be developed and monitored. This would go a long way in preventing all kinds of harms and abuses, including trafficking.

4 Harmonize policies in relation to demand: Receiving countries should assess the demand for migrant women’s labour in the various sectors and proceed to harmonize their immigration, migration and labour policies in accordance with demand. In furtherance of this, a serious review of existing immigration laws and policies must be undertaken along with policies dealing with migrants.

5 Promote multilateral and bilateral dialogue: There is an urgency to step up dialogue between countries within and across regions to address issues of feminization of migration. Such dialogue would be facilitated by a strong evidence
of very poor people fell by 200 million between 1980 to 1998, the magnitude of inequality has increased. The average income in the richest 20 countries is now 37 times that in the poorest 20 countries. The ratio has doubled in the past 40 years. This is a cause for increased migration from the global South to the North. States of the Asia-Pacific region as well as non-state actors should collaborate actively in working towards the realization of the Millennium Development Goals (1990-2015), which seek to eradicate hunger and poverty by half during this period; achieve universal primary education; promote gender equality and empower women; ensure environmental sustainability; reverse the trend of HIV/AIDS; and develop global partnerships for development.

9 **Combat poverty:** While the rate of absolute poverty has declined globally and the number of very poor people fell by 200 million between 1980 to 1998, the magnitude of inequality has increased. The average income in the richest 20 countries is now 37 times that in the poorest 20 countries. The ratio has doubled in the past 40 years. This is a cause for increased migration from the global South to the North. States of the Asia-Pacific region as well as non-state actors should collaborate actively in working towards the realization of the Millennium Development Goals (1990-2015), which seek to eradicate hunger and poverty by half during this period; achieve universal primary education; promote gender equality and empower women; ensure environmental sustainability; reverse the trend of HIV/AIDS; and develop global partnerships for development.

10 **Monitor objectives for gender empowerment:** Given the increase in feminization of migration in the region, special focus must be given to gender vulnerability and discrimination, particularly to the multiple jeopardy that arises when gender, class, race, ethnicity, religion and cultural identity intersect. Treaty bodies (CEDAW, CRC, CERD) as well as regional task forces must pay special attention to this area in their reports. Detailed studies should be undertaken into the human rights violations of female migrants and trafficked women and girls.

11 **Accord citizenship rights:** Recognizing that women and girls who are trafficked are victims of a process which is deemed a crime, governments of countries of destination and transit must ensure that no further victimization of these trafficked persons is undertaken on the basis of lack of citizenship status, absence of valid travel documents or visa permits. Furthermore, mechanisms must be considered which will not only refrain from deporting trafficked persons due to their illegal status but will consider proactive action based on the human rights framework. This might mean even according residence permits as well as citizenship rights to trafficked women and girls should they decide not to return to their country of origin. Extension of special citizenship rights must be unlinked from the conditional provision imposed on trafficked women and girls to act as material witnesses in providing evidence against those who trafficked them.
Develop training programmes for potential migrants: Countries of origin should develop skill-building and training programmes to impart practical knowledge and skills to potential women migrants. These training programmes should be tailored with the specific needs of the demand base and work site to which women migrate. Job placement should be facilitated, and information on human rights of migrant workers as well as avenues for redress and assistance should be provided. Such programmes undertaken by countries within the Asia-Pacific region should be studied for possible replication and improvements.

1 Access to information: Sending countries and stakeholders must urgently consider developing programmes which provide sound and easily accessible information on safe channels for legal migration, the possible harms of illegal migration including trafficking, and information on services in destination countries and cities on travel, translation, job placement, legal rights, health and housing. Information must also be provided on women’s groups, human rights organizations, legal aid services, various governmental services and counselling services.

2 Building a database: It is imperative and urgent that a sound and rigorous evidence base be built by countries of origin and destination on transborder migration as well as on in-country migration. This data must be disaggregated on the basis of sex, age, region, etc., and must pertain to the demand sectors, supply, and volume of remittances. Currently, the evidence base on transborder migration including that on female migrants is too weak to inform sound policies on migration. There is a severe paucity of data on the causes and consequences of feminization of migration in all regions, partly because of its clandestine nature and partly because migration has not constituted a priority issue.

3 Security of food and livelihoods: Acknowledging that among the root causes of migration is the drive to seek out secure livelihoods, States as well as non-state actors must step up their responses to create alternative forms of sustainable livelihoods for women and young people. This would include skills training, partnerships with new players such as the corporate sector, and creation of quotas, bursaries and incentives for women and girls. Proactive and intensified schemes for expanding and strengthening sustainable forms of livelihoods need to be urgently developed.

4 Focus on adolescent girls: Considering that adolescent girls are the most vulnerable to harms, including trafficking in the process of migration, special programmes for life skills training which equip them to access viable employment, education, reproductive health information and awareness about their rights must be developed and implemented in the out-migration areas as well as in cities where migrants are concentrated. Safe migration initiatives must be specially designed for adolescent girls.

5 Greater sensitization: Sensitization and capacity-building programmes based upon a gender and rights approach for educators, social welfare personnel, members of judiciary and police, border security personnel must be undertaken to sensitize them to deal with migrants and trafficked women and girls. Greater involvement of civil society organizations in awareness-raising, outreach and evaluation of government policies should be sought.

6 Strategic approach: States, NGOs and CBOs must develop and harmonize their strategic approaches to addressing issues of trafficking and other harms while providing support to women and girls desirous of migrating internally and across borders. These strategies must be consistent with development, gender and rights-based approaches, and must be transparently articulated through national plans, policies and laws.
The writing on the wall is clear. Migration is a necessary and growing feature of the global economy. It benefits both countries of origin and destination in vital economic ways. If there is one key aspect which will stand out in this century according to all major development reports as well as observations by scholars and demographers, it is the massive expansion of mobile populations – women, men and children – both within and across countries.

Paradoxically, most States have not accepted this reality. Some sending countries in the Asia-Pacific region, such as the Philippines, Thailand, and Sri Lanka have developed departure and training programmes for their prospective women migrants in order to enable their journeys and alternative livelihoods to be safe.

However, there is hardly any country of destination which has formulated policies and programmes to protect the rights of in-migrating women and girls. There may be NGOs in the receiving countries that provide information and services to migrants, but unfortunately, none of the governments of receiving countries have policies other than punitive towards migrants. It has been observed that no Asian country operates an immigration policy that favours settlement; all have exclusionist policies in this arena. Sometimes these exclusionist policies are even race-driven.14

Organizations and governments which advocate for rights of future citizens and residents of this planet through good governance would be lagging very many steps behind if they do not immediately and urgently place the future of women migrants at the very centre of their advocacy project.

Asia, with an overwhelming proportion of the world’s population, has the largest proportion of migrants. These mobile women and youth are the most vulnerable to HIV/AIDS, worst forms of labour, abysmal lack of housing and education, sexual violence, sale and trafficking. Feminization of migration and migrants are not issues the Asia-Pacific region can afford to ignore as these also constitute the potential core of heightening contradictions, conflict and destabilization in the future.

CONCLUSIONS

The term “Borderlands” is employed as an analytical category signifying exclusion from entitlements and rights. Borderlands also denotes actual physical spaces within the territorial boundaries of nation states, which are occupied by clusters of floating global migrants. Homelands are real countries with defined territoriality, sovereignty and a demographically determined citizenship. Borderlands, on the contrary, are fluid spaces devoid of physical definition – mere patches of floating migrant concentration upon the body of a homeland. These patches expand and contract as a function of several factors, including the interplay between demand and supply of labour and regimes of migration control. Sired by globaliza-

ENDNOTES

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tion, “borderland” is considered to be the “illegitimate and wayward junior sibling” of the nation state, and is seen by those that maintain law and order as harbouring “undesirable” tendencies of migrancy, vagrancy and delinquency.

2 IOM; World Migration Report; Geneva; 2000.

3 International Labour Office; Migrant Workers; ILO Conference Report III, 87th Session; Geneva; 1999.

4 ILO, IOM and OHCHR; International Migration, Racism, Discrimination and Xenophobia; World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; August 2001.


6 Lin, L L and Oishi N; International Labour Migration and Asian Women: Distinct Characteristics and Policy Concerns; The Asia Pacific Migration Journal; Vol. 5; No.1; 1996.

7 For a detailed critical analysis, see also Sassen, S; Globalization and its Discontent; The New Press; New York; 1998.

8 There are equivalents of the famous hawala system in all regions of the world. The hawala system, emanating out of India, is a massive and efficiently organized system within the underground parallel economy which specializes in money transfers within and across borders.


11 For a detailed discussion, see Sanghera, J; Poverty, Patriarchy and Prostitution; Ph.D thesis; University of California, Berkeley; 1998.

12 See also Wickramasekara, P; Migrant Workers in Asia and the Pacific: Issues in Human Rights and the Principle of Non-Discrimination; Report presented at the Asia-Pacific Seminar of Experts on Migrants and Trafficking in Persons with Particular Reference to Women and Children; Bangkok; September 2000.


14 See Skeldon, R; Discrimination against Migrants in the Asian Region: General Trends, Priorities and Obstacles; Asia-Pacific Seminar of Experts on Migrants and Trafficking in Persons with Particular Reference to Women and Children; Bangkok; September 2000.
The paper addresses the need to improve social security and protection for potential victims of trafficking, with a special focus on prevention and early intervention strategies. Some key characteristics of trafficking in Southeast Asia are presented as important considerations for any successful interventions, including the strong link between trafficking and migration; the targeting of the most discriminated groups; and special distinctions between women and children’s rights. While social protection can be best provided at the community level, the trafficking crime often becomes apparent only at the point of destination. It is therefore argued that efforts at community levels need to focus on the reduction of risk and vulnerability.

When discussing social protection in relation to prevention of trafficking, “social exclusion” is therefore argued as a more relevant issue than poverty. In Asia, this is not just exclusion from the labour market, but also exclusion from access to land and credit, from citizenship, from participation in decision-making and exclusion from justice. The challenge becomes developing comprehensive protection policies with “social safety nets” that incorporate programmes and structures for reaching and including marginalized families whose basic rights may be violated daily. In addition, more targeted assistance and support is needed for women and children at special risk of exploitation.

The paper offers examples of social protection systems and initiatives in the region, both governmental (national social safety net programmes) or stemming from civil society initiatives (e.g. community watch groups). Together with a discussion on impact, an attempt is made to assess some of the lessons learned in the last decade. These include lessons for reaching the unreached, for enhancing participation in the development of efficient programmes, and for building interventions on local resources, institutions and capacities.
Seven key recommendations present strategies to improve both long-term security and short-term risk reduction. They include institutionalizing training on children’s rights, gender sensitivity and women’s rights, improving the knowledge base, strengthening the capacity of middle-level administrators, ensuring participation and empowerment of vulnerable groups, supporting targeted assistance and strengthening social work capacities and social welfare systems. Issues raised for discussion focus on how governments in the region can initiate actions to implement the recommendations and how bilateral co-operation can be helpful. This includes prevention of the “push-down, pop-up” syndrome where improved protection in one location results in shifting the “supply pool” to another location.

**I**

**INTRODUCTION**

This paper addresses the need to improve social security and protection for those women, girls and boys in the most difficult circumstances who tend to be prime targets for traffickers. While it is imperative that all duty-bearers address protection at all stages of the trafficking process, the focus here will be on prevention and early intervention strategies. This means reducing risk factors and increasing the range of options so that families and their members are not reduced to a limited set of harmful choices that draw them into the “trafficking supply pool”. It also means addressing fundamental gender issues that make women and girls disproportionately at risk.

In the long term, protection requires addressing root causes and improving the circumstances of the most vulnerable, ensuring that basic economic, social and civil rights are realized. In the short term, it means creating mitigative interventions especially targeted to those at highest risk.

**II**

**KEY CONSIDERATIONS FOR PROTECTION STRATEGIES**

Some key issues need to be highlighted when developing strategies for the reduction of risk and vulnerability among women and children at the local level.

1. **Differences in the rights of women and children**

Women and children cannot always be lumped together when discussing trafficking. Legal and developmental distinctions between adults, children and young people must be recognized as they relate to root causes, motivation and appropriate protection strategies. In relation to protection from trafficking, women as adults, regardless of their circumstances have a full right to all their freedoms, including the freedom to exercise their agency and to seek a livelihood.

Children, on the other hand, have the right to be heard and consulted in decisions that affect their lives but not the full responsibility to act in their own best interest. Parents and other adults in the community form the first line of duty-bearers for children.

2. **A sense of duty – limited choices**

A desperate need for income is a key factor in most cases of trafficking in the region. Difficult choices must often be made when a sudden shock
to families living on the edge of poverty, such as illness in the family or debt through gambling, impacts their ability to survive and develop. In these situations, many young women and children feel bound by duty and are willing to sacrifice their own well-being for the well-being of their families.

The majority take the initiative to leave their communities in search of legitimate work and become victims while migrating. Others are knowingly sold to agents as commodities and still others, primarily children may be fleeing abuse or violence at home. Very few are passive victims.

3 Gender issues

Inferior social status and defined roles in society also contribute to vulnerability. From an early age, girls are taught to be the caregivers and nurturers of the family. It is therefore not surprising at times of family economic crisis to find that it is young women and girls who are the first to feel they must make sacrifices. In addition, social stigmas resulting from rigid traditional beliefs about females are at play. For example, women and child survivors of rape and incest often run away from home to enter sex work or are sold by families due to the stigmatization associated with the loss of virginity before marriage. In these situations they are vulnerable to being trafficked. Gender education is essential.

4 Families under stress

The changing situation of families, the first line of protection for its members, especially children, must be considered in discussions related to underlying causes of trafficking. Poor, marginalized families are faced with stress factors that often lead to fragmentation and dysfunction. Family violence is reported to be widespread across the region – much of it hidden. Domestic violence against women impacts their resilience and reduces their choices. Families also uphold cultural traditions including those that sustain inequality and inappropriate power relationships. Families, as the primary social unit in society, are critical partners for any strategy to improve protection and can be assisted to do better in protecting the fundamental rights of their members.

5 Trafficking and migration

While the point at which social protection from trafficking can be best provided is at the place of origin, this may present difficulties for communities. The reasons for a woman or child to leave their community are varied and range from low-risk to high-risk situations (Annex 1). Departure itself may not give sufficient indication of the nature of the movement. This can represent a point of “powerlessness” for communities when migration is not prohibited and when social relationships are based on the rights to freedom and choice. However, it is also clear that in all communities certain women and children are more vulnerable to being approached by traffickers. Thus, the focus must be primarily on risk reduction with targeted interventions as deemed appropriate.

6 Trafficking – a lucrative business

Recognition must be made of the fact that trafficking in persons as commodities is a lucrative industry. Numerous persons are profiting or benefiting at many levels. This includes members of families and communities at local level; officials and police at all levels; owners of entertainment establishments (both legal and clandestine); and people in positions of power. The benefits from this criminal activity far outweigh any income levels that can be earned through available legal means. Social protection and safety nets cannot compete in relation to levels of income and must therefore also focus on rights, values and restoring dignity.

Protection requires addressing root causes and improving the circumstances of the most vulnerable, ensuring that basic economic, social and civil rights are realized.
Promoting Gender Equality to Combat Trafficking in Women and Children

East Asia and Pacific countries account for one quarter of the world’s poor. Although countries such as Japan, Singapore, Brunei and the Republic of Korea boast high per capita incomes, Cambodia, Myanmar, Mongolia, Vietnam and Lao PDR are all near the bottom of the human development index....Within countries, statistical averages hide vast income discrepancies between women and men, rich and poor, urban dwellers and their country cousins.

When discussing social protection in relation to prevention of trafficking, “social exclusion” may be argued as a more relevant issue than poverty. In Asia, this is not just exclusion from the labour market, but also exclusion from access to land and credit, from citizenship, from participation in decision-making and exclusion from justice. The challenge becomes developing comprehensive protection policies with “social safety nets” that pay special attention to and incorporate programmes for reaching and including the poorest, the marginalized, and the discriminated groups. In addition, more targeted assistance and support is needed for especially vulnerable women and children.

Social protection systems and initiatives that do exist in the region are quite diverse in both their approach and capacities. In the more developed countries they include welfare benefits such as unemployment compensation, social security benefits, food and education subsidies, veterans assistance, and emergency assistance following natural disaster. In less developed countries, social protection systems are extremely weak, have limited coverage and rely heavily on activities provided in co-operation with local NGOs and international humanitarian aid organizations.

Experiences in the region have given rise to concern over the “push-down pop-up” dilemma of the trafficking scenario. While successful interventions may be made in one community or country, the lack of reduction on the demand side results in a shift of the supply pool to the next vulnerable community or country. Successful community-based protection strategies will have limited impact and only result in transferring the problem until more attention is paid to regional co-operation and to tackling the demand side.

**III Existing Interventions and Lessons Learned**

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**IIIa National “Social Safety Net” Programmes**

Formal social safety nets do exist. For example, the Government of Indonesia in response to the Asian financial crisis or “Krismon” provided substantial subsidies for food, education, key health services and the creation of labour-intensive employment. In Vietnam, the Government has maintained a high commitment to social improvement and social stability in view of “Doi Moi,” the transition from a highly centralized economy to a socialist market economy. Free services and food assistance have been made available for extremely poor families.

While these national protection schemes have proven to contribute to reducing the vulnerability and providing buffers for a percentage of the population, it has been documented that they often do not reach marginalized families who are most often the victims of trafficking (Annex 2).
Reaching the most marginalized and socially excluded women and children has been primarily dependent on interventions taken by NGOs and community-based organizations or volunteers in most countries. For example, in the Philippines social mobilization is quite advanced and civil society works in close co-operation with the Government. Numerous initiatives exist such as community watch groups, gender sensitivity training, women support groups, parenting education, safe shelters, and street children programmes.

No doubt these efforts have had impact on reducing risk. However, the general consensus at the end of the last decade was that while there is a notable increase in sensitivity and response for victims, there is no measurable indication of a reduction in the numbers of persons being abused, exploited and trafficked. A number of reasons may contribute to this situation. On the one hand, rapid change and negative effects of globalization make it difficult for protection initiatives to keep up with the growing disparities and the demands of exploitative and criminal activities. On the other hand, the most successful community-based protection initiatives tend to be limited in scope and reach, highly resource-consuming and dependent on a group of extremely dedicated individuals, making it difficult to replicate on a large scale.

**Lessons Learned in Providing Effective Protection for Vulnerable Women and Children**

Despite the fact that current efforts are not yet having a significant impact in reducing the numbers of vulnerable women and children in the “trafficking supply pool”, the efforts being made do provide a wealth of experience and lessons learned. Some key lessons are highlighted here.

1. **Community-based programmes are essential to prevention and to reaching the unreached.**

   There are now enough experiences to show that innovative and relevant locally-based (rural and urban) approaches, can support early identification and interventions for women and children at risk with recognition of the fact that they have families and belong to communities.

   A number of countries, for example, are establishing networks to improve child protection. In Indonesia, “Child Protection Bodies” are being piloted in seven provinces working closely with Child Watch Forums comprised of a coalition of NGOs. In the Philippines, “Councils for the Protection of Children” at provincial, municipal and barangay (village) levels have been established by presidential decree. In Thailand, Child Rights Volunteers have been initiated at the village level.

   Some of these networks are making progress in raising awareness on the rights of children and women; providing information; monitoring at-risk children, young people and families; and supporting interventions as needed including rescue and referral for services.

2. **When vulnerable women and children participate, programmes are more effective.**

   Poor households, especially women, often have limited or no input into decisions which affect their lives, resulting in community decisions reflecting the interests of the better-off households more than the poorer households, as well as the concerns of men over those of women. Additionally, when reviewing special initiatives aimed at vulnerable children, it has been noted that the parents of these children are not consulted. Parent
involvement tends to be limited to the formal Parent-Teacher Associations that often represent the more stable and secure members of a community. Existing programmes that are effective have also recognized the resilient character of children, even in the midst of adversities and have allowed them to participate meaningfully in designing and executing projects.

**3 Effective social protection policies and programmes require local resources and capacities.**

Many countries in the region have put efforts into reforming legislation and policy to conform to international standards on rights and trafficking. However, the benefits of these changes do not reach the most disadvantaged women and children. Capacities and resources are critical to ensuring an enabling environment.

Skills of local administrators need to be strengthened. This also must include and go beyond the traditional skills associated with social service delivery when the intent is to reach the socially excluded. While village leaders, health workers and teachers need to be trained to respond to indications of risk, they cannot be expected to provide time-intensive counselling and social work assistance to women and children who may be suffering from intra-familial violence or who are coping with difficult choices.

**4 Targeted assistance must be linked with institution building.**

Many activities addressing special protection have been government- or NGO-run and community-, centre- or street-based projects reaching a limited number of women and children in need of special protection. Piloting and demonstrating what interventions work best in protection need to be linked with building systems and institutional mechanisms that encourage active participation of civil society in order to ensure the expansion and sustainability of these protection initiatives.

**5 Information and monitoring mechanisms need improvement to reach the most violated women and children.**

Many women and children in difficult circumstances remain invisible or highly mobile and engaged in occupations or activities that are not regularly monitored by any governmental body or NGO. Information available to date is not adequate for monitoring or planning purposes. Methodologies for obtaining more reliable, disaggregated data (such as age, sex, socio-economic group, ethnic origin, rural-urban base) need improvement, particularly a community-based mechanism where data and information are collected, analysed and acted upon by people at that level. For example, communities could use tools such as the Table of Risk (Annex 1) to assess and monitor departure from the community.

**IV Recommendations**

Considering the realities, any strategy to reduce the numbers of women and children in the "trafficking supply pool" must examine the responsibilities of governments to realize the rights of the most vulnerable members of communities within their borders. Strategies must address both long-term security and short-term risk reduction. The following recommendations are proposed as priority actions to be considered within the context of wider development strategies. They need to be considered as an integrated set of recommendations that together may help to reduce the risk factors that make socially excluded families, women and children vulnerable to trafficking including addressing the barriers they face in accessing existing social protection measures being taken by Governments.
Reducing the numbers of women, girls and boys in difficult circumstances requires an understanding of and commitment to human rights. As shown above, the persons most vulnerable to trafficking are persons whose rights are being violated daily. While a number of efforts are being made throughout the region to promote women and children’s rights, they are not yet sufficient. In most countries, the UN Convention on the Rights of the Child and the Convention on All Forms of Discrimination against Women have been translated into the local language. However, there are few versions that have been simplified for the masses and few in ethnic minority languages.

Training programmes on children and women’s rights, as well as on gender, need to be institutionalized and supported to reach all levels of society on an ongoing basis. Included in this is the need to recognize the universality of human rights, regardless not just of sex, age and ethnicity but also legal status – a crucial issue for many vulnerable women and children. Particular emphasis needs to be placed on women-specific rights such as reproductive rights, which were not originally recognized. Key measures include incorporating rights education into school curricula for long-term impact and providing targeted training for more immediate impact. Basic components of the training package need to go beyond just providing information, to include exercises that promote internalizing the concepts within one’s cultural and social context. Thailand has made progress in establishing a training centre for children’s rights at Mahidol University. A number of training teams have been trained in the curriculum as well as in interactive training methodologies and are now being contracted by various organizations.

Solid data, both quantitative and qualitative, is seriously lacking in the area of trafficking. Most existing data is based on small-scale studies and anecdotal accounts, which are then extrapolated into region-wide or even global statistics.

It must be acknowledged that we will never be able to accurately count the exact number of women and children being trafficked due to the illegal and clandestine nature of the business. However, we can measure and monitor trends through data collection at a number of key entry points, at the point of departure, of destination and following rescue.

First, existing community-based data collection needs to be improved, ensuring segregation by sex and ethnicity, and better used to address vulnerability to trafficking. In addition, mapping and monitoring of vulnerable groups must be undertaken on an ongoing basis with the development of a set of risk indicators. This is essential to identifying and addressing root causes before women and children are faced with taking decisions that lead to trafficking. Tracing and tracking

“When the dominant anti-trafficking discourse and consequently understanding is grounded not in evidence-based data but in the construction of a mythology of trafficking which is non-factual, then many of the interventions and programmes flowing from this understanding do not lead to the desired or expected results, i.e the reduction of trafficking.”
Promoting Gender Equality to Combat Trafficking in Women and Children

children who drop out of school has proven to be successful in intercepting traffickers before they get far from their village. Engaging research institutions and independent researchers to develop new methodologies for participatory impact assessments are also critical to better understand the effectiveness or failure of interventions.

Documentation in the short term and birth registration in the long term is essential to both protection and ensuring adequate knowledge. Lack of identity and documentation is a core factor of social exclusion. It not only presents dangers for the undocumented, but also makes it impossible for governments to be knowledgeable and efficient in their policy and planning activities.

A regional initiative to promote birth registration is being supported by PLAN International, UNICEF and the NGO Group for the Rights of the Child based in Geneva. Civil registrars have come together from a number of countries including Indonesia, the Philippines, Thailand and Vietnam to share experiences and develop plans.

This project will help to reduce the risks faced by the most marginalized, the displaced and mobile populations by promoting registration for all children.

IVc STRENGTHEN MIDDLE-LEVEL ADMINISTRATORS

“I heard rumors about assistance for the poor, but no one seems to know where it is.”

From a discussion group, Tanjugrejo, Indonesia

A key challenge for any Government is to get policies to the ground, ensure equitable distribution, and reach those they are meant to benefit. The 2000/2001 World Development Report identifies key problems to effective distribution to the poorest as:

- **Technical and logistical problems** – Poor people often live in remote, low-density rural areas that are expensive and difficult to serve.
- **Management and motivation problems** – Inadequate incentives exist for conscientious service delivery. It is often difficult to induce skilled civil servants to live in remote or rural areas and resources for building the capacities of district administrators is limited.
- **Governance problems** – Monitoring and regulatory capacities at local levels are often not adequate to support sound governance, competition and markets.

Efforts need to be made to strengthen the capacities of civil servants at decentralized levels to complement community coping mechanisms. Many district level officials are expected to function with few resources, often lacking basic office supplies, communication equipment and means of transportation. Providing material resources at this level must also be accompanied by information and understanding of national policy and procedures that promote equity and human rights and the skills to enforce these policies. The issue of gender balance needs to be seen as critical to rights-based administration and good governance. Ways must be found to move beyond the traditional exclusion of women in local government decision-making positions.

Lessons from Indonesia show that social pressures at the community level often influence how local officials distribute assistance. A positive experience noted in relation to equitable distribution of school subsidies was thought to be a result of teachers making the selection process rather than government officials.

One can speculate that among teachers, there is likely to be a more positive gender balance in decision-making bodies than with some others.

Strengthening middle- and local-level administrators may not be a panacea for the problems of
distribution. However, it will provide opportunities to support more participatory and effective use of social protection funds by the many well-intentioned leaders at local levels who are directly faced with the needs of women and children in difficult circumstances on a daily basis.

**IVd Ensure Participation and Empowerment**

No government or NGO can meet the needs of its entire population alone. Participation is not only a right but also the most effective and cost-effective means of protection for women and children. Too often social assistance is based on assumptions of dependency or stereotypes which do not recognize the active contributions made by these groups and their families. The Participatory Poverty Assessment conducted in Vietnam for the 2000 World Development Report noted the striking discovery that when coping with hardship and a drop in well-being, the households had to look mostly at their own resources and that there were many strategies.

Therefore, it is important that state systems do not reduce the importance of existing forms of resource transfer through family, community, kin or religion and substitute high-cost, state services for working arrangements already in existence. There is evidence that the development of informal social protection can have powerful benefits in terms of strengthening social capital, social cohesion and governance. This can only happen when the voices of the socially excluded are heard, when women are equal participants in community decision-making processes, including those representing the most disadvantaged, and when the views of children are sought and respected.

**IVe Support Community-Based Protection Bodies and Social Funds**

In response to the challenge faced by Governments and non-governmental organizations to implement the UN Convention on the Rights of the Child, community-based bodies have been established and tasked with advocacy, monitoring and developing interventions for children identified to be at risk. In Indonesia, Child Protection Bodies are being piloted in seven provinces working closely with Child Watch Forums comprised of a coalition of NGOs. In the Philippines, national legislation established the Barangay Councils for the Protection of Children and in Thailand Child Rights Volunteers have been initiated at the village level. These bodies, when functioning, are often able to reach the more vulnerable children and their families. Though they vary in design and official mandate, they share some common characteristics. Members often selected, or elected from among members of the community, are trusted and have a demonstrated commitment to children and rights. They incorporate a partnership between governmental and non-governmental organizations and often have representation from various members of the community including service providers, such as teachers and health workers, as well as parents and children. They are able to identify and respond to children at risk and often spend time at the household level to understand their specific circumstances.

In Cambodia, the Community-Based Child Protection Network supported through the Ministry of Social Affairs, Labour, Vocational Training and Youth (MOSALVY) was specifically established in certain areas to address the problems of commercial sexual exploitation and trafficking. Now present in 52 villages, they are already reporting some success in prevention and in intercepting traffickers before young women and children are taken across the border. More recently, Child Village Social Funds have been created with
In communities identified to be at special risk, or for high-risk populations, targeted service provision and resources are needed. These services range from counselling and life or livelihood skills to safe shelters and residential schools for girls. For example, when domestic violence and rape are the risks, shelter programmes may need to be established to provide a safe environment for women and girls to be assisted with identifying their options. In situations where children are repeatedly sold, removal from the immediate family may be in their best interest, though always as the measure of last resort. Displaced persons, refugees, and undocumented groups, especially those in transient situations may also require specialized services to ensure protection from exploitation.

One example is the Development and Education Programme for Daughters and Communities based in Chiang Rai, Thailand. The project provides scholarships, education, accommodation and homes for vulnerable children. When the programme began, it became apparent that not all parents could be convinced that their daughters’ education and safety were more important than their own desire for monetary gain. In these cases, girls were taken from the families to be educated in boarding schools with the hope of breaking the cycle of exploitation. While these programmes are quite successful and need to be supported, they are by nature limited in scope, cost-intensive and difficult to replicate.
nized, encouraged and supported. At the same time, there remain problems with respect to both approach and exclusion when considering a rights-based approach. For example, the protection offered is often “charity”-based and in some religions the services provided are exclusive to boys. Training is also needed to build the capacities of these traditional providers of psycho-social support.

In Viet Nam, as well as in some other less developed countries in the region, the Government has begun to recognize social work as an important tool in solving difficult situations faced by women and children in need of special protection. They first co-ordinated basic social work training for staff of the Viet Nam Committee for the Protection and Care of Children (CPCC) and local organizations. They are now embarking on an Associate Degree (college/technical level) and a BA Degree in Social Work with a core curriculum for degrees designed by the Ministry of Education.

Giving more priority to establishing training in social work and setting standards for both professional and para-professional training programmes will potentially enhance opportunities to reach the most vulnerable and support problem solving. It can also promote rights sensitive, caring and effective responses for victims of exploitation and trafficking.

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Many countries in the region do not recognize social work as a legitimate profession or give it so little value that incentives for entering the profession are extremely low. With increasing attention to the situation of trafficking and other forms of exploitation, there is a growing demand for social work . . .

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**ANNEX 1 LADDER OF RISK**

<table>
<thead>
<tr>
<th>Highest Risk (trafficking)</th>
<th>Grey Area</th>
<th>Lowest Risk (legal or illegal migration)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Person abducted or kidnapped</td>
<td>• Person “sold” by relatives into prostitution or other exploitative situation</td>
<td>• Person leaving the village for a clear, certain, non-exploitative situation</td>
</tr>
<tr>
<td>• Person clearly forced to leave against own will</td>
<td>• Person following suspicious/distrusted agent</td>
<td></td>
</tr>
<tr>
<td>• Person following suspicious/distrusted agent</td>
<td>• Person forced to leave by circumstances (e.g. child of broken family)</td>
<td>• Person following trusted agent</td>
</tr>
<tr>
<td></td>
<td>• Person leaving the village with no explanation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Person leaving the village for a job prospect that is unclear or unchecked</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Person leaving the village without clear goal</td>
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*Grey Area*
Many of the trends identified by the Participatory Poverty Assessments indicate that the future might see a widening of the gap between poorer and better off households, or indeed the gap in welfare between different groups. These include:

- In Ho Chi Minh City, the immense difficulties associated with only having temporary residency status mean that poor migrants face unusual constraints in trying to develop their household income bases. As long as the policy remains that they are to be excluded from certain services, then they will remain at a relative disadvantage (also a problem in Tra Vinh and Lao Cai).

- Poor households in Ho Chi Minh City repeatedly commented on the irony that the poor had to fund more of the infrastructure around them than the wealthy. This observation is based on the fact that better-off households tend to live on main roads or large alleys, where the government funds construction and repair works. Poorer households live deep in the narrow alleys, where pathways and lighting have to be provided by the community themselves. Better-located households are more likely to be able to secure electricity and water connections. Households deeper in the alleys tend to repurchase these services from the wealthier households at a considerable mark-up.

- The limited supply of subsidized, formal sector credit is accessed more readily by the better-off and the better-connected. This is the finding in all three rural project sites. (…) This has the unfortunate effect of leaving poorer households dependent on more expensive, informal credit while the better-off households secure cheaper formal sector loans. (…)

- The tendency for poorer households to withdraw their children from school before they have completed basic education suggests that the next generation from these households will also grow up poorer.

- In Ha Tinh, the practice of levying contributions on a per capita basis tends to be punitive for the poor, since the poorer households are usually larger. (…)

- The dynamic effect of richer households having better connections, which then brings them preferential access to services and scarce resources, was mentioned in Ha Tinh as a source of inequality.

- The unaffordability of health care for poor households: Ill health makes poor households much, much poorer, and poor households are more likely to have sick members. This circle can be seriously impoverishing. (…)

- The low level of input poor households have into decisions which affect their lives means that decisions might reflect the interests of the better-off households more than that of the poorer households.
ENDNOTES

1 Ginzburg, O; Protection Against Trafficking at Community Level; Chiang Rai (Thailand) Report; 2002.

2 UNICEF; Children on the Edge; 2001.

3 Vietnam-Sweden Mountain Rural Development Programme, ActionAid, Save the Children Fund (UK) and Oxfam (GB); A Synthesis of Participatory Poverty Assessments from Four Sites in Vietnam – Lao Cai, Ha Tinh, Tra Vinh and Ho Chi Minh City; Submission to the WDR; 2000.


6 Stalker, P; Beyond Krismon: The Social Legacy of Indonesia’s Financial Crisis; UNICEF Innocenti Research Centre; 2000.

7 Vietnam-Sweden Mountain Rural Development Programme, ActionAid, Save the Children Fund (UK) and Oxfam (GB); Op. cit.


9 Vietnam-Sweden Mountain Rural Development Programme, ActionAid, Save the Children Fund (UK) and Oxfam (GB); Op. cit.
Traficking in people is a global problem that transcends many sectors in society. Education has been given so much importance in this area because it is considered a vehicle for cultures and values that create an environment for socialization to take place. Yet, in many environments, it has also become the primary cause of exclusion and disparity. Increases in primary school enrolments often cover up the growing disparity of access within the larger society.

The overall strategy recommended in this paper would be one of reforming education systems to accommodate all children and “produce” youngsters – girls and boys – with livelihood skills and resilience to live and sustain a living, in their own communities, or in bigger towns and cities to which they have migrated on a safe and voluntary basis. This would entail major curricula reform and management changes in education systems, building on experience gathered in both the formal and non-formal sectors, and focusing on improving the quality and relevance of learning, aimed at reducing disparities and based on gender equality. This should be one key strategy, among several others aimed at combating trafficking, abuse and violence.
People trafficking is a violation of basic human rights with causes embedded in economic, political, religious and cultural complexities. The constantly evolving nature of trafficking practices in the region makes it extremely difficult to prevent. It involves a combination of force, deception and exploitation, and it frequently affects the poorest, most disadvantaged groups in society. While the trafficking situation in Asia is well-portrayed in D’Cunha’s paper in this publication and other theme papers, large gaps in our current information and knowledge bases regarding trafficking are evident.

The relationship between the supply and demand side of trafficking need to be better understood; the factors involved in determining why one community, or one individual, ends up in a trafficking situation and others not, need to be further explored and most importantly, interventions and strategies to prevent this from happening need to be designed, tested and scaled up immediately and effectively.

Like individuals and families, communities have strengths and vulnerabilities that influence life and foster resilience. Neighbourhoods, schools, religious places, businesses, and government organizations are all part of this multi-faceted influence. The building of resilience in children to trafficking is a shared responsibility and no one sector in society can be held totally accountable for this dehumanizing practice.

The basic assumption of this paper is that while we cannot rely on education systems – be they formal or non-formal – to solve all social, cultural, economic and gender equality problems in society, they certainly have a very important role to play in equipping children to live better lives, and thus also equipping children to be more aware of, and alert to potential risk situations (as well as recovery, if and once they have ended up in a difficult situation). No education systems in South and South-east Asia can today claim to be in a position to meet that goal fully.

Traditionally, education systems view children and parents, especially from poor communities, through a deficit lens – focusing on their shortcomings rather than noticing and taking advantage of their potential. This is especially the case for girls who

The main problems with the current education systems are:

- They are exclusive and do not reach the poorest of the poor. Often children from minority groups and remote areas, especially those affected by HIV/AIDS, remain isolated from both inside and outside the education system.
- They are focused on rote and academic learning.
- They are authoritarian, top-down, taking little account of local socio-economic and cultural environments.
- They pay little or no attention to the need to provide livelihood and life skills to the students and do not equip them for the world of work.
- They place little value on teachers and do not recognize that without nurturing them – the system’s “backbone” – they will never function effectively and efficiently.
- Girls are often marginalized in the teaching-learning process. Curricula and teachers are gender-biased and school environments are unsafe and places of (sexual) harassment from either teachers or fellow male students.
are enrolled in education systems, which are in many ways designed to fit male, mainstream middle or upper class children. Children, parents and communities are blamed for the failure that, to a large extent, stems from the school system itself. As long as we have education systems where the harshness of teachers is not recognized as a major problem, both for enrolment and learning achievements, there is little hope of building resilience in children. A common finding in resilience research is the power of teachers, often unknown, to tip the scale from risk to resilience.5

Teachers and schools are in an ideal position to actively work against negative gender stereotypes, discrimination and racism. A positive example of this was the life skills camps held by the Life Skills Development Foundation in Northern Thailand for at-risk orphaned children. Several interactive participatory forums were held with parents/guardians, children and teachers to enhance key components of life skills, particularly communication and relationship building.

A worrying fact that emerged during the discussions was that most guardians were adamant that their dependents should commence employment as soon as possible so they could provide more materialistic items to the surrogate family (a new house, car, etc.). Little concern was placed on education, even though this was the first priority of most children. Orphaned children were generally viewed as a burden on family resources and a "commodity" that could be exploited for personal benefits. With the assistance of teachers, the sessions were successful, to a large extent, in challenging views and reshaping parents' beliefs about their short-term financial gains.

While the overall picture is in many ways grim, there is hope: the Asian region possesses many examples of successful, small or medium scale innovations in basic education. These are most often designed and implemented by NGOs, which have driven the point home that good quality and relevant basic education can be provided to even very poor and marginalized groups and plays a significant role in empowering communities and individuals to live better lives.6

The pilot small-scale experiences of these NGOs prove that education programmes can be designed to provide empowerment (and resilience) for girls through community-based interventions, involving parents and, in particular, mothers. One of the major challenges remains transferring such positive experience to larger-scale, mainstream systems. We still lack good examples and models to follow. The UNICEF Youth Career Development Programme is a step in the right direction. This dynamic co-operative initiative between private sector-leading hotels and UNICEF, Thailand, successfully facilitates access to skills training and employment opportunities for girls and young women from impoverished families in northern Thailand, at high risk to exploitation in the commercial sex and labour market.

**II SEVEN KEY PARAMETERS OF THE STRATEGY**

The overall strategy would be one of reforming education systems to accommodate all children and “produce” youngsters - girls and boys - with livelihood skills and resilience to live and sustain a living, in their own communities or in bigger towns and cities to which they have migrated on a safe and voluntary basis.

This would entail major curricula reform and management changes in education systems, building on experience gathered in both the formal and non-formal sectors, and focusing on improving the quality and relevance of learning, aimed at reducing disparities (among the rural/urban areas and social groups) and based on gender equality. This should be one key strategy, among several others in combating trafficking, abuse and violence.
1 Acknowledge the problem of sexual exploitation.

2 Make the “invisible” child “visible”. Utilize a multi-sectoral approach to accessing and assisting children at risk of being trafficked. Children are protected not only by the self-righting nature of development, but also by their own actions and the actions of adults. Adult behaviour plays a central role in a child’s risks, resources, opportunities, and hence, his or her resilience.

3 Acknowledge the contribution of an inclusive and relevant education in preventing trafficking of children and women, through eradicating the supply side. This requires expansion of educational opportunities to be offered to all children (including those without citizenship), regardless of sex, ethnic background, mother tongue, physical abilities and to retain them also at secondary levels, as is also stipulated in the Dakar Framework for Action, Goal 5.

4 Build the resilience of teachers. Enable teachers to initiate positive change among the students. Key elements are teacher support, development and training of school staff (teachers and school heads).

5 Involve the community. Involve the community in the management of the school and vice versa to improve the quality and relevance of the livelihood training. Recognize that communities are multi-faceted entities and that special efforts need to be made to involve women actively in this process. More support to vulnerable, poor, marginalized families is needed to strengthen their survival strategies.

6 Reform classroom approaches. Orient classroom approaches to build on students’ strengths, help students recognize their own resilience and provide growth opportunities for individual learners – girls and boys – and children as a group. Enhance the gender sensitivity of teachers and their capacity to advocate and promote more gender-equal relations among children and parents. Recognize that all children come to school already socialized into certain stereotyped roles that the school system ought to have an active role in reshaping. Make a concerted effort to re-educate children from a gender perspective, and strengthen their resilience and survival strategies.

7 Weaken the pull of the demand side. The demand dimension of trafficking needs to be addressed through strengthened law enforcement. In the longer term, an education teaching children to pay due respect to the opposite sex, by providing them with appropriate and realistic health and sex education would help to reduce the demand – although probably not eradicate it. The education system can play a crucial role, not by reducing direct demand, but by changing societal attitudes that are complicit to the exploitation that surrounds trafficking.

III Substrategies and Potential Activities

The following substrategies are a mixture of longer-term general reform measures and more immediate interventions, which can be carried out at the local level through local initiatives. While both are needed, and should interact in a dynamic and mutually reinforcing way, without overall in-depth national reforms of education systems, there can be little or no sustainability in results in the long term. While areas currently identified as high risk should be targeted first, broader interventions will be needed, to build up resistance among communities currently not affected by trafficking, thus protecting them from becoming “sending communities”.

**IIIa  INTERVENTIONS AT THE NATIONAL POLICY LEVEL**

1. **In-depth curricula analysis and reform**, removing gender and racial bias, aimed at strengthening life skills dimensions and building resilient students, who are responsible, take initiative and assess risks carefully: When it is found that girls who have been to school are more likely to end up in a trafficking situation, it is partly because the education systems have not provided those girls with the awareness and capacity to assess risks, combined with the lack of other opportunities in the local environment. The lack of attractive income-generating opportunities available after completion of basic education is another important contributing factor. Employment may be abundant but the type of work is unsatisfactory.

2. **Mobilized parties to expand earning opportunities**: To address the problem of local communities not offering work opportunities, local development bodies/ministries and the private sector need to be mobilized in favour of expanding earning opportunities in those areas that serve as suppliers of girls and women for trafficking purposes. A much closer link between the education systems and the world of work or income-generating needs to be built, paying specific attention to increasing young girls’ and boys’ opportunities. This would require major reforms and rethinking of the vocational training systems, which currently have few opportunities to offer to girls and adolescents in rural areas.9

3. **Raised income from self-employment and entrepreneurship**: While many sending communities have little to offer in terms of salaried jobs, emphasis needs to be put on increasing the income from self-employment and small-scale entrepreneurial activities. This requires systematic co-operation and co-ordination among education departments, local development bodies and the private sector.

4. **Action-research to support policy development**: More research with concrete findings and realistic recommendations needs to be carried out in various communities across the Asian region, especially source sites, on:
   - gender socialization from early childhood and the role that the education system can play in counteracting negative stereotypes and promoting more positive gender-fair models of interacting;
   - how parental and community sensitization on the long-term value of educating their children can impact on the vulnerability of many children being exposed to a trafficking situation;
   - how education can best be designed to address social attitudes that accept and encourage trafficking of children and, in particular, girls in certain communities;
   - how best to strengthen community-family-school collaboration and ensure genuine participation from all parts of the community, especially the potentially excluded – often women.

**IIIa  INTERVENTIONS AT THE SCHOOL AND COMMUNITY LEVELS**

1. **Involve young people and girls themselves as a resource.** (An interesting example is provided in Annex 1.) Recognize the importance of peer pressure and promote peer teaching and child-to-child interaction.

2. **Promote closer co-operation between school and home.** All schools should have early warning systems that enable teachers to detect behaviour and performance change, for instance due to family problems – death, divorce,
abuse, inter-generational problems, etc. – among the children, which could eventually lead to drop-out and trafficking. Thailand’s School Management Information System (SMIS), tested and used in Child-Friendly Schools, is an instrument which can be applied more widely. In this regard, specific efforts need to be made by teachers and community workers to maintain the link between girls and school.10

3 Undertake systematic awareness-raising among all community organizations and bodies, including NGOs especially in the “sending” areas on the risk of trafficking and mobilize them for the cause of prevention. The use of district and village level multi-sectoral teams, including law enforcement, health, education, religious and non-governmental organizations (as the UNICEF district-based project in Chiang Mai demonstrates) is highly successful in targeting and protecting vulnerable children. Target parents with information through Parent-Teacher Associations and adult literacy and skills training programmes.

4 Ensure that individuals participating in any form of training have the ability to influence their community peers, and incorporate change and technology.

5 Target communities highly affected by migration, and thus likely to be also highly affected by trafficking and HIV/AIDS.11

ANNEX 1 CASE STUDY: SPACE FOR GIRLS?12

Many parents in Nepal refuse to send their daughters to school, fearing girls are at risk of being abused, which will affect theirs and their families’ reputations. How can children, especially girls, change their environment and make it a safer place to be and study in? How would this impact on their educational lives?

Save the Children supports projects in Nepal that facilitate research by children, exploring ways to reclaim safe spaces for themselves. By sharing findings and interacting with local government, schoolteachers, and parents, the children can begin to mobilize support and change. As an advocacy tool, the process can help girls and boys to influence schoolteachers, students, parents, government, and NGOs: children clearly have enormous potential to improve their environment and take control of their own lives.

Girls in the Surkhet district of Nepal, for example, expressed strong feelings of vulnerability in their community. Save the Children – UK developed a project in which the girls carried out the research themselves, exploring and analyzing the types of space they occupied. Using Participatory Rural Appraisal tools, the girls were able to determine the characteristics of a safe environment and developed an action plan to take back their “space”.

The girls used PRA tools to map unsafe spaces within their village, Venn diagrams to illustrate their mobility, and team-building tools. Boys were involved in the process only when the girls felt it was necessary.

In order to reclaim their “space”, the girls identified the need:

- for parents to recognize the importance of girls’ education;
- to avoid conservative traditions such as gender discrimination within castes, between sons and daughters, and early marriage;
- for girls to be able to demonstrate their abilities within the community;
- for people to speak out against the injustices and oppression of girls; and
- to raise awareness of girls’ rights and enable their access to equal opportunities.

As a result of the process, the following changes have been identified within the community:

- The girls’ group was consulted by community members on various cases of abuse or mistreatment of girls. In one case, a local policeman kidnapped a local 11-year-old girl. In collaboration with other children’s groups, the girls
wrote a letter to the local police commissioner, copying it to the village chairperson, local NGOs, the Chief District Police Officer and the Chairperson of the District Child Welfare Board, asking them to take immediate action. The 11-year-old girl was freed and the Chief District Police Officer is conducting an investigation.

- Teachers and boys within schools and the community respect girls more than was hitherto the case. Boys who initially resorted to teasing, now support girls’ efforts to manage change. Boys are beginning to advocate respect for girls through drama. Support groups for girls who have faced abuse have been established by local communities.
- Local government bodies believe the community groups provide a strong support system for girls, often citing the groups as success stories, inviting them to events related to girls’ rights and safety, and in one case providing financial support for future work.

ANNEX 2  CASE STUDY: THE CHILD-FRIENDLY SCHOOL, THAILAND

Every society hopes and expects that its children will grow up to be capable and responsible citizens who contribute to the well-being of their communities. Yet in many developing countries, children are denied the rights that would enable them to survive, develop fully and participate actively.

In Northern Thailand, several severe social problems such as poverty, HIV/AIDS, drug abuse, and familial violence are affecting the lives of thousands of children making it increasingly hard for them to develop to their full potential. All of these factors increase the susceptibility of children being targeted by trafficking syndicates to be exploited in hazardous working environments and prostitution.

Outside the home, the school is the second most important social and learning environment for children. The aim of the Child-Friendly School project was to develop replicable processes using a rights-based approach to make schools “child-friendly” and responsive to the special needs of children in distress, develop their psycho-social competencies and life planning skills, and promote healthy lifestyles and resilience in children and youth affected by AIDS in two provinces in upper Northern Thailand.

Special Objectives

- To increase school-community awareness and understanding of the rights, psycho-social needs, and problems of children in emotional distress, orphans, and specific needs of children affected by AIDS.
- To improve the child-friendliness of schools by providing a caring and nurturing environment, emotional and psycho-social support for children in distress and children affected by AIDS, and opportunities for participation in self-directed creative learning and recreation experiences.
- To enhance the capability of teachers, parents/guardians, social service agencies to interact with children, including those affected by AIDS, in supportive and nurturing ways that promote psycho-social development and increase resilience.
- To develop and demonstrate a lifespan approach (pre-school to Grade 9) for active participatory learning to develop psycho-social competencies (life skills), including specific coping skills for children affected by AIDS, life/livelihood planning skills, health-promoting behaviour, and resilience.
• To contribute, at the national level, to the development of adequate national guidelines and practices to support children affected by AIDS, through the sharing of lessons learned from the experience of the schools involved in the project.

• To provide livelihood skills training for children to enable them to be “employment-wise” when they leave school.

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**Key Strategies**

- Implement participatory processes for child rights sensitization, promotion and protection involving children, parents, teachers, community leaders, local government, and social service agency personnel.

- Involve children, community leaders, and teachers in generating criteria/indicators to ascertain child-friendliness of schools, and use this in combination with external children’s rights criteria/indicators.

- Establish participatory assessment, analysis, planning, and action systems for continuous improvement of the child-friendliness of schools, including providing emotional and psycho-social support for children in distress and children affected by AIDS.

- Create a learning exchange network of core trainers, teachers, and supervisors to promote and model supportive behaviour and nurturing ways to interact with children in distress, including those affected by AIDS.

- Develop and implement processes for school-based participatory situational analysis by children, with involvement of parents, caregivers, community leaders and teachers, to identify local social environmental risk factors, protective factors, psycho-social needs and problems of children in distress, including children affected by AIDS.

- Determine local priorities for specific positive developmental and preventive life skills education for school children affected by AIDS.

- Develop locally relevant applications of life skills curricula to respond to the social environmental risk factors, risk behaviour, problems of students in their everyday lives including the special needs of children affected by AIDS, and life/livelihood planning skills.

- Conduct evaluation research on behavioural, educational and social outcomes.

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**As a Result of the Study**

- Children, teachers, families and communities are sensitized to child rights.

- School/community relationships and co-operation have been enhanced. Communities now play an active role in school planning and activities.

- Students report greater satisfaction and involvement in the school.

- Reduced depression and an elevation in the self-esteem of students, particularly girls.

- Multi-sectoral teams play an ongoing sustainable role in assisting schools and communities to help children in difficult circumstances.

- The overall resilience of communities has been enhanced – they are able to effectively network and work co-operatively to deal with social problems.

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**ANNEX 3 CASE STUDY: WOMEN AGAINST AIDS (WAA)**

The Women Against AIDS group has been highly active in developing small-scale income-generation schemes to assist people affected by AIDS and trafficking in Sanpatong District, Chiang Mai.

The programme was initiated in response to severe prostitution problems in the area highlighted by the well-publicized deaths in 1984 of several girls from the district in a fire in a Phuket brothel “prison”. The girls had been chained together and unable to escape. In 1991 the programme started the Women’s Group Paper Production and Leadership Development project (Canada).
This project aimed to assist rural women by providing them with village-based income-generation, through the production of Sa handmade paper, and by strengthening their self-respect, group cohesion and community values, to prevent them from being lured into lives of bondage, prostitution and disease.

Small income-generation schemes were developed, and girls working in brothels, in their spare time when they were not entertaining customers, were engaged in skills-training to produce handicrafts for sale. This was intended to help pay off their debts.

The group was also highly active in source communities in trying to change the well-accepted practice of selling a girl child into prostitution as a result of consumeristic pressures.

ENDNOTES

1 Definition of resilience: An innate self-righting mechanism (Bernard, B; Turning it Around for All Youth: From Risk to Resiliency; Clearing House on Urban Education; No. 126; August 1997.) ... go back to original shape after pressure is released... regain good health and good spirit after having gone through a period of difficulties (Longman Dictionary).

Definition of education for livelihood: develop competencies for sustainable livelihoods aimed at meeting basic needs such as living conditions, health promotion, personal services and care, social interaction.

2 The United Nations definition of trafficking is “...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 purposes of exploitation. Exploitation shall include, at a minimum, the exploitation or 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.”

3 Education systems are understood as both formal and non-formal subsystems.

4 Very little research is available in Southeast Asia on these issues. But the little we do have, indicates strong gender biases. See for instance: Gender and Development in Cambodia: An Overview; Cambodia Development Resource Institute; Phnom Penh, 1999.


7 Goal 5: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access, and achievement, in basic education.

8 The South Asian Masculinities Film Project by Save the Children and UNICEF, has produced a set of four films aimed at raising awareness on HIV/AIDS among adolescents and violence against girls in the region. The films aim to initiate discussions among boys and girls, help
them to reflect on the ways in which femininity and masculinity are built, help them to challenge traditional images of men and women and develop new alternative models of femininity and masculinity that are free of violence and discrimination against women and nurture a culture of accepting and valuing the opposite sex. For further information, contact: shekhar@nimhans.kar.nic.in or http://www.id21.org.


10 Such interventions have been conducted with some success in Northern Thailand. Please refer to: Ptawanawit, S et al.; Op. cit.

11 The Jintang County Service Center for Migrant Working Girls and the Zhugao Township Women’s Federation (China) and others, have opened hotlines for migrating working girls as well as conducted classroom discussions on how to prepare students for the future. These experiences provide interesting lessons in preventing and rescuing trafficked girls. See: Feasibility Study, Sichuan Sub-report for the Urban Poverty Reduction among Young Migrants in East Asia, UNESCO-Beijing.


Acknowledgements: Many thanks to Tamo Chattopadhay (Teachers College, Columbia University) for valuable input at the conceptual stage, to David Kahler (World Education) and to Sheldon Shaeffer (Director, UNESCO Bangkok) for constructive and critical reading of early drafts.
Neither trafficking nor globalization is new, but the emergence of the nation state created boundaries across traditional population flows, thus increasing cross-border movement. Changing attitudes to labour migration in the post-colonial era made much of this movement illegal and the migrants therefore vulnerable to human rights abuses. Thus, trafficking has probably increased as a proportion of total migration.

Changes in both the supply of and demand for female labour, partly due to changes in gender roles in industrialized and developing countries, have also increased the proportion of women and children in migration streams, and therefore of women and adolescent girls being trafficked.

The role of livelihood opportunities for women and girls in the prevention of trafficking must be seen within the total economic and social context of migration and trafficking. The relevant livelihood opportunities may be located in developed or developing economies, and macroeconomic policies in both developed and developing countries may contribute to their creation or destruction, as well as to whether they have a negative or positive impact on migration and trafficking.
Prevention calls for an integrated and multi-sectoral approach that addresses migration and trafficking within the context of overall national and development policy. However, many countries of origin do not regard trafficking, gender mainstreaming or human rights as development priorities, while trafficking is not widely recognized as related to the global macroeconomic environment and to specific macro policies in both countries of origin and destination.

A more integrated approach to combating trafficking through gender sensitive and rights-based approaches to providing livelihoods for women might be explored through existing multi-sectoral strategies to address HIV/AIDS, which is a closely related issue in countries severely affected by HIV. The United Nations Development Assistance Framework and the World Bank’s Poverty Reduction Strategy processes also offer potential for a more integrated approach in some countries.

The role of industrialized nations in prevention through addressing women’s fundamental human rights to livelihood and decent work is equally challenging. Some are beginning to address gender relations within their own society in relation to reducing the demand for women and adolescent girls in commercial sex work, both at home and globally through sex tourism and the internet. However, the impact of the conventional macro-economic policy framework at both the national and international levels in industrialized, as well as developing economies, in denying women’s human rights, and thus creating the conditions for illegal migration and trafficking also needs to be taken into account. Although the implications of this may be politically difficult to address, emerging tendencies in both population and economic policy provide cause for hope.

Activities to prevent trafficking in women and girls and to rehabilitate and resettle those who have been trafficked have typically focused on economic empowerment and promoting livelihood options for women and girls in general, and for returnees in particular. The link between lack of economic opportunity and economic empowerment and trafficking has been assumed, rather than systematically analyzed. As analysis of the phenomenon of trafficking has become more sophisticated, it is also time for a more sophisticated and critical review of the role of economic opportunities and empowerment as strategies for prevention of trafficking and rehabilitation of the survivors of trafficking. Key issues for review include trafficking as a component of the continuum of population mobility, the role of economic factors on both the supply and demand sides in generating population mobility in general and trafficking in particular, and the relative roles of micro interventions and macroeconomic policies.

Traffic is an aspect of general population mobility

From an economic perspective, measures to address trafficking must recognize it as but one component in the complex and shifting continuum of population mobility. The continuum ranges across temporary and seasonal population movements; voluntary short-term movements e.g. labour migration; voluntary permanent migration that may be arranged independently or facilitated by agents, including the recent rise in smuggling in persons; and various forms of forced movement, such as slavery, forced migration and political exile generated by the actions of States and trafficking in persons.

Population movements can be classified in a variety of ways: in terms of duration – temporary or permanent; in terms of purpose – for work, for social, political or cultural relocation that may or may not be linked to considerations of employment; or in terms of the voluntary or compulsory nature of the movement. These distinctions are complex and dynamic: movements intended to be temporary may later become permanent; movements voluntarily entered into by would-be migrants may later become forced incidents of trafficking; and persons originally trafficked may later choose to remain in the place of destination as permanent migrants.
Population mobility, whether voluntary or forced, is not new. Recent literature suggests that the scale of movement, particularly trafficking, is greater now than at any time in the past. However, such assertions are not well-supported by the limited empirical evidence available. In terms of the size of the global population of the period, European colonization of Central and South America, Southeast and East Asia and Africa, the settlement of the “New World” of North America and Australasia, and associated relocation of local populations, probably generated relative population mobility on a scale greater than those observed today. In terms of modern definitions, many of those movements also involved various forms of trafficking — including slavery, “state trafficking” of prisoners and political exiles, and the recruitment of forced labour by individuals and States.

The twentieth century brought about a number of fundamental changes in the nature and importance of trafficking.

1 Increase in relative volume of trafficking due to political changes

 Trafficking may have increased as a proportion of the total volume of population movement because of changes in attitudes to population mobility as a whole. In the past, political barriers to population mobility were relatively limited, political borders relatively fluid, and population movements widely tolerated and often encouraged. In the absence of major population pressures and in economies dependent on relatively labour-intensive technologies, labour was a valuable resource to be sought rather than rejected.

Until the rise of the modern nation state, most population movements other than those occasioned by military conquest and capture could be considered as some form of migration and were essentially voluntary in nature. People moved to escape some perceived form of deprivation in the area of origin or to benefit from some anticipated opportunity in the area of destination.

However, with the introduction of international travel documents and border controls on the movement of people and goods, population movement became regulated. Where would-be migrants failed to meet entry criteria set by countries of intended destination, their movement became illegal. In the changing economic and political climate of the twentieth century, many countries that had welcomed migrants and new settlers in the nineteenth century suddenly closed their doors.

Since many would-be migrants refused to be discouraged, an increasing proportion of total population movement thus became illegal, giving rise to both people smuggling and trafficking. The distinguishing feature of trafficking is the presence of force, coercion or deception for the purposes of exploitation.3

2 Changes in demand and supply increase volume of women and girls trafficked

Migrant and trafficking flows are characterized by increasing mobility of women and girls, sometimes described in terms of increasing “feminization”. Previously, with a few exceptions, migrant flows tended to be male-dominated or made up of family groups. Employers in destination countries were primarily seeking immigrant men for manual labour and other kinds of work typically associated with men. Unaccompanied women and children rarely migrated in significant numbers.

In the twentieth century, changes in both supply and demand factors led to the feminization of migration flows, and a sharp increase in the numbers and proportions of women and child migrants moving, especially on a short-term or temporary basis in search of work. One reason for the increase in the proportion of women migrants is that it is often both cheaper and easier for women to migrate than men. In many countries, the fees charged for women migrants are lower because of the high demand for women in domestic service and the ease with which they can therefore be placed.
For example, the fees charged for women migrating from Indonesia to the Middle East are much lower than those for men. In addition, the requirements for women in terms of education and skills are lower than for men. Consequently, poor families choosing migration often have little choice. Women migrants from Bangladesh to the Middle East also pay lower charges than men. However, the more important reason has been the increased demand for female labour in areas such as domestic and other services, low-wage manufacturing, and commercial sex work.

Although legal channels have been established for some of these migration flows – for example, from the Philippines, Indonesia and Sri Lanka to the Middle East – many women and children move illegally and are thus at risk of being trafficked. Gender inequality in both source and destination areas also increases the vulnerability of women and children, particularly girls, to trafficking.

However, the perceived dominance of women and girls in trafficking flows may be somewhat misleading: studies in South Asia have shown that movements of men are assumed to be migration, while movements of women and girls are assumed to involve trafficking. Closer examination suggests a more complex reality: many men and boys are trafficked, and although women migrant workers are at greater risk, not all women are trafficked.

### Demand for women and girls for commercial sex has increased and globalized

The scale of the commercial sex industry has greatly expanded during the twentieth century as the industry has globalized and become integrated with other aspects of modernization. The growth of commercial sex work is one area of trafficking where demand factors dominate.

In many countries, the commercial sex industry is inextricably linked with tourism, both domestic and foreign, and some countries are specifically promoted for “sex tourism”. To some extent, commercial sex work is probably providing services previously provided within the framework of traditional social institutions such as concubinage that have become less acceptable both socially but more especially to the women who formerly would have entered such relations. The growth of demand would also be linked to the volume of unaccompanied male migrants and perhaps to family breakdown, and the number of divorced and separated men as well as the number of unmarried men with ready access to the economic resources needed to buy sex. However, as Jean D’Cunha’s concept paper emphasizes, the commercialization and commercial exploitation of women’s bodies in modern society through advertising, fashion, entertainment and the media undoubtedly also contribute.

As a result of such developments, the proportion of women and children, particularly girls, in the total volume of population mobility who are trafficked for sexual purposes appears to have increased. Again, appearances may somewhat be deceptive. In most societies, significant numbers of women have always been involved in the sex trade. In the past, supply factors were probably more important because there was very little paid work for women in the pre-modern era. Although much of women’s involvement in sex work has always been “forced” in the sense of being induced by the lack of economic alternatives, the element of physical force and confinement now associated with the globalized industry was probably less. Two other factors tend to distort the data. Not only is the movement of women and children now assumed to constitute trafficking, but the majority of such “trafficking” is also widely assumed to be for sexual purposes. However, like men and boys, women and girls are also trafficked for other purposes: to work as beggars or as underpaid and exploited labour in agriculture, labour-intensive manufacturing and domestic service.

This does not mean that sexual exploitation is absent from these other purposes. A significant proportion of women and girls originally trafficked for other purposes are also subject to sexual abuse and forced prostitution, reinforcing the perception that the trafficking was for the purpose of prostitution. However, the reality is more complex.

### Trafficking is a growing source of profits for traffickers and organized crime

Third parties are able to reap substantial profits from their roles in the processes of trafficking and smuggling in persons. The United Nations Human
Development Report 1999 estimated that globally trafficking and smuggling are estimated to be worth 7 billion US dollars, second only to drugs and arms smuggling.

Not since the abolition of slavery has the movement of people yielded such large profits for those who act as facilitators, whether as smugglers with the consent of the migrants or as traffickers acting with some element of coercion. However, because of the involvement of coercion and exploitation, the profits are much greater for trafficking.

Although the profits reaped by traffickers has been the main focus of trafficking, particularly since it has been identified with organized crime, employers exploiting the situation of trafficked persons and the clients of trafficked sex workers, as well as corrupt officials involved, all gain significant financial benefits. The magnitude of these financial gains and the low risks involved for those who stand to make the greatest gain – traffickers, corrupt officials and employers – make the prevention of trafficking especially difficult.

Trafficking is increasingly being seen within a human rights perspective

Trafficking is now taking place in a global environment in which States Parties have incurred legal obligations under international law for the protection and realization of human rights that are violated by the mere existence of trafficking. Trafficking in itself violates fundamental human rights and must therefore be reviewed from a rights-based perspective. From an economic perspective, the key relevant dimensions of human rights are covered comprehensively in the Declaration of Human Rights:

- Everyone has the right to freedom of movement and residence within the borders of each state [Article 13.1]
- Everyone has the right to leave any country including his (sic) own, and to return to his country [Article 13.2]
- Everyone has the right to a nationality [Article 15.1]
- No one shall be denied the right to change his nationality [Article 15.2]
- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment [Article 23.1]
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection [Article 23.2]

As noted by Jyoti Sanghera, these are also reinforced in a variety of other international conventions and treaties, particularly the:

- International Covenant on Civil and Political Rights [Article 8.3 (a) No one shall be required to perform forced or compulsory labour; Article 12.1 and 12.2 basically affirm Articles 13.1 and 13.2 of the Universal Declaration];
- International Covenant on Economic, Social and Cultural Rights [Article 6 recognizes the right to work, which includes the right of everyone to the opportunity to gain his (sic) living by work which he (sic) freely chooses or accepts, while Article 7 identifies the nature of just and favourable conditions of work]; and
- a variety of ILO Conventions, including the Migration for Employment Convention (revised) 1949 which entered into force in January 1952;
- A more comprehensive treatment of the specific rights of migrants is contained in the International Convention on the Protection of the Rights of All Migrant Workers and their Families, which has unfortunately not yet entered into force.

Despite the abundance of international commitments to a variety of fundamental human rights, the violation of which are involved in trafficking, it is only comparatively recently that trafficking itself has begun to be considered from a human rights perspective.

Social Council E/2002/68/Add.1 20 May 2002 were developed only after the focus of the Protocol on the criminal rather than the human rights dimensions was queried by the Commission on Human Rights and other civil society groups. Some of the specific regional initiatives noted by Jyoti Sanghera in this region, particularly the SAARC Convention, have been criticized by women’s groups for treating women as though they are children and potentially violating women’s human rights.

Earlier international agreements on trafficking focused strongly on the protectionist approach (as is apparent in the SAARC agreement) or a more moral perspective emphasizing exploitation through prostitution, as in the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The moral perspective and the focus on prostitution remain implicit in the three regional agreements cited by Jyoti Sanghera, which either confine their coverage to trafficking in women and children (as in the case of the SAARC Convention and the Thailand MOU) or include a qualifying phrase that directs special emphasis to trafficking in women and children (as in the ARIAT Regional Action Plan 2000) – as, indeed, does the international Trafficking Protocol and the ASEM Action Plan.

As is apparent in the recent UN Recommended Guidelines on Human Rights and Human Trafficking, the swing toward a human rights perspective has tended to focus primarily on the civil and legal rights of trafficked persons. Perhaps somewhat paradoxically, even although many of the international agreements specifically target trafficking in women and girls, women’s human rights and a gender perspective tends to be rather weak. Apart from one reference in parenthesis (Guideline 5.5) to “anti-trafficking units” (comprising both women and men), there is surprisingly little reference to the specific needs or vulnerabilities of women or girl children.

To the extent that the economic dimension of women’s human rights is incorporated in international trafficking documents and agreements that are more rights-based, it is included in very general terms and primarily on the supply side in terms of prevention and rehabilitation. Thus, Guideline 1.5 echoes similar statements in a number of other instruments that prevention needs to focus on the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination. In contrast to the position taken in Jean D’Cunha’s concept paper and in the basic international human rights instruments, vulnerability in itself is not generally seen in the international approach to trafficking as a human rights issue, and particularly not as a women’s human rights issue.

II  GLOBALIZATION, DEVELOPMENT, MIGRATION AND TRAFFICKING

Economic factors – both push and pull – play a major role in motivating migration and thus, in the absence of legal channels for such migration, increasing the risk of trafficking.

Supply side – Push factors

On the supply side, would-be migrants may be pushed to leave their areas of origin by poverty, a perceived lack of economic opportunities, or dissatisfaction with the nature of economic opportunities that are available to them. The lack of livelihood opportunities for women and girls creates a variety of vulnerabilities that are typically seen as major risk factors for trafficking. They also reflect the extent to which developing countries have not been able to ensure the full realization of many basic human rights for their citizens, especially women and girls.

- In some areas, development and globalization have actually reduced economic opportunities in rural areas and in poor countries that are not competitive in global marketplace, creating a “crisis of economic security”. In some coun-
tries, women are among those most affected by loss of employment, whether directly or indirectly when male family members lose their jobs, increasing the pressure on them to emigrate for work.

- The monetization of economies everywhere, including in the poorest of rural areas and the poorest of countries, creates an increasing demand for cash incomes that often cannot be satisfied in local labour markets. Families are obliged to send family members out into the global work place in order to provide the cash incomes that are increasingly needed even for mere survival.

- Globalization and the liberalized economic policies that have accompanied it, again particularly in the poorest countries, have contributed by forcing governments to eliminate subsidies and other protective measures intended to insulate the most vulnerable from economic pressures.

- Some migrants from rural areas are pushed not so much by an absolute lack of economic opportunity, but by the fact that the level of income and lifestyle supported by traditional occupations as farmers or farm labourers no longer meet their expectations. Even apart from dissatisfaction with the low incomes, many rural youth with some secondary or higher education consider themselves too well educated to accept work in agriculture or the dirt and drudgery of other forms of unskilled work available in rural areas.

- Both development and globalization contribute to the growing gap between rural opportunities and the ambitions and expectations of rural populations, as well as to growing awareness of the gap between rich and poor – within and between countries. Development brings increased education and improved communications and information, all of which provide rural populations with a much better understanding of the good things of life in which they have little or no share.

- The increasingly globalized world in which they live also provides them with ready access to information about the actual or potential existence of better opportunities elsewhere. In the poorest countries, including those in the Mekong Basin, such opportunities are likely to be found in neighbouring countries or even further afield in the global economy.

- Women and girls, especially those with some education, may be pushed toward trafficking as a better alternative to the drudgery, danger and exploitation inherent in the traditional lot of women in rural areas in poor countries. Young women may literally be running away from the prospects of marriage and a large family, the dangers of high maternal mortality, the trauma of high infant mortality, and the drudgery involved in fetching fuel and water, caring for their families, and contributing to the family income through labour-intensive agriculture or the other kinds of low paid and unskilled jobs available locally.

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**Demand side – The pull into exploited labour**

The demand for trafficked labour has not been well integrated into the approach to international approaches to human trafficking. To the extent that it is being more explicitly considered in recent documents, the implicit focus seems to be on the demand for prostitution and other aspects associated with the sexual exploitation of women and girls rather than with the demand for exploited trafficked labour.

However, globalization has created powerful market demand for cheap, low-skilled labour in sectors such as agriculture, food processing, construction, domestic service, labour-intensive manufacturing, home health care, sex work and the service sector in general. Such demand exists in both industrialized and developing countries.

In industrialized countries the pressure for businesses to survive in increasingly competitive markets has led to a great emphasis on cost-cutting in industries with more limited capacity to respond in more positive ways such as technological change or marketing and product differentiation.
Some manufacturing industries and large firms have responded through globalization by relocating part or all of their operations to low-wage economies or outsourcing inputs to subcontractors in such economies.

However, small and medium enterprises and many service sector activities tied to locations close to their markets do not have the choice of relocation.

The trend in macroeconomic policy in industrialized countries toward trade liberalization, deregulation and privatization has also facilitated the increased emphasis on cost-cutting within industrialized economies.

Firms have moved to flexibilization of employment through increased use of casual and part-time work, enterprise-based bargaining models that have weakened the ability of unions to protect the wages, conditions and human rights of their members, and subcontracting.

The general pressure on governments to reduce public sector spending has also contributed to weakening of regulatory and monitoring mechanisms to protect working conditions, minimum labour standards or basic human rights.

These trends not only create an increased demand for cheap labour, but also tend to generate the kinds of jobs – perhaps best described in terms of the 3-Ds: dirty, degrading and dangerous – that citizens of industrialized economies are unwilling to accept. Even the pressure of rising and, in recent times, unprecedented levels of unemployment in these economies has not been sufficient to persuade unemployed workers to accept such low paid and unpleasant work. Since most industrialized economies have retained some system of social protection, citizens are able to choose unemployment and dependence on welfare rather than conditions that they regard as exploitation.

However, most of these undesirable employment opportunities are characterized by extensive potential for both exploitation and coercion of trafficked workers. Trafficked workers are vulnerable to exploitation in terms of wages and working conditions that are below national standards and which often violate basic human rights:

Although the level of wages are unacceptably low in the context of the industrialized economy, they remain attractive to workers coming from developing countries with both high levels of underemployment and even lower wages.

Most trafficked workers have low levels of education and may also be illiterate in the national language, so they are unaware of the existence of minimum standards or of the means of enforcing them. Similarly, they are unaware of their human rights or of any means by which they might claim those rights.

Being illegal deprives them of practical access to the means of enforcing minimum wages and working conditions, although it does not absolve the recipient country of its obligations under international law to ensure the realization of their human rights.

Women and children are especially vulnerable because they are most likely to be illiterate and uninformed, and have been conditioned by gender relations in their home culture to passively accept whatever conditions are offered.

Ironically, the changing status of women combined with more limited changes in gender relations in countries of destination have created a huge demand for the labour of women and children particularly, but not only girls. Women in industrialized economies have increasingly moved into the paid labour force, even though this is often into areas that are unskilled and less well-paid than the average for men, and often also into part-time and casual work. However, this leaves a gap in the home, since men have not increased their share of unpaid domestic work sufficiently to take up the slack. As a result, the demand for other women to work in domestic service and other service sector occupations, including home-based care of the elderly and disabled has increased sharply. The wages on offer (that often must be covered by the lower average earnings of women) and the nature of working conditions do not attract women nationals, thus creating a demand for illegal and trafficked labour.
• Again somewhat ironically, the growing gap between the expectations of women and men in gender relations has also contributed to the emerging demand for women trafficked into marriage in both industrialized and developing countries. In Japan, for example, many rural men have to seek marriage partners from other countries because Japanese women are unwilling to accept the conditions of rural life.

• In China, a related marriage market for trafficked women has been created by the highly distorted sex ratio at birth and the millions of “missing women” that have resulted from a strong “one-child” population policy and strong son preference leading to widespread abortions of female foetuses. Similar pressures are also emerging in India, although cultural and economic factors – particularly the dowry system – rather than population policy are responsible for the pressure for sons rather than daughters.

The nature of work in most of the undesirable occupations available to migrant and trafficked labour also facilitates the element of force and coercion and the denial of basic human rights, particularly for women and children:

• Since the work is illegal, employers have a vested interest in concealing their illegal employees, often leading to physical confinement;

• Such attitudes combined with traditional gender stereotypes render women and girls especially vulnerable to physical violence (even by women employers) and to sexual abuse and exploitation by male employers or male family members even though that was not the primary purpose of the employment;

• The low wages paid to trafficked workers, combined with frequent and uncontrolled arbitrary withholding of pay by employers and the high fees charged by traffickers, often forces women trafficked into other areas of employment to resort to prostitution in order to survive or repay the debts incurred during the process of being trafficked;

• By its nature, domestic work is physically confined to the employer’s household, which is generally perceived as a private domain beyond the reach of industrial regulation and the law;

• The psychological isolation inherent in physical confinement exacerbates the unequal power relations between the trafficked worker and the employer. This may lead to attitudes that permit, if not encourage, physical coercion and violence. Again, this seems to be especially widespread in domestic service.

III Do Livelihood Opportunities Prevent Trafficking?

The lack of livelihood opportunities for women and girls in the area of origin is typically cited as a primary cause of their vulnerability to trafficking. As noted above and in the concept paper, it also constitutes a violation of a basic human right. Although the human rights dimension is typically overlooked, the promotion of employment and education for women and girls to increase their access to better jobs are typically seen as appropriate interventions for preventing trafficking. However, the preceding analysis reveals a more complex situation. Increased livelihood opportunities for women and girls in industrialized economies and even in developing countries may also increase their vulnerability to trafficking. The role of livelihood opportunities for women in prevention of trafficking or the resettlement of returnees depends first on its location – whether in a sending or receiving area for women migrants, and whether in the country of origin or abroad.

In source areas for women migrants (and thus also areas of high risk for trafficking of women and girls), the creation of livelihood opportunities may discourage out-migration and reduce the risk of trafficking. However, in order to be effective such livelihood opportunities must be:
• **competitive in terms of earnings and working conditions** with those available in the destination areas accessible to local women. This is especially important in programmes that aim to resettle returnees, who will be well aware of the conditions and potential earnings in the trafficking destination. Programmes that offer returnees, particularly returning commercial sex workers, training in activities such as crafts, sewing or operating micro enterprises are unlikely to be effective unless they are able to offer relatively high earnings. Trafficking programmes are often gender-blind and automatically provide training for returnees in occupations that are traditional for women. These are, almost by definition, unskilled and poorly paid, and thus unlikely to be competitive with those available through migration/trafficking. Returnees are likely to consider the potential gains from being re-trafficked a more attractive option, even taking into account the risks involved.

• **accompanied by social and community development programmes** that address gender relations, recognize and promote women’s human rights and, in particular, address in practical ways the burden on women of unpaid domestic work. The drudgery of unpaid housework, gathering fuel and fetching water, as well as the risks of high maternal and infant mortality, tend to drive young women away from backward rural areas. From this perspective, meeting basic human rights through the public provision of water, power, transport and health services and the macroeconomic policies that support these are important components of trafficking prevention strategies. Within communities, rights-based gender awareness programmes among families and men can also contribute by creating more positive attitudes to women’s rights, roles and status that will support girls’ rights to education and women’s rights to paid employment, as well as reduce the unequal burden of unpaid work by promoting more active roles for men in the household and family.

• **sustainable in terms of offering continuing access to decent employment.** Job creation and income-generation schemes, especially when project-based and dependent on special donor or government funding, may discourage migration and reduce trafficking in the short term. However, when the project ends and the special funding dries up, the jobs may also disappear. The longer-term result may then be to increase migration and the risks of trafficking as the women and their families have become dependent on the incomes that were created. Even where the jobs continue, rising expectations and improved access to information about competing opportunities elsewhere that are a side impact of the programme may still contribute to supply side pressures that promote migration and trafficking.

Livelihood opportunities for women and girls within the country also need to be competitive with those available in neighbouring economies. Increased employment opportunities for women in urban areas within their own countries may sometimes contribute to trafficking in unanticipated ways: as noted above, by increasing expectations and also providing women and girls with improved information about opportunities in other countries, as well as access to channels for illegal migration/trafficking. Like livelihood opportunities in areas of origin, those in urban and more developed parts of developing economies must also be sustainable and secure. The sudden relocation in the global economy due to changing wage relativities of “footloose” labour-intensive industries, many of which employ largely female workforces, may contribute to the migration/trafficking of women thrown out of paid employment as a result. Similarly, flexibilization of employment in developing economies and the expansion of insecure employment through subcontracting may also create supply pressures for migration and trafficking. Livelihood opportunities in the countries of destination may be seen as part of the causation of trafficking because they create the demand for cheap labour.

However, in the absence of domestic supply or technological solutions, the demand for cheap labour can be met by labour migration – legal or illegal – or by trafficking. It is not the mere existence of the demand for cheap labour in other countries that generates the conditions for trafficking in general, or for trafficking in women and children in particular. It is the lack of access to those opportunities that makes the migration of workers to meet the
demand illegal and it is their illegal status that makes migrant workers vulnerable to trafficking.

As shown in Jean D’Cunha’s concept paper, this vulnerability is significantly increased for women and girls by the impact of unequal gender relations at every stage in the migration/trafficking process. However, as Jyoti Sanghera emphasizes, the fundamental issue in trafficking is the lack of legal channels through which migrant workers can access employment opportunities that are theoretically their right, particularly in other countries.

To date, the international interpretation of human rights has not been globalized or integrated at a global level. Thus, while persons are deemed to have an inherent human right to cross-border mobility as well as a basic human right to decent work or a source of livelihood, the two remain separated in space. To the extent that the right to work and to livelihood is recognized in practice, the obligation for the realization of that right is placed on the nation state in which the individual resides, and not on other states or the global community. This mirrors the neoclassical approach to economic policy, which advocates freedom of international movement for capital, but not for labour. This is a factor that, in itself, contributes to the creation of vulnerabilities in some countries and of demand in others and thus promotes trafficking. In a global world, some things are not yet globalized.

IV Strategies for the Prevention of Trafficking

The preceding analysis shows that, in itself, creating livelihood opportunities for women and girls will neither prevent trafficking nor promote the resettlement of returnees. The focus on creating livelihood opportunities in areas of origin is not only ineffective as a primary strategy; the emphasis on the supply side is contrary to one of the basic principles included in several of the recent trafficking agreements which states that strategies aimed at preventing trafficking shall address demand as a root cause of trafficking. Para 5 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking implicitly recognizes the need for prevention on the supply side but advocates a much broader approach: States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination. One of the difficulties of applying a rights perspective to the prevention of trafficking in women and girls in particular, although it is also an issue for trafficking in poor people generally, is that the vulnerabilities that reflect violations of their rights affect women, and poor women in particular, as a group and are not related to a specific administrative or legal framework. They can really only be addressed as a development issue and through an integrated approach that involves many agencies and targets the multiple dimensions of economic marginalization and vulnerability.

From this perspective and focusing specifically on the situation of women and girls, prevention involves not only providing a viable economic alternative to opportunities in the destination location or country, but also contributing to the development of individual and collective empowerment that will allow women to address the underlying causes of their marginalization and gender inequality. Recognizing the fundamental relationship between migration and trafficking, preventive remedies on both the demand and supply side require an integrated multi-sectoral and multi-agency approach that is both gender-responsive and rights-based and locates the causes of migration and trafficking within national development strategies. At one level, most anti-poverty and people-oriented national development strategies, provided that they are also gender-responsive, should also contribute to the prevention of trafficking.

However, while the broad policies and programmes for, say, girls’ education or employment creation may be broadly similar, the focus on migration and trafficking requires the integration of education with employment. For example, basic primary education is likely to be ineffective as an anti-trafficking
strategy in a labour-surplus country such as Indonesia because it is insufficient to lead to paid employment. It therefore neither challenges the “unvalued” status of girls in their families, nor competes with the attraction of countries facing labour shortages, such as those in the Middle East, that offer paid (albeit low status and exploitative) employment even to uneducated Indonesian girls. An integrated multi-sectoral strategy would need to ensure that the education provided actually leads to desirable employment that would reduce the pull of illegal migration/trafficking to young and impressionable women.\(^{21}\)

Similarly, income-generation strategies that do not address poverty and related causes of vulnerability to trafficking in a strategic or sustainable way will be ineffective. Again, this typically calls for an integrated and multi-sectoral focus because areas of origin for trafficking are typically among the poorest even in poor countries, with limited markets and low quality human resources among potential victims of trafficking or returnees. Market-oriented and gender-responsive micro enterprise development strategies are needed to address strategic needs by combining sustainable markets, the development of products that are saleable in terms of price and quality and gender strategies. Such programmes must ensure that women are economically empowered in sustainable and profitable businesses, with the capacity to respond to market change when it happens (as inevitably it will). They must also ensure that such economic empowerment also leads to gender equality within the families and communities of the women producers. The intervention must address both the economic marginalization of the women and the unequal gender relations that contribute to that marginalization and to their personal and collective disempowerment.

An integrated multi-sectoral approach also requires a consideration of the impact of macroeconomic policies in both source and destination countries on the supply and demand conditions for migrant/trafficked labour.

The virtual exclusion of social considerations in the determination of macroeconomic policies must be challenged in industrialized as well as developing economies. Macroeconomic policies such as the prioritization of monetary and fiscal stability over the stability of employment and economic activity, reducing public expenditure and privatization of social sectors without regard to the social impact exacerbate existing vulnerabilities in developing countries and have created new vulnerabilities in both developing and transition economies that facilitate trafficking. In particular, gender-blind macroeconomic policies that fail to recognize the differential impact on women and men contribute directly to trafficking in women and girls.

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**A multi-pronged and multi-agency approach is the only response with any prospect of success in combating trafficking.**

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**Challenges in the prevention of trafficking**

1. **Promoting integrated multi-sectoral approaches at national levels**

ASEM and the UN Recommended Guidelines on Human Rights and Human Trafficking both call for National Plans of Action to combat trafficking in persons. To be effective, such plans of action need to be integrated into national development policy so that the majority of national policies and programmes are required to take into consideration in order to minimize or ameliorate their potential impact on human trafficking, particularly in women and children. The multi-sectoral integrated national strategies for combating HIV/AIDS that have been adopted by several countries in the region, including Thailand and PNG, provide a good model for what is needed.
However, in practice such an approach will be much more difficult to achieve for combating trafficking. The direct threat of HIV/AIDS, and particularly its economic threat, is now well-recognized in high incidence countries, whose governments are therefore strongly motivated to address its impact in the most effective way. Countries such as Thailand have demonstrated that an integrated development approach is most effective. The difficulty with this approach to trafficking is that the countries of origin of trafficked persons, particularly women and girls, do not see the phenomenon as a major national threat. In fact, it is often recipient countries that are more concerned about the threat to them. While they could do much to reduce the demand for trafficked labour, including reducing the demand for the prostitution of women and girls, the main pressure for preventive action tends to be placed on source countries. Thus, it will be difficult to persuade departments such as highways and transportation, commerce and industry or even macro-economic policymakers in developing countries to consider the impact of their programmes and policies on trafficking.

However, that is exactly what is needed: individual policies and especially development programmes in poor areas among vulnerable and marginalized populations at high risk of being trafficked, need to be assessed in terms of their potential impact on trafficking. Is demand being created for unskilled and cheap labour likely to generate a demand for trafficked labour and sex workers from ethnic minorities (especially those lacking citizenship rights) or from neighbouring countries? Are the programmes or projects likely to facilitate the entry of traffickers to new areas and vulnerable populations not yet familiar with the risks being trafficked? Will they create sustainable livelihood opportunities, especially for women and adolescent girls that might reduce their vulnerability to trafficking?

Could associated community programmes to raise the level of awareness on gender issues and the value of women’s gender roles reduce the pressure communities and families often place on young women to migrate illegally to neighbouring countries or to enter commercial sex work? What other kinds of actions might ameliorate any negative impacts?

One way of encouraging this more integrated approach would be to link the issues of trafficking and HIV/AIDS more directly than is now the case. While the link is clearly strong and implicitly recognized, neither governments nor trafficking or HIV/AIDS programmes currently give it much practical consideration. The issue of trafficking might be more successfully addressed in an integrated manner through national development policies in countries that have adopted a national multi-sectoral HIV/AIDS strategy if trafficking is integrated into the AIDS strategy.

The United Nations Development Assistance Framework, UNDAF, could provide another avenue for integrating a consideration of trafficking into national development strategies, as well as for ensuring the adoption of gender-responsive and rights-based approaches to both. Similar potential approach for integrating specific consideration of trafficking into national development strategy exists in the preparation of World Bank Poverty Reduction Strategy papers. Current moves by the Bank and some countries to adopt a more gender-responsive and rights-based approach in the PRS processes need to be explicitly linked to the role of gender discrimination, poverty and the specific vulnerabilities and marginalization of women and girls in trafficking.

2 Bilateral approaches to opening access to legal migration

This paper and others presented in this meeting have emphasized the close association between trafficking and the lack of legal channels for migration. Legitimizing mechanisms for legal migration is an obvious strategy to minimize the vulnerability of illegal migrants to trafficking.

In the Asian region, this approach has been adopted in several countries on a bilateral basis: between Thailand and neighbouring countries; between Malaysia and its neighbours, particularly Indonesia and Bangladesh; and between Indonesia and the Middle East and the Philippines and the Middle East, as well as other countries.

The main problem with this approach is the general lack of either a human rights perspective or gender sensitivity, particularly at the implementa-
Promoting Gender Equality to Combat Trafficking in Women and Children

Women and girls dominate in many of these migrant labour flows into areas of employment such as domestic service, low-paid sweated manufacturing industries, street begging and commercial sex work. As a result, many suffer grave violations of their human rights (illegal deprivation of their travel documents, physical confinement, domestic violence and sexual abuse) and thus continue to be trafficked even by officially registered labour migration agents.

Others suffer similar abuses at the hands of their employers, but are unable to resist because their status as legal migrant workers is dependent on their contracts with specific employers who must pay for their registration (and the workers therefore feel “owned” by the employers). The terms of migrant worker contracts in many countries specifically discriminate against women workers who may fall pregnant even through rape, against which the host country is legally obliged under international law to provide protection.

Civil society groups need to be developed in both sending and receiving countries to provide support and advocacy on behalf of migrant workers... 3

While providing legal channels for migration is an important step forward, Governments entering into such bilateral agreements need to pay much more attention to the human rights implications of implementation. The gender issues involved also need to be considered explicitly and in terms of women’s human rights.

Civil society groups need to be developed in both sending and receiving countries to provide support and advocacy on behalf of migrant workers, both legal and illegal, and to include consideration of their interests in submissions to national human rights reporting bodies such as the Committee for the Elimination of All Forms of Discrimination against Women (CEDAW).

Addressing the role of macroeconomic and trade policies

Macroeconomic policies in both developed and developing countries generate the push and pull factors that generate labour migration and thus, where that movement is illegal, directly promote trafficking. Governments – including those in industrialized countries – that commit to combating trafficking must consider the possibility that, in a globalized world, their own policies contribute directly to the phenomenon they seek to eliminate. The current contradictions in trade policy are a good example of the problem.

Economically marginalized people, particularly women, in developing countries are unable to realize their human right to a decent livelihood in their own country partly due to global inequities in trade. On the one hand, the economic liberalization being promoted by industrialized countries exposes them to competition from imports in local markets. On the other, their own products continue to face trade barriers in the markets of those same industrialized economies. The result is strong pressures in those poor countries to migrate to the industrialized economies in search of the means for livelihood, often becoming victims of trafficking in the process.

On the other hand, industries and households in the industrialized economies are encouraged to maintain labour-intensive technologies that provide a market for the same victims of trafficking that their governments are trying to combat. Industrialized countries create markets for cheap (often trafficked) labour in protected, labour-intensive agriculture and industries such as textiles. By encouraging higher female labour force participation at the national level while simultaneously reducing – or failing to provide – the social services needed to support women’s traditional reproductive roles, or to introduce policies to facilitate and encourage gender role change for men, they also create the demand for cheap (often trafficked) domestic servants.

Although it will not be easy, either politically or economically, for such global inequities to be removed, certain demographic and economic changes are pressuring the international community to...
move in this direction. In terms of demography, low fertility rates, some now persistently below replacement level, combined with an ageing population, will place increasing pressure on industrialized countries to consider labour migration in a more positive light. Even apart from the direct impact on national labour markets, the prospect of growing proportions of the elderly and very high dependency ratios puts national pension and social security schemes at risk. While the recent preoccupation with terrorism has set this reassessment of migration policy back somewhat, the demographic imperatives are approaching rapidly, especially for some of the more industrialized countries.

In terms of macroeconomic policy, there are signs that the preoccupation with economic objectives to the virtual exclusion of social impact is also under reconsideration. Some decades ago, socialist countries that placed economic policy at the almost total service of political and social objectives achieved impressive advances in education, health and other areas of social welfare. However, eventually they hit a ceiling beyond which these advances could not continue because of the negative impact of socialist policies on economic incentives: the economy was unable to provide the resources needed for further social and political progress.

Now, some countries that have pursued economic goals with little regard to the social consequences – admittedly, often under pressure from the international community – are threatened by a new ceiling: economic progress is endangered by the negative social and political impact of those economic policies.

The Asian financial crisis and similar crises in Latin America are calling the primacy of macroeconomic policy into question. Civil society movements, most notably against the WTO, are forcing a reconsideration of the balance between social and economic objectives. Countries in this region, such as Malaysia, are rethinking some basic assumptions about macroeconomic policy, as well as certain aspects of globalization.

In this new era of paradigm shift, old certainties may change. The logic of liberalizing capital markets has also been severely challenged. The logic of failing to liberalize labour markets is also under challenge. For obvious political and social reasons, the new accommodation will probably emerge more slowly and painfully than was the case for capital. However, again, the pressures for change are inexorable.

The bottom line is that the problems created by global phenomena such as migration and trafficking require global solutions. In an age that has been marked by a huge upsurge of rhetoric about human rights and women’s human rights, such global solutions must include a rights-based perspective and the voices of women: nothing less will do.

ENDNOTES


2 Movements motivated by economic necessity, such as famine, are not considered forced in the same sense as those prompted by military conquest.

4 Blanchet, T; Beyond Boundaries: A Critical Look at Women Labour Migration and the Trafficking Within. Research Publication; Drishti Research Center; Dhaka; April 2002.

5 D'Cunha, J; Gender Equality, Human Rights and Trafficking: A Framework of Analysis and Action; October 2002 [This publication].


9 Sanghera, J; Enabling and Empowering Mobile Women and Girls. Strategy Paper on the Migration and Human Rights of Women and Adolescent Girls; October 2002 [This publication].


11 Sanghera, J; Op cit.

12 Infantilizing women is the term that has been used.


16 A UNDP project with the Vietnam Women’s Union conducted focus groups with women in 15 communities across the country to identify gender issues and women’s concerns. The one issue that was raised in every single community was the unequal burden on women of unpaid domestic work and childcare.


18 This is not to say that gender inequality, human rights abuses or exploitation are not also involved in legal migration. They are, as is evident in the extensive literature on migrant workers. As in the case of trafficking, women and girls are most seriously affected. However, absolving the migrants of criminality opens up a wide range of other options and strategies for dealing with these issues.

Promoting Gender Equality to Combat Trafficking in Women and Children

dence and work. Trafficked persons may thus be able to negotiate their way out of trafficked situations, obtain regular immigration status and a better deal for themselves; and (c) illegal entry, residence and work.

- its diverse and sophisticated mechanisms;
- its varied purposes, with sexual exploitation considered the most dominant for women and girls;
- its complex socio-economic and political basis underscored by class, gender and ethnic concerns;
- changes in the profile of trafficked persons to also include men and very young children;
- hefty profits, which according to some estimates exceed that of the underground narcotics and arms trade;
- strong connections between trafficking networks and public officials;
- vertical and horizontal linkages between trafficking networks, sectors of the crime industry and legitimate corporate enterprise, including transport, tourism;
- gross human rights violations – ironically in a “civilized, global era”.

Trafficking, especially in women and in children, is consequently an important concern on the agenda of governments and non-governmental actors worldwide. However significant inroads into the problem do not appear to have been made. This is partly attributable to conceptual ambivalences, perspectival biases and the need for more strategic thinking in formulating and operationalizing plans, policies, laws and programmes to address the issue.

The dominant discourse and interventions on trafficking are:

(a) not normally gender-responsive, though focused primarily on women and girls;

Many such initiatives recognize differences and inequalities between men and women as natural and unchangeable, reinforcing discriminatory gender stereotypes. They tend to ban or restrict women’s actions and choices, control or morally reform women, often while intending to protect them. All of this disempowers women. An example is the ban on women’s migration as a “safeguard” against trafficking. This violates women’s right to mobility, discriminatorily reinforces women as dependents, does not address the root causes of trafficking, or penalize traffickers. Moreover, it predisposes women to trafficking. A gender sensitive rights-based approach would address unsafe and discriminatory contexts, and equip women to deal with potential exploitation.

(b) largely lacking in a rights-based sustainable development orientation; They are:

- embedded in morality, law and order, national security and sovereignty paradigms marked by class, gender, ethnic and nationality concerns, restrictive and punitive strategies. These violate human rights. The onus is discriminatorily placed on people who are victims of an unjust social order and a chain of coercive and deceptive events.
- largely reactive, focusing mostly on immediate post-trafficking assistance, and less on prevention.
- poorly oriented to factors generating demand.
- when preventive, often in the nature of micro livelihood projects that are neither gender- nor market-responsive, nor cognizant of the impacts of macro policies and processes on women’s employment and businesses. These projects are unsustainable and create and reinforce vulnerability to trafficking.
- lacking in integrated multi-sectoral linkages.

The paper therefore invites practitioners to address trafficking from a gender sensitive, rights-based development paradigm. It:

- defines and lays out the key elements of a gender sensitive rights-based development perspective on trafficking, as a framework of analysis and action (Section II);
- identifies the main gender and rights concerns throughout the trafficking process (Section III);
- suggests strategic interventions with a preventive focus, emphasizing multi-sectoral, bilateral and multilateral collaboration between countries of origin and destination (Section IV).
Gender Equality, Human Rights and Trafficking: A Framework of Analysis and Action

A rights-based approach is a vision and practice of development that ensures fundamental human entitlements – social, economic and political. It does this in ways that expand choices, promote human dignity, well-being and empowerment, equally for men and women. It places human beings at the centre of development as equally active participants, owners, steerers, and beneficiaries of development. At the heart of such an approach is the principle that human beings have a unique value and that individuals and States have a responsibility to ensure the rights and dignity of all persons. The human rights approach establishes norms of conduct for governments in relation to people and vice versa and people in relation to each other.\(^1\) Human rights is thus a value-laden concept and has a strong moral force. Human rights cannot be reduced. They impose an obligation on States to fulfil them.\(^1\)

A gender-responsive approach is necessarily a rights-based approach. Gender discrimination against women and girls is now recognized as a fundamental denial of human rights,\(^1\) and must be at the centre of development initiatives. Women’s human rights must therefore lie at the core of any credible anti-trafficking strategy,\(^1\) for violations of their human rights are both a cause and a consequence of trafficking in women and girls.

Although women and girls are human beings with human rights, they are differently and inequitably situated in relation to men and boys in most contexts in terms of their gender roles and the impact of gender stereotypes. They thus have different needs. Therefore, a human rights orientation to trafficking must be responsive to gender differences and disparities. It must focus on realizing human rights equally for women and men, girls and boys. More specifically this means:

- acknowledging that women and men, girls and boys are trafficked; This is because gender stereotypes that present men as powerful and operating in the public sphere, and women as passive and primarily relegated to the privacy of domesticity, feed the misconception in many societies that “men migrate, but women are trafficked”. However what is often not recognized is that men too are trafficked and that women are not only trafficked, but also migrate,\(^5\) and that trafficking often occurs within the process of migration.
- recognizing the similarities and differences in the trafficking experience of women, men and children in relation to vulnerabilities to trafficking, violations and consequences, including differential policy and programme impacts.
- recognizing that these differences that disadvantage women and children the most through the trafficking process, are grounded in hierarchical gender role and trait stereotypes that interact with their other peripheralized identities – age, class, ethnicity – marginalizing women and girls from ownership and real access to resources.
- holding that as gender inequalities are socially conditioned, they can be transformed in the direction of justice, equality, and fair partnerships between men and women. As gender inequalities in all spheres of life are both the cause of trafficking and rights violations throughout the trafficking process, rectifying these imbalances can prevent trafficking in women and girls. This can be done by:

  (a) empowering potential victims, and those trafficked, especially women and children to access remedies and claim rights;
  (b) giving practical effect to the above by ensuring enabling policy and legal environments that provide equal opportunities to males and females;
(c) ensuring enabling institutional and social environments by transforming institutional rules, procedures, mindsets and practice at all levels and in all spheres of society, among women and men. This is to ensure actual equality of access and benefits – real and substantive equality. It may include special short-term affirmative action measures for women, to compensate for a long history of disparity and disadvantage.

Quite obviously, the gender approach, though woman-centred, is not woman-exclusive. Exclusivity tends to marginalize women from mainstream processes. It leaves male consciousness and practice unaddressed, and thus disempowers women. Moreover many women-targeted approaches tend to disempower women, if they reinforce traditional gender stereotypes.

IIb  KEY ELEMENTS OF A GENDER SENSITIVE RIGHTS-BASED APPROACH

❖ Universality, inalienability, indivisibility and interdependence of rights

Rights apply equally to all people. Women as human beings have the same rights as men, that cannot be taken away or denied, whatever the circumstances. Further, all rights – social, economic and political – are equally important, interrelated and cannot be obtained in isolation. This calls for a holistic and multi-sectoral approach to guaranteeing rights.

❖ Non-discrimination, equality and equity

Human rights should be equally enjoyed by all without intended or unintended discrimination on grounds of race, colour, sex, religion, political or other opinion, nationality or social origin, property, birth or status. This does not necessarily mean equal treatment in all instances. For example, men and women are different and currently have unequal social positions in most societies. Equal treatment that enjoins women to behave like men or to be treated according to male standards blurs differences, and can reinforce and perpetuate existing inequalities. The equity approach must instead be adopted. It addresses the differential impacts of rights violations on women, because of their different and less-valued roles, and includes special provisions, preferential treatment or positive discrimination, to compensate for long years of discrimination. This helps ensure equality of access and results.

❖ Attention to vulnerable groups

Human rights are universal, but priority should be accorded to those who are especially vulnerable and may not be able to exercise their rights – the poor, women, ethnic minorities, undocumented migrants, trafficked persons.

❖ Recognizing and guaranteeing new woman-specific rights in the private sphere

Recently recognized woman-specific rights in the private sphere – reproductive rights, the right to freedom from domestic and other forms of gender-based violence – must form an important component of anti-trafficking strategies, to reduce vulnerability to trafficking and the impact of its consequences.

❖ Recognizing and guaranteeing the special rights of children in their best interests

The Convention on the Rights of the Child and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, provide special measures for children. This is because children are still in a formative stage of physical, sexual, emotional and cognitive development. Their knowledge and experience of the world is limited. This impacts their ability to discern and make decisions in their best interests. They thus need special protection from harms that have a more debilitating impact on them.
Rights as empowering

Rights are intrinsic to the concept of empowerment, which involves two separate, but related aspects: (a) the structural dimension of rights and (b) the individual empowerment element. The structural dimension constitutes the socio-economic, political explanation or the development context for the guarantee or violation of individual or group rights. Interventions at the structural level must be integrated and multi-sectoral to be effective. The individual empowerment element equips individuals and groups to claim their rights.

(a) The structural dimension includes three important elements:

1 The legal or institutional element which:

(a) defines the right through standard setting;
(b) codifies rights through law and policy to make them claimable;
(c) develops appropriate and enabling enforcement and monitoring institutions and machinery to give legal effect to these rights;

International human rights instruments, national legislation consistent with human rights standards and related mechanisms constitute the empowering legal and institutional element.

2 The enabling environment element: generating a pervasive gender sensitive rights-based culture

Policy, institutional and social environments must pervasively respect the rights and dignity of all human beings and all trafficked persons, especially those of trafficked women and children. This enables trafficked persons, particularly individual women and young people to claim their rights, regardless of how well informed they are or personally empowered they may feel. This is because their rights would continue to be violated if institutions or powerful figures controlling these institutions refuse to recognize their rights.

3 The element of obligation and accountability

A gender sensitive rights-based approach to development involves rights as well as duties and responsibilities. It has therefore both duty-holders and claim-holders. While the primary obligation is placed on States, individuals and the international community are also obligated to respect, promote and ensure human rights.

Obligations of the State

Under the Constitution and International Human Rights Law, a State is obliged to ensure that all people living within its jurisdiction enjoy human rights and freedoms. State obligations involve the obligation:

- to respect the human rights of people and not itself violate these.
- to protect human rights by ensuring that private persons and institutions respect, protect and promote the human rights of others. This places on States the responsibility of ensuring that human rights violations are penalized, and perpetrators are brought to justice.
- to fulfil human rights which includes:
  (i) the obligation to facilitate an enabling environment that in principle and practice allows for the full enjoyment of human rights.
  (ii) the obligation to directly provide certain rights

In relation to trafficking, the above state obligations include prevention through appropriate anti-trafficking laws, policies and programmes, investigating violations when they occur, taking appropriate action against violators and providing remedies and reparation to those trafficked, regardless of their immigration status.

Obligations of the Individual

All individuals are obliged to exercise their responsibility towards other individuals and the community, without violating the rights of others or provoking rights violations. For example, a person cannot claim freedom of speech and expression to violate women and their bodies on the internet or provide information, including pornographic descriptions of women and children and sexual encounters with them on internet sites, thereby facilitating trafficking or clients reaching the woman. Individuals employed by the State are especially bound to comply with State obligations to respect, protect and ensure human rights.
Obligations of the International Community
States have an individual and collective obligation to co-operate with each other to fully realize human rights, and to co-operate in development from a gender sensitive rights perspective. Development assistance is not charity, it is a responsibility.

The United Nations has played an important role in setting international human rights standards, including the recognition of women’s rights as human rights. Monitoring mechanisms in the form of treaty bodies have been set up under various Conventions to help States Parties to assess their performance and discharge their obligations to ensure fulfilment of rights. However the UN instruments’ enforcement mechanisms are weak. At best the concluding comments and recommendations of treaty bodies can be used to create international and national public opinion to bring pressure on States Parties to introduce the required changes. At the national level there is no better substitute than organized civil society to actively advocate with governments for change.

But governments are not always unwilling to act. They often lack the capacity to intervene in appropriate ways that ensure rights from a gender perspective. It is therefore incumbent on national actors and the international community to strengthen the capacity of States to comply with obligations to respect, protect and fulfil human rights, and to enhance individual capacities to claim and exercise their rights and freedoms.

(b) The individual empowering element

Rights must be actively claimed by those who hold them. As both claim- and duty-holders, women’s individual and collective empowerment is an essential prerequisite for a gender sensitive rights-based approach. This involves:

(i) the recognition, understanding, respect and appreciation by women of themselves as full human beings with full human rights that enhance their human potential and well-being;
(ii) the recognition, respect and protection by women of the human rights of others;
(iii) the ability to assess when and what rights are violated, and the conviction of women to actively claim their own rights. Trafficked women and children, for instance, need to define their experience in terms of rights violations and exploitation, rather than see themselves as “criminals”;
(iv) the knowledge and understanding of how to use legal instruments and institutional machinery to seek redress;
(v) participation by trafficked persons, especially women and children (and potential victims) in standard setting, in formulating, enforcing, and monitoring policies, legislation and programmes from a gender sensitive rights perspective;
(vi) the ability of civil society groups, including trafficked persons, to hold governments account.

Gender-responsive, rights-promoting protection

Protections for trafficked women and children must be gender-responsive. They must be constructed as rights that empower women. Protective measures that reproduce gender stereotypes, reinforce discrimination and control over women should be challenged.

III GENDER AND RIGHTS CONCERNS IN THE TRAFFICKING PROCESS

It is difficult to find accurate sex-disaggregated data on the magnitude of trafficking. But available evidence and general consensus suggests that women and children are the majority of those trafficked. Trafficked women and men share some similar concerns arising from their economic, nationality, ethnic and irregular immigration status. Some of these are exploitative recruitment fees, appropriation of travel documents, contract violations and low wages, ill health, arrest, detention and deportation. But hierarchical stereotypes in favour of men and unequal gender relations render a web of vulnerabilities and abuse either peculiar to, or more common for women and children.
Skewed processes of socio-economic and political development marked by class, gender, ethnic concerns, and bound to larger global processes, lay the ground for trafficking.

The Supply Side

On the supply side these are:

- Gendered development processes exacerbated in the recent context of globalization, that enhance gender inequalities and feminized poverty

Development strategies are predicated on the existing gendered division of labour and associated attributes, that relegate women to the unpaid care economy and men to the productive public sphere. This marginalizes women from education, paid employment and resources. It renders them economically dependent on men and highly vulnerable in the event of a calamity or withdrawal of male support. Paid employment for women is generally marked by occupational segmentation in “woman-oriented” jobs, that are extensions of their lower-valued domestic roles, and are hence at the lower end of the job hierarchy.

This situation is exacerbated in new ways under globalization and its unregulated market model of development.

(a) Downsizing the public sector – an important employer of women in many countries – and cost-cutting measures in the formal manufacturing sector has reduced economic opportunities. Public sector women employees and women workers have often been among the first to suffer retrenchment and unemployment.

(b) Outsourcing, subcontracting and relocation to cheaper production sites in developing countries has generated a growing informal labour-intensive manufacturing and service sector. The informal sector characterized by flexible, insecure, low-waged and unprotected employment, monopolized by women, creates supply pressures for migration and trafficking.

(c) Reduction of revenue from tariffs and other trade-restricting measures has been offset by downsizing or withdrawal of state subsidies for public services like health, childcare, education and the privatization of these. This has transferred the socio-economic costs and burdens of providing these services to women, as caregivers. In a male-privileged culture, women and girls are more marginalized than men and boys from costly health care and education. More girls than boys are being withdrawn from school. They assist in feminine tasks of household management, family care and subcontracted homework alongside their mothers, to augment family income. This reduces their opportunities for better jobs.

(d) The shift from centrally planned to market models of development in some countries of the Mekong subregion, in countries of Eastern Europe, and the former Soviet Union has resulted in socio-economic dislocation, and deprivation. This systematic marginalization, has thrown a huge pool of socio-economically and emotionally vulnerable women and girls into the circuit of migration and facilitated job placement, with large numbers being trafficked.
Promoting Gender Equality to Combat Trafficking in Women and Children

(e) Revolutionized information and communication technologies under globalization, including the mass media disseminate information, images and ideas speedily and relatively inexpensively to remote corners of the world. This stimulates the desire for adventure, the yearning to be free from control and aspirations for better living standards, material gratification or competitive lifestyles, creating pressures to move. However marginalized women’s lack of access to reliable information and contacts, language barriers, naivety about the real world, overestimation of the ability to deal with exploitative situations, increases women’s risk of being trafficked.19

Displacement due to natural and human-created catastrophes such as war, ethnic conflict, state repression and human rights violations

These situations tend to create a skewed demographic balance in favour of women, the aged and children, and a sharp increase in woman-headed households. The disintegration of family, community and state support systems, prompts women to flee in desperation with their children in search of physical and economic security, rendering them more vulnerable to traffickers.

Dysfunctional families

The death of parents and guardians, child abuse and incest, marital discord and family disintegration create emotionally and economically vulnerable children. Traffickers prey on them as they try to escape oppressive situations.

Gendered cultural practices, gender discrimination and violence in families and communities

(a) Contrasting evaluations of a son’s and daughter’s role and status in patrilineal family systems generate a culture of son preference. In addition, daughters are perceived as a liability to the natal family, who must marry them off early and appropriately, ensure their premarital sexual purity, provide hefty marriage expenses and other material resources on auspicious occasions to the daughter’s marital kin. Poor households, in particular, cope with this in various ways. If an opportunity presents itself, families are willing to trade unwanted women and girls with little thought for their rights or future well-being. Examples are: sale of women and girls into marriage; willingness to marry women and girls off even to strangers who make no monetary demands, thus predisposing them to trafficking; sale of women and girls into prostitution when sexuality acquires an attractive market value.

(b) Empowering traditions and practices in some matrilineal and bilateral contexts (where a daughter’s role and status is more or equally valued as a son’s, and where a daughter provides economic and social security to ageing parents), have been appropriated by a patriarchal modernization process, disempowering women. Women and young girls are now manipulated by consumerism and a perversion of family values to fulfil family needs and consumption in the name of cultural tradition – duty, care, gratitude – even if it means being sold into prostitution.

(c) Many young women are vulnerable to trafficking not only because they lack economic opportunities, but also because they want to escape from the burden of long hours of unpaid domestic work and family care expected of them. The tedium of fetching fuel and water in rural areas and working as unpaid labour on family farms or in an informal sector enterprise, are not attractive to many young women especially those exposed to alternative modern lifestyles through some education or the media.

(d) Vulnerability caused by marital infidelity, alcoholism, domestic violence, desertion by husbands and divorce, increases the risk of women being trafficked.

(e) In contexts where sexual purity is the insignia of ideal womanhood, rape, other forms of sexual abuse, or non-conformity to prescribed sexual codes result in stigmatization and a loss of self-worth. Traffickers prey on the family’s sense of outrage and dishonour and the woman’s or girl’s guilt, shame and desire to escape the situation.
The Demand Side

On the demand side, globalization has fuelled changes in the relative shares of economic sectors, and in the international division of labour and labour market demand. Feminized migration for work and trafficking in women has largely occurred in response to this demand-driven reality, which is marked by:

- The development of certain economic sectors with a more woman-specific demand, circumscribed by gendered occupational segmentation, gendered perceptions of attributes, skill, value, perceptions of body and sexuality
- the emergence of labour-intensive export-oriented production; cost-effective, subcontracted, flexi production in the burgeoning informal sector;

This is characterized by low wages, casual part-time jobs, hazardous work conditions and an absence of collective bargaining mechanisms. Women are preferred in these sectors as they are viewed as submissive, suited to simple repetitive tasks, abundant and needy, cheap and pliable.

- the development of the “feminized” service sector, but more specifically the sex sector and domestic work;

  (a) The lucrative sex industry is predicated on male-centred ideological assumptions: sex is a male right and a commodity; commercial providers of sex services are largely women; women in prostitution exist as sexualized and commodified bodies functional to male rights. They are to be dissected, fragmented, appropriated, used and abused as “common property”, in the interests of male biology, male sexual fantasy and hegemony.

  (b) Tight labour market conditions in newly industrialized countries like Singapore and Hong Kong, have drawn educated middle-class women into the workforce. This is combined with a lack of participation by men in domestic work, a scarcity of local labour and their disdain for low status domestic work, raising the demand for foreign domestic workers to take over domestic and caregiving roles.

(c) Demographic profiles in Western countries are increasingly being marked by a growing ageing population. Independent lifestyles and looser family bonds are relegating care of the elderly to institutions or home-based caregivers. This, combined with a scarcity of local labour and the exorbitant prices they command if available, raises the demand for overseas workers for caregiving jobs.

Demand for these jobs is not just marked by gender concerns, but economic inequities within and between countries, as well as discriminatory nationality and racial stereotypes. The jobs are considered dirty, degrading and dangerous. Nationals in destination countries who enjoy some measure of social protection are unwilling to take them, despite tightening economic conditions. By contrast, they are accepted by women from poorer countries where unemployment is high, wages are much lower and social safety nets absent.

- Discriminatory socio-cultural practices

  a burgeoning marriage market and bride-trade;

An example of this is trafficking for marriage between Vietnam and China. China’s one-child population policy, which in a male-centred context has resulted in son preference, has produced demographic imbalances. With a male-female ratio weighted in favour of men, Chinese men find it difficult to find spouses, raising the demand for prospective brides. Long years of war in Vietnam has skewed the demographic balance in favour of women. The pressure on women in a patriarchal Vietnamese context to marry, compels many women
into being second or third wives. A thriving trade in Vietnamese women for the Chinese marriage market has thus emerged.

- “the mail-order-bride” system, in which large numbers of Asian women are trafficked for marriage to the West;

This is the result of fragile man-woman relationships, the diminishing ability of Western men to dominate assertive Western women, combined with gender and racial stereotypes of Asian women as docile, subservient homemakers, and the aspiration of some Asian women to acquire “farang” husbands as a prestige symbol and as a means for upward mobility.

- **Restrictive immigration and emigration policies and laws, and fewer, decent and non-gendered job opportunities for women**

While trade and capital flows are liberalized, deregulated and integrated globally, people flows are not. Restrictive immigration laws and policies are obstacles to demand for cheap unskilled labour in host countries and a large supply of human power from countries of origin. This generates a lucrative market for traffickers. Poor women job-seekers, particularly from remote rural areas with poorer access than men to information on migration and job opportunities, recruitment channels and procedures; less access to decent, non-conventional, legitimate jobs; and who are less worldly-wise and confident than men, are at a higher risk of being trafficked.

Restrictions also take the form of complete bans, or age-, occupation- and country-specific bans by countries of origin on women’s out-migration. This is often intended as a “protection” against trafficking. Such measures raise the demand for undocumented migration often provided by traffickers. They marginalize women from access to pre-departure orientation programmes that help them deal with potential exploitation.

- **Impoverished and impoverishing political processes such as poor leadership and governance, making trafficking a low-risk, high-profit venture**

Existing political practice generally tends to be marked by aggression, a lack of inclusiveness, transparency, integrity, and a gender sensitive rights-based orientation. Some manifestations of this in relation to trafficking are: economic and political trade-offs between traffickers and public officials; the lack of political will to regulate recruitment agencies and impose sanctions against traffickers and unscrupulous public officials. Deeply internalized attitudes that condone exploitation, reinforce this. Trafficking and institutions into which persons are trafficked thus become low-risk and high-profit enterprises, reinforcing the violation of trafficked persons with impunity.

- **Rights violations caused by increasing alienation, and impoverishment of human values and the human spirit**

  - The overwhelming emphasis on capital accumulation, material acquisition and status, regardless of the means to this goal, results in rights violations.

  - In the case of the sex sector, alienated human beings with fractured emotionalities and psyches often have alienated sexualities. This raises the demand for alienated forms of sex with the need for stimulation from newer and different sexual partners – particular nationality, racial, and ethnic groups, and children – all imaged as exotic with the promise of boundless sexual excitement.

  - Destination country realities are distorted and deceptively romanticized as economic gold mines or havens of refuge.

 Traffickers match demand and supply, cashing in on gendered vulnerabilities. Their preference in many countries is for women and girls, because they are deemed a safer risk, are more vulnerable, easier to control and are less likely than men to seek retribution.
Some gender concerns during transfer and at destination sites are:

- Stranding en route in the event of problems with authorities, rendering women vulnerable to physical and sexual violence;

- Cultural prejudices that label trafficked women as “morally depraved” and “sexually available”, while trafficked men tend to be constructed as “criminals – thieves, drug runners, national security threats”;

- Gendered abuses related to gendered division of labour and trait stereotypes in destination sites;

Institutions into which women and girls are trafficked such as domestic work and prostitution, demand the provision of personal and intimate services that invade a woman’s privacy and entire being in ways different from men working at construction or manufacturing sites. This is more obvious in the case of prostitution where women exist to be abused with impunity, as this is functional to male biology, male sexual fantasy and hegemony. The paid nature of the transaction and the belief that women are sexually available obscure violation. The industrialization of sex services involves service diversification – more specialized, and hence more expensive acts – that intensifies the abuse of women and children. Thus violence and an all encompassing invasiveness are endemic to the institution.

While such violation is less obvious in domestic work, women domestic workers are often sexually abused by male employers under threat of further violation or of losing their jobs. There are also documented cases of employers forcing their domestic workers into prostitution in sex service establishments that they own or operate. Further, even when women are employed in factories or other kinds of service jobs, they are more vulnerable to sexual abuse by employers or are forced to engage in prostitution within or outside their employment sites on pain of being fired or to supplement low wages.

Isolation, convergence in living and work space, moral disapproval, invisibility, and criminal linkages exacerbate the situation, making escape or access to external support and assistance more difficult.

- Lower wages for women for the same or similar jobs as men;

- The absence or lack of independent assets, putting greater pressure on women to endure acute abuse;

As women are poorer, own nothing or have fewer assets than men, their recruitment and travel costs are often paid through borrowing liquid funds from family and friends or from moneylenders at usurious rates or from the sale of assets owned by male relatives. In extreme cases, where women cannot make payments, costs are recovered at source from wages, trapping women in debt bondage. Moral responsibility to repay debts, fear of reprisals for inability to repay, and debt bondage compel women to put up with the worst forms of abuse.

- Health and well-being impacts related to women’s generally poorer health status and work-related violations;

Trafficked women suffer from anaemia, tuberculosis, fevers, common respiratory ailments, related to their generally poor health. This is exacerbated by poor living and working conditions in institutions into which they are trafficked. Reproductive health concerns, STDs and HIV/AIDS, injuries and death on the job, are commonly related to physical and sexual violence at the work site. Abuse, alienation and stigmatization impacts on self-esteem, causing psychological trauma and self-harm.
Some gender concerns during return and resettlement are:

- Compulsory HIV/AIDS testing, particularly of women returnees;
- Emphasis on "moral rehabilitation" of young women returnees, which includes forced "marriage alliances" or return to the family. Men do not normally face these pressures;
- The personal and social costs of trafficking tend to be higher for trafficked women and female dependents of trafficked men, with the potential for further abuse:
  (a) When women migrate or are trafficked, the impact on the children tends to be more severe. Emotional problems, poor grades, dropping out of school, drug and alcohol intake are documented concerns. Girl children are known to be married off early by relatives wishing to ease themselves of responsibility;
  (b) Long periods of separation result in marital instability and discord — alcoholic husbands, infidelity, violence, desertion and divorce;
  (c) Inability or unwillingness of families to understand the experience of trafficked women;
  (d) Greater stigmatization of women returnees specially those who are physically and sexually abused or return prematurely, traumatized and without savings;
  (e) Inadequate protection against reprisals from traffickers, lack of socio-economic re-integration facilities, the concern of creditors over economic losses when women return prematurely and empty-handed, often cause them to be re-trafficked. This delays recovery for women;
  (f) Lack of control over earnings. Remittances tend to be sent to male relatives, most often the husband, who may use it for personal needs, conspicuous consumption or on productive investments such as land, housing, and a small business registered in his name. This reinforces dependence on men and exacerbates feminized poverty. In the event of divorce, desertion or other calamities, there is no guarantee that the woman would not be marginalized from these assets and re-trafficked or pressured into exploitative situations once more for survival.

IVa Framework for Interventions

Trafficking has a complex socio-economic and political basis linked to larger regional and global development processes. It cannot be treated solely as a "social" problem, or by "band aid" and ad hoc micro initiatives, as these do not address poverty or related causes of vulnerability to trafficking in strategic or sustainable ways. On the contrary, they create and reinforce vulnerability to trafficking.
Responses should:

- treat trafficking as a development concern and place it on national, regional and international agendas;
- integrate a gender sensitive rights perspective into all development plans, policies and programmes, and related anti-trafficking interventions in an integrated multi-sectoral manner and in accordance with international human rights instruments.

- ensure a balance between interventions providing immediate post-trafficking assistance and more long-term prevention;
- develop mechanisms to enforce and monitor policy and programme implementation;
- undertake multi-stakeholder collaboration at national, regional and international levels, involving countries of origin, transit and destination.

IVb Specific Interventions

Anti-trafficking interventions must address prevention as well as post-trafficking assistance, including during return and resettlement. This paper focuses on preventive strategies, including demand-generating factors, because concerted strategic preventive action is likely to have a greater impact on the issue in the long run.

The following preventive strategies have been identified as strategic: economic empowerment for women and girls; education for sustainable livelihoods and resilience; social security and protection for women and girls in difficult circumstances; legal strategies; safe migration and citizenship rights for women and adolescent girls; transforming male-centred perceptions, attitudes and practice related to men and women, their bodies and sexuality.

- **Economic empowerment for women and girls**

Interventions for women’s economic empowerment must address unequal gender relations that marginalize women economically. They must enhance women’s access to productive resources and to markets and ensure secure and sustainable upward economic mobility. Economic empowerment of women and girls must ensure gender equality in the family, community and society at large. Specific interventions include:

- recognizing and valuing women’s paid and unpaid work equally with men’s at all levels of society;
- analysis of the gender impacts of macroeconomic processes and policies on women’s employment and businesses;
- explicitly integrating into policies, legislation and programmes the specific concerns of the particular target groups of women that arise from their gender roles and the impact of gender stereotypes;
- expansion and provision of better, paid employment and business opportunities for women, consistent with market trends and in non-conventional sectors;
- reforming rules, procedures, norms and practice of institutional service providers to enhance women’s access to, ownership and control over economic resources like land and credit;
- forging collaboration between the private sector, government, NGOs and other institutional service providers on the basis of comparative advantage;
- building the capacity of women producers and entrepreneurs in product development, production process, business and financial management, access to information, marketing, including the ability to effectively respond to market change;
- empowering women stakeholders to recognize and claim their economic rights, including the right to sustainable livelihoods through employment, access to skills, information and
markets in accordance with international human rights standards;
- developing and ensuring enforcement of guidelines for corporate social responsibility and good labour practice based on human rights principles and standards;
- gender and rights awareness-raising for families and communities that helps them recognize and support women’s paid and unpaid economic contribution, and reduce women’s unpaid work burden by sharing domestic work;
- macro policies that provide for basic infrastructural facilities like safe, clean and adequate water, social services like free or subsidized childcare, health services, and those that promote the use of appropriate and affordable labour-saving technologies, all aimed at reducing women’s domestic work burdens.

❖ Education for sustainable livelihoods and resilience

- Expand opportunities and improve access to formal education for women, girls and boys at all levels and in non-conventional streams;
- Ensure a match between better education and available job opportunities;
- Incorporate gender and human rights concerns, (including themes like trafficking) into school and university curricula;
- Ensure life skills and resilience training, that raises awareness on the ploys of traffickers, and harms of trafficking, and enhances assertiveness and ability for self-defence.

❖ Social security and protection of women and children in difficult circumstances

- Introduce employment guarantee schemes;
- Provide subsidized or free childcare, health care and education;
- Provide services, such as counselling, education, alternative institutional or foster care and community support for children at risk.

❖ Legal strategies

Legislation must protect, promote, give practical effect to the rights of trafficked persons, especially women and children and thus contribute to establishing a gender and rights-based culture. Effective prosecutions of traffickers will act as a deterrent and promote and protect the rights of those trafficked.

It is necessary to:

- amend or adopt national legislation in accordance with the UN Trafficking Protocol and other international standards;
- develop guidelines for the rapid identification of trafficked persons;
- decriminalize trafficked persons, for illegality of their coerced entry, residence or activities resulting from being trafficked. They should be able to use their trafficked status as a defence in status-related offences;
- strengthen provisions for access to legal remedies, and socio-economic assistance for physical and psychological recovery;
- provide adequate witness protection;
- explore options of residency in countries of destination or third-country resettlement, to prevent reprisals, or when re-trafficking is likely;
- provide special measures for children in accordance with the Convention on the Rights of the Child and the UN Trafficking Protocol;
- criminalize traffickers and penalize public officials involved in trafficking and related activities;
- make legislative provision for confiscation of assets of traffickers;
- build into legislation measures to enhance the efficacy of legal enforcement, such as:

  (a) promoting legal literacy, especially among vulnerable communities, and improving access to affordable legal assistance;
  (b) establishing hotlines and effective information networking systems, national and transnational co-ordination and cooperation to facilitate access to assistance and to prosecute traffickers (including safe witness protection programmes and innovative incentives for witnesses to provide evidence);
  (c) conducting in a sustainable manner legal refresher courses for enforcement agencies, gender and rights training to identify trafficked victims and treat them in accordance with human rights principles and standards;
(d) promoting civil society participation (including those trafficked) in formulating, enforcing, monitoring legislation and the provision of related services in a manner that centres the needs of trafficked persons;

(e) establishing institutional mechanisms to ensure accountability, that include civil society participation.

Safe migration and citizenship rights for women and adolescent girls

There are two dimensions to this, the first concerns national development strategies that provide decent and sustainable livelihoods and living opportunities. This expands choices for the community, especially women and children, and has the potential to contain migration and reduce vulnerability to trafficking. The second deals with a set of gender and rights-based interventions that make migration safe, thus putting a brake on trafficking. These are:

- generation of databases on migration, disaggregated on the basis of sex, age, ethnicity, etc., that provide information on sectors of job demand, supply and remittances;
- awareness-raising on the costs and benefits of migration from a gender sensitive rights perspective in source sites, in the interests of informed decision-making;
- building women’s capacity to deal with potential exploitation through pre-departure gender sensitive rights-based orientation and training, that provides information on rights, available services, where and how to access these when needed;
- regulating recruitment and travel agencies, and developing mechanisms for accountability, including those that ensure safe living and working conditions compatible with human respect and dignity;
- ensuring that people, including trafficked persons have the right to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through effective application of the principle of non-refoulement;
- reviewing immigration laws and policies in accordance with international human rights standards, and an assessment of demand for migrant women’s labour in various sectors;

- promoting bilateral and multilateral agreements that provide for the protection of migrant workers, especially women;
- enforcing minimum national labour standards for the protection of national and foreign women migrant workers;
- ensuring appropriate legal documentation for birth, citizenship and marriage.

Transforming male-centred perceptions, attitudes and practice related to men, women and sexuality

Trafficking is a demand- and a supply-driven reality. Reducing demand for trafficked persons must focus on the institutions into which they are trafficked. Efforts to reduce demand, have principally been deterrent measures via the criminal justice system, more stringently directed at trafficking in children for sexual exploitation, and paedophilia. There have by and large been a lack of interventions to transform male-defined ideas, attitudes and practice on gender stereotypes, male and female sexuality, that create and reinforce the demand for women, including trafficked women, into certain “woman-oriented” sectors, such as domestic work or the sex sector.

Demand may be addressed by more gender sensitive rights-oriented information, analysis, socialization, awareness-raising, counselling and therapy for diverse sectors and population groups. This must challenge:

- dominant notions of womanhood defined in terms of domesticity and dependence, and manhood in terms of active public sphere roles;
- prevailing ideas on male sexuality as potent and irrepressible, and women as fitting objects for male sexual expression;
- pervasive constructions of women’s sexuality as either inert and existing for procreation in marriage or active and existing for the provision of sexual pleasure in prostitution;
- the alienation and impoverishment of the human spirit expressed in the commodification of human beings and human relations, and growing human rights violations;

These must be replaced with respect for human dignity, human rights, mutuality and sensitivity in all human relations.
CONCLUSION

Trafficking is an increasingly important development issue, particularly for many of the poorest countries and poorer regions of less poor countries. Trafficking in women and children is a major component of global trafficking, although the precise magnitude is not known due to the lack of accurate data.

Although anti-trafficking activities are largely focused on women and girls, and the international community is generally aware of the rights violations involved, trafficking projects, programmes and interventions remain largely gender-blind and are often incompatible with a rights-based development perspective. This makes it important for practitioners to address trafficking from a gender sensitive rights-based development framework.

The paper maintains that a gender sensitive rights-based approach to development ensures fundamental human entitlements – social, economic and political – to expand choices, promote human well-being and empowerment in equitable and sustainable ways. The claim to human rights has a strong moral force and imposes an obligation on States to respect and ensure their realization.

Women’s rights as human rights must lie at the core of any meaningful development and anti-trafficking strategy. But women are differently and unequally situated in relation to men in terms of their different and less-valued social roles and attributes. This makes women and girls more vulnerable to trafficking and results in a host of abuses peculiar to and more commonly perpetrated against them through out the trafficking process.

A gender and rights orientation to trafficking must address the different and specific needs of women and of children at all stages of the trafficking process. It must focus on realizing rights equally for men and women, girls and boys by empowering them to claim their rights and by ensuring enabling policy, institutional and social environments that are responsive especially to the concerns of women and children. This may include special provisions for women and for children to compensate for cumulative disadvantage and to ensure real equality.

Such an approach establishes that attention must be paid to both the individual and structural dimensions of human rights for women. Realization of the structural dimension of women’s human rights is the key to both the prevention of trafficking in women and girls, and the integration of survivors of trafficking into their communities of choice.

This recognition points to the need for an integrated and multi-sectoral approach to address trafficking as a development issue at national and local levels. Recognition of the global nature of trafficking and its prevention points to the need for co-ordinated collaboration at regional and international levels among countries of origin, countries of transit and destination, as well as the international community as a whole.

ENDNOTES

1 (a) “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 the 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;

(b) 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;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons", even if this does not involve any of the means set forth in subparagraph (a).

(d) "Child" shall mean any person under eighteen years of age.


2 See UNDP Human Development Report 1999, that makes a clear link between trafficking as a criminal activity on the rise as a result of the expansion of globalization.


4 There is often overlap between source, transit and destination sites. Cited below are sites that dominate each category. In addition to older source and destination sites, emerging source sites in Asia include Lao PDR, Cambodia, Vietnam, China and Myanmar, while Thailand continues to be a source, transit and now important destination country. While Germany, the Netherlands and Belgium continue to remain important destination points for Asian women, the USA, New Zealand and Australia are emerging new sites. Besides, new destination points have also developed within Asia. These include Malaysia, Singapore, Japan, Hong Kong and Taiwan. There is evidence of Russian and Ukrainian women being trafficked to Asia. See D’Cunha, J; Trafficking and Prostitution from a Gender and Human Rights Perspective: The Thai Experience in A Comparative Study of Women Trafficked in the Migration Process (Indonesia, the Philippines, Thailand, Venezuela and the United States); CATW; February 2002. The IOM has identified Russia, Ukraine, Poland and the Baltic states as emerging source sites; Hungary, Romania and the Czech Republic as important transit countries, while the USA has now joined Western European countries, especially the Netherlands, Belgium, Germany, Italy and Greece as principal destinations. See USAID; Women as Chattel: The Emerging Global Market in Trafficking in Gender Matters Quarterly; No.1; February 1999.

5 For discussion on the links and differences between migration, smuggling and trafficking, see D’Cunha, J; UNIFEM Briefing Kit on Empowering Women Migrant Workers in Asia website: www.unifem-eseasia.org. Also Gallagher, A; Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis [n.d.].

6 Traffickers use blatant violence, but often more subtle inducements and deceptions that capitalize on an individual’s vulnerability to gain consent. These may be promises of well-paying legitimate jobs, residency status in more prosperous countries or befriending, declarations of love and fake marriages. The internet is increasingly used in this regard. Material inducements are often provided to relatives and guardians who may or may not be deceived about the fate of the potential victim. There are also more extreme cases involving kidnapping and abduction. These cases though common in parts of South Asia are less common in the Mekong subregion, although there are widespread reports of kidnapping of boys for adoption in China and neighbouring countries. The rape and sale of women and young girls is yet another method. See D’Cunha, J; Op. cit.

7 Trafficking in persons occurs for a wide range of purposes, the most dominant is reported to be for prostitution and other forms of sexual exploitation. In 1998, the United Nations identified the sex trade as the fastest growing international trafficking business. Other important purposes for which trafficking occurs include

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sweatshop labour, illegal adoption of children, forced marriages, domestic work and begging. See Forbes, M; *Exposed: City’s ‘Sex Slave’*; The Age; Sunday, 9 May 1999. Also see USAID; Op. cit. See UNICEF, UNOHCHR and OSE-ODIHR; *Trafficking in Human Beings in Southeast Europe*; 2002. Also see Kigai, N; *Trafficking in Persons (Russia)*. Paper Commissioned by the Swedish Ministry for Foreign Affairs; 2001.

8 Men and boys are also trafficked. Furthermore, the age of trafficked persons appears to be getting younger with documented evidence of trafficked children as young as five. See Sen-gupta, R and Huq, S; *Trafficking of Persons and Gender Inequality in South Asia*; October 2001 [Unpublished paper]. See D’Cunha, J; Op. cit.

9 In 1997, according to UN calculations, the procurers, smugglers and corrupt public officials who ply the emerging international trade in human beings extracted $7 billion in profits from their cargo. See USAID; Op. cit.

10 Primary education alone for girls, as an anti-trafficking strategy, may be ineffective because it is insufficient to lead to paid employment and hence poverty reduction in the home country. It neither challenges the “unvalued” family status of girls, nor competes with the attraction of a nearby country that offers paid (albeit low status and exploitative) employment even to uneducated girls, thus leaving them vulnerable to trafficking. A recent study suggested that increased education for girls in a hill-tribe area of Lao PDR, in the absence of an integrated approach was likely to create vulnerability to trafficking. See Chamberlain, J R; *HIV Vulnerability in the Northern Provinces of the Lao People’s Democratic Republic*; UNDP Southeast Asia HIV and Development Project; March 2000.


14 UNOHCHR; *Recommended Principles and Guidelines on Human Rights and Human Trafficking*; Report of the UN High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/ADDI); 2002.

15 Sen-gupta, R and Huq, S; Op. cit. Also Blanchet, T; *Beyond Boundaries: A Critical Look at Women and Labour Migration from Bangladesh*; Research Publication; Drishti Research Center; Dhaka; April 2002.

16 IWRAW Asia Pacific; Op. cit.


19 For a more detailed discussion, see Kigai, N; Op. cit.