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Trafficking in persons: a gender and rights perspective

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TRAFFICKING IN PERSONS: A GENDER AND RIGHTS PERSPECTIVE:

SUMMARY

The paper as its title suggests highlights the need to address trafficking in persons, from a gender and a rights based development perspective. This focus assumes significance in the context of the following:

(a) Trafficking in persons, especially in women and in girls though not new, is acquiring grave dimensions worldwide, in the recent context of globalization. Significant among these are its increasing magnitude and global reach, with women and with children considered the majority of those trafficked.

(b) Although trafficking, especially in women and in children is a growing and significant concern on the agenda of governments and non-government actors globally, anti-trafficking interventions are not normally gender responsive. Moreover they lack a rights-based sustainable development orientation. This blunts their efficacy and disempowers those trafficked.

The paper therefore invites practitioners to address trafficking from a gender and a rights responsive development paradigm, that:

(a) recognizes the similarities and differences in the experience of trafficked persons, especially women and children, rooted in their unequal social locations;

(b) addresses their special needs and situations through personal empowerment and empowering policy, institutional, programme interventions and mechanisms that give effect to these;

It maintains that a gender responsive orientation must necessarily be rights-based, and vice versa; that gender and rights responsiveness are integral to credible development and related anti-trafficking strategies; that such an orientation demands an integrated multi-sectoral approach to prevention, protection and assistance (with an emphasis on prevention) at national, and local levels; and that coordinated actions must be undertaken at regional and international levels in source, transit and destination countries.

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The paper is divided into four main sections:

- Section I highlights trends in trafficking and briefly reviews current interventions;
- Section II lays out the key elements of a gender and rights-based development perspective on trafficking, as a framework of analysis and action;
- Section III identifies wherever possible, the main gender and rights concerns in the trafficking process: those that render persons vulnerable to trafficking and create and reinforce demand; those during transfer; those related to the institutions into which they are trafficked, and those in the return and resettlement process;
- Section IV suggests strategic interventions with a preventive focus.
TRAFFICKING IN PERSONS: A GENDER AND RIGHTS PERSPECTIVE

I. INTRODUCTION

I.a. TRENDS IN TRAFFICKING: AN OVERVIEW

Trafficking in persons, is 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’. It is marked by the intent to coerce, deceive and exploit. Trafficking, especially in women and in girls is not new. But it is acquiring grave dimensions worldwide in the recent context of globalization. These are:

- its increasing magnitude, and global reach, with women as well as children being the majority of those trafficked. This has been referred to as ‘the dark side of globalization’;
- newer source and destination sites, with people flows from poorer to more prosperous venues;
- 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 that 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 and sectors of the crime industry and corporate enterprise, including transport, tourism;
• gross human rights violations for capital accumulation - ironically in a “civilized, global era”;

I.b. RETHINKING THE DOMINANT DISCOURSE AND INTERVENTIONS

Trafficking, especially in women and in children, is consequently an important concern on the agenda of governments and non-government actors worldwide, with resources being increasingly allocated to combat it. However significant inroads into the problem do not appear to have been made. This is largely 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;
(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, nationality concerns and restrictive, punitive strategies, that 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, focussing mostly on immediate post-trafficking assistance, and less on prevention;
• poorly oriented to factors generating demand;
• whenever preventive, often micro level livelihood projects that that are neither gender nor market responsive, nor cognisant of the impacts of macro policies and processes on women’s employment and businesses. They are unsustainable and create and reinforce vulnerability to trafficking;
II. A GENDER & RIGHTS BASED DEVELOPMENT FRAMEWORK: 
THE FOCUS OF THIS PAPER

II.a. HIGHLIGHTS

The paper invites practitioners to revisit the issue of trafficking from a gender and a rights responsive development framework. This recognizes the similarities and differences in the experience of trafficked persons, especially of women and of children, rooted in their unequal social locations. It addresses the special needs of these groups through empowering policy, institutional and programme interventions. It maintains that a gender responsive orientation must necessarily be rights-based, and vice versa; that gender and rights responsiveness are integral to credible development and related anti-trafficking strategies; that such an orientation demands an integrated multi-sectoral approach to prevention, protection and assistance (with an emphasis on prevention) at national and local levels; and that coordinated actions must be undertaken at regional and international levels in source, transit and destination countries.

To this end the paper:

- lays out the key elements of a gender and rights-based development perspective on trafficking, as a framework of analysis and action;
- identifies wherever possible, the main gender and rights concerns in the trafficking process: those that render persons vulnerable to trafficking and create and reinforce demand; those during transfer; those related to the institutions into which they are trafficked, and those in the return and resettlement process;
- suggests strategic interventions with a preventive focus.
II.b. A GENDER PERSPECTIVE

- distinguishes between the concepts sex (fixed biological distinctions) and gender – the different social roles, attributes and conduct that society deems appropriate for men and women, and that vary across cultures. However, most societies tend to stereotype women as wives, mothers and consumers, and men as bread winners, public figures, and producers. Socially determined attributes for women and men are likewise associated with their genteel domestic and productive public sphere roles respectively.

- refers to the relationship - the relative status and position - between men and women, with women more disadvantaged in most contexts. This is largely socially determined.

- recognizes that prevailing gender stereotypes and women’s less valued social roles marginalize them from ownership and control over material (income, land) and non-material resources (time, political participation). For example, women’s special reproductive (biological) roles of pregnancy and breastfeeding, when combined with their socially prescribed child care responsibilities, reduces the time they have for activities like paid work. Thus, women’s biological roles are associated with economic dependence on men. In addition to this biological difference, women’s related gender roles of domesticity upheld as a social ideal, confine them to the unpaid care economy in the household. Lacking a paid economic role, women are dependent on male relatives for basic needs, access to property and other economic resources that ensure a sustainable future. Death, disability or unemployment of their male kin or the latter’s withdrawal of support, economically marginalizes women even from relatively affluent households, rendering them vulnerable. When women engage in paid employment or community
work, they tend to be drawn into ‘woman-oriented’ jobs – extensions of conventional domestic roles. They are paid and rewarded less than men for the same jobs, as their lower valued domestic work and status defines the value of their public sphere activities. Women’s needs and concerns, (including in the trafficking process) thus stem both from the peculiarities of biology, their lower valued social roles and consequent marginalization relative to men.

- considers the interaction between gender and other social categories such as class, ethnicity;

- holds that as gender inequalities are socially conditioned, they can be transformed in the direction of justice, equality, and fair partnerships between men and women.

Quite obviously, the gender approach though woman-centered, is not woman-exclusive. It explores the generic and sex/gender specific differences and inequalities in causes, impacts, consequences of a phenomenon. This includes differential and discriminatory policy, legal and programme impacts on different categories of women, men and children. It attributes these distinctions to biological differences and socially determined gender and other interfacing inequalities, such as class and ethnicity. Being change oriented, it strives towards eliminating gender inequalities and ushering in mutuality. It does this by integrating concerns arising from the specific situations of women and children into policies, legislation and programmes supported by appropriate mechanisms to give empowering effect to these. This provides ‘formal equality of opportunity’ for men and women. But large numbers of women and children do not avail of these opportunities because of a lack of knowledge, a feeling of powerlessness, discriminatory institutional arrangements and practices, and a lack of family and community support. A gender perspective also addresses changes in gender blind 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 results – real and substantive equality. This may include special short term affirmative action measures for women to compensate for a long history of disparity and disadvantage.
By contrast, many well meaning initiatives that target women are not necessarily gender responsive. They recognize differences and inequalities between men and women as natural and unchangeable, and reinforce discriminatory gender stereotypes. They tend to address inequalities by banning or restricting women’s actions, controlling or morally reforming women often while intending to protect them. 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. It may even predispose women to trafficking. A gender and rights approach would address unsafe and discriminatory contexts, and equip women to deal with potential exploitation.

II.c. A GENDER PERSPECTIVE ON TRAFFICKING

Gendered stereotypes that present men as powerful and in control, and women as passive and primarily relegated to private sphere domestic roles, 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.\(^\text{10}\)

A gender perspective on trafficking:

- acknowledges that women and men, girls and boys are trafficked;
- recognizes the similarities and differences in the trafficking experience of women, men and children in relation to vulnerabilities to trafficking, violations, consequences, and differential policy and programme impacts;
- holds that these differences, that disadvantage women and children the most, are grounded in their more marginalized social locations – gender, age, class, ethnicity;
- empowers potential victims, and those trafficked, especially women and children to access remedies and claim rights;
- gives practical effect to this through enabling policy, legislative, institutional and programmatic initiatives appropriate to their specific concerns.
II.d. DEFINING A RIGHTS BASED APPROACH: LINKING GENDER, RIGHTS AND DEVELOPMENT

A gender responsive and a rights-based approach is a vision and practice of development that ensures fundamental human entitlements – social, economic and political – in ways that expand choices, promote human well-being and empowerment. The claim to human rights has a strong moral force. Human rights cannot be reduced and they impose an obligation on States to fulfil them.

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

Conversely women are human beings, although differently and inequitably situated in relation to men 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 also be responsive to gender differences and disparities, and focused on realizing human rights equally for women and men, girls and boys.

II.e. KEY ELEMENTS OF A GENDER-RESPONSIVE 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, inter-related 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. In relation to gender, men and women are different and have unequal social positions. 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 different impacts of right-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 is to 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 closely linked to the concept of empowerment, which involves two separate, but related aspects: (a) the structural dimension – legal, policy, institutional elements and State accountability. This constitutes the socio-economic, political explanation or the development context for the guarantee or violation of individual or group rights. Interventions at this level must be integrated and multi-sectoral to be effective; (b) the individual empowerment element that equips individuals and groups to claim their rights;

• The legal or institutional element:

(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/institutional element.

• The enabling environment element: generating a pervasive gender and 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 must be manifested and realized in supportive, rights promoting anti-trafficking interventions, that are claimed by these groups. This is because trafficked persons, particularly individual women and young people, may be unable to claim their rights effectively, regardless of how well informed they are or personally empowered they may feel, if institutions or powerful figures in their families or communities refuse to recognize their rights.
• **The element of State accountability**

Under International Human Rights Law, States are obliged to respect and ensure that private persons and institutions respect, protect, promote and ensure practical realization of human rights according to the principle of non-discrimination. In relation to trafficking, this includes preventing violations through appropriate anti-trafficking laws, policies and programmes, investigating violations, taking appropriate actions against violators and providing remedies and reparation to those trafficked, regardless of their immigration status.

• **The empowerment element: women’s and girls’ gender and rights awareness and practice**

Rights cannot be given, but must be actively claimed by those who hold them. Thus women’s individual and collective empowerment is an essential prerequisite for a rights-based approach. This involves:

(a) 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;
(b) the ability to assess when and what rights are violated, and a conviction of the need to actively claim 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’.
(c) the knowledge and understanding of how to use legal instruments and institutional machinery to seek redress;
(d) participation by trafficked persons, especially women and children (and potential victims) to center their concerns in standard setting, in formulating, enforcing, and monitoring policies, legislation and programmes from a gender and rights perspective;
(e) the ability of civil society groups, including trafficked persons, to hold States Parties to account.
Gender and Rights-Promoting Protection

Protections for trafficked women and children must be gender responsive and rights enhancing. Measures that reproduce gender stereotypes, reinforce discrimination and control over women should be challenged.

III. GENDER & 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 illegal immigration status. These are exploitative recruitment fees, appropriation of travel documents, contract violations and low wages, ill health, arrest, detention and deportation. But unequal gender relations and stereotypes make many abuses peculiar to and more commonly perpetrated against women and against children during transfer, in institutions into which they are trafficked and during return and resettlement. The intensity of these violations, coupled with women’s limited access to support and redress mechanisms generally make long term recovery more difficult for them. This section foregrounds gendered vulnerabilities, abuse and its consequences at various stages in the trafficking process.

III.a. GENDERED VULNERABILITIES TO TRAFFICKING

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 marginalize women from education and employment, 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 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.

- 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 being among the first to suffer retrenchment and unemployment. Loss of jobs by male family members has also impacted women indirectly.
- Outsourcing, sub-contracting and relocation to cheaper production in sites in developing countries have 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;
- Reduction of revenue from tariffs and other trade restricting measures has been offset by down scaling or withdrawal of state subsidies for public services like health, childcare, education and the privatisation of these. This has transferred the socio-economic costs and burdens of providing these services to women, as care-givers. In a male privileged culture, women and girls are more marginalized than men and boys from costly healthcare and education. More
girls than boys are being withdrawn from school. They assist in feminine tasks of household management, family care and sub-contracted homework alongside their mothers, to augment family income. This reduces their opportunities for better jobs.

- The shift from centrally planned to market models of development in some countries of the Mekong sub-region, 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.

- The desire for adventure, the urge to see new places, to be free from control, the aspiration for better living standards, material gratification or competitive lifestyles create pressures to move. However marginalized women’s lack of access to reliable information and contacts, language barriers, naivete about the real world, overestimation of the ability to deal with exploitative situations increases women’s risk of being trafficked.

- **Displacement due to natural and human-created catastrophies 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, guardians, child abuse and incest, marital discord and family disintegration create emotionally and economically vulnerable children, whom traffickers prey on as they try to escape oppressive situations.
**Gendered cultural practices, gender discrimination and violence in families and communities**

- Contrasting evaluations of a son’s and daughter’s role/status in patrilineal family systems, generates a culture of son preference. In addition, daughters are perceived as a liability to the natal family encumbered with marrying them off early and appropriately, ensuring their pre-marital sexual purity, providing 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/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.

- Women are manipulated by consumerism and 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. This is known to occur 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 aging parents. Empowering traditions and practices in particular contexts, have however been appropriated by a patriarchal modernization process, disempowering women.

- 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/water in rural areas and working as unpaid labour on family farms or in an informal sector enterprise, are not attractive to young women especially those exposed through some education or the media to alternative modern lifestyles.
• Vulnerability caused by marital infidelity, alcoholism, domestic violence, desertion by husbands and divorce increases the risk of women being trafficked.
• 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 stigmatisation and a loss of selfworth. This renders women and girls vulnerable to trafficking.

The Demand Side

On the demand side, globalization has fuelled changes in the relative shares of economic sectors, in the international division of labour and labour market demand. It has created a gendered labour demand in both developing and developed countries for sectors such as agriculture, food processing, construction, labour intensive manufacturing, and the lower end of the informal service sector. Feminized migration and trafficking in women has largely occurred in response to this demand driven reality. This 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, sub-contracted, 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, viz the sex industry and domestic work;

(a) The lucrative entertainment and sex industry is predicated on male-centered ideological assumptions: that sex is a male right and a commodity; that commercial providers of sex services are largely
women; that women in prostitution exist as sexualised and commodified bodies functional to that male right. 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 industrializing countries like Singapore and Hong Kong, have drawn educated middleclass 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 by for low status domestic work. It has raised the demand for foreign domestic help to take over domestic and care-giving roles.

Demand for these jobs is not just marked by gender concerns, but economic inequities within and between countries, nationality and race stereotypes. These 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; China’s male-oriented one child population policy has produced demographic imbalances weighted against women, while long years of war in Vietnam have skewed the balance in favour of women. The pressure on women in a patriarchal Vietnamese context to marry, has compelled them to marry Vietnamese men even as second or third wives. A thriving trade in Vietnamese women for the Chinese marriage market has thus emerged. Alternatively, fragile man-woman relationships in western countries, combined with gender and racist stereotypes of Asian women as docile, subservient, homemakers, has generated another form of trafficking - ‘the mail-order-bride’ system.
Addresses

- **Restrictive immigration policies/laws, discriminatory bans on women’s migration as a “protective” measure 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 source countries. This generates a lucrative market for traffickers. Poor women job-seekers, particularly from remote rural areas with less access to information on migration/job opportunities, recruitment channels/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 in these situations. Restrictions also take the form of complete bans or age, occupation and country specific bans by the source country on women’s out-migration. This is rationalized as a ‘protection’ against trafficking. Such measures raise the demand for illegal migration often provided by traffickers. They also marginalize women from access to pre-departure orientations and information that may 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;**

Political space is a predominantly male monopoly. Existing male political practice generally tends to be marked by aggression, a lack of inclusiveness, transparency, integrity, and a gender and rights orientation. Some manifestations of this in relation to trafficking, are: economic and political tradeoffs 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. The pervasive belief that prostitution is a ‘necessary social evil’ and that women in prostitution are ‘morally degenerate’, often causes a blind eye to be turned to trafficking for sexual exploitation; 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, an 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 – black, brown women from particular ethnic groups, and younger children – all imaged as exotic with the promise of boundless sexual excitement.

• Host 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.

III.b. GENDER AND RIGHTS ISSUES DURING TRANSFER AND IN END INSTITUTIONS

• Stranding en route in the event of problems with authorities, placing women at greater risk 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; Institutions into which more 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, 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, bizarre 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 well documented cases of employers operating sex service establishments from home and utilizing the services of domestic workers for this. Further, even when women are employed in factories or other kinds of service jobs, they are more vulnerable to sexual abuse by employers or 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;

- 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, 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; Women suffer from anaemia, tuberculosis, fevers, common respiratory ailments, related to their generally poor health and exacerbated by poor living and working conditions in institutions into which they are trafficked. Reproductive health concerns including 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 stigmatisation impacts on self-esteem causing psychological trauma and self harm;

III.c. GENDER AND RIGHTS ISSUES DURING RETURN AND RESETTLEMENT

• Compulsory HIV/AIDS testing;
• Emphasis on ‘moral rehabilitation’ for young women returnees, which can include encouraging ‘marriage alliances’ or return to the family. By contrast men are simply deported;

• 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 are trafficked, the impact on the children tends to be more severe, and results in emotional problems, poor grades, dropping out of school, or relatives discharging their responsibilities for girl children by marrying them off early;
(b) Marital instability and discord – alcoholic husbands, infidelity, violence, desertion and divorce, when the woman returns home after a long period of separation;
(c) Inability or unwillingness of families to understand the experience of trafficked women;
(d) Greater stigmatization of women returnees, especially those who are physically and sexually abused or return prematurely, traumatized and without savings;
(e) Absence of adequate protections against reprisals from traffickers, inadequate socio-economic reintegration 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 their 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, 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;

(g) Increased workload and stress for women when husbands are trafficked;

IV. STRATEGIC INTERVENTIONS

IV.a. 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 adhoc 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, international agendas;
- Ensure a balance between interventions providing immediate post-trafficking assistance and more long-term preventive intervention;
- Integrate a gender perspective into all development and related anti-trafficking interventions;
- Integrate rights-based principles and standards into all development policies and programmes and into anti-trafficking interventions, in accordance with international human rights instruments, principles and standards;


- **Mainstream trafficking interventions into national and local policies, plans and programmes in an integrated multi-sectoral manner.** This encompasses all government ministries and departments, including national women’s machineries which can play a lead role;

- **Develop mechanisms to enforce and monitor policy and programme implementation;**

- **Undertake co-ordinated actions at regional and international levels, involving a range of stakeholders in source, transit and destination countries.**

### IV.b. SPECIFIC INTERVENTIONS

Anti-trafficking interventions must address prevention, protection and assistance, including return and resettlement. This paper focuses on preventive strategies, including demand generating factors, as 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**

  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 macro economic 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, credit etc.
• forging collaboration between the private sector, government, NGOs and other institutional service providers on the basis of comparative advantage. Governments and NGOs though motivated to serve target groups of women, lack a market orientation;
• 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 a sustainable livelihoods through employment, access to skills, information and markets in accordance with international codes of practice, the relevant ILO conventions and other human rights instruments;
• developing and ensuring enforcement of guidelines for corporate social responsibility and good labour practice according to human rights principles and standards.
• gender and rights awareness raising for families and communities to transform attitudes to gender roles and women’s rights; to 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 child care, health
services etc, and those that promote the use of appropriate and affordable labour saving technologies, all aimed at reducing women’s domestic work burdens;

- **Providing 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 provides assertiveness and self defence training;

- **Social security and protection of women and children in difficult circumstances.**

  - introduce employment guarantee schemes;
  - provide subsidized or free child care, health care and education;
  - protective measures, such as counselling, education, alternative institutional or foster care, 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 and/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 co-operation to facilitate access to assistance and to prosecute traffickers (including safe witness protection programs 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) civil society participation (including those trafficked) in formulating, enforcing, monitoring legislation and the provision of related services in a manner that centers 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 is related to national development strategies that provide decent and sustainable livelihood and living opportunities, that expand choices for the community, especially women and children. This might 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 data bases on migration, disaggregated on the basis of sex, age, ethnicity etc, that provide information on sectors of job demand, supply, remittances.
- awareness-raising on the costs and benefits of migration from a gender-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 and 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 and harmonizing immigration laws and policies in accordance with international human standards, and an assessment of demand for migrant women’s labour in various sectors;
- promoting bilateral and multi lateral agreements that provide for the protection of migrant workers, especially women;
• enforcing minimum national employment labour standards for the protection of national and foreign women migrant workers;
• ensuring appropriate legal documentation for birth, citizenship and marriage

❖ Transforming male-centered perceptions, attitudes and practice related to men and women, their bodies 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 in certain ‘woman-oriented’ sectors (domestic work, the sex industry).

Demand in these sectors may be addressed by more gender responsive and rights oriented information, analysis, socialization, awareness-raising, counselling and therapy for diverse sectors and population groups, challenging:

• dominant notions of womanhood in terms of domesticity and dependence, and manhood in terms of active public sphere roles;
• prevailing ideas on male sexuality as potent and irrepressible, with women as fitting objects for male sexual expression;
• pervasive constructions of women’s sexuality as inert and existing either for procreation in marriage or 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;

This 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 focussed 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 and rights-based development framework.

 The paper maintains that a gender and 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 at regional and international levels for coordinated collaboration among countries of origin, countries of transit and countries of 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 (a) shall be irrelevant where any of the means set forth in (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 (a).

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 Laos, Cambodia, Vietnam, China and Myanmar, while Thailand continues to be a source, transit and now important destination country. While Germany, the Netherlands, Belgium continue to remain important destination points for Asian women, the USA, New Zealand, Australia are emerging new sites. Besides, new destination points have also developed within Asia. These include Malaysia, Singapore,
Japan, Hong Kong, Taiwan. There is evidence of Russian and Ukrainian women being trafficked to Asia. See Jean D'Cunha; 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 Women as Chattel: The Emerging Global Market in Trafficking in Gender Matters Quarterly No.1, February 1999; A Publication of USAID’s Office of Women in Development.

5. 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, 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 sub-region, 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 Jean D'Cunha; 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.

6. 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 sweatshop labour, illegal adoption of children, forced marriages, domestic work, begging etc. See Women as Chattel: The Emerging Global Market in Trafficking in Gender Matters Quarterly No.1, February 1999; A Publication of USAID’s Office of Women in Development.
Emerging Global Market in Trafficking in Gender Matters Quarterly No.1, February 1999; A Publication of USAID’s Office of Women in Development.

See Trafficking in Human Beings in Southeast Europe, UNICEF, United Nations Office of the High Commissioner for Human Rights (UNOHCHR), Organization for Security and Co-operation in Europe/Office for the Development Institution and Human Rights (OSE-ODIHR); 2002; Also see Trafficking in Persons (Russia). Natalia Kigai; Paper Commissioned by the Swedish Ministry of Foreign Affairs; 2001

7. Men and boys are also trafficked. Furthermore, the age of trafficked persons appears to be getting younger with documented evidence of children as young as five trafficked. See Rina Sengupta and Shireen Huq, Trafficking of Persons and Gender Inequality in South Asia; unpublished paper, October 2001; See also Jean D’Cunha; 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;

8. In 1997, according to U.N. 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 Women as Chattel: The Emerging Global Market in Trafficking in Gender Matters Quarterly No.1, February 1999; A Publication of USAID’s Office of Women in Development.

9. 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 James. R. Chamberlain; HIV Vulnerability in the Northern Provinces of the Laos People’s Democratic Republic, UNDP Southeast Asia HIV and Development Project, March 2000;

10. Rina Sengupta and Shireen Huq, Trafficking of Persons and Gender Inequality in South Asia; unpublished paper, October 2001; Also Thérèse Blanchet: Beyond Boundaries: A
Critical Look at Women and Labour Migration from Bangladesh; Research Publication; Drishti Research Center, Dhaka, April, 2002;


16. Between 70-80 percent of unemployed workers in the Russian Federation, for instance, are women vulnerable to trafficking. See Women as Chattel: The Emerging Global Market in Trafficking in Gender Matters Quarterly No.1, February 1999; A Publication of USAID’s Office of Women in Development.

See Also A Survey of Trafficked Women and Women in Prostitution, The United States; H. Patricia Hynes in “A Comparative Study of Women Trafficked in the Migration Process” (Indonesia, the Philippines, Thailand, Venezuela and the United States) CATW; February 2002;

for Security and Co-operation in Europe/Office for **the Development Institution and Human** rights (OSE-ODIHR); 2002; Also Trafficking in Persons (Russia). Natalia Kigai; ; Paper Commissioned by the Swedish Ministry of Foreign Affairs; 2001; and A Survey of Trafficked Women and Women in Prostitution, The United States; H. Patricia Hynes in “A Comparative Study of Women Trafficked in the Migration Process” (Indonesia, the Philippines, Thailand, Venezuela and the United States) CATW; February 2002;

18 For a more detailed discussion see Trafficking in Persons (Russia). Natalia Kigai; ; Paper Commissioned by the Swedish Ministry of Foreign Affairs; 2001;

19. Thérèse Blanchet: Beyond Boundaries: A Critical Look at Women and Labour Migration from Bangladesh; Research Publication; Drishti Research Center, Dhaka, April, 2002;

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