

***Combating Trafficking in Women and Children:  
A Gender and Human Rights Framework***

**Plenary Address**

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## **Introduction**

In our globalizing world, trafficking in human beings, especially women and children, has increased in both magnitude and in reach, becoming a major human rights concern. Trafficking grew almost 50 per cent from 1995 to 2000 and is now a multi-billion dollar industry run by individuals and small and large organized criminal networks. Human trafficking affects vulnerable individuals, particularly women and children, in every region of the world. While the criminal nature of human trafficking makes it difficult to know the real extent of the phenomenon, it is estimated that worldwide, between 700,000 and 4 million women, children and men are trafficked each year into modern forms of slavery. Fifty thousand of these are trafficked into the United States alone. The purposes of trafficking include not only prostitution, debt bondage, and domestic labor, but also the "trafficking of children as slave labourers, child soldiers, camel jockeys and sex slaves."

The United Nations Protocol on Trafficking in Persons, adopted in November 2000, defines trafficking as: "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." This protocol has 105 signatories including the United States.

The trafficking of women and children must be seen in a broader context of labour migration and the movement of people from conflict zones and crisis situations as refugees and internally displaced persons. These movements in turn interact with structures of gender equality at every level - national and global, in families and communities. An effective analytical and action framework must address these interlinkages in a serious and coordinated manner.

## **Globalization, Labour Migration and Trafficking**

"Women and children are trafficked not only for forced prostitution but also for legal and illegal work, legal and illegal marriages, organ trade, camel racing and bonded labour."  
Durga Ghimire, 2002

From an economic perspective, trafficking should be recognized as but one component in the complex and shifting continuum of population mobility and labour migration -- ranging across temporary and seasonal population movements; voluntary short-term labour migration, voluntary permanent migration that may be arranged independently or facilitated by agents, such as the recent rise in smuggling of would-be immigrants; and various forms of forced movement, including slavery, forced migration and exile, and trafficking in persons. Moreover, 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 those who have been trafficked may later choose to remain in the place of destination as a permanent migrant.

Labour movements, whether voluntary or forced, is not new. 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. 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. However, the 20th century brought about some fundamental changes in the nature of trafficking.

Until the rise of the modern nation state, most forms of migration were essentially voluntary, as people moved to escape some 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, population movement became regulated. Would-be migrants who failed to meet entry criteria set by countries of intended destination therefore become 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 .

Moreover, labour migration is now characterized by increasing numbers of women and girls, sometimes described in terms of increasing “feminization”. Previously, with a few exceptions, migrant flows tended to be male-dominated, as employers in destination countries sought primarily male immigrants for manual labour. Unaccompanied women and children rarely migrated in significant numbers. In the 20th 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 this shift is that migration is often both cheaper and easier for women than for men. The fees charged for women migrating from Indonesia or Bangladesh to the Middle East, for example, are much lower than those for men, owing to the high demand for women domestics and the ease of placement. In addition, the education and skills requirements are lower for women than for men. However, the main reason has been the increased demand for female labour in areas such as household and care-giving work, fast food and other services, and low-wage manufacturing.

Although legal channels have been established for some of these migration flows – for example, from 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. The Organization for Migration estimates that in 2001, as many as 2 million women and children were trafficked across borders.

The dramatic growth in migration and trafficking flows has resulted from a combination of push, pull and facilitating factors. Push factors include uneven economic growth and the breakdown of economic systems, an increase in war and armed conflict, environmental degradation, natural disasters, and increasing levels of family violence. Gender inequality and discrimination in many countries means that the burden of poverty and the impact of armed conflict and violence impact disproportionately on women, causing a growing migration of women from poor countries and conflict areas. Many of these women are particularly vulnerable, and end up being trafficked.

At the same time, economic growth, relative prosperity and peace in industrialized and newly industrializing countries act as ‘pull’ factors. Growing economies create increased demand for imported labour as citizens increasingly refuse to take low-paying jobs. Young women are in particular demand because they are regarded as more compliant and less likely to rebel against substandard working conditions. Some are pulled into migration by the prospect of marriage and a better life abroad.

Growth in the industrialized economies has been accompanied by a quantum leap in low-cost transportation and communication technologies, which facilitates all aspects of migration and trafficking. But the major facilitating factor is the involvement of organized crime, for whom trafficking is a growing source of profits. United Nations Human Development Report 1999 estimated that globally trafficking and smuggling are worth US\$7 billion annually, second only to drugs and arms smuggling. However, due to coercion and exploitation, the profits are much greater for trafficking. Although the profits reaped by traffickers has been the main concern, particularly since it has been identified with organized crime, employers who hire trafficked workers 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.

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. On the supply side, would-be migrants may be pushed to leave their areas of origin by poverty or lack of economic opportunity. Globalization has had both winners and losers, slashing economic opportunities in rural areas and in poor countries that are not competitive in the global marketplace, creating what one expert has called a “crisis of economic security” in such countries. Women are often most affected by loss of employment, whether directly or indirectly when male family members lose their jobs, increasing the pressure on them to emigrate in search of work.

Globalization, market liberalization and privatization have created an increasing need for cash incomes to purchase the most basic needs, including those once provided by the state. Often this demand cannot be satisfied in local labour markets, obliging families to send family members out into the global workplace. Our increasingly globalized world also provides ready access to information about actual or potential 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.

Women and girls may be pushed toward trafficking as an alternative to the drudgery, danger and exploitation inherent in the traditional lot of women in poor countries--especially in rural areas. 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.

The demand for trafficked labour has also increased. Too often this has been seen solely as a demand for prostitution and other forms of sexual exploitation. However, globalization has also created a growing demand for cheap, low-skilled labour in both developed and developing countries -- in agriculture, food processing, construction, domestic service, labour-intensive manufacturing, home health care, sex work and the service sector in general. As industries continually seek to cut costs, some have relocated to low wage economies while those that cannot relocate, remain 'flexible' through worker layoffs and increased use of casual and part-time work as well as subcontracting, thereby reducing the power of trade unions to protect jobs, wages and basic rights. The dominant market ideology has also led to a weakening of regulatory and monitoring mechanisms to protect working conditions, minimum labour standards or basic human rights. At the same time, the new jobs that are created tend to be such that citizens of industrialized economies are unwilling to accept them, even in the face of long-term unemployment.<sup>1</sup>

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<sup>1</sup> These are often described in terms of the 3Ds: dirty, degrading and dangerous.

Such conditions are ripe for trafficking. First, while wages may be unacceptably low to workers in the industrialized country, they are attractive to workers coming from developing countries where wages are even lower, and there are large numbers of unemployed and underemployed. Second, most trafficked workers have low levels of education and may 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. Third, their status as illegal workers deprives them of the means of enforcing minimum wages and working conditions. 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.

In industrialized countries, the increasing entry of women into the paid labour force, either full or part time, has created a huge demand for the labour of women and children, particularly girls, in unpaid household and care work, since men in most cases have not increased their share of such work. The wages, traditional low status, and demanding hours of such jobs are such that women in these countries avoid them if they can, adding to the demand for illegal and trafficked labour. In China, a related marriage market for trafficked women has been created by the policy of limiting couples to one child and preference for sons, leading to widespread abortions of female fetuses. Similar pressures are also emerging in India in response to the dowry system and other pressures for sons rather than daughters.

The nature of work available to migrant and trafficked labour leads to widespread denial of basic human rights, particularly for women and children. Because the work is illegal, employers have an interest in concealing their illegal employees, often leading to physical confinement. Moreover, 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 resulting psychological isolation exacerbates the unequal power relations between the trafficked worker and the employer, which, combined with traditional gender stereotypes render women and girls especially vulnerable to physical violence and sexual abuse. At the same time, the low wages paid

to trafficked workers, combined with frequent 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 to repay the debts incurred during the process of being trafficked.

In short, it is not the mere existence of the demand for cheap labour in other countries that generates the conditions for trafficking. 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. While the vulnerability of women and girls is significantly increased by the impact of unequal gender relations at every stage in the process, the fundamental issue is the lack of legal channels through which migrant workers can access employment opportunities that according to international human rights standards are theirs by right.

### **Trafficking, Armed Conflict and State Fragmentation**

" The breakdown of law and order, police functions and border controls that accompany armed conflicts create an environment in which the trafficking of women has flourished."  
---UNIFEM, *Women, War and Peace*, 2002

"Trafficking is fostered by transition, instability, poverty, disintegrating social networks, and disintegrating law and order in sending, transit and receiving countries."  
--Study submitted by UN Secretary-General on Women, Peace and Security, 2002

Two UN studies examining the impact of war and armed conflict on women have documented that armed conflict and trafficking are linked in various ways. Traffickers often use routes through countries that have been engulfed by conflict, since border controls and normal policing are reduced. Both refugee and displaced women and girls are taken as hostages and later trafficked into slavery, forced prostitution, abduction and forced military recruitment or sold into marriage.

In 2001, the United Nations High Commissioner for Refugees reported that there were 19.8 million refugees, asylum seekers, and others of concern, and that women and children constitute 80 per cent of the world's refugees and internally displaced persons. Flight is often triggered by severe forms of gender discrimination and persecution,



sometimes combined with ethnic, religious or class discrimination. Refugee, returning and displaced women and girls often suffer discrimination and human rights abuses throughout their flight, settlement and return. For example, women and girls may be forced to provide sexual services to men and adolescent boys in exchange for safe passage for themselves or their families or to obtain needed documents or other assistance. Girl children who become separated from their parents may face the risk of sexual abuse or be forced to participate in fighting on one side or another.

The weakening or breakdown of community and family protection mechanisms in refugee and displaced persons camps make women and girls especially vulnerable, leaving them subject to "physical and sexual attacks, rape, domestic violence and sexual harassment, increased spousal battering and marital rape." The weakening or loss of social support networks that typically accompanies uprooting means they have less power to escape, defend themselves or obtain the protection and assistance necessary to survive. Lack of security and poorly lit camps leave women and girls at risk of attack by men inside and outside the camps.

In camps where protection is weak, one study showed, "culture" has been used to explain away certain crimes, resulting in a failure to address the problems of security and protection. In some instances, it found, prostitution, alcohol abuse, trafficking in drugs and other illegal activities have been considered "normal" activities, part of the refugees' culture and background, by authorities in charge. Women's inability to obtain basic services or protection takes a tremendous toll on their physical and mental health. Left with few options, they may turn to prostitution in exchange for basic survival needs.

The effects of trafficking and sexual slavery are profound, especially for young girls. Torn from their families, women and girls are brutalized by their kidnappers and then often rejected by their families. In some cases young girls who had been abducted by soldiers or rebels spent months searching for family members after escaping from their captors, only to be turned away in disgrace when they did find a relative. In some places orphanages set up for children separated from their families and communities have themselves facilitated trafficking in children, particularly girls.

The trauma that women and girls experience in such situations often leaves them unable to discuss what they have been through, especially if it involves sexual violence. This puts them at a disadvantage during asylum proceedings or hearings to determine refugee status, making it more likely their requests will be denied. Moreover, domestic laws and immigration policies that fail to address the differential impact of armed conflict on women and may force them to return to their countries, where they risk further violence on their return. Women and girls may be forced to stay in abusive marriages to avoid losing their visas and having to return to countries in conflict.

### **Gender Discrimination in Families and Communities**

In countries with patrilineal family systems, daughters are perceived as a liability by their families, who are obliged to marry them off well, ensure their pre-marital sexual purity, provide substantial marriage expenses and continue to offer material resources to the daughter's marital family on auspicious occasions. 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 include the sale of women and girls into marriage; willingness to marry off young girls to strangers who make no monetary demands, thus predisposing them to trafficking, and the 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 ageing parents. In contexts where sexual purity is the insignia of ideal womanhood, rape and sexual abuse, or non-conformity to prescribed sexual codes result in stigmatization and often a complete loss of self-worth, which leaves women and girls vulnerable to trafficking. Vulnerability caused by marital infidelity, alcoholism, domestic violence, desertion by husbands and divorce increases the risk of women being trafficked.

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 young women especially those exposed through some education or the media to alternative modern lifestyles.

On the demand side, a burgeoning marriage market and bride-trade reflects the same culturally based attitudes towards women's roles and responsibilities. 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. In addition, the prevalence in Western countries of Asian women as docile, subservient homemakers, has generated another form of trafficking-- 'the mail-order-bride' system.

The demand for prostitution has also greatly expanded as the industry has become globalized. In many countries, prostitution is now an integral part of tourism, both domestic and foreign, and some countries are specifically promoted for "sex tourism". The growing demand for prostitution may also be linked to family breakdown, and the number of divorced and separated men as well as unmarried men with ready access to the economic resources needed to buy sex. The commercialization of women's bodies through advertising, fashion, entertainment and the media also contribute to demand.

### **A Gender Responsive and Human Rights-based Approach to Trafficking**

To date, the international human rights framework has not fully caught up with globalization. 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 source of livelihood, the two remain separated in space. To the extent that the right to work or livelihood is recognized, 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. Similarly, so long as capital moves more freely across borders than does labour, vulnerabilities will be created in some countries and demand created in others, thus encouraging trafficking.

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 human 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, since gender discrimination is now recognized as a fundamental denial of human rights. 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.

### ***Rights as empowering***

Rights cannot be given, but must be actively claimed by those who hold them. For this reason, women’s individual and collective empowerment is an essential prerequisite for a rights-based approach. Empowerment involves both a structural dimension – legal, policy, institutional elements and State accountability--and an individual dimension, one designed to equip individuals and groups to claim their rights. Policy, institutional and social environments must respect the rights and dignity of all human beings and all trafficked persons, especially those of trafficked women and children. This must be complemented by 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.

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 laws, policies and programmes, investigating violations, taking appropriate actions against violators and providing remedies and reparation to those trafficked, regardless of their immigration status.

### **Strategies for Prevention of Trafficking**

Anti-trafficking interventions must address prevention, protection and assistance, including return and resettlement. This paper focuses on preventive strategies, including both supply and demand generating factors, as in the long run, only concerted preventive action, which is multisectoral as well as global, will have a lasting impact.

#### ***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 ownership and control over productive resources, access to markets, and movement up the production and market hierarchy in secure and sustainable ways. They must also ensure gender equality in the family, community and society at large. This involves recognizing and valuing women's paid and unpaid work equally with men's at all levels of society; examining the gender impact of macroeconomic policy on women's employment and livelihoods; ensuring women's access to and ownership of economic resources, including land and finance; and providing new and better paid employment and business opportunities for women that are not restricted to sectors traditionally dominated by women's labour.

At a practical level, it requires building the capacity of women producers and entrepreneurs in product development, production process, business and financial development, access to and use of information and marketing, including the ability to effectively respond to market change; and empowering women to recognize and claim their economic rights, including the right to a sustainable livelihood through employment, access to skills, information and markets in accordance with international codes of practice, the relevant ILO conventions and other human rights instruments.

#### ***Livelihood strategies***

There is considerable debate around the question of whether creating livelihood opportunities for women and girls will prevent trafficking and promote the resettlement of returnees. 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 outmigration 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, especially those who have worked as prostitutes. Trafficking programmes are often gender blind and automatically provide training for returnees in occupations that are traditional for women. These are typically unskilled and poorly paid, and thus unlikely to be competitive with those available through migration or trafficking. Returnees are likely to consider the potential gains from being re-trafficked a more attractive option, even taking into account the risks involved.

Job training must also address gender relations, especially the burden of women's unpaid household and care-giving 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, especially from rural areas. The public provision of water, power, transport and health services and the macroeconomic policies that support these are important components of trafficking prevention strategies. So too is the creation of 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.

Job creation and income-generation schemes, however, especially those that depend on special donor or government funding, run the risk of creating new dependencies once the funding runs out and the jobs disappear. Even where the jobs continue, rising expectations and information about competing opportunities elsewhere may still contribute to supply side pressures that promote migration and trafficking.

Equally if not more important, the emphasis on the supply side is contrary to one of the basic principles on human rights and trafficking, namely that strategies aimed at preventing trafficking shall address demand as a root cause. Para 5 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, states that governments and inter-governmental 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 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.

For women and girls, therefore, prevention involves not only providing a viable economic alternative to opportunities in the destination country, but also promoting individual and collective empowerment that will allow the 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-accountable and rights-based and locates the causes of migration and trafficking within national development strategies.

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.

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 demands a comprehensive approach, 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. Gender-accountable micro-enterprise development strategies are needed that 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. They must also ensure that economic empowerment of women producers also leads to gender equality within their families and communities. They 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.

### ***Safe migration and citizenship rights for women and adolescent girls***

Strategies to address trafficking cannot be limited to countries of origin. While national development strategies that provide decent and sustainable livelihood and living opportunities and expand choices for women might limit migration and reduce vulnerability to trafficking, a set of gender and rights-based interventions that make migration safe are also needed to put a brake on trafficking. These include ensuring that people, including trafficked persons have the right to seek and enjoy asylum from persecution in accordance with international refugee law, reviewing and harmonizing immigration laws and policies in accordance with international human standards, and promoting bilateral and multi lateral agreements that provide for the protection of migrant workers, especially women.

Legitimizing mechanisms for legal migration between and among States have been adopted in the Asian region between Thailand and its neighbours; 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 that it lacks either a human rights perspective or any analysis of gender. Women and girls dominate in many of these migrant labour flows, going into domestic service, low-paid sweated manufacturing industries, street begging and commercial sex work. As a result, many suffer grave violations of their human rights, including 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, largely because their status as legal migrant workers is dependent on their contract with the specific employer who must pay their registration (and therefore often feels that he “owns” them). The terms of migrant worker contracts in many countries specifically discriminate against women workers who get pregnant, even through rape against which the host country is legally obliged under international law to provide protection.

A comprehensive 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. 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 account for their differential impact on women and men contribute directly to trafficking in women and girls.

### ***Transforming gender-biased attitudes in countries of destination***

Reducing demand for trafficked persons must also focus on the institutions into which they are trafficked. Efforts to reduce demand have principally focused on the criminal justice system, and have mainly focused on trafficking in children for sexual exploitation. There have been relatively few efforts to transform male-defined ideas, attitudes and practice on gender roles and responsibilities, or male and female sexuality, that create and reinforce the demand for women in such ‘woman-oriented’ sectors as domestic work and prostitution.

Demand in these sectors may be addressed by more gender responsive and rights oriented information, analysis and awareness-raising for diverse sectors and groups. It is essential to challenge notions of women in terms of domesticity and dependence, and men in terms of active public sphere roles, along with constructions of women’s sexuality as either passive or dangerous, existing only for marriage and childbearing or the provision of sexual pleasure in prostitution. Moreover, the poverty of spirit that permits and even encourages the commodification of human beings must be confronted, individually and collectively,

analytically and in practice. In its place we must cultivate a full understanding and respect for the human rights and dignity of all people, immigrants and citizens, women and men.

### ***Integrating human rights and development strategies***

The UN Recommended Guidelines on Human Rights and Human Trafficking call for national plans of action to combat trafficking in persons. To be effective, these need to be integrated into national development policy, so that national policies consider the potential impact on human trafficking, particularly in women and girls. While the multi-sectoral strategies for combating HIV/AIDS adopted by several countries in the region provide a good model, the problem of trafficking is more challenging. The social and economic costs of HIV/AIDS are now recognized in high incidence countries, impelling governments to address it in the most effective way. The difficulty with this approach to trafficking is that while recipient countries see the growth of trafficking, especially in women and girls, as a danger, the countries of origin often do not. While recipient countries could do much to reduce the demand for trafficked labour, including reducing the demand for prostitution, the main pressure for prevention tends to fall on source countries. Thus, it will be difficult to persuade departments such as highways and transportation, commerce and industry or even macroeconomic policy makers 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 programmes likely to facilitate the entry of traffickers to new areas and vulnerable populations not yet familiar with the risks? Will they promote economic security for women and girls? Could awareness of 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 turn to prostitution?

One way to encourage this approach would be to link the issues of trafficking and HIV/AIDS more directly than is done now. 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 through national development policies in countries that have adopted a national multi-sectoral HIV/AIDS strategy if trafficking is integrated into the AIDS strategy.

### **Globalization, Macroeconomic and Trade policies**

Ultimately, strategies to prevent trafficking must address the macroeconomic policies in both developed and developing countries that generate the push and pull factors in 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 case in point. 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 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.

In addition, industries and households in 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 labour-intensive and protected areas such as agriculture and the textile industry. By encouraging women's entry into the paid labour force while cutting the social services needed to support women's household and care-giving roles, they also create the demand for cheap (often trafficked) domestic servants.

However, several demographic and economic changes may eventually encourage a move towards reducing such global inequities. Lower fertility rates, some now persistently below replacement level, combined with the resulting rapid population ageing may oblige industrialized countries to look more favourably on labour migration. 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.

In terms of macroeconomic policy, there are signs that the preoccupation with economic objectives to the virtual exclusion of social impact is also under review, at least in some countries. There is some indication that developing countries that embraced market liberalization and structural adjustment policies as the road to economic growth --often at the insistence of international financial institutions--are finding that economic growth itself is endangered by the negative social and political impact of those policies. The financial crises in Asia and Latin America are calling the primacy of macroeconomic policy into question. Civil society movements, most notably against the World Trade Organization, are forcing a reconsideration of the balance between social and economic objectives.

Ultimately 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 full awareness of, and accountability for, the persistence of and need to combat, gender bias and discrimination everywhere.

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