

Sex Trade and Globalized Traffic in Women

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and

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ABSTRACT

These two articles seek to demonstrate how research, action and ongoing engagement, at the local and national levels, with the issue of trafficking in women and children into sex trade and other forms of exploited labour lead to active global action and networking.

RÉSUMÉ

Notre article cherche à démontrer comment la recherche, l'action et la lutte engagée dans l'arène politique locale et nationale au sujet de la traite des femmes et des enfants condamné(e)s à la prostitution ou à quelque forme de travail où ils/elles sont exploité(e)s, mènent à une action globale et à la constitution de réseaux.

PART ONE

Framing the Issue of Sex Trade and Traffic in Women

Jyoti Sanghera

Poised on the threshold of a new millennium with the curtain coming down on our present century, a small window in time has clicked open--a window which allows for a clear and sharp focus as we take stock of our activism and praxis. And indeed, certain things appear very clear to many of us who work with women on women's issues. As capital moves to rationalize the world ever more aggressively by restructuring economies and societies according to a homogenizing blueprint, what becomes clear to us is the irrationality of this exercise from the standpoint of human development and quality of life. This is the only standpoint which matters, makes sense

and, therefore, could be rational. We can see clearly now that women of different regions of the world and classes with differential access to the world's resources will be even more aggressively pitted against each other as consumers and producers; as housewives and whores; as breeders and nonbreeders; as self-determined, free citizens laying claim to the entire range of democratic rights and as modern slaves blatantly defined out of the category 'human;' as white/civilized/modern and coloured/traditional/underdeveloped.

We can see clearly now that women and children of that part of the world under the grip of World Bank structural adjustments and economic liberalization are increasingly defined as raw resource. They constitute the prime export item for national development and international trade. This human cash crop is unique in that it offers a double-featured advantage: women's bodies produce services

which may be consumed and, women's bodies *per se*, may also be consumed. Commercial sex work and sex trade encapsulate both these dimensions; herein lies the complexity of sex work.

A woman who 'chooses' to work as a commercial sex worker offers, primarily, sexual services in return for remuneration. On the other hand, a minor or a young woman who has been trafficked, sold, and physically enslaved in the sex industry often has her entire person placed on the market. What she produces by way of services and what she is are inextricably intertwined through her lack of agency; she is marketed as a whole for consumption. While in the underground sex trade she may not be chewed or ingested like an edible food item, the physical damage from sexually transmitted diseases and the AIDS virus as well as the emotional damage due to the brutalization and dehumanization she suffers, especially if she is trafficked at a tender age, are acute.

It is because of this complexity and specificity that many of us working on the issue of trafficking of women and children regard it as a contemporary form of slavery and frame it within the human rights discourse. Enslavement of a person by another and the loss of any agency on the part of the enslaved are pivotal aspects of this phenomenon. Factors engendering this modern form of slavery are not merely a function of gender. A complex combination of socio-economic, cultural and political forces coalesce with gender and are mediated by the historical moment. Sexual exploitation is only a part of the oppression and brutalization to which the victim is subjected. This point is key to understanding the different analyses informing

the praxis of two of the principal organisations in the global arena involved with the issue of trafficking: the Coalition against Trafficking in Women and the Global Alliance Against Traffic in Women (GAATW).

APPROACHES IN GLOBAL ACTION

The Coalition Against Trafficking in Women is an international organisation which has been accorded consultative status by the United Nations (Category II with the UNESCO). This organisation is headed by Kathleen Barry who brought the issue of sexual slavery to the fore in her book, Female Sexual Slavery, published in 1979. While Barry should be credited for actively raising this issue in the UN fora, the central thrust of her analysis can be gauged from the following statement she made during a conference to launch the international network:

(A prostitute) may plead for recognition of her work, but it also concerns us. She evokes the image of a woman who can be taken. And if you don't take her, you buy her. It is the very basis of rape. Maltreating in marriages, threatening with sexual violence, prostitution is the red thread of slavery and of taking women hostage (Quoted in Altink, 1995:17).

Clearly, in the above statement, Barry speaks from her location of privilege as a white, upper middle class, professional woman from the first world. In this statement as in her other writings and actions, she disregards crucial and compelling economic imperatives which

play an overwhelming role in making women turn to commercial sex work to earn their livelihood. The Coalition foregrounds patriarchal exploitation and violence as the principal and determining cause of trafficking in women. In so doing, the Coalition downplays and practically makes invisible those structures of political power and material inequities which characterise our contemporary world. While the Coalition does take some note of the role of American global economic and military aggression as contributing to the phenomenon of international trafficking, by privileging the role of patriarchy over all other factors in its analysis--and consequently, action--the Coalition speaks to the issue from the privileged perspective of upper and middle class women from the advanced capitalist world. The foregrounding of patriarchy by the Coalition is evident in most of its documents¹ as well as in Barry's most recent book (1995). Not only does Barry's analysis not speak to the reality of women in the third world but it also does not take sufficient note of the economic factors which constitute the principal cause of women taking to commercial sex work in the first world as well. Furthermore, the Coalition refuses to recognise the possibility of 'choice' or voluntary entry into prostitution and, therefore, allows no space for the recognition of prostitution as work under any circumstances. As such, the Coalition views all women in sex trade as victims of patriarchal oppression and through its advocacy work in the UN seeks to eliminate all forms of sexual exploitation, including commercial sex work.

On the other hand, the Global Alliance Against Traffic in Women, launched after an

international workshop in Thailand in 1994, acknowledges the ground reality of sex trade and of commercial sex work as a source of livelihood and survival for women from marginalised and underprivileged social groups. GAATW also makes a distinction between forced prostitution and voluntary commercial sex work. Therefore, it lobbies with UN organisations to change the international covenants and instruments of intervention so that they are more in keeping with this reality. Of particular significance are the Minimum Standards for the Treatment of Trafficked Persons, appended to Skrobanek's article in this issue.

Among the many things which are clear to us at this time, the one which is abundantly evident is the prolific growth of sex trade at all those sites where women and communities face shrinking options in earning a livelihood, and where the regime of consumerism has taken hold under the guise of modernization and economic reform. Many of these burgeoning sites are in countries where prostitution is illegal, including Thailand. While GAATW too is committed to the elimination of all forms of sexual exploitation, merely drafting another UN convention and legislating against commercial sex work are tantamount to arming ourselves with another useless piece of paper. Legislation which seeks to ban sex trade simply drives the activity underground, criminalizes women, and turns the trade into a far more lucrative site for profit. Therefore, GAATW seeks to address the issue of trafficking in women by distinguishing the different arenas into which women are trafficked and by realistically exploring with these women the issues they

confront and the problems they face. Most importantly, through its praxis, GAATW seeks to further develop and refine its analysis on trafficking and prostitution from the perspective of the third world.

Such a comprehensive perspective on issues of trafficking of women into the sex industry must be located within the context of the international flow of labour and inter-regional migration. It must also be located within the growing phenomenon of feminization of migration, particularly from certain areas of the third world. With a general decline in the manufacturing sector in this current phase of capitalism and the subsequent retrenchment or disposability of the male workforce, women of many third world countries have moved centre-stage within the family as principal providers to maintain and sustain its members. At the same time, unprecedented growth and diversification within the service sector draws these women as migrant workers to new and distant locales of undervalued and de-skilled work.

Third world women from marginalised groups and even from the middle class, migrate to new worksites as domestic workers, mail-order-brides and sex workers in order to provide for their families. The contemporary segmentation of labour confines these women to those tiers within the service industry where they are required to provide reproductive and sexual labour. Thus, underprivileged third world women are increasingly slotted into new roles as service providers, domestic care-givers, and handmaidens for the privileged middle class professionals of the advanced capitalist core.

In many instances, the women migrate voluntarily to their new and often dangerous

worksites due to lack of alternatives for providing for their families. In addition to these migrants from the third world, there are an increasing number of women who are trafficked or lured into these worksites. The phenomenon of trafficking is continually fostered by the unprecedented profits which the reproductive and sexual services industries yield and by the increasing diversification of the service sector. In the sex industry for example, there is a constant and growing demand for newer, younger, cheaper bodies from diverse ethnic and racial groups. It is important to point out that third world women, whether they are consenting migrants or trafficked women, generally end up involved in the same types of labour. And, barring a few exceptions, even when women migrate voluntarily to their new jobs as domestic care-givers, mail-order-brides or sex workers and entertainers in the developed world, they often face similar coercion, violence and isolation to that suffered by women who are trafficked. The vulnerability, dependence and isolation of both groups of workers are heightened by their ambiguous status under immigration laws, foreign origin, unfamiliar surroundings, lack of language skills, racism, and limited knowledge of avenues of redress and assistance. These women are defined as illegal aliens, foreign women and undocumented workers by the legal systems in their host countries, and, consequently, criminalized.

While it is not uncommon to find that the plight of third world migrant women workers, whether trafficked into the sex industry or 'knowingly' employed in it, is similar, it is crucial to distinguish between those who are trafficked under force or deception and those

who migrate voluntarily and 'knowingly.' This distinction is particularly necessary in order to recognize an element of choice and agency with respect to the latter group who seek to migrate to particular worksites. This distinction is also necessary in order to combat the problem of trafficking on the one hand and to lobby for safer and better working conditions for consenting migrants on the other. Above all, prostitution should be recognized as work and not considered a form of criminal activity so that all those women, migrants or local, who seek to earn their livelihood through commercial sex work can do so without fear of criminalization, persecution or deportation.

A comprehensive perspective from the standpoint of supply as mentioned earlier, must frame trafficking and voluntary employment in sex trade within the context of the feminization of migration from the third world. The common conditions which characterize these women migrants are the economic insecurity and joblessness they suffer in their countries of origin on account of economic globalization, their desperate need to travel to greener pastures for employment, and their complete vulnerability in the new, host countries. As aliens or illegal aliens in the country of their destination, when these women are apprehended in the sex trade business by law enforcers, they are not permitted the regular procedures which apply to 'home grown' prostitutes. Third world migrant sex workers are handed over to immigration authorities and summarily deported. The women are thus victimized twice--firstly, either through forced prostitution or slavery-like practices in the sex

industry, and secondly, through deportation. From the standpoint of women migrants from the third world then, the state and laws of their "host" country are as exploitative of their vulnerability as traffickers and oppressive pimps. The one delivers them into conditions of slavery, violence and bondage and the other catapults them back into indigence and joblessness.

Complexity and specificity are the base of a third world perspective on trafficking of women into sex trade. The definition of trafficking too has been expanded by GAATW to include not merely acts of recruitment under violence or threat of violence, but also abuse of authority, deception and lack of adequate prior knowledge of work and subsequent coercion. GAATW is also working to refine and locate this third world perspective on sex trafficking within the human rights discourse in order to protect the rights of women who are victimized by these practices. It can be argued that under the current phase of globalized capitalism, the third world is producing economic refugees of a unique kind--women and girls, politically disempowered, burdened with the care of families consisting of children, the elderly and jobless males, and super exploited in host countries for sexual and reproductive labour. These refugees, emanating from fields laid desolate by economic and environmental aggression in the third world, should be treated as refugees under the human rights framework and given genuine refuge.

The GAATW, unlike the Coalition, is not concerned with erasing the boundaries between 'forced' and 'free' prostitution which the latter argues are false since in both

instances women are pressed into service by patriarchy. Neither is it a principal concern of the GAATW that a prostitute, by choosing sex work as a form of livelihood, may render women, particularly of the middle class, vulnerable to objectification. In refining its third world perspective on the issue, GAATW is fundamentally concerned with the deepening subordination of economies to a world order which destroys all social nets, foregrounds women as labour marked out for acute exploitation and migration, and violates even the most basic human rights of these women in the very societies which claim to be paragons of democratic practices and human rights. Via a concrete action-based case study of the processes of trafficking in women from the South East Asian region, Skrobanek highlights all the crucial moments in this discourse and perspective.

ENDNOTE

1. See for instance, Report on International Meeting of Experts, State College, Pennsylvania, April 8-10, 1991; Statement from the Coalition Against Trafficking in Women, in conference documents of Sisters and Daughters Betrayed: The Sex Trade of Women and Girls, Reno, October 8-10, 1996.

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PART TWO

Defining and Refining Praxis Through Concrete Engagement: A Case Study

Siriporn Skrobanek

It was as a student at ISS The Hague [in the Netherlands] where I started my journey into this issue of trafficking because this happened to me--when I travelled in some countries in Europe, men would approach me and ask, "How much?" So as part of my study in Europe I wrote a research paper on transnational sexploitation of Thai women. When I went back to Thailand, I wanted to translate my findings into action, so I started the Women's Information Centre in 1984 in Bangkok. It's now been over a decade, but this problem [of trafficking] has not been solved, and I think it's [even] growing in magnitude.

Even with more research, more publicity, more video tape, more films, more articles, we find we cannot stop the sexual exploitation of our women. And the more publicity there was about the situation of women or children in Thailand [working in prostitution], the more men came to our country.

In 1992, the Foundation For Women based in Bangkok, Thailand, under which the Women's Information centre functioned started a research project--the Research Action project on Trafficking in Women (RATW). We did this research with two basic concepts in mind. The first concept is that trafficking is part of international migration. When some developing countries adopt this policy of labour export, it is mostly men who travel as units of labour. Many women would like to work overseas, but because they are women, they have very limited job opportunities in the

international labour market. Working in the sex industry is one of the limited opportunities open to women.

The other basic concept is that trafficking in women is a violation of human rights, so we tackle this issue from a human rights perspective.

RESEARCH FINDINGS

The Foundation For Women engaged in research in four rural areas--two in the north Chiang Mai and Chiang Rai and two in the northeast, Nong Khai and Udon Thani--and in two urban areas, Bangkok and Pattaya, because Pattaya is the sex town.

From our research, we found that there is very good cooperation or collaboration between recruiting agencies and [authorities]. Look at the pattern of the recruiting system in our country, and you will see that a recruiter will go directly into a village to recruit women, and then send them to the provincial office and then to Bangkok. Then the agent in Bangkok will send these women to some other country.

For instance, in the case of Thai women going to Japan, sometimes women just go directly to Japan, but sometimes they cannot go directly there because of the immigration restrictions, so the traffickers will send them first to Malaysia or Singapore or the Philippines, and then try to arrange for their documents to send them to Japan.

We also found a pattern of trafficking--a pattern we call the two-step pattern. At first, women will migrate from their own village to work in big cities like Bangkok or some other big city and either work in factories or sex industries. There, they get contacts, like with

those who work in prostitution and with tourists who come to Thailand. Sometimes these tourists will invite them to go to Europe or to some other country. Then they move overseas and work in prostitution, or marry foreigners and they're sometimes forced into prostitution.

Sex tourists play quite an important role in what happens. In the 1980s, many countries in Europe like Germany, Switzerland, and the Netherlands were the main receiving destinations of these women. But in the late 80s, early 90s, the pattern of migration and trafficking changed from Europe to Japan and Taiwan. Presently, there are many multinational factories operating in these latter countries which employ overseas labour, and women can be lured under the excuse of employment to these newer sites. In the 1990s, the main country of destination is Japan, and now also North America, Australia, New Zealand and South Africa.

Since the late 1980s, the two-step pattern has changed to a one-step pattern--from village to overseas. Recruiters go to the villages and recruit the women to go directly overseas.

Of course, they do not tell these women what kind of work they're going to do--they will tell them they're going to work in a factory or as a domestic helper. So our concern is that it is younger and younger women who are becoming the victims of this pattern of trafficking.

At the same time, Thailand has also become a destination country of women from other parts of the world--Latin America, China, the former USSR, Nepal, and Eastern European countries.

So you can see that there is no singular

pattern where one country remains the sending or receiving country; now the pattern of trafficking is mixed up. A single country could be sending their own women, receiving women from other countries, and sending women on to other countries as well.

We found many and various forms of human rights violations of women who are victims of trafficking: first of all, they are deprived of the right to self determination. Many Thai women who go to work in Japan or Germany, even today, know they will be involved in prostitution but they don't know they will be indebted. For instance, a woman going to Japan has to pay for the agent fee, \$1000 (US) to arrange their trip. As soon as they arrive in Japan, the trafficker will sell the women to the local bar owners or brothel owners, and then the one who bought the women would tell them they have to pay about \$40,000 (US). They are bonded sex workers. They will spend one or two years working to pay off the debt.

These women are also targets of racial prejudice and discrimination. For instance, in Japan--and I use Japan as an example because in our research there are many cases of women going to Japan--there is a community initiative to "solve" this problem of migrant prostitutes. [The initiative involves] putting up various posters in the red light district in Tokyo which say that "...whenever you meet a migrant prostitute--women from Latin America and Asia--call the police because they are spreading AIDS, spreading crime."

Some migrant women are forced into the situation which we call the "stateless person" because many of them travel with false documents and when they are arrested, the authorities cannot identify where they come

from so they send them to detention centres. We were able to discover about one hundred cases of stateless persons in detention centres in Taiwan. Many of them are from [ethnic] minorities in Thailand. We asked the Thai ministry of foreign affairs to try to help these women and bring them back, but they say these women are minorities and they do not have Thai nationality. So once they have left the country, it is no longer the responsibility of the Thai government to take care of them.

In almost every country there are laws on trafficking--a prostitution law--but the problem is that no country is using the trafficking law in order to protect or offer assistance to women who are victims of trafficking. Instead they are using punitive immigration laws to penalize and deport women knowing full well that these women are compelled to enter receiving countries unlawfully and work there illegally.

Our research has also shown that when women try to pursue a court case against traffickers, it is very difficult. Many women do not want anyone to know about their activities in receiving countries, and because prostitution is illegal in Thailand they do not want to have this social stigma.

It's really courageous of the woman if she does pursue a court case. But we found that the system does not facilitate an open space for women to seek out [justice].

For instance, we have a case of a Thai woman recruited to work in Germany, and she was bought--she worked in prostitution. When she came back to Thailand she contacted our group about pursuing a court case. We brought her to the police and told them that everything was confidential--nobody could read her

testimony whatsoever. One month later, we found in a local newspaper a big headline outlining every detail of how she was recruited, her identity, and the conditions of her work. It was terrible. The woman wanted a new life so she enrolled in adult education. But after this newspaper was released, her class started asking her what she did in Germany.

ACTION

In the second part of the RATW, what we did was to share these findings with the local women--the women in the research areas--and then tried to think together to decide what kind of actions should be taken.

We're trying to build up a network of women in the north and the northeast, because that's where we did much of our research. We're bringing women who are victims of international trafficking together to talk about their experiences. We ask them whether they would like to share their experiences with other women. If they agree, we organize a small meeting for three or four women to talk and write about their own experience, and then we publish their writings in a book. [The books are in Thai but are translated in English].

In October 1994, as a part of our research, we organized the International Workshop on International Migration and Trafficking of Women in Bangkok. Women from about 20 countries attended. We presented a workshop report and we also brought women who were victims of trafficking--local women--to attend this workshop. We provided translation and they said they were very interested in this workshop even though they said it was harder

listening to all these women's stories than working in the fields. The women still thought it was necessary that they participate in this kind of international event.

At the workshop, the participants agreed to build an alliance to work together--the Global Alliance Against Trafficking in Women (GAATW). We now have close to 70 member organizations, including the recently established chapter of GAATW in Canada.

We would like to exchange information from various parts of the world and make alliances with international organizations. In the past, we worked at the national level or at the local level, but now we see the need to have an alliance at an international level, in particular with human rights organizations.

We would like to develop content for a new international convention on the trafficking in women to replace the 1949 Convention. Currently, GAATW is helping Radhika Coomaraswamy, the United Nations Special Rapporteur on Violence Against women to prepare an international report on trafficking in women. The Special Rapporteur was appointed in 1994 by the UN Commission on Human Rights to report on the causes and consequences of violence against women, globally. The 1949 Convention is not appropriate any more because now the problem of trafficking is very complex. It addressed only one aspect of trafficking--that is, forced prostitution.

When we asked for the new convention, we would like to have included the principles of human rights and the rights of all persons to self determination.

We would also like to have a broader and more precise definition of the term

"trafficking in persons" because from our research and also from information from organizations working on these issues, we found out that sex trafficking is only one aspect of international trafficking. There are also other aspects: trafficking for marriage, false marriage, and trafficking for forced labour.

We would also like to separate this issue of trafficking from prostitution and from child prostitution, because we see that we need different strategies to address these issues.

We think this convention should also address issues of policy and powerlessness of women, and that should provide support systems and strategies to combat trafficking.

In Beijing in 1995, GAATW organized a workshop and distributed our recommendations. We also did some lobbying work around the Platform for Action on the parts addressing trafficking. There are two positions on this issue as detailed in the preceding section, and both were vigorously debated in Beijing. We understand that there are many women in the first and third world countries who "decide" to work in prostitution and who believe that working as a commercial sex worker should be their choice. On the other hand, there are growing instances as well of women who are trafficked into the sex industry and other trades. These trafficked women are clearly victims of a practice over which they have little control. Proponents of the other position are proposing a new convention that would eliminate all forms of sexual exploitation, and by their definition sexual exploitation includes everything from female infanticide to prostitution. We think it is too ambitious to mix everything. Something like female infanticide we think is a violation

of women's human rights and not just a sexual exploitation issue.

We worked hard in Beijing lobbying around the Platform For Action, and we were relieved that the campaign of the other group to club all forms of trafficking under one rubric and to affect a blanket ban on prostitution in the draft of the Platform was not successful. We do realize that our task is far from over yet and much work needs to be done to bring the relevant UN instruments up to date.

What we are trying to do right now--because we think that a new convention is a long way away--is to have something very practical. Our concern is protecting the rights of women who are victims of international trafficking, we are launching a document of Minimum Standards for the Treatment of Trafficked Persons (see appendix). We have national and international laws against trafficking but there are no clear guidelines for treating victims of trafficking, so we drew up this draft of minimum standards and are in the process of collecting suggestions on it. We think it is very important to have this kind of international instrument so we can do something with the governments in both sending and receiving countries and make them accountable to these kinds of human rights violation of women.

For more information about the Minimum Standards draft or about the Research Action Project on Trafficking in Women, contact the Global Alliance Against Traffic in Women, P.O. Box 1281, Bangrak Post Office, Bangkok 10500, Thailand. Telephone: (662)864-1428; Fax: (662)434-6774; Email: siriporn@mozart.inet.co.th. For the Canadian

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APPENDIX

Minimum Standards for the Treatment of Trafficked Persons

The Global Alliance Against Traffic in Women (GAATW) is in the process of working on a draft of the minimum standards with the aim to protect the human rights of those individuals who have been trafficked and in particular one's right to control one's mind, body and life. Below is an excerpt from the preface and a list of some of the proposed guarantees being put forward.

Trafficking is defined as the transporting of a person from one place to another through means of deception, kidnapping, actual, threatened or implied violence, and/or the abuse of an individual's actual or perceived position authority; e.g., immigration officer, police officer, *et cetera*. An individual may be trafficked for the purposes of domestic employment, work in the commercial sex industry, manual labour, arranged marriage, *et cetera*.

All governments must recognize and address their obligations in regard to all forms of trafficking, including such new forms as servile marriage, sex tourism, and forced labour (especially domestic labour). Recognizing that traffickers exploit poverty, gender violence, armed conflicts, and other conditions which subordinate people and that some people seek to escape these conditions,

individuals' rights must be protected against deception as well as physical, psychological and economic coercion and violence.

Governments must investigate, prosecute and punish persons who profit from trafficking, whether state or non-state actors. Governments must also commit to reforming policies which marginalize trafficked people. Steps to address marginalization and resulting abuses must ensure equal protection of the law to guarantee the rights and fundamental freedoms of individuals, including the freedom of movement and residence in each state, the freedom to choose one's place of residence, the right to safely return to one's own country, and the right to seek asylum or otherwise legalize one's status.

The Minimum Standards set out a series of rights to be guaranteed for all trafficked women, including:

- * Freedom from persecution or harassment by those in positions of authority;
- * Adequate, confidential and affordable medical care;
- * Freedom from HIV testing without the trafficked person's consent and knowledge;
- * Access to competent, qualified translator during all proceedings, and of all documents and records pursuant to having been trafficked;
- * That the history of trafficking shall not be a matter of public or private record and shall not be used against the trafficked person or her family and friends, particularly in regards to their right to freedom of travel, marriage, search for gainful employment.

The Minimum Standards also lay out the responsibilities, specific to the receiving, sending and transit countries.