



## Trafficking in Women

by Jyothi Kanics, Global Survival Network

Increased economic globalization has resulted in an increased feminization of poverty, forcing greater numbers of women worldwide to migrate in search of work. Seeking economic opportunities abroad, women turn to a variety of resources, including newspaper ads, acquaintances, marriage agencies, labor recruiters, and modeling agencies. They accept positions as nannies, maids, sex workers, dancers, factory workers, and hostesses. Many of these migrants end up as victims of illegal and unscrupulous trafficking networks.

Trafficking, according to U.S. Senate Resolution 82 on Trafficking, "involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor, or slavery-like practices which violate fundamental human rights." The resolution, which was introduced

in 1998, states: "Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude."

The United Nations has estimated that 4 million people (both men and women) are trafficked annually, resulting in profits to criminal groups of up to \$7 billion. In Mauritania, for instance, women are trafficked internally from one ethnic group to another. In

other cases, forced labor migration is from rural areas to urban centers, and people are trafficked within their country or to neighboring countries. For example, poor rural girls from Burma are trafficked and forced to work

in Thailand's sex industry. Furthermore, since the collapse of the Soviet Union, the economic transition in Central and Eastern Europe and the Newly Independent States of the former Soviet Union has caused many women to migrate for work to Western Europe, Japan, the U.S., and elsewhere.

Many countries—regardless of whether they are places of origin, transit or destination—have weak, unenforced laws or no laws against trafficking in human beings. Individuals can be sold and resold many times and forced to prostitute themselves and work under slavery-like conditions. Penalties for trafficking and selling humans are often relatively minor compared with those for other criminal activities. Therefore experts believe that trafficking in people is often more profitable and less risky to criminals than trafficking in drugs or guns.

Some women may end up as victims of trafficking and exploitation through officially legal routes. For example, under U.S. law, foreign diplomats and employees of international agencies (such as the World Bank and United Nations) are permitted to bring in domestic workers under special A-3 and G-5 visa categories. The several thousand workers—mostly women—imported each year under these programs are supposed to be paid minimum wage and protected by U.S. labor laws. But because oversight is extremely lax, many of these domestics are forced to work long hours for little or no pay.

In other instances, women knowingly agree to migrate for work in the sex industry, but then are coerced into debt bondage where they are forced to repay their trafficker and/or employer for transportation and other "fees." Further, because these women may have entered the U.S. or other countries illegally and are often working in an illegal industry, they are afraid to turn to local authorities for help and are unable to file civil suits against their abusers or have access to other protections provided by labor laws. In such cases, the criminalization of prostitution "adds to the burden of women who are already victims," noted Mary Robinson, UN High Commissioner for Human Rights.

### Key Points

- The United Nations estimates that 4 million people are trafficked each year, resulting in \$7 billion in profits to criminal groups.
- Many countries have weak, unenforced or no laws against trafficking in human beings, often making it less risky and more profitable to criminal groups than drug or arms trafficking.
- With increased economic globalization, trafficking in women from poor to wealthier countries appears to be on the rise. Trafficking networks may recruit and transport women legally or illegally for slavery-like work, including forced prostitution, sweatshop labor, and exploitative domestic servitude.



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In March 1998, in recognition of International Women's Day, President Clinton issued an Executive Memorandum on Steps to Combat Trafficking that pledges to combat "trafficking in women and girls with a focus on the areas of prevention, victim assistance and protection, and enforcement." This order outlines the roles that different governmental agencies should play to reduce trafficking. These various efforts are coordinated by the President's Interagency Council on Women in consultation with nongovernmental organizations (NGOs).

The State Department and United States Information Agency have funded public-awareness campaigns and conferences abroad to warn high-risk groups and the general public of the methods used by traffickers, and to strategize for solutions. State Department efforts include a public awareness campaign in the Ukraine and production in Russian, Polish, and Ukrainian of a brochure on trafficking that U.S. Consulates abroad distribute to visa seekers.

Unfortunately, many of these U.S. initiatives appear to be hastily planned and lacking in competent follow-through. For example, the brochure being distributed through U.S. Consulates abroad to visa seekers gives the National Domestic Violence hotline number to call if foreigners find themselves trafficked or otherwise abused in the United States. Hotline staff, however, say they have not yet received training in how to handle calls about trafficking. There must be training and resources for personnel in the U.S. if this hotline is to effectively counsel victims on their rights and direct them to shelters and other services.

The U.S. strategy also calls for protection, legal counseling, and other services for victims, but none of these programs have been institutionalized. Frequently, victims of trafficking who are caught in raids by the Immigration and Naturalization Service (INS) or police are quickly deported, which makes it difficult to prosecute their employers or traffickers.

Some trafficking victims are inappropriately held in INS detention centers or local jails. As noted in a September 1998 Human Rights Watch report, "INS detainees are being held in jails entirely inappropriate to

their noncriminal status where they are mixed with accused and convicted inmates, and where they are sometimes subjected to physical mistreatment and grossly inadequate conditions of confinement."

Similarly, there is no effective monitoring of domestic workers who are brought into the U.S. legally under the G-5 and A-3 visa programs to work for diplomats and officials of international agencies. Former domestic workers and their lawyers describe situations akin to slavery or bonded servitude. They report that employers confiscate workers' passports and other documents, require dawn to dusk labor for little or sometimes no pay, and forbid them from leaving the house or making contact with other domestic workers. If a domestic worker runs away, she is likely to be caught and deported by the INS because, by breaking her work contract, she loses her legal status. Experts and social workers believe that some of these domestics escape into underground criminal networks, finding work in sex clubs or sweatshops.

The lack of government monitoring of both illegal workers and legal domestic worker programs allows the rampant abuse of workers to continue. And although the creation of brochures, documentaries, posters, and other public-awareness materials is very important in the campaign to stop human trafficking, information is not enough to slow the flow of migrant workers who have no viable economic alternatives in their home countries.

The U.S. has failed to address the root of the trafficking problem. It needs to fund and support gender-sensitive economic development and education projects overseas. Lack of support has severely hampered the efforts of local nongovernmental groups to create and coordinate such projects.

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## Key Problems

- The Clinton administration has taken modest steps to address trafficking in women, but more needs to be done to protect the victims, prosecute the traffickers, and enforce U.S. labor laws.
  - The U.S. and other governments have failed to document instances of trafficking and to ensure victims' safety, and instead have summarily deported them without investigation into abusive situations.
  - Public awareness rising but it is not enough to stop trafficking.
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*Foreign Policy in Focus* is a joint project of the Interhemispheric Resource Center (IRC) and the Institute for Policy Studies (IPS). The project depends on sales and subscription income, individual donors, and grants from The John D. and Catherine T. MacArthur Foundation, General Service Foundation, and various church organizations. *In Focus* internships are available.

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The U.S. should ratify the following international treaties and conventions pertaining to trafficking: Convention on the Rights of the Child, Convention on the Elimination of Discrimination Against Women (CEDAW), and Convention on the Rights of Migrant Workers and the Members of Their Families. Ratification of these international agreements is essential to the coordination of an effective inter-

national human rights based response to trafficking.

Additionally, the U.S. needs to develop domestic legislation to more appropriately and effectively prosecute crimes associated with trafficking. However, legislation and migration policies created to combat trafficking should not further limit or prohibit the free movement of people. Specifically, the G-5 and A-3 visa categories should not be eliminated because they are among the few ways poor women from developing countries can legally enter the United States. Rather, the government agencies involved (including INS, State, and Labor), as well as institutions (including the World Bank, UN, and foreign embassies) must create a monitoring system to ensure that these

workers' are fairly treated according to U.S. laws regulating wages, working conditions, and worker rights.

Congress should approve the Resolution on Trafficking (Sen. Con. Res. 82) and follow it with legislation that will effectively implement the Resolution's proposal for a coordinated, comprehensive, governmental response. This response must include greater communication and coordination between and within government agencies at the international, federal, and local levels. Federal resources and skills need to be shared with local authorities, especially when carrying out investigations, prosecuting cases of international trafficking, and providing services to victims. Care should be taken so that the laws passed do not further stigmatize trafficking victims, but rather prosecute traffickers with punishments proportional to the seriousness of the crime.

The U.S. is reviewing its standards for gender-based asylum decisions, and it should incorporate granting asylum to trafficked women under this category. This new policy, coupled with reform of the INS detention system, would ensure trafficked women the protection and services they need. Until such policies are implemented, information and access to victims must be given to nongovernmental organizations that are trying to reach possible victims of trafficking lost in the detention system.

If the U.S. and other governments want to prosecute organized crime syndicates that profit from trafficking in human beings, they will need to take steps to protect and compensate victims regardless of occupation or legal status. This requires cooperation with nongovernmental organizations in order to educate law enforcement officers and reach out to victims. In addition, governments need to be aware that tightening up immigration restrictions only puts more pressure on people trying to migrate, forcing them to use trafficking networks that will take the opportunity for further exploitation and profit.

There is great potential for the U.S. to take the lead in the global fight against human trafficking by continuing and expanding its work and by funding projects with foreign governments and international and local NGOs. The U.S. should increase funding to countries undergoing socio-economic transitions and experiencing cases of human trafficking. This aid should be used to investigate the extent and forms of trafficking and to provide legal assistance and rehabilitation for trafficking victims.

When planning and implementing programs abroad, U.S. officials should consult with national and international women's and human rights organizations. All U.S. government programs implemented for judicial reform and law enforcement training abroad should contain a gender perspective, including information about the special situation of women and children who are victims of sexual and gender crimes such as trafficking, sexual slavery, and rape. The U.S. should also make a serious effort to distribute funding directly to local grassroots groups working on these issues in order to minimize loss of funds caused by traditional "pass-through" grants to large American NGOs and government agencies.

The United States Information Service (USIS), U.S. Agency for International Development (USAID), Peace Corps, and other agencies abroad are in a unique position to work with communities vulnerable to trafficking. Their educational campaigns overseas should include a component on the dangers of trafficking, the rights of foreign workers—legal and illegal—in the U.S., and courses of action available to victims. U.S. embassies should be required to report instances of trafficking or communities that appear to be vulnerable to trafficking to relevant government agencies in the United States. This information should be shared with relevant foreign governments, and international organizations, and NGOs. Finally, the State Department should include information about trafficking in its annual human rights country reports.

By following these suggestions, the U.S. will be able to more effectively document cases of trafficking and more successfully collaborate with other countries in the processes of legal reform, investigation, prosecution of traffickers, and victim rehabilitation.

*Jyothi Kanics is GSN coordinator for the Open Society's Institute Network Program on trafficking of women in Eurasia. IPS interns Amy Parekh and Roopa Purushthaman assisted with the research.*

## Key Recommendations

- The U.S. should sign and ratify existing international human rights conventions and treaties so that it can use these tools to better address trafficking in human beings.
- Congress should approve the Resolution on Trafficking and follow up with legislation that will effectively implement the resolution's proposal for a coordinated, comprehensive, governmental response to the problem.
- The U.S. should make sure that funding of projects abroad reaches local nongovernmental organizations who promote public-awareness campaigns, advocacy, education, and rehabilitation with regard to trafficking in human beings.

# Sources for More Information

## Organizations

### Foundation Against Trafficking in Women (STV)

P.O. Box 1455  
3500 BL Utrecht, The Netherlands  
Voice: (31) 30-2716044  
Fax: (31) 30-2716084  
Email: S.T.V@inter.NL.net

### Global Alliance Against Traffic in Women

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Bangkok 10500 Thailand  
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Fax: (662) 864-1637  
Email: GAATW@m Mozart.inet.co.th  
Website: <http://www.inet.co.th/org/gaatw>

### Global Survival Network

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### Human Rights Watch

1522 K Street, NW, #910  
Washington, DC 20005  
Voice: (202) 371-6592  
Fax: (202) 371-0124  
Email: vandenm@hrw.org  
Website: <http://www.hrw.org>

### International Human Rights Law Group

1200 18th Street, NW  
Washington, DC 20036  
Voice: (202) 822-4600  
Fax: (202) 822-4606  
Email: wrapali@aol.com

### International Organization for Migration

Nibelungengasse 13/4  
A-1010 Vienna, Austria  
Voice: (43-1)585-3322-25  
Fax: (43-1)585-3322-30  
Email: li@iom.int  
Website: <http://www.iom.int>

### Witness Project

Lawyers Committee for Human Rights  
333 Seventh Avenue, 13th Floor  
New York, NY 10001-5004  
Voice: (212) 845-5252  
Fax: (212) 845-5299  
Email: caldwelg@lchr.org  
Website: <http://www.witness.org>

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