

Beyond Borders: Exploring Links between Trafficking, Globalisation, and Security

GAATW Working Papers Series 2010



Global Alliance Against Traffic in Women

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and

International Human Rights Clinic, Center for Human Rights and
Global Justice, New York University School of Law

2010

**Beyond Borders:
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Security**

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Contents

Introduction	1
Framing the Issues: The Need to Explore Links between Globalisation, Security, Trafficking, and Anti-Trafficking	4
Globalisation, Trafficking, and Anti-Trafficking Initiatives	6
Mapping the Links between Globalisation, Trafficking, and Anti-Trafficking Initiatives: General Considerations	6
Structural Adjustment Measures, Trafficking, and Anti-Trafficking Initiatives	9
“Competitive Globalisation,” Trafficking, and Anti-Trafficking Initiatives	13
Trade Liberalisation, Trafficking, and Anti-Trafficking Initiatives	15
Summary of the Links between Globalisation and Trafficking	20
Security, Trafficking, and Anti-Trafficking Initiatives	21
Mapping the Links between Globalisation, Security, Trafficking, and Anti-Trafficking Initiatives: General Considerations	21
Security and Trafficking	22
Security and Anti-Trafficking Initiatives	25
Summary of the Links between Security and Trafficking	26
Recommendations	27
Recommendations on Links between Trafficking and Globalisation	27
Recommendations on Links between Trafficking and Security	28
Notes and References	29

This paper was primarily written by Jayne Huckerby and April Gu at the International Human Rights Clinic, Center for Human Rights and Global Justice (IHRC/CHRGJ), NYU School of Law. Thanks to IHRC/CHRGJ colleagues Joanna Edwards, Veerle Opgenhaffen, and Zoe Salzman; and GAATW-IS staff for their support in research, writing, and editing and to Chanida Chanyapate Bamford, Bandana Pattanaik, Margaret L. Satterthwaite, and Eleanor Taylor-Nicholson for their review of earlier drafts. This is a working paper, and IHRC/CHRGJ and GAATW welcome further comments. Please email: gaatw@gaatw.org or huckerby@exchange.law.nyu.edu.

INTRODUCTION

The Global Alliance Against Traffic in Women (GAATW) was launched in 1994 by a group of women's rights activists looking for answers to simple questions: Why do women migrate? Why do some of them end up in exploitative situations? What types of jobs are they entering into? Which human rights are being violated before, during, and after their journey? How are they showing resistance to abuses and achieving their migratory goals? Answering these questions became a collaborative effort involving countless organisations and individuals over the years, and contributed to creating a more sophisticated anti-trafficking framework.

This anti-trafficking framework has in many cases contributed to protecting the rights of trafficked persons. However, excessive focus on the issue of human trafficking over the last several years has also tended to ignore other related phenomena, such as people's experiences in migration and work. Consequently, anti-trafficking has become somewhat isolated from its context and is now a highly specialised field. Such specialisation does occur in every field of knowledge and is to some extent necessary. Yet, there is a danger in trying to address the problem of human trafficking without understanding the changing context of labour and migration in a rapidly globalising world. By doing so we would be looking at trafficking exclusively as a crime and not as the end result of a number of interconnected social factors. Further, our understanding will lack the ability to create progressive political change unless we analyse the complex social reality from a gender and human rights perspective.

At a practical level we have observed that this segregation of expertise is impairing our ability to assist people or effect change when rights violations are happening. As the research documented in *Collateral Damage* (GAATW, 2007) pointed out, anti-trafficking initiatives have in some instances harmed the very people whose rights they have claimed to protect. Exclusive focus on trafficking without a social analysis also contributes to sensationalism. It creates the false impression that trafficking is a problem that can be solved by merely taking a few legal measures and providing assistance to those identified as trafficked. Thus, the long term goal of advocating for systemic and structural changes in society gets overlooked. Regrettably, while many of us in civil society find ourselves in specialised niche areas, sometimes our advocacy efforts in one area may run counter to the advocacy efforts made by other social movements. For example, our loud condemnation of exploitation of women migrant workers may encourage the states to stop women from migrating altogether. Indeed, strict border controls have been touted as anti-trafficking measures.

How do we then condemn rights violations, but also expose the agenda of states as protectionist towards women? How do we uphold rights of migrating people, but not let the state abdicate its responsibilities towards its citizens and their right to livelihood in their own countries? How do we expose workplace exploitation and advocate for standard wages for all, but not let our advocacy result in a large number of people losing their jobs and being replaced by another set of workers in some other place?

Obviously, there are no easy solutions. As we see it, understanding the existing links among the issues, starting inter-movement dialogues, and collaborating with colleagues on concrete cases are essential steps.

Over the last two years, GAATW has tried to address this specialisation through different means. One of them has been to work on this series of Working Papers, which explores links between trafficking and migration; trafficking and labour; trafficking and gender; and trafficking, globalisation, and security. These Working Papers look at which broader understandings are most relevant for anti-trafficking advocates, such as: Why do labour rights matter for trafficked persons? How do states' security measures affect women's movement through territories and borders?

The rationale for these Working Papers is simple. We, like many others, are acknowledging the existing links between trafficking, migration and labour, in the broader contexts of gender and systems of globalisation and security. We are taking a further step by examining those intersections from a human rights perspective. These Working Papers outline where the anti-trafficking framework can strengthen other frameworks and vice versa, and where we as advocates can work together and establish joint strategies. The Papers also aim to identify tensions among the different frameworks, and recognise the spaces for separate work.

The complexities in people's lives cannot be captured by one story or approach alone, whether that approach is anti-trafficking, women's rights, human rights, migrant rights, or labour rights. In other words, a person's life cannot be summarised as being merely that of a "trafficked person" or "migrant worker", as often happens. People's lives are richer than their trafficking, migration and work experiences. People, in spite of hardship, show great amounts of courage, resourcefulness and resilience, and find ways to negotiate complicated situations to exercise their rights. Our Papers have focussed on the lives of women. As an alliance of primarily women's rights organisations, much of our direct engagement is with women. While we decided to give centrality to women's lived experiences, we are certainly not denying that experiences of exploitation and trafficking for men are any less horrendous.

These four Working Papers depict numerous examples of migrant women exercising agency. The Papers also show that, because space for agency is determined by the systems a person must navigate, different frameworks (labour, migration, anti-trafficking, and so on) can be used at different moments to increase women's power over their own situations.

Although these four Working Papers have distinctive features, they all cover the following broad areas:

- Basic concepts in the field
- Examples of the links between trafficking and other issues in the work of civil society actors, governments, and other stakeholders
- The beneficial and harmful effects of these simultaneous factors on working migrant women
- The importance of using a human rights-based approach
- How groups from different sectors can work together in new ways
- Policy recommendations

People who are interested in the interface between theory and practice, and between conceptual and pragmatic work, are the intended audience of these Working Papers. The broad audience we have in mind includes member organisations of the Global Alliance, non-governmental organisations, the United Nations, and regional advocacy mechanisms, donors, academics,

and policy makers. The recommendations are likewise intended to appeal to this broad audience.

Three people from the GAATW International Secretariat took the primary responsibility for three of these Papers, and the International Human Rights Clinic, Center for Human Rights and Global Justice at New York University School of Law provided us with an opportunity for collaboration on the fourth Paper. The Papers are the result of formal and informal consultation with many people. They have also been richly informed by discussions held between 2008 and 2010 with the GAATW Board and member organisations at four Regional Consultations in Europe, Africa, Asia, and Latin America and the Caribbean. Further, they benefited from discussions with scholars and activists from a wide range of allied civil society organisations in a series of three roundtables on the links between trafficking and related issues. Most of the cases depicted, and many of the issues raised, are the result of a Feminist Participatory Action Research programme undertaken in nine countries by twelve GAATW members and friends between 2009 and 2010. Research was done in and with communities from a wide geographical range, including Nairobi, Dublin, and Santo Domingo to name just a few. Women told their stories of migration, of their power and strength, and sometimes of trafficking. They reflected on and initiated change in their lives and communities based on the analysis of their stories.

Although these Working Papers draw generously from GAATW's 16 years of experience in advocacy, research and member networking, the Papers cannot yet be seen as GAATW position papers. **They are works in progress and we are looking forward to discussions based on the ideas and cases in them.**

Please share your thoughts with us.

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FRAMING THE ISSUES: THE NEED TO EXPLORE LINKS BETWEEN GLOBALISATION, SECURITY, TRAFFICKING, AND ANTI-TRAFFICKING

Key Concepts

Trafficking - The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime* (2000) defines "trafficking in persons" as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." The definition contains three elements:

- Actions: the recruitment, transportation, or receipt of persons;
- Means: threat or use of force, coercion, or deception; and
- Purpose: exploitation (e.g. sexual exploitation, forced labour, slavery, or removal of organs).

Globalisation - "Globalisation is a term that is used in many ways, but the principal underlying idea is the progressive integration of economies and societies. It is driven by new technologies, new economic relationships and the national and international policies of a wide range of actors, including governments, international organizations, business, labour and civil society."¹ Some of the policies that drive the processes of globalisation include trade liberalisation, privatisation, and de-regulation.² These economic policies have been imposed on many developing countries as conditions in exchange for loans from international financial institutions (IFIs) such as the World Bank and the International Monetary Fund (IMF). These processes of globalisation promote integration and internationalisation but, in practice, can cause the economic, social, and cultural marginalisation of communities, countries, and regions, within the context of the global economy.³

Security - For the purposes of this working paper, security is understood to include the policies, practices, and language governments have adopted to secure their identity and borders⁴ and to protect those under their jurisdiction. In the aftermath of the September 11, 2001 attacks on the United States, some governments have increasingly seen a conflict between respecting human rights and ensuring security of persons from terrorist threats.⁵ Governments have, therefore, introduced measures ranging from restrictive immigration laws and policies to the use of racial profiling, arbitrary detention, torture, and extrajudicial killings. However, inter-governmental organisations (e.g. the United Nations (U.N.)) and non-governmental organisations (NGOs) have stressed States' obligations to respect human rights while countering terrorism.⁶

The factors that contribute to the proliferation of trafficking go beyond any single reason to the very nature of the globalised system. Globalisation and trafficking are heavily interlinked, with the global economic market changing the structures that govern people's lives and their freedom of work and movement in multiple ways. In the context of trafficking specifically, it is generally acknowledged that globalisation "adds new dimensions to the pattern and structure of trafficking."⁷ It has also altered a number of variables that underlie the root causes of trafficking, such as social and economic marginalisation and gender inequality. This is because the effects of globalisation and trade are felt unequally throughout the world, with differences both between developed and developing countries, and within the populations of countries. For reasons to be discussed in detail later, the structural adjustment measures, global competition, and trade liberalisation that come with globalisation have presented opportunities for women's agency, but have also had negative gendered effects. Indeed women do not benefit from economic globalisation in the same way as men and not all women experience globalisation equally due to the intersections of gender with other grounds of discrimination, such as race and class.

The linkages between trafficking, the political economy, and security also need to be addressed. Globalisation fosters conditions that push women to migrate in search of work opportunities, which can often add to their financial and personal wellbeing. However, security policies and thinking have made that movement more dangerous. Security policies typically include tighter border controls and restrictive immigration policies, increasing the likelihood that migrants will ask agents to help with clandestine movement. The fight against trafficking has taken on an even greater security-orientation because of the "War on Terror" and policies that conflate trafficking with terrorism and transnational organised crime, and prioritise law enforcement over human rights concerns.⁸ Now, because trafficking is increasingly treated as a security issue, it is much more important to understand security measures and how they can affect trafficking and anti-trafficking efforts.

This paper explores the linkages between trafficking, globalisation, and security and identifies how anti-trafficking strategies can engage in these areas to maximise the human rights of trafficked persons. The paper is structured as follows:

- **The first section** examines **globalisation** through the three main topics of structural adjustment measures, global competition, and trade liberalisation. It includes an analysis of how these measures provide opportunities for women but can also create conditions that are conducive to trafficking.
- **The second section** looks at the benefits and harms of linking a **security** approach to trafficking. It also looks at the effects of a security approach on the human rights of migrants and trafficked persons.

At the end of these sections, we offer **recommendations** both on how to improve and utilise these global systems so that: 1) women's human rights are preserved and 2) women have more choices about migration and work. Promoting economic growth and security policies in a gender-conscious way will ensure that their benefits are felt by all individuals regardless of gender, race, or socio-economic status.

GLOBALISATION, TRAFFICKING, AND ANTI-TRAFFICKING INITIATIVES

Mapping the Links between Globalisation, Trafficking, and Anti-Trafficking Initiatives: General Considerations

In tracing the links between globalisation, trafficking, and anti-trafficking, it is important to be mindful of the opportunities—as well as the costs or risks—inherent to the globalised economic market. To date, the “risk” side of globalisation for trafficking has been better or more fully explored than the opportunities. While it is important not to lose sight of or downplay the way globalisation contributes to greater gender inequality, it is also crucial to discuss where the economic effects of globalisation on women have been mixed and where globalisation has opened spaces of agency.

This paper will primarily focus on the economic structures and effects of globalisation, but unfortunately does not have space to look at social, cultural, and other aspects. It has been argued that the following five globalisation trends are particularly significant for creating an “environment conducive to trafficking”⁹: the increased reliance on the market, rather than the government, to make decisions about resources; developing countries’ adoption of export-oriented growth strategies; the increase in the number of transnational corporations (TNCs) and their subcontracting networks; the role of structural adjustment policies (SAPs) imposed by IFIs on indebted developing countries in exchange for loans; and the prominence of IFIs, such as the IMF and the World Bank.¹⁰ Though risk factors can be identified (and are discussed further below), whether they cause trafficking is often hard to say and is often debatable. Instead, it is more useful to look at them as factors that increase people’s vulnerability or that decrease their power vis-à-vis the market, migration brokers, or employers.

The globalisation trends above often overlap and reinforce each other. This section considers both the opportunities and risks related to three core areas of globalisation:

- Structural adjustment measures as part of globalisation’s push for “transition[s] to market economies;”¹¹
- “Competitive globalisation,”¹² including the proliferation of TNCs; and
- Trade liberalisation, including the establishment of export processing zones (EPZs).

These three categories largely track the areas of globalisation identified by the U.N. Special Rapporteur on violence against women, its causes and consequences as being significant for women: “transitions to market economies” (including through SAPs), “competitive globalisation,” and the “free trade zones.”¹³

This focus on the economic structures of globalisation does not downplay the role of social and cultural factors in shaping the gender impacts of globalisation on women’s work and movement. However, it seeks to correct the perception

that the gender fallout from globalisation is due to social rather than economic factors.¹⁴ This is important because it helps to fully identify not only where globalisation may contribute to trafficking, but also the opportunities for utilising the economic structures of globalisation in anti-trafficking strategies.

The intersections between globalisation, trafficking, and anti-trafficking are not always obvious or clear-cut. It can be difficult to see cause-and-effect relationships primarily because neither the effects of globalisation, nor the causes of trafficking, are well understood.¹⁵ In some cases, there is strong indication of the link. In others, it is more feasible to see how globalisation might affect what we understand to be the root causes of trafficking. This paper specifically notes where and how these effects contribute to gendered patterns of trafficking, in particular trafficking in women. This is not to deny that men are trafficked or ignore globalisation's detrimental impacts on men, but rather to reflect that discrimination against women, inequality, and marginalisation all contribute to the occurrence of trafficking.¹⁶

Before looking in detail at the effects of globalisation, it is useful to briefly examine some of the factors understood to create conditions that might, in certain contexts, contribute to trafficking in persons. Some of the factors that have been identified as potentially contributing to trafficking include: poverty, social and economic exclusion, gender-based inequality and discrimination, "chronic unemployment and lack of economic opportunities," unfair labour conditions, "political instability, war and conflict," corruption, "weak rule of law," demand (including for cheap labour), and restrictive immigration policies.¹⁷ Some of these factors are particularly relevant in the context of globalisation and security:

Poverty

The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime* (2000) identifies "poverty, underdevelopment, and lack of equal opportunity" as some of the "factors that make persons, especially women and children, vulnerable to trafficking..." (Article 9(4)). Indeed, poverty, and in particular the "feminization of poverty,"¹⁸ is often identified as a risk factor for, or root cause of, trafficking. However, this nexus it is not so straightforward, as the failure to define what constitutes poverty and the fact that often it is not the very poorest who are targeted by traffickers complicates the issue.¹⁹ Globalisation adds new dimensions to the relationship between poverty and trafficking because it may engender uncertainty for women who are suddenly unable to support themselves and their families and are pushed to seek employment beyond their borders.²⁰ In this way, it is useful to consider how poverty motivates the need or desire to migrate.²¹ In seeking additional, and often scarce, sources of income, women are more likely to accept the greater risks in taking on more dangerous or precarious work and in migrating under unsafe circumstances from rural areas to globalised urban centres and abroad. In those cases where the conditions under which migration occurs are dangerous, women may be more likely to be trafficked.

Labour, Demand, and Restrictive Immigration Measures

Governments have adopted restrictive immigration law and policies in many forms. These include:

- restrictive immigration policies based on national security (see below);

- migration measures that privilege the movement of “skilled” over “unskilled” and predominantly female labour (see below); and
- protectionist laws and policies that limit women’s freedom of movement in the name of protecting them from the harms of migration.²²

These policies seek to halt the very movement which globalisation encourages through strong push factors in countries of origin (e.g. poverty and desire to improve opportunities and income)²³ and demands for cheap labour elsewhere.²⁴ In the absence of legal migration routes, traffickers step in as the connector between this supply and demand. As noted by the U.N. Special Rapporteur on trafficking in persons, especially women and children, “Restrictive immigration laws and policies are obstacles to a large supply of human power from source countries to meet the high demand for cheap labour in host countries. This helps generate a lucrative market for traffickers.”²⁵ The International Labour Organization (ILO) has also identified “sex-selective migration policies,” an “ineffective migration management framework,” and a “lack of provision of legal means to migrate” as among the root causes of trafficking in women workers,²⁶ explaining the relationship between restrictive immigration measures and trafficking as follows:

Trade and finance have become increasingly deregulated and integrated across regions and globally. By contrast, however, migration policies have not been liberalized, nor have they otherwise addressed the gulf between continued demands for cheap labour and the increasing supply of such labour in other countries. Tighter border controls have not halted migratory flows nor have they had projected results in reducing the number of workers crossing borders. Instead they have put more pressure on those who migrate. With few options available for legal migration in the face of strong pull-push pressures, irregular migration channels become the only alternative, and one which presents lucrative “business” opportunities for helping people arrange travel, obtain documents, cross borders and find jobs in destination countries.²⁷

An undocumented migrant worker has a precarious status not only when migrating to a destination country as countries of origin may also close legal channels for undocumented individuals, leaving migration and labour channels to traffickers.²⁸ In some cases, government officials may actively collude in the trafficking of undocumented migrant workers (see below).

Corruption, Undocumented Workers, and Trafficking in Malaysia

“... in Malaysia in 2008, RELA (Ikatan Relawan Rakyat Malaysia or Volunteers of Malaysian People, a paramilitary civil volunteer corps formed by the Malaysian government) rounded up large numbers of undocumented workers and transferred them to detention centres. When centres became overcrowded, immigration officials sought to relieve the burden by ‘dumping’ undocumented workers over the borders of neighbouring countries. This resulted in a number of trafficking cases including instances of officials handing detainees directly to traffickers in exchange for money.”²⁹

Poor Labour Conditions

GAATW has noted that poor labour conditions for migrant workers, particularly in the informal or under-regulated sector, along with decreased opportunities for legal

migration, fuel the risk factors for trafficking.³⁰ In many countries, women “form the backbone of the informal economy.”³¹ While employment in the informal sector enables women in many countries to have a livelihood, it is also often marked by discrimination, exploitative work conditions, and economic and other insecurity.³² The link between globalisation, the informal sector, and gender-based human rights violations has been summarised as follows: “globalisation is throwing more and more people into the unorganized sector where unemployment and under-employment is giving rise to poverty and more violence, as also violence against women.”³³ In response to these and other concerns, women in the informal sector are successfully organising to protect their rights.³⁴ These efforts are critical because the ILO has also noted that the “[i]ncreasing casualization and informalization in the labour market”³⁵ forms part of the demand-side of trafficking in women workers and that “[t]rafficking cannot be effectively tackled without addressing the reasons behind labour market failures such as the disadvantaged position of women relative to men in the labour market.”³⁶

Additionally, it is important to recognise the role of governments, including those of countries of origin, in turning a blind eye to unfair labour and migration conditions. Some governments have economic incentives (such as reliance on remittances sent back from migrant workers or use of emigration as a way to shed excess labour) to encourage migration without adequate regard for the safety or legal rights of citizens working abroad. In Indonesia, for example, there are clear policies to export workers. There, the reluctance of the government to properly oversee agencies that offer to match women with work abroad has increased the risk of trafficking.³⁷

Structural Adjustment Measures, Trafficking, and Anti-Trafficking Initiatives

Globalisation and Structural Adjustment

Structural adjustment measures are a key feature of “transitions to market economies” and economic globalisation.³⁸ They encompass “economic policies for developing countries that have been promoted by the World Bank and International Monetary Fund (IMF) since the early 1980s by the provision of loans conditional on the adoption of such policies.”³⁹ In the early 1980s, indebted developing countries took these loans in exchange for introducing various neo-liberal policy reforms, such as liberalisation of trade and foreign direct investment.⁴⁰ These structural adjustment mechanisms were important in the rise of economic globalisation for many reasons, including their focus on increasing the role of market forces in the allocation of resources⁴¹ and on promoting global market integration.⁴²

In 1999, the World Bank and the IMF reframed their policy-based lending to emphasise growth and poverty reduction, making it a prerequisite that governments seeking funding prepare Poverty Reduction Strategy Papers (PRSPs) that set out “macroeconomic, structural, and social policies and programs that a country will pursue over several years to promote growth and reduce poverty, as well as external financing needs and the associated sources of financing.”⁴³ Accordingly, in September 1999, the IMF replaced its Enhanced Structural Adjustment Facility (ESAF) with the Poverty Reduction and Growth Facility (PRGF), which was recently replaced by the Extended Credit Facility.⁴⁴ In May 2001, the World Bank introduced poverty reduction support credits (PRSCs) as an instrument for disbursing funds to countries to support the implementation of their PRSPs.⁴⁵

Despite this focus on poverty reduction, it has been argued that IMF and World Bank lending continues to prioritise the neo-liberal policies that underlay early structural adjustment measures. According to Gender Action: "Despite rhetoric about reducing poverty, macroeconomic policies in PRSPs, PRSCs and PRGFs actually continue two decades of IMF and World Bank conditionalities that prioritize decreasing government spending and increasing government revenue to repay debts over reducing poverty and realizing human rights."⁴⁶ Gender Action has also stated, in respect of structural adjustment, that: "Over time, they have adopted various names but their essence has remained intact. Today's structural adjustment policy reform packages include decentralization, privatization, price and trade liberalization, public sector streamlining including civil service layoffs and State-Owned Enterprise (SOE) closing and restructuring."⁴⁷

Structural Adjustment Measures and Trafficking

While the actual effects of these policies vary across countries, some general patterns,⁴⁸ and their relationship to trafficking, can be observed:

- **Early structural adjustment measures created a "new poverty" in emerging economies, creating social and economic upheaval that put women at higher risk for trafficking.**⁴⁹ During a period of structural adjustment, the infrastructure of a country may suddenly shift, leaving the vast majority of the population without some of their basic needs. In countries of the former Soviet Union, for example, populations previously accustomed to job safety and public services found restructuring after their economic collapse enormously stressful.⁵⁰ According to the U.N. Office on Drugs and Crime (UNODC), this "new poverty," amongst those unaccustomed to being poor, contributed to trafficking:

*This form of crisis-driven poverty has contributed to a feeling of hopelessness among many of the population. Their sense of despair, coupled with a sense of panic at finding themselves suddenly without any traditional social protection mechanisms to assist their families, was a motivation behind many young women seeking employment outside their countries of origin, leading to extreme forms of exploitation, abuse and trafficking.*⁵¹

According to the U.N. Special Rapporteur on violence against women, its causes and consequences, the changes wrought by structural adjustment in Central and Eastern Europe, "increased women's dependency and raised their vulnerability to abuse within and outside the home."⁵² These factors, in combination with the need for economic survival, compelled migration and also trafficking for sexual and labour exploitation.⁵³ It was during the late 1980s and early 1990s that the trafficking of women from Central and Eastern Europe (CEE) became an issue, and during the 1990s, CEE and the Commonwealth of Independent States (CIS) appeared to become the fastest-growing area in the world from which persons were trafficked.⁵⁴

Moldova, Migration, and Trafficking

Following the pain of structural adjustments that sought to transform Moldova from a planned to market-based economy and a regional financial crisis in 1998, Moldovans increasingly migrated out of the country to seek new labour opportunities.⁵⁵ A recent study by La Strada Moldova indicates that Moldovans continue to migrate abroad because of unemployment.⁵⁶ In the face of the need to migrate to sustain livelihoods and the lack of legal options for migrant work, the majority of women migrant workers in the study chose to migrate and work (often illegally) in destination countries.⁵⁷ Moldovan women reported that they had no other alternatives than to accept this arrangement, which offers no legal rights or state protection and increases the potential for exploitation by employers.⁵⁸ In the worst cases trafficking can be the result.⁵⁹

- **Structural adjustment measures create gendered forms of economic and social exclusion that may contribute to trafficking.** For a number of reasons, women do not benefit equally with men from the job creation and employment opportunities that come with more open markets. For example, in Zambia, women living under pre-existing inequalities found that structural adjustment programs led to longer working hours, a decrease in access to education, deteriorating health, and “an increase in the degree of insecurity and everyday crises.”⁶⁰ In Bangladesh, structural adjustment impacted women’s employment primarily through the “re-allocation of resources, mainly to the export-oriented sectors.”⁶¹ In Kenya, restructuring the economy has made it more difficult for women in the informal sector to access capital and has increased the cost of living (including, for example, health care).⁶² UNODC describes women’s exclusion from “mainstream economic and social systems, such as employment, higher education, and legal as well as political parity” as a factor in their vulnerability to traffickers.⁶³ It has likewise been argued that Latin America’s implementation of structural adjustment measures has increased poverty, unemployment, and inequality and made the region a “prime target” for trafficking networks.⁶⁴
- **Structural adjustment encourages cuts to female employment in the public sector and in agriculture, minimising women’s employment opportunities in ways that can contribute to trafficking.** Structural adjustment often involves privatisation and cuts to government employment, resulting in job loss. This can have disproportionate impacts on women because the public sector tends to be female dominated.⁶⁵ For example, SAPs required the downsizing of the public sector in Serbia and the privatisation of textile factories in Montenegro, where the jobs shed had been held mainly by women.⁶⁶ In the downsizing of the public sector, women are often “first fired, last rehired.”⁶⁷ With trade liberalisation (a common condition of structural adjustment measures), cheap imports can make it impossible for women to continue in agriculture or small business.⁶⁸ According to the ILO, such a “lack of employment opportunities” can be a risk factor for trafficking in women,⁶⁹ though this, as with all identified root causes of trafficking, needs to be assessed in each context.

- **Structural adjustment promotes employment opportunities for women in export sectors in ways that involve gender inequality in the labour market, a factor identified as contributing to trafficking.**⁷⁰ Structural adjustment shifts the focus from import-substitution (or developing industries in-country) to export-oriented growth and, accordingly, can create employment opportunities in export sectors. This does benefit women but not as much as it benefits men, as female workers in export sectors often occupy unskilled, temporary/insecure, and low-paid positions.⁷¹ This status as unskilled workers affects women's ability to migrate legally, as migration regimes tend to privilege the migration of skilled rather than unskilled labour.⁷²
- **With structural adjustment, governments cut public services which can pressure women to seek alternative livelihood options, sometimes under precarious conditions.**⁷³ Globalisation reduces the ability of governments to provide public services,⁷⁴ including through structural adjustment measures that usually require governments to cut their spending in areas such as housing, healthcare, and education.⁷⁵ Governments may also prioritise the repayment of loans to the IMF or the World Bank over funding public services.⁷⁶ While women often "organize to resist such policies,"⁷⁷ such cuts have significant impacts on the nature, conditions, and location of women's work. Reductions in public spending and benefits, for example, create more pressure on women to both make up for lost household income and to provide unpaid care-giving work in the household.⁷⁸

According to a 2006 study by Gender Action, "trafficking of women and girls," is one of the "strategies households use to cope with less public services."⁷⁹ It has also been noted that the need to increase income-earning activities "often pushes women to work in the unregulated, informal sectors, thus contributing to the rise of gendered-labour networks—prostitution or sex work, domestic work, and low-wage production work. Women often migrate in search of jobs in these largely unregulated sectors, rendering them all the more vulnerable to traffickers."⁸⁰ It is not the fact of migration itself which creates concern, but rather that women will migrate to enhance their opportunities and are at greater risk for being trafficked if they are excluded from safe and legal migration channels.

Structural Adjustment Measures and Anti-Trafficking Initiatives

- Globalisation, including through structural adjustment, has pushed new ways of organising informal labour which could bolster and nuance anti-trafficking strategies that promote the right to freedom of association. Along with increased globalisation and enlarging of the informal economy, there is a "global trend" toward the organisation of informal labour.⁸¹ Some of these informal sector unions have successfully engaged with IFIs, such as the World Bank.⁸² These successes are relevant for ensuring rights-protective anti-trafficking strategies as GAATW has called upon governments to "eliminate any obstacles which inhibit migrant workers from exercising their right to freedom of association and to join or form trade unions"⁸³ and called upon labour rights defenders to "ensure that they too play a more proactive role in detecting cases of forced labour and slavery-like situations, whatever sector they occur in, and in supporting the efforts to obtain redress of the individuals who

have been subjected to abuse.”⁸⁴ Informal labour unions and the processes by which they conduct their advocacy may provide some opportunities or models for how to push for the rights of the marginalised groups on which anti-trafficking initiatives focus.

- **Anti-trafficking initiatives have an opportunity to engage with a range of efforts to hold international financial institutions accountable for the detrimental gender impacts of PSRPs and other structural adjustment measures.** Anti-trafficking strategies focus on changing individual government policies but also have engaged inter-governmental organisations (INGOs). Some INGOs, such as the ILO, have increasingly recognised the significance of trafficking to their mandate. Others, such as the IFIs, have not and anti-trafficking groups have also not been as robust in their engagement with IFIs. The significant relationship between globalisation, structural adjustment, and trafficking means that they can no longer be sidelined in advocacy efforts. Anti-trafficking initiatives should seek to link up with the range of efforts undertaken by NGOs, such as Gender Action⁸⁵ and Focus on the Global South,⁸⁶ to hold IFIs accountable for the gender impacts of their policy-based lending.

The sections below will explore in greater detail how anti-trafficking strategies relate to other particular policy aspects of structural adjustment, including increasing global competitiveness, the rise of TNCs, and trade liberalisation.

“Competitive Globalisation,” Trafficking, and Anti-Trafficking Initiatives

Understanding TNCs and “Competitive Globalisation”

“Competitive globalisation” encompasses the “[n]eoliberal policies [that] open up economies to global competition and seek to lower the costs of production.”⁸⁷ Such economic globalisation, and particularly its focus on export industrialisation, has led to the proliferation of TNCs.⁸⁸ The U.N. Conference on Trade and Development (UNCTAD) defines a TNC as “an enterprise comprising entities in more than one country which operate under a system of decision-making that permits coherent policies and a common strategy.”⁸⁹

“Competitive Globalisation” and Trafficking

- **“Competitive globalisation” has been accompanied by poor labour conditions for predominantly female unskilled labour.** The U.N. Special Rapporteur on violence against women, its causes and consequences has noted that “Competitive globalisation, while expanding women’s employment opportunities, has done so under precarious employment conditions, including subcontracting, outsourcing and offshore production, among others, which by nature are temporary, insecure and unregulated.”⁹⁰ As mentioned above, the unskilled workers in factories of export-oriented industries in developing countries tend to be women. In fact, some economists conclude that women are hired in the first place because they take up the lower rungs of the market, working for extremely low pay, in unstable jobs, and in bad conditions.⁹¹ TNCs’ sub-contracting of work is also often disadvantageous for women because sub-contractors tend to pay lower wages and offer work under worse physical conditions.⁹²

- The conditions of “competitive globalisation” can minimise women’s employment opportunities, a factor that has been identified as contributing to trafficking. TNCs often respond to rising labour costs by replacing workers with automated technologies, relocating to less regulated countries, or creating subcontracting networks, all of which result in women losing their jobs and being pushed into the informal sector.⁹³ For example, some women who had formerly been employed in garment and electronic factories in Asia but were let go when the factories closed, ended up in domestic work, sex work, and/or migrated internationally.⁹⁴ Such temporary work and the inability to gain skills that will make them attractive to other employers are both factors that limit women’s employment and legal migration opportunities.
- “Competitive globalisation” and the greater presence of TNCs can minimise the government’s role in ensuring gender equality and non-discrimination. With “competitive globalisation,” many actors other than the government (e.g. non-State actors such as TNCs and multi-State actors such as IFIs) have an increased role in determining women’s lives and livelihood.⁹⁵ In many cases governments have not sufficiently met their obligations to ensure that TNCs do not violate human rights. Instead, they may actually offer up their cheap female labour pool to attract more foreign capital⁹⁶ and turn a blind eye to rights violations by the TNCs on which they depend for foreign investment.

“Competitive Globalisation” and Anti-Trafficking Initiatives

- Emphasising corporate accountability and corporate social responsibility (CSR) could encourage TNCs, or the private sector more generally, to be anti-trafficking actors and allies. There is some evidence of the potential for the presence of TNCs to increase female employment and education and to better employment conditions,⁹⁷ factors that may minimise poverty and gendered social and economic exclusion. For example, it has been argued that TNCs’ importation of new technologies increases the need for an educated female workforce and that—in some countries—TNCs circumvent local discriminatory hiring laws and practices to hire female workers.⁹⁸ The U.N. Global Initiative to Fight Trafficking (UN.GIFT) has recognised the importance of engaging the private sector to combat trafficking, noting that:

The corporate sector can make an invaluable contribution to the prevention of trafficking. It can create opportunities for livelihoods and support organizations that prosecute traffickers and protect victims. Through effective cooperation with governments, civil society and individuals, businesses can disseminate information and create awareness among their workforce. Business coalitions can be formed to encourage the adoption of codes of conduct that keep supply chains and human resource practices free of exploitation and trafficking. Civil society can also be supported through corporate and social responsibility initiatives.⁹⁹

Non-governmental organisations, such as La Strada Belarus, have also recognised the need to focus on the private sector in anti-trafficking efforts.¹⁰⁰ It is important for anti-trafficking advocates to understand the entry points and ways of working with businesses to combat trafficking. The “Private Sector Survey on Human Trafficking” administered by the U.N. Global Compact, ILO, and UN.GIFT, indicates that companies’ three “principal motivations” for addressing trafficking are as follows: trafficking is morally unacceptable (92%); “to promote codes of conduct and CSR” (65%); and “to comply with international standards and national law” (65%).¹⁰¹ The survey also found that where trafficking was part of a company’s CSR program, the measures primarily used to address it were “social reporting” and “company policy.”¹⁰² Although it is important to continue to promote and support these voluntary CSR measures, anti-trafficking advocates should stress the legal obligations governing the accountability of non-State actors for rights violations, including in respect of trafficking.¹⁰³

Trade Liberalisation, Trafficking, and Anti-Trafficking Initiatives

Trade Liberalisation and EPZs

What is trade liberalisation?

Trade liberalisation refers to a series of policies designed to lessen trade barriers in the exchange of goods or services between countries.¹⁰⁴ Trade liberalisation is a common conditionality of structural adjustment measures and is linked to the other aspects of globalisation as it increases the focus on exporting goods and services. This focus on exporting goods and services (rather than import substitution, or developing industries in-country) also leads to the creation of special industrial zones, known as EPZs (see below).¹⁰⁵ Inter-governmental agencies such as the World Trade Organization (WTO) mandate trade policies and resolve trade disputes between nations.

What are EPZs?

To induce foreign investments, developing countries will offer special industrial zones known as export processing zones (EPZs) which can include free trade zones, special economic zones, *maquiladoras*, and free ports.¹⁰⁶ These EPZs entice investors with no-strike or no-union policies, cheap labour, and tax breaks.¹⁰⁷ Goods or services are processed in these zones and are then exported for global consumption.¹⁰⁸ In 1975, there were 79 such zones and by 2006 there were 3,500.¹⁰⁹ From their beginnings as assembly or processing plants of textiles and electronics, these zones have expanded to include call centres and resorts.¹¹⁰ Most of these zones are located in Asia, but a significant number are also in the United States, the Caribbean, and “transition economies.”¹¹¹ The size of the EPZs can range from small enclaves to entire countries.¹¹²

Trade Liberalisation and Trafficking

- Trade liberalisation increases pressure on women to migrate but does not promote equal options for legal migration for women workers. It is well recognised that women often do not equally benefit from the gains

their country might make from a trade agreement or from trade liberalisation more broadly.¹¹³ Additionally, trade liberalisation does not affect all women in the same way: “[t]he effects of trade liberalization vary among women: women’s ability to respond to economic opportunities and challenges is linked to ethnicity and class, education, skills, age, and social expectations about the role of women in the household.”¹¹⁴ In general terms, however, trade liberalisation, along with other aspects of globalisation, can worsen conditions in countries of origin in ways that push women to migrate to sustain their livelihoods.¹¹⁵ Such “push” factors linked to trade liberalisation include:

- decrease in employment opportunities,¹¹⁶ particularly for women working in agriculture (see more below);¹¹⁷
- “environmental degradation” and an “erosion of common property resources;”¹¹⁸
- reduced social services on which women (and children) rely. Trade liberalisation often means that governments cut revenue sources (e.g. through reduced tariffs and the creation of EPZs where foreign companies are given tax breaks);¹¹⁹ and
- reform of government procurement policy (i.e. the process by which government acquires goods and services for itself).¹²⁰ Government procurement policy is linked to trade liberalisation because if the policy unduly favours domestic suppliers, it can operate in effect as a non-tariff barrier to trade, something which trade liberalisation seeks to eliminate. The reform of government procurement policy can “threaten the use of Government purchasing power to promote opportunities for individuals who have traditionally suffered discrimination, such as women employees or indigenous peoples.”¹²¹

Despite the large demand for, and supply of, women’s migrant labour, trade agreements tend to help the migration of skilled workers and limit the mobility of unskilled (often female) labour. For example, the WTO General Agreement on Trade in Services (GATS) talks about movement of people in its fourth section, Mode 4. In practice, Northern states will only allow ‘skilled’ workers to gain access to migration through Mode 4, even though this may not match up with global labour needs.¹²² While developing countries are pushing for more access for less-skilled workers to labour markets abroad, “developed countries are reluctant to recognise the necessity of labour in these sectors.”¹²³ As GATS is unlikely to open up migration routes for lower class women, they will continue to travel regardless, most often to jobs that governments refuse to recognise and that, therefore, remain unprotected. As women increasingly need to rely on brokers for movement into these unprotected jobs with low security and bad conditions, their vulnerability to trafficking is particularly high under these circumstances. In this way, trade policies and rules implicate four root causes of trafficking of women as identified by the ILO: “feminization of poverty;” “sex-selective migration policies;” “ineffective migration management framework;” and the “lack of provision of legal means to migrate.”¹²⁴

Gender and Trade Liberalisation

The Central American Free Trade Agreement (CAFTA)

A study by the International Gender and Trade Network (IGTN) identifies the gender implications of CAFTA¹²⁵ in four key areas: *agriculture* (forced liberalisation of the agricultural sector would create poverty and increased migration from rural to urban areas for employment in export-oriented factories under poor labour conditions); *investment* (governments would be unable to enforce regulations against foreign investors); *services* (privatisation of government sector would disproportionately impact female employees in public employment); and *intellectual property rights* (women would disproportionately bear the burden of increased costs of medicines and the undermining of traditional knowledge systems).

Bangladesh and the United States

Prior to the US Trade Development Act of 2000, which gave duty free access and trade preferences to African and Caribbean countries, the United States received 46 percent of its apparel from Bangladesh.¹²⁶ As a result of the Act, many garment factories in Bangladesh closed and women became unemployed.¹²⁷ The government of Bangladesh encouraged men to migrate to the Middle East and Southeast Asian countries to work in construction and other low-wage sectors. When these industries collapsed, women entered the international migrant workforce as well:

Increasingly, Bangladeshi women engage in short-term migration to the Middle East and Asia for factory work obtained through private employment agencies, while other women migrate unofficially as maids or nurses. Migration agencies have no record of their movements. This dynamic is very problematic. Women pursue these options because they provide income-earning opportunities, but can experience rampant abuses. The government has responded to security concerns of migrant women by banning some women's migration for domestic service and nursing work. This leads to further problems.¹²⁸ (internal citations omitted).

Bangladeshi female migrant workers have self-organised to address these and other challenges, such as the conditions facing female migrant workers upon return to Bangladesh.¹²⁹

Jamaica's Integration into the Caribbean Community (CARICOM) and the Caribbean Single Market and Economy (CSME)

"Jamaica's integration into CARICOM and CSME has unfavourably affected the welfare of poor women in several aspects of their social and economic life. One of the reasons why women have generally not benefited from trade integration is the type of employment opportunities offered by the new trade agreements. The free movement of people within the CSME members is promoted, but it is in fact restricted to certain categories of skilled workers, and it therefore excludes the unskilled small-scale traders who make up approximately 40 per cent of the region's economic activity, and discriminates against women, who are predominantly owners of small businesses. For Jamaican women entrepreneurs heading small-scale businesses, this restrictive measure deprives them of the benefits of intraregional trade, and hinders their empowerment, despite being an economic group that played an essential role in the Jamaican economy during the 1980s and 1990s."¹³⁰ (internal citations omitted).

- **Trade liberalisation both “creates and destroys women’s employment opportunities.”**¹³¹ As noted above, the ILO identifies “chronic unemployment and lack of employment opportunities” as a factor that contributes to trafficking. Trade agreements frequently result in the loss of protection for sectors of the economy characterised by a high proportion of female workers, exposing those workers to “redundancy, unemployment or underemployment.”¹³² In Africa, Latin America, and parts of Asia, “many women running small enterprises or working in agriculture have been forced out of business by cheaper imports accompanying unequal trade liberalization.”¹³³ Changes in “trade preferences” can disproportionately affect women’s employment status and opportunities.¹³⁴ For example, trade agreements between the European Union (EU) and Africa will cut employment in the cut-flower and sugar processing industries, both dominated by women.¹³⁵ Trade agreements between the EU and the Association of Southeast Asian Nations (ASEAN) will reduce the need for workers in manufacturing, where women comprise 90 percent of the workforce.¹³⁶

Such shifts destroy women’s employment opportunities not only through direct cuts to jobs, but also because the concentration of female workers in these affected industries makes it harder for them to shift to other employment sectors. For example, in Pakistan, the liberalisation of the textile and clothing industry following the 1995 Agreement on Textiles and Clothing was expected to have gendered impacts on the ability of female workers to seek re-employment because “displaced female workers have greater difficulty than men in finding alternative jobs due to their higher concentration in only a few sectors of the labour market in Pakistan.”¹³⁷

- **EPZs can also create and destroy women’s employment opportunities, a factor that has been identified as contributing to trafficking.** There is a high turnover rate in EPZs because of a number of factors, including that employees are often on fixed-term contracts.¹³⁸ In EPZs, business is export-oriented so a decrease in demand (e.g. due to change in consumer preference or increased competition)¹³⁹ or an economic crisis¹⁴⁰ can result in massive layoffs of female workers. For example, in Nicaragua’s *maquiladoras*, women represented 85 percent of those laid off in the 2008 crisis.¹⁴¹
- **Where EPZs do create employment opportunities, these can be characterised by a lack of labour protections for employees, the majority of whom are female.** The majority of the employees in EPZs are female¹⁴² and these zones tend to attract “young, migrant women from rural areas who are hired on temporary and insecure contracts.”¹⁴³ In some EPZs, women make up close to 90 percent of the workforce.¹⁴⁴ In some EPZs, the categories of allegations of sex-based discrimination have ranged from hiring, promotions, wages, and benefits, to maternity leave and childcare,¹⁴⁵ “incidents of involuntary pregnancy tests, sexual harassment, rape, and femicide.”¹⁴⁶
- **Hiring policies in EPZs may otherwise exacerbate gender discrimination, inequality, and marginalisation.** According to the

U.N. Special Rapporteur on violence against women, its causes and consequences, "The liberalization of industries may also involve importing foreign male workers. If the local economic context is impoverished, their presence may encourage the development of prostitution and sex trafficking as well as gender-based violence."¹⁴⁷ Women's positions in the community may be further de-stabilised when factories reinforce or create new gender hierarchies, for example, by empowering local men to recommend who should be recruited for work in EPZs.¹⁴⁸

Trade Liberalisation and Anti-Trafficking Initiatives

- Theoretically, trade has the potential to reduce poverty through, for instance, providing access to cheaper consumer goods or access to good employment opportunities. It has been argued that the EU "should more systematically employ development, foreign aid, trade, and other instruments against trafficking. To cite just one example, by allowing Moldova to export more wine, the EU would help reduce poverty in Europe's poorest country."¹⁴⁹ The argument here is that this would then minimise conditions that may contribute to trafficking.
- The unequal nature of trade relations enables anti-trafficking advocates to focus not just on poverty and trafficking, but also on the wealth of developed countries. By focusing on the ways in which trade *benefits* particular countries (and not just the ways in which particular countries suffer), anti-trafficking advocates can open up their advocacy campaigns to address the "pull" factors for movement to wealthy foreign countries and target individuals within those countries who fuel the demand for cheap products and labour. As the ILO has noted, "consumer demand for services provided by trafficked persons" is one of the root causes of trafficking.¹⁵⁰ By focusing on consumer demand, we can shift the focus away from simple analyses of the role of poverty as a root cause of trafficking and look instead at questions of wealth.¹⁵¹ This movement away from a "source control approach" has potential for changing the behaviour of consumers in destination countries/countries privileged by unequal trade relations:

They are even willing to change their habits of consumption to better reflect their values if this requires paying more for a particular product or service. Those who wish to engage in responsible consumerism become fertile ground for anti-trafficking messages, and if this significant percentage of consumers could be mobilised to make behavioural changes to habits of consumption that provide traffickers with their profits, perhaps trafficking prevention efforts might noticeably begin to prevent trafficking.¹⁵²

The Fair Trade Movement¹⁵³ has shown that there can be willingness to change habits of every-day consumption of goods to remedy inequality in the global trade system.

- Both countries of origin and destination for trafficked persons have "foreign policy and trade relations" as core areas of

interest.¹⁵⁴ This creates an opening to argue that governments should develop their migration and trade policies together, taking into consideration the effects of their trade policies on the demand for immigration. Governments should not, however, use the creation of a friendlier trade policy to justify draconian migration measures. Terms of trade ultimately determine much in the global economy; anti-trafficking advocates should care about these outcomes as well as the forces that shape them.

- Trade relations form part of the “strategic intelligence” data that is needed to better understand the factors that contribute to trafficking.¹⁵⁵ It has been argued that more “strategic intelligence” is needed to “conduct an overall intelligence assessment of the various strategic factors that underpin the existence of human trafficking in a particular state or a group of states, the risks, dangers and threats they pose, as well as the implications for the own nation and the neighbours.”¹⁵⁶ It has been argued that “international relations” is a relevant area of “strategic intelligence” on trafficking and that “economic and trade relations and competition” are part of the analysis of international relations.¹⁵⁷

Summary of the Links between Globalisation and Trafficking

- The economic processes of globalisation—structural adjustment measures, global competition (including the rise of TNCs) and trade liberalization, including EPZs—can create opportunities for increased female employment, education and wages.
- However, women do not benefit from economic globalisation in the same way as men, and not all women experience globalisation equally due to the intersections of gender with other grounds of discrimination, such as race and class.
- The job opportunities that globalisation does create e.g. in export sectors and in EPZs, perpetrate gender inequality in the labour market, a factor identified as contributing to trafficking. These female workers often occupy unskilled, temporary/insecure and low-paid positions and experience discrimination in EPZs in the areas of hiring, promotions, wages, benefits, maternity leave, childcare and gender-based violence.
- As well as creating some job opportunities, the economic processes of globalisation also destroy job opportunities for women, a factor understood to contribute to trafficking. Losses are felt in the agricultural and public sector; female agricultural workers are affected by the shift from the production of essential goods for internal markets (import substitution) to export-oriented production for external trade and public sector employees lose their positions as governments privatize industries and cut public services. The shift from import substitution to export-oriented growth strategies makes female employment precarious and vulnerable to external or global forces such as shifts in trade preferences and global economic crisis.
- Globalisation, particularly through structural adjustment measures and trade liberalization, encourages cuts to public services and increases

the influence of IFIs and TNCs in the lives of women. The shift from a government to market-driven economy minimizes the capacity of government to redistribute resources in ways that alleviate gendered forms of poverty and inequality.

- In response to the loss of job opportunities, increased poverty, and loss of government services, women compensate with increased paid and unpaid work. To find additional income women may move into informal sector employment and/or migrate, and if they are unable to access legal migration, they are at greater risk for being trafficked. While employment in the informal sector enables women in many countries to have a livelihood, it is also often marked by exploitative work conditions, and economic and other insecurity.
- While globalisation increases pressure on women to migrate, it does not promote equal options for legal migration for women workers. Under the conditions of globalisation, women form part of the informal and unskilled labour market, and migration schemes (e.g. those linked to trade agreements) favour the movement of skilled professional labour.

Note: Recommendations for governments, INGOs, and civil society on the subject of globalisation and trafficking are found at the end of this working paper.

SECURITY, TRAFFICKING, AND ANTI-TRAFFICKING INITIATIVES

Mapping the Links between Globalisation, Security, Trafficking, and Anti-Trafficking Initiatives: General Considerations

While many features of globalisation wear down economic, cultural, and social borders, many governments have simultaneously tightened their border security to limit who can legally enter their country.¹⁵⁸ This creates an inherent tension between globalisation and security policies: while globalisation and trade liberalisation increase the “push” and “pull” factors for workers to migrate, security policies limit that movement. Similarly, while globalisation emphasises the increased opportunities for social and cultural interaction among global citizens, security policies rely on, and perpetuate, a fear of non-citizens, “foreigners”, or “outsiders” as threats to a nation’s borders and social and cultural cohesion. This can lead to a number of practices within a nation’s territory (e.g. racial profiling and arbitrary detention) but can also lead to a focus on “increased border security, migration controls, and international law enforcement co-operation” to secure the State from those outside its borders (e.g. undocumented migrants).¹⁵⁹

Governments’ anti-trafficking policies are located at the heart of these tensions. Traditional security approaches view trafficking as a threat on two levels—both to the State’s identity and to its borders.¹⁶⁰ While the link between security and

trafficking is not a new one, it has become even closer as a result of the various recent terrorist attacks and the “War on Terror.”¹⁶¹ The policy responses to such attacks have “substantially reinforced and accelerated” border securitisation.¹⁶² There is also an increased securitisation of trafficking and migration, with the fight against trafficking increasingly linked to the fights against terrorism and organised crime.¹⁶³

These links take many forms—from the establishment of government agencies that simultaneously address trafficking and terrorism as transnational crime,¹⁶⁴ to the conflation of the security and migration discourse and the understanding of migrants as terrorists.¹⁶⁵ The United States has linked the “War on Terror” and the fight against trafficking through the concept of democracy (see below), and presently U.S. Immigration and Customs Enforcement ties trafficking to terrorism as follows:

*Human trafficking and human smuggling represent significant risks to homeland security. Would-be terrorists and criminals can often access the same routes and utilize the same methods being used by human smugglers. U.S. Immigration and Customs Enforcement’s Human Smuggling and Trafficking Unit works to identify criminals and organizations involved in these illicit activities.*¹⁶⁶

The United States and Democracy, Terrorism, and Trafficking

During the Bush administration, democracies and democratic infrastructure were seen as critical both to the U.S. national security strategy and to the fight to end trafficking in persons. For example, in March 2006, The National Security Strategy of the United States of America, stated that the U.S. national security strategy is “... founded upon two pillars: The first pillar is promoting freedom, justice, and human dignity working to end tyranny, to promote effective democracies, and to extend prosperity through free and fair trade and wise development policies...The second pillar of our strategy is confronting the challenges of our time by leading a growing community of democracies...”. The Strategy also notes that the United States must “Expand the circle of development by opening societies and building the infrastructure of democracy.” In the U.S. Department of State’s 2008 Trafficking in Persons (TIP) Report there is a section entitled “Democracy and Human Trafficking,” which notes that “our broad study of the phenomenon of trafficking corroborates that healthy, vital democratic pluralism is the single most prevalent feature of states conducting effective anti-trafficking efforts.”¹⁶⁷

Security and Trafficking

The globalisation and securitisation of anti-trafficking efforts presents significant threats to the human rights of trafficked persons:

- The trend to link trafficking with terrorism and organised crime prioritises a law enforcement—rather than human rights—approach, in which trafficked persons are seen as criminals and national security threats. The U.N. Special Rapporteur on the

promotion and protection of human rights while countering terrorism has noted his concern that “the identification of a link between anti-trafficking and counter-terrorism measures has been to the detriment of the human rights of trafficked persons, including women”¹⁶⁸ and stated that the “focus on terrorism and trafficking as related transnational crimes has de-prioritized a human rights approach to trafficking.”¹⁶⁹ Indeed, the linkage between terrorism and trafficking shifts the focus of anti-trafficking efforts away from the trafficked individual and towards the security of the State. This prioritises a focus on organised crime networks and ways to shut down trafficking networks (e.g. through prosecution and requirements that victims co-operate with law enforcement prior to receiving assistance). It also involves trafficked persons being seen as potential terrorists rather than victims.¹⁷⁰ The current national security thinking and language, which views those who are “outside” the community with xenophobia, suspicion, and discrimination, may also penalise trafficked persons due to their migrant identity. In light of these factors, trafficked women may be under increased pressure to conform to certain gendered stereotypes about vulnerabilities and susceptibilities to be seen as “true” victims.¹⁷¹

- **A security approach has led to tighter border security and more restrictive migration regimes, which fuels clandestine and insecure movement and heightens the potential for trafficking.** Repressive border control policies may encourage greater resort to clandestine movement and make migration more dangerous and expensive,¹⁷² in some cases increasing migrants’ vulnerabilities to traffickers. In Togo, for example, the implementation of the anti-trafficking law and strict border controls did not reduce the trafficking flow, but instead altered migration and trafficking routes.¹⁷³ According to GAATW and La Strada International: “Years of implementing a restrictive approach to migration and immigration policies by the EU have not resulted in a decreased migration, but rather have left migrants more vulnerable to irregular forms of migration, including smuggling and trafficking for labour and other forms of exploitation.”¹⁷⁴ In addition, trafficked individuals who are deported as a result of increased border patrols may also be more vulnerable to re-trafficking.¹⁷⁵
- **A security approach privileges co-operative anti-trafficking arrangements that are dominated by “coercive actors,” such as Ministries of Interior, which undermines the human rights of trafficked persons.**¹⁷⁶ A study of counter-trafficking co-operation arrangements in Southeast Europe between 2001 and 2006 determined that joint anti-trafficking initiatives were dominated by a security or law enforcement bias to the detriment of the human rights of trafficked persons and the formation and implementation of effective prevention strategies.¹⁷⁷
- **In the current security discourse, there is limited scope for redefining security in a way that does not prompt a protectionist response.** The concept of “human security” seeks to subvert the security discourse by making it something that focuses on ensuring, rather than depriving, rights. However, the concept of human security can trigger a protectionist response,¹⁷⁸ something that, in the anti-trafficking context, has had negative impacts for ensuring the rights of trafficked persons.

- **The predominance of a security framework may diminish service provision to trafficked persons.** This is either because they are seen as a threat or because governments are otherwise “preoccupied” with countering terrorism¹⁷⁹ and prosecuting traffickers, diminishing their capacity for assistance and resource distribution for trafficked persons.
- **The focus on security of the countries of destination and not origin results in strategies that favour deportation and de-prioritise safe reintegration.** It is important to remember that the security approach to trafficking is mainly concerned with the security of the destination country and not that of the country of origin.¹⁸⁰ This leads to an emphasis on removing the threat—the migrant—without any reflection on the individual’s reasons for migration or the conditions in their country of origin to which they are being returned. This ignores those situations where trafficked persons are deported back to the border of their country but the governments do not want their citizens back (e.g. the Burmese in Thailand), leaving these undocumented persons vulnerable to trafficking. In addition, the focus on the security situation of destination countries means that little attention is paid to robust international co-operation to support effective reintegration of trafficked persons in their countries of origin, where there may be separate and pressing security crises.¹⁸¹
- **Security approaches that emphasise the links between organised crime, terrorism, and trafficking misidentify the nature of trafficking networks and skew prevention efforts.** While it is likely that some human trafficking is the work of organised crime syndicates, this oversimplifies the problem. Trafficking also results from “disorganized crime,” i.e. “individuals or small groups linked on an ad-hoc basis.”¹⁸²

This focus on organised crime networks therefore causes government actors to miss incidences of trafficking because they are not trained to see the “disorganized crime” networks. It also ignores government complicity in facilitating trafficking, either through restrictive labour and migration policies or corruption of government officials in selling undocumented workers to traffickers.

- **The perceived link between trafficking and the “war” on terrorism or organised crime creates incentives for authorities to increase policing responses that are coercive and globalised.** The securitisation of trafficking serves as justification for expanding global policing and the globalisation of authoritarian security regimes. The “war on terror,” like the idea of a “war” on drugs or crime, “creates a generalised anxiety which has neither measurable effects nor clear solutions,”¹⁸³ but where criminalisation of migrants and compromises to human rights of some (i.e. non-citizens, undocumented migrants, the “Other”) are accepted as necessary to ensure the security of the majority.
- **Conflict situations undertaken in the name of enhancing security may have detrimental impacts on the incidence of trafficking.** Conflict situations can lead to increase in trafficking

through the presence of international personnel (such as security contractors and peacekeepers)¹⁸⁴ and the creation of situations of increased insecurity and poverty.¹⁸⁵ Conversely, trafficking may also prolong conflicts, for example, by helping to finance their continuation.¹⁸⁶

Security and Anti-Trafficking Initiatives

There are some ways in which understanding the links between security and trafficking may open up the possibility for advocacy around more rights-protective anti-trafficking strategies. Given the dominance of the security frame, it is important that these possibilities be noted here and then further explored against the backdrop of the ways in which security approaches to trafficking often undermine the human rights of trafficked persons:

- **Some groups have made links between trafficking and security as a way to draw attention and funding to the anti-trafficking cause.**¹⁸⁷ While this may not always be done in a way that is rights-protective, there could be some potential to make use of the increased spotlight on trafficking to ensure that that human rights of trafficked persons are respected.
- **A focus on tightening national security can fuel the adoption of more anti-trafficking initiatives or frameworks.** Tightened national security means States are increasingly adopting anti-trafficking frameworks. While the problem is that such anti-trafficking frameworks tend to emphasise a prosecutorial approach, rather than one that focuses on legal and safe migration,¹⁸⁸ there is at least some momentum for having governments either introduce or revamp existing anti-trafficking initiatives. Human rights advocates can capitalise on this momentum.
- **Security approaches to trafficking can emphasise the need for more evidence and greater co-operation both within and between countries.** The Geneva Centre for the Democratic Control of Armed Forces identifies these two points, noting that “security sector professionals can provide the information needed to profile victims and identify traffickers” and that countering trafficking “requires inter-agency co-operation among law enforcement personnel as well as trans-national co-operation.”¹⁸⁹ GAATW has also called for the use of an “evidence-based approach” to trafficking and for policies to be based on “evidence collected from trafficked persons and other migrants who have experienced abuse”¹⁹⁰ to ensure that anti-trafficking initiatives guarantee the human rights of trafficked persons.
- **Some aspects of a security approach might properly target features of trafficking, such as “the encouragement of corrupt practices.”**¹⁹¹ Anti-trafficking advocates can also argue that the targeting of corrupt practices should encompass not just those of trafficking networks, but also those of governments, as these too have significant impacts on the ability of the security sector to properly respond to human trafficking.
- **The U.N.’s “conditions conducive to terrorism” overlap with some root causes of trafficking in respect of which prevention efforts**

are required. The U.N. Global Counter-Terrorism Strategy adopted by the General Assembly in its resolution 60/288 identifies a non-exhaustive list of conditions conducive to terrorism as follows: “prolonged unresolved conflicts, dehumanisation of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalisation and lack of good governance.”¹⁹² A number of these conditions conducive to terrorism overlap with what are commonly framed as root causes of trafficking in persons—such as marginalisation and discrimination—which presents opportunities for some productive synergies between actors who seek to counter terrorism and those who seek to ensure the effective prevention of trafficking in persons.

- **A security approach to trafficking may enable women’s exercise of their right to freedom of movement in ways that are safe and rights-protective.** We need to recognise that some women moving across borders may feel more secure if they are subject to particular procedures at the border, provided that such procedures are consistent with human rights protections, including non-discrimination and freedom from gender-based violence.

Summary of the Links between Security and Trafficking

- The trend to link trafficking with terrorism and organized crime prioritises a law enforcement rather than human rights approach, in which trafficked persons are seen as criminals and national security threats and service provision to trafficked persons is diminished.
- Tighter border security fuels clandestine and insecure movement, heightening the potential for trafficking.
- A security approach privileges anti-trafficking co-operative arrangements that are dominated by security-focused actors such as Ministries of Interior which undermines the human rights of trafficked persons.
- In the current security discourse, there is limited scope for redefining security in a way that does not prompt a protectionist response, for instance in redefining security as “human security.”
- The focus on security of the countries of destination and not origin results in strategies that favour deportation and deprioritise ensuring safe reintegration.
- Security approaches that emphasise the links between organized crime, terrorism and trafficking misidentify the nature of trafficking networks and skew prevention efforts.

RECOMMENDATIONS

Recommendations on Links between Trafficking and Globalisation

The economic processes of globalisation—structural adjustment measures, global competition (including the rise of TNCs), and trade liberalisation, including EPZs—can create opportunities for increased female employment, education, and wages. However, women do not typically benefit from economic globalisation in the same way as men do and not all women experience globalisation equally. In response to the loss of job opportunities, increased poverty, and loss of government services, women compensate with increased work in the informal sector and through migration, sometimes under exploitative conditions. Based on our understanding of globalisation and its impacts on trafficking of women, we recommend the following:

Governments and inter-governmental organisations should:

- Ensure all government and IFI policies guarantee gender equality and, as a starting point, “Evaluate all policies of Governments and international financial institutions from a gender-perspective guided by the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, with the view to preventing negative consequences for women of economic liberalisation, financial and structural adjustment policies and programmes, and trade agreements - at a minimum, these policies should ‘do no harm’.”¹⁹³
- Match migration regimes to global supply and demand trends and markets, enabling legal migration routes for both skilled and unskilled labour and minimising the resort to potentially exploitative arrangements for cross-border movement.
- Promote investment in public services and infrastructure to bolster employment¹⁹⁴ and minimise the adverse impacts of cuts in government services on women as income-providers and care-givers.
- Provide and promote non-discriminatory opportunities for women’s employment, including through the “design [of] public works programmes in the social and service sectors.”¹⁹⁵
- Support the capacity of various human rights defenders, labour rights defenders, NGOs, and other entities organising to resist the detrimental gender impacts of globalisation on women’s lives, livelihoods, and migration options, and to ensure that globalisation benefits women.

Governments, inter-governmental organisations, and civil society should:

- Strengthen domestic, regional, and international accountability structures for non-state actors (e.g. TNCs) and multi-State actors (e.g. IFIs) so they can be held to account for their human rights

violations, including those committed as part of the economic processes of globalisation and in respect of trafficking.

- Support and emulate methods of organising informal labour where appropriate, in order to promote the right to freedom of association and call for the greater involvement of labour rights defenders in anti-trafficking work.
- Engage TNCs, and the private sector more generally, through promoting anti-trafficking as part of corporate social responsibility (CSR) programming and assisting corporations to identify ways in which they can contribute to anti-trafficking initiatives.
- Recognise the unequal nature of trade relations and focus not just on poverty and trafficking, but on the wealth of developed countries, enabling targeting of consumer behaviour to *inter alia* reduce consumer demand for goods and services involving the labour of trafficked persons.

Recommendations on Links between Trafficking and Security

The trend to link trafficking with terrorism and organised crime prioritises a law enforcement rather than human rights approach, in which trafficked persons are seen as criminals and national security threats and service provision to trafficked persons is diminished. These security efforts result in tighter border security, which in turn fuels clandestine and insecure movement, heightening the potential for trafficking. Based on our understanding of security and its impacts on trafficking of women, we recommend the following:

Governments and inter-governmental organisations should:

- Separate counter-terrorism measures from anti-trafficking measures, as this will help “ensure that trafficked persons are neither criminalized nor stigmatized, and their human rights are ensured.”¹⁹⁶
- Ensure accountability for trafficking violations committed in conflict situations undertaken in the name of enhancing security, including those committed by non-State actors, such as private military companies.

Governments, inter-governmental organisations, and civil society should:

- Ensure a human rights-based approach to security approaches to trafficking that emphasises the need for more evidence and greater co-operation between all stakeholders.
- Identify the areas in which the U.N.’s “conditions conducive to terrorism” overlap with the root causes of trafficking and urgently take steps to address such areas.
- Avoid attempts to redefine the notion of “security” in ways that promote protectionist responses toward women and instead focus on the elements of a human rights-based approach to trafficking.

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HUMAN RIGHTS

at home, abroad and on the way

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