



Beyond Borders: Exploring Links between Trafficking and Gender

GAATW Working Papers Series 2010

Global Alliance Against Traffic in Women

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**Beyond Borders:
Exploring Links between Trafficking and Gender**

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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 has become a 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, on the one hand, many of us in civil society tend to work more and more in specialised niche areas, on the other hand, advocacy efforts in one area tend to 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.

Exploring Links between Trafficking and Gender

Over the last two years, GAATW has tried to address this specialisation through different means. One 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 between the different frameworks, and recognise the spaces for separate work as well.

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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When most people talk about gender and trafficking, they usually (but not always) are talking about trafficking of *women*.

Most of the current evidence on trafficking focuses exclusively on women. The intersection of men's gendered experiences and trafficking remains a great gap in research, policy and action and unfortunately is beyond the scope of this paper.

Policy and public conversations around trafficking reflect social ideas about women, specifically ideas about women's vulnerabilities. This paper will explore the impact of a gendered, vulnerability-based discourse on women. In addition, this paper will also outline the connections often made between trafficking and the *gendered experiences of women*, and identify when these links help or hurt our ability to work for the rights of trafficked persons and other directly affected groups such as migrants. For example, trafficking prevention activities can be made more effective by incorporating an understanding of how gender-based discrimination increases the risk of trafficking. But when gender is linked with trafficking incorrectly (such as when all prostitution or sex work is defined as trafficking), it has actively harmed certain groups of women, including migrant women and sex workers.

By gaining a better understanding of the intersections between gender and trafficking, we hope readers will be empowered:

- to think critically about messages they receive about trafficking;
- to provide assistance to trafficked persons in a more empowering and respectful manner; and
- to press their governments to fix harmful anti-trafficking policies (e.g. policies that criminalise certain groups of women) and implement helpful policies that stop trafficking while protecting the human rights of trafficked persons (e.g. addressing the root causes of trafficking, ensuring access to justice for trafficked persons).

In this paper, we will explore the following question:

How can an understanding of the links between trafficking and the gendered experiences of women improve anti-trafficking work?

The case study below highlights some of the intersections that will be explored in this paper.

R's story, from Bangladesh to India

R was 15 years old and living in a remote village in Bangladesh when in early 2005 a distant relative offered to take her away from her abusive father and marry her. She readily agreed. When she arrived at his home in India however, rather than marry her, he and his friends raped her repeatedly over the course of a week. A local NGO came to know of her situation and raided the house. They took her to Shakila, a young female local government (Panchayat) member, who then took R to the local police to report the case. R was held overnight at the police station alone and without the presence of a female officer. She was not given any food.

The investigating officer at first refused to investigate the case because R had travelled alone and unmarried from Bangladesh so, there, he determined that she could not be "innocent". Furthermore, as she had come with a relative, he could not accept that she had been kidnapped. The police also could not document the case as one of trafficking because she had not been rescued from a brothel or been forced to work as a prostitute - the only circumstances covered by the Indian Immoral Trafficking Prevention Act (1956). Community pressure finally forced the police to charge the accused, under the Indian Penal Code 1860, with forced detention, kidnapping, physical and sexual assault, and rape.

In early March 2005, R was taken to the local judicial magistrate's court, which ordered a medical examination to prove her allegations of rape. As R did not have any documents with her to prove her age or citizenship, the police did not identify her as a foreign national. This protected her from detention, fines and deportation under the Foreigner's Act (1946), but meant also that the government would not repatriate her after the case was finalised.

Almost 18 months after the case was reported, R was still in the shelter, although the perpetrator was granted bail. The Fast Track Court, established by the government of West Bengal for speedy delivery of justice, declared the date of the second hearing on 7 June 2006, 14 months after the first hearing.

Action-Aid Calcutta and the local Panchayat member, Sakila, stated: R is very depressed about her situation. She has stayed at the shelter home for the last 14 months. She is not allowed to go out of the shelter home or to have visitors as per the law. Even I can't visit her without court orders. Even if she goes free, she does not know where to go and the government will not take any responsibility for her repatriation. R is very frustrated with the legal process, particularly with its delay and the bail granted to the trafficker, but she still wants justice.

- From GAATW's Global Consultation on Access to Justice for Trafficked Persons, 2006¹

DEFINITIONS

International definition of trafficking

The Human Trafficking Protocol in the 2000 UN Convention on Transnational Organised Crime includes the definition of trafficking that is now widely used as an international standard.² The trafficking definition has three parts:

- *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).

Gendered elements of the Human Trafficking Protocol

The 2000 Human Trafficking Protocol was an improvement from the 1949 UN Convention on Trafficking which equated prostitution with trafficking. Discussions leading up the 2000 Palermo Protocol hinged around ideas of women's ability to consent and the element of coercion in trafficking.³ Some anti-prostitution advocates called for a protocol that would define all prostitution as trafficking and make the issue of consent irrelevant (i.e. women thought to be incapable of providing consent in sex work). Other groups, including GAATW, formed a Human Rights Caucus and called for a protocol that would recognise the distinction between sex work and trafficking, and recognise coercion as an element of the trafficking definition. This also meant that the trafficking of men could also be recognised as a human rights violation.

Gender is generally understood as the social ideas about what it means to be a man or woman, while **sex** refers to a person's biological characteristics. Most individuals are born with one sex but can choose their gender or whether they want to express themselves as masculine or feminine. **Sex** is a physical characteristic, while **gender** is a social characteristic.

Some actors in the anti-trafficking sector define themselves as **feminists**. **Feminism** is not the same thing as focusing on women or **women-centred**. Feminism encompasses many diverse movements that work for the rights and equality of women. GAATW considers itself a feminist organisation and many of our allies and members consider themselves feminists, but it is important to note that not all women feel they have been served by or benefitted from different kinds of feminism. For example, some forms of feminism have been criticised as only serving the interests of white, middle-class women in the global North. Other forms of feminism have defined prostitution as trafficking, which has fuelled hostile or victimising attitudes towards women in sex work. In the 1990s, **third-wave feminism** emerged which encompasses diverse strains of feminism and is based on an appreciation for multiple identities, contradictions, diversity and change. During the 1990s, the concept of **women's rights are human rights** also emerged.

At GAATW's Feminist Participatory Action Research Learning Workshop in 2009, participants from Asia, Africa, Europe, and the Americas collectively defined feminism as: *"a philosophy, a process and a movement, centred on women's diverse perspectives, that challenges all forms of inequality and discrimination based on sex and gender (and their intersections with*

class, race, ethnicity, age, religion and other markers of difference) to achieve social change and policies which recognise women as political subjects and which create a rights enhancing environment."⁴ This definition highlights the centrality of diversity and encourages us to challenge discrimination based on sex, gender and other characteristics.

A BRIEF HISTORY OF GAATW'S ANTI-TRAFFICKING WORK AND ITS ROLE WITHIN THE WOMEN'S RIGHTS MOVEMENT

I look at GAATW as much of a child of its time, but also a rebel, questioning its time.

The feminist context GAATW emerged from in 1994 was largely informed by the violence against women movement and feminists from the global South. The concerns of the women at that time - violence against women, sex worker's rights movement and sex tourism - were the big issues in the late 1980s and early 1990s. Most of GAATW's founders had worked with the violence against women framework, but had also engaged with the UN system to bring local issues to the international arena.

Rather than assuming a simplistic global sisterhood, the founding mothers of GAATW noted that class, race, ethnicity and other factors make women's situations very different, and power relations mean that women's rights activists can't speak for all women, including sex workers.

So GAATW tried to prioritise the experiences of women who had worked in prostitution, or travelled to other countries to work in sex work. We used feminist participatory action research to ask women questions - Why did they leave? What strategies did they use? What were their experiences? During this time, the sex workers were organising around the world and asserting their rights. GAATW expressed its solidarity with the sex workers rights movement and demanded a respectful voice for sex workers in global anti-trafficking discourses. We also tried to clarify the distinctions between sex work and trafficking, and hoped that a new approach to trafficking would better recognise the rights of migrating women.

We played a big role in strengthening and broadening the anti-trafficking framework. Since 1999, we have been asking how the anti-trafficking framework could be used to protect the rights of women. The work was first to set out human rights standards for trafficked persons, and a broader definition to 'trafficking in persons' not just women. At the core of our work is the protection and promotion of the rights of women, and recognising that while some women have many vulnerabilities, they still exercise their agency, however limited their space.

- *Bandana Pattanaik, Gender-Migration-Labour-Trafficking Linkages Roundtable, 2009, Bangkok, Thailand*

WHO IS TRAFFICKED?

When we look at the question of who is trafficked from a gender perspective, we see that the current evidence is biased towards seeing trafficked persons as predominately female. As this paper shows below, it is problematic to depict women as “vulnerable” because so doing entrenches vulnerability as an identity for women, and masks both women’s agency and root causes such as discrimination.

Use an evidence-based approach when adopting anti-trafficking measures and ensure that measures taken are appropriate and proportionate to the patterns of abuse that are occurring.

- *1st recommendation from Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World (GAATW, 2007)*

Limitations of Current Evidence

Accurate information about who is being trafficked and why, how, where and when is needed to ensure that anti-trafficking policies address the needs of trafficked persons and vulnerable groups. In actuality, there still is not a sufficient body of research that accurately measures how many people are trafficked globally and how many of these are women, men, transgendered individuals and/or children.⁵ One significant limitation has been researchers’ selective focus on a particular type of trafficking, specifically trafficking of women for forced prostitution. For example, in compiling this working paper, a scan of the academic literature found 661 articles for “trafficking and women”, almost none of which addressed trafficking for purposes other than forced prostitution. Using the keywords “trafficking and men” turned up only one article that acknowledged men’s experiences as trafficking victims.

The absence of research interest in trafficked men or women in other forms of trafficking does not mean that it does not exist or that it is only a minor concern. Rather, it raises questions about why women are at the centre of research and discussions about trafficking.

Focusing on Women’s ‘Vulnerability’ vs. Focusing on Discrimination against Women

Policy and public assumptions about trafficking have often linked trafficking with women. However, this link has not always been based on evidence or been made critically. Policy and public conversations around trafficking reflect social ideas about women.

The focus on women is understandable given the various forms of discrimination against women in many parts of the world. Discrimination against women has been identified as one of the root causes of trafficking as discrimination can affect where and when a woman can work, travel, migrate, and make her own decisions. It ultimately affects whether and how her human rights are respected. This is discussed in more detail in Section 2.

“States and many NGOs still take a very protectionist approach to trafficked women, despite all of the lip service to women’s rights. The protectionist approach is stronger towards working class women. Women who have been advocates and activists do not want other women from other classes to be as adventurous in their own lives, so they try to ‘protect’ them from harm by banning them from travelling or putting them in safe houses involuntarily.”

- *Bandana Pattanaik, GAATW, Gender-Migration-Labour-Trafficking Roundtable, 2008⁶*

An isolated focus on women’s vulnerability can further entrench a woman’s vulnerability by assuming she cannot act on her own behalf. If our work starts with the idea that women are vulnerable, then it can be hard to see anything else - women’s strength, decision-making, responsibilities, power, etc. What we have found in our work with member organisations is that women show a great deal of resourcefulness and strength in whatever circumstances they find themselves. Anti-trafficking efforts need to understand this in order to be successful. For instance, in a 2010 feminist participatory action research project by SEPOM (or Self-Empowerment Program for Migrant Women an organisation led by returnee migrant women in Thailand), women talked about the strategies they used once they were trafficked which included writing letters to embassies, learning the language of the destination country, talking to clients and planning their escape with clients, learning the street names and orientation of the city they were in, arguing and fighting back, planning escape with other women trafficked into the same workplace, and working collectively with other sex workers.⁷

The focus on women as being victims of, and vulnerable to, trafficking also masks women’s other roles in trafficking processes - as traffickers, recruitment agents, or as those who benefit from other women’s exploitation (e.g. employers of exploited domestic workers). Discrimination against women increases women’s vulnerability to trafficking, but focusing on women’s vulnerability rather than women’s rights can lead to anti-trafficking measures that harm more than help. Anti-trafficking measures can result in further restrictions on women’s mobility if it is assumed that a woman’s vulnerability is something that is an inherent part of being a woman rather than the result of a discriminatory context. For instance, research at the San Paulo airport found that Brazilian women were being refused entry to European Union countries and repatriated from European airports because they were suspected of being in the sex industry.⁸ It may be more accurate to speak of how women are “*vulnerabilised*” by certain practices rather than how they are “vulnerable”.

Young Burmese women forbidden to cross borders

Since 1997, unaccompanied young women between 16 and 25 in Eastern Shan State have been forbidden to travel to the Thai border, according to a directive by the SPDC Regional Commander. This has limited the rights of young women and placed them further under the control of people [military, border guards, family members, government officials]. Young women forced to leave home to work in Thailand to support themselves and their families have simply ended up paying more to bribe officials to reach the border. Since 2004, young women in this area have also needed a recommendation letter or permit from the local Myanmar Women’s Affairs Federation to travel to the border, supposedly to prevent possible cases of trafficking. In reality, this process has turned into a means for the MAAF [Myanmar Women’s Affairs Federation] to extort money. In early 2006, the cost of a MAAF permit was 200,000 Kyat (about \$200).

- *Women’s League of Burma, 2008 CEDAW Shadow Report (pg. 34)⁹*

Exclusion of Trafficked Men

Research and policy has typically focused on the trafficking of women. Service providers in GAATW's membership have handled cases of trafficking in men but there are still a lack of comprehensive quantitative and qualitative data about the scope and nature of traffic in men.¹⁰ The absence of public data on trafficked men also makes it unclear where men are trafficked to and whether human rights violations differ between trafficked men and trafficked women.

It is not known whether the exclusion of men from the anti-trafficking sector or the lack of identifying trafficked men is harming or helping men who have been trafficked. It may be that men who are trafficked are accessing assistance through other means such as labour court cases. Trafficking is considered a grievous harm to individuals - the fact that we know little about trafficked men indicates an important need in research, policy and service provision.

Why is it difficult to imagine that *certain* men might also be at risk of being trafficked? A woman's gender identity (or the fact of her being a woman) is assumed to be an important factor in identifying her as a trafficked person, her vulnerability to being trafficked and the type of assistance she is assumed to need.

"Many men don't tell about what happened to them. They are ashamed of the fact that they were tricked and lied to. They would never request assistance from organisations because they will be mocked and laughed at by their relatives. A man must manage his problems by himself."

- *Man trafficked from Southeastern Europe*¹¹

Given the lack of information on trafficked men,¹² it is hard to gauge what identities (if any) are considered important in identifying and assisting men. Does men's gender "disappear" once they become a "trafficked person"? Given the lack of data, it is also hard to gauge how options for action and/or assistance differ between trafficked men and women. For example, the public and policy conversations around trafficking often hinge on the vulnerable aspects of being a woman: "Women were often perceived to be more likely to be victimised by crime than men and, as such, victimisation is often perceived as a feminine and feminising experience".¹³ But because vulnerability is not part of social ideas of masculinity, it may be that a trafficked man is more often identified, assisted or talked about based on another "vulnerable" identity, e.g. as a racialised man or as a migrant.

Wrongful recruitment of Kenyan athletes to Gulf States

There have been some troubling reports in print and electronic media of young and adult Kenyan athletes being recruited by foreign countries, mostly the Gulf States of Qatar and Bahrain, only to find themselves in conditions they had not consented to. As Kenya does not recognise dual citizenship, both young and adult athletes who revoke their nationality so as to move to foreign countries face the danger of being rendered stateless, as was the case with Gregory Konchellah (Yusuf Saad Kamel) who fell out with his adopted country - Bahrain - over claims of unpaid dues. Bahrain refused to grant his request to revert to his Kenyan citizenship and also denied him the right to use his Bahraini passport. Besides allegations of unpaid salaries, there have been complaints that young migrant athletes who are not good enough to make the cut are required to join their adopted countries' military. Such practices have been disturbing enough for Athletics Kenya, the country's official athletes governing body, to accuse Bahrain and Qatar of 'modern day slavery'.

- *"Safe Migration for Kenyan Athletes and Other Migrants a Necessity", Nkirote Laiboni*¹⁴

WHY DO WE NEED TO DISTINGUISH WOMEN FROM FEMALE YOUTH AND GIRL CHILDREN WHEN WE TALK ABOUT TRAFFICKING?

GAATW has observed that some anti-trafficking initiatives have grouped women and children together while other anti-trafficking actors have taken care to discuss women and children separately. Some within GAATW's network argue that grouping women and children together risks treating women as children and ignores the distinct human rights protection needs of children. Internationally, there are distinct conceptual and international frameworks for women's rights (the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW]) and children's rights (the Convention on the Rights of the Child [CRC]).

In practice, the connections made between women and children can emerge in interesting ways. In other contexts, racialised or lower-class girl children or female youth may be sexualised or treated as sexually available adult women. In the northern region of the British Columbia province in Canada, the violence towards and murder of migrating Aboriginal female youth has been mistakenly described as trafficking of women¹⁵. At GAATW's 2009 Asia Regional Consultation, Asian member organisations discussed the challenges of providing appropriate assistance to older youth in sex work who express a wish to stay in a risky environment and how to handle cases of older youth in sex work when youth are granted sexual freedom in their teens (such as in the US) or when youth are married at an early age (as in Nepal).

While GAATW has asserted that women are a distinct group from children, we also recognise that working for the rights of trafficked and migrant *women* requires a nuanced understanding of the blurred lines between womanhood, female youth and girl children. For instance, in an action research project with migrant women who had returned to their rural community by LRC-KJHAM (a community-based legal resource centre in Indonesia and a GAATW member organisation) reported that travel documents were falsified for youth so that they could travel and work abroad as domestic workers (e.g. 16 year old youth being listed as 20 year old migrants).¹⁶

HOW DO THE ROOT CAUSES OF TRAFFICKING IMPACT WOMEN?

The root causes of trafficking can include micro factors such as violence within the home or community or macro factors such as gender-based discrimination and economic policies that result in a lack of livelihood options in countries of origin. A lack of livelihood opportunities in a person's place of origin may stem from discrimination (e.g. barriers in education and the workforce that differentially impact groups), unequal economic policies (e.g. structural reform policies impacting local economies), conflict, displacement (e.g. loss of land tenure, violation of land rights) or other

economic, social or political changes in local contexts (e.g. if local food production is no longer permitted or feasible). Other factors contributing to trafficking include: poverty and unemployment, globalisation¹⁷, feminisation of poverty and migration, development strategies, restrictive migration laws and policies¹⁸, anti-sex work laws and policies, particular cultural or religious practices, and corruption of authorities and involvement of organised crime.¹⁹ These root factors affect the lives of most people across the globe and on occasion can result in trafficking.

The impact of changing environmental conditions on women's livelihood opportunities²⁰

Limbangan is a northern coastal village in Central Java, Indonesia. Since the 1970s, residents' livelihoods have traditionally relied on shrimp farming and approximately 700 hectares of ponds to farm. Over time, the pond area has diminished as coastal areas eroded due to sea water abrasion and development blocking formation of river sediment. The reduction of available pond farming area has impacted the livelihoods of pond workers, necessitating many to switch their jobs outside the farming ponds, increasing competition in the labour market and unemployment.

The involvement of women in the production process in Limbangan cannot be separated from the economic development of the area. Many women were previously involved in skin cleaning shrimp, one of the main pond products they develop. However, environmental changes have decreased the number of jobs available to women in the farming sector and women have gradually shifted to working in fields or gardens as labourers, a job with very low wages (e.g. 15,000 rupiahs a day only during planting and harvesting seasons). The combination of gradually decreasing opportunities in the village and low wages have influenced the decision of some women to migrate to urban areas for work, even if it poses a risk to their personal safety and well-being.

Trade relations may impact women differentially by cutting off social services for family needs (e.g. supports or subsidies for childcare, healthcare and education).²¹ If women's economic opportunities are restricted by unfair trade relations, they will have to seek opportunities in cities or abroad.

Free trade agreements and women's work in Central America

A study by the International Gender and Trade Network (IGTN) examining the Central America Free Trade Agreement found that Central America was forced to liberalise the agriculture sector, which led to a rise in rural poverty. Unable to provide care for families, women moved to cities for factory employment, where as women they were disadvantaged in work and found exploitative conditions in export factories.

- *"Gender Impacts of CAFTA"*²²

These root causes of trafficking may be exacerbated for women due to gender-based discrimination. For instance, women may receive lower wages or be prioritised below brothers to attend school. Women may experience gender-based violence in periods of conflict (e.g. rape as a tool for war), in the household (i.e. domestic violence) or if they do not conform to social norms about women (e.g. discrimination against lesbian, bisexual or transgendered women).

Responsibilities Without Opportunities

Women and men take on many economic, social and cultural roles in sustaining their family networks and their communities. As women are more generally identified as caregivers, a lack of income opportunities for women also has consequences for their families and communities. In a 2010 action research project by SEPOM (Self-Empowerment Program for Migrant Women), women who had been trafficked talked about having taken on financial responsibilities for their families in their youth or young adulthood due to poverty or the death, illness or absence of a parent²³. Women may face additional barriers to accessing livelihood opportunities in their places of origin which can necessitate having to look elsewhere for opportunities. A woman participant in FIDA-Kenya's 2009-2010 feminist participatory action research project with GAATW noted that: "There is more business in the city. If you tried to carry out some of the small businesses that we do here back in the village [like washing clothes or selling cooked food], people would think you were crazy."²⁴

The global demand for migrant women workers (domestic workers, workers in the garment industry, small scale manufacturing, and horticulture among others) also has a substantive impact on women's and female youth's reasons for leaving. In a rural community that had become a migrant-sending community²⁵, LRC-KJHAM (a community-based legal resources centre in Indonesia) found that parents' gender preferences for children had shifted²⁶. Parents expressed that they now preferred having girl children as they felt girls were more likely to support the family by working as a migrant domestic worker.

HOW DO MIGRATION OPPORTUNITIES AND EXPERIENCES DIFFER FOR WOMEN?

Migration becomes necessary if there is a lack of socially meaningful and/or economically sufficient livelihood opportunities in a person's place of origin. Migration can stem from opportunity as well as need. People migrate and travel for positive and aspirational reasons as well, such as professional, economic, social, cultural and personal opportunities. Paradoxically, women's migration may often be tied to women's roles as family caregivers or economic providers. Migration can also provide opportunities for independence, autonomy and self-creation, particularly for women who may not fit social or gender norms in their home village, town, or city.²⁷ A 2007 Gallup poll found that 700 million adults would like to migrate to another country if they had the opportunity to do so.²⁸

International migrants numbered 191 million in 2005.²⁹ Nearly half of all migrants are women. In developing countries, female migrants outnumber male migrants. The term *feminisation of labour migration* or the *feminisation of migration* has been used to describe the increasing number of working-class women migrating autonomously for often precarious (e.g. temporary, insecure, strenuous) work.³⁰ This is the result of various factors including the lack of livelihood opportunities for women in countries of origin and increasingly globalised economies reliant on cheap labour sources. Within this context, migrant women workers are seen as a desirable labour source because they are perceived to be cheaper, harder working, more manageable and less union savvy than their male counterparts.

Intersection between Migration and Women's Familial Roles

In GAATW's 2009-2010 feminist participatory action research with 12 member and allied organisations, we found that labour migration was causing shifting gender roles in workers' villages or towns of origin. In some cases, labour migration was a way women simultaneously contradicted and fulfilled traditional gender roles. In addition to being responsible for their families' well-being, women also became economic providers (traditionally masculine roles). This caused tensions in some families. However, although migration was still perceived as outside the norm for women, migrating for work also became another way of fulfilling one's duties as a mother, sister, and family caretaker. In many of the feminist participatory action research projects done in 2009-2010, women stressed their familial roles as the most important factor determining their migration and labour experiences. For instance, their familial roles served as the motivation for leaving and family ideals were sometimes invoked to help women endure exploitation,³¹ e.g. thinking of one's children to help one endure an exploitative work environment.

"I know that my husband, during the first time after I left to go abroad, was ashamed to launder, and hiding from neighbours...I get nervous when people say - women should do this...and men -this.... Do you think it really matters when you have to do everything to survive?"

- *Woman in Ursoaia Village, Moldova*³²

"You can't wait for your husband to bring back money. It is the responsibility of the women to take care of their children and it is us who face the most hardship and are responsible for our families"

- *Migrant woman working in the informal sector, Nairobi, Kenya*³³

Migration was simultaneously perceived as something women did to fulfil their maternal roles even as it detracted from their ability to mother their children in their home village. Women were emphatic about the emotional and social costs of family separation and the impact their migration/migration status had on their ability to parent.

"We have tried to seek a meeting with the management to discuss security fears and other issues such as hygiene and food, but they have declined from meeting with us. They don't care about us at all but this is affecting us as parents."

- *Asylum seeker living in an accommodation centre for asylum seekers in Ireland*³⁴

"My daughter always starts crying when I tell her that I have to go abroad again to earn money...she was crying as I never leave them. When I left, she was to substitute me - to care for her younger brother and for the big household...I understand that it is too stressful, but there's nothing we can do."

- *Returnee migrant woman in Ursoaia Village, Moldova*³⁵

Social Consequences of Migration

The GAATW FPAR research projects showed migration's social and economic consequences for women who had returned to their home villages or towns after working abroad. Women had to manage their families' and communities' expectations about the money they had earned. They also had to be careful how they spoke about their migration experiences in order to avoid negative social consequences within their home community such as ridicule (e.g. for returning home without adequate savings) or stigma. Women who had been trafficked and returned to their hometown were especially concerned how stigma would affect them because the trafficking identity sometimes carries strong stigma associated with sex work.

"Some people gossip about me but if I am not there to hear it, so what? If I hear about it I go and ask them if it's true and they go quiet. I don't want to take it to heart because I've done the best I could."

- *Thai woman who had been trafficked and returned to Thailand*³⁶

"Upon return I told about our [husband and wife's] negative migration experience to my old parents... they were of course unhappy but asked me not to tell anyone in the village about our experience. They were afraid that villagers would laugh at our family...like we spent so much time working abroad, and did not even earn enough to mend our roof..."

- *Returnee migrant woman in Ursoaia Village, Moldova*³⁷

Connections between Migration and Anti-Trafficking Policy

Illegal and unsafe migration channels exacerbate trafficking. The United Nations High Commissioner for Refugees has identified restrictive immigration policies as one of the risk factors for trafficking: "European nations are playing into the hands of human traffickers by tightening immigration policies at a time when their economies increasingly depend on migrant labor and when new factors like climate change are swelling the ranks of those eager to come."³⁸ Without access to legal or safe channels of travel, women and men from economically disadvantaged countries have to resort to traffickers to access routes barred by governments.

Lack of legal migration options for women in Mongolia

Centre for Human Rights and Development (CHRD) information indicates that women in Mongolia are regularly compelled to seek assistance from traffickers in their efforts to migrate, as a result of the country's policy and de facto recruitment practices. Many recruitment agents in Mongolia do not accept women as clients and this is further compounded by a migration policy that allows only men to obtain travel permits. Women seeking to move abroad, then, are obliged to seek illegal channels of migration.

- *Davjayev Amarjargal of the Centre for Human Rights and Development (CHRD) in Mongolia, GAATW Global Consultation on Prevention of Trafficking, 2006*³⁹

Discrimination During Migration

Women can also encounter harassment or exploitation from border officials and other migration gatekeepers, particularly where a migration decision is seen as, for instance, the rejection of social norms to stay at home and take care of children.

Although women can be vulnerabilised during migration due to gender-based discrimination, women's (and men's) migration experiences are also influenced by their class and racialised identities. Men from particular religious, national, racial and class backgrounds are also particularly vulnerable to discrimination during migration in this post-9/11 era. Legal and regular migration channels favour professionals from wealthier countries. A professional woman from the US is likely to have a much more favourable migration experience than a professional woman from a poorer country.

Security and women

"Working class migrant women are increasingly seen as a law and order problem...With the example of India, if they are not seen as coerced and trafficked, Muslim women are often seen as a security threat. Nationalism and religion contribute to the discussion, so that a concept of 'Hindu India', for instance, is the 'ideal' Indian identity and something that should be maintained. Muslim men are said to be raping good Hindu women. Muslim women are said to be potential breeders of more Muslims. The security and anti-trafficking language and concepts help to deport Muslims, with a justification of national self-defence and preserving a pure India. Women are 'either prosecuted as terrorists or put back in the victim box as trafficked persons' said Ratna Kapur at the Roundtable. Kapur also pointed out that women migrants tend to be seen as a law and order problem when they enter India, but people emigrating out of India are 'a capital investment'."

- *GAATW Feminist Roundtable on Trafficking and the Political Economy, 2009*⁴⁰

In addition, a purely vulnerability-based focus can impact women negatively if women's travel and migration is restricted as a protective or anti-trafficking prevention measure. At a 2010 consultation between the Special Rapporteur on Trafficking in Persons and Thai organisations, Women's Fight for Life (a returnee migrant women's group in Thailand working with Foundation for Women) reported that passports were being denied to women who had been trafficked in the past as a measure to "protect" women from being trafficked again.⁴¹

Social Ideas about Migrants and Trafficked Persons

Social ideas about migrants can be very different based on gender. Women migrants may more readily be seen as vulnerable whereas men migrants may be constructed more readily as a social threat.⁴²

The intersections between anti-trafficking and gendered ideas about women's vulnerability provide an interesting contrast to intersections

between anti-trafficking and migrant identities. The public messages around trafficking and women are often based on ideas about women's vulnerability (rather than her rights) and often highlight the victimisation aspects of a woman's story.

In contrast, the migrant identity is publicly seen as a more assertive but easily criminalised identity. It has been GAATW's observation that comments about migrant rights and the need for legal migration channels can elicit xenophobic or racist comments from the public.⁴³

These two constructions of trafficked persons have very different social uses and risks, particularly when it comes to developing public awareness campaigns. Member organisations and anti-trafficking practitioners have remarked on how useful the gender/victim identity is in generating public interest and attracting funds, sometimes to the detriment of other issues deserving attention and resources (e.g. violence against women). In comparison, use of the migrant/criminalised identity can result in xenophobic or racist backlash and less public, media and donor interest.⁴⁴

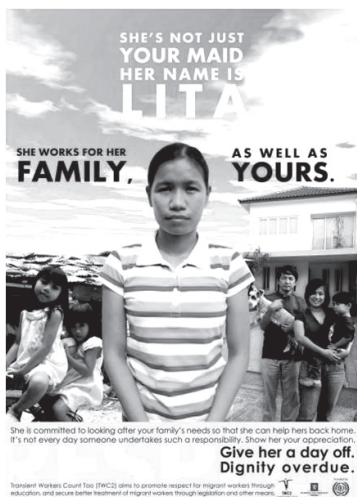
Experiences of African women seeking asylum as refugees in Ireland⁴⁵

Some women said that they felt an undercurrent of racism in their communities, especially towards black African women. One woman related that 'once they see your colour', security guards or employees follow her around in the shops. The following of women in shops by security or staff was also reported by women in other regions. Women said that they were followed in stores by employees as if they would steal something from the shop. Women related that they thought this might happen because staff knew of asylum seekers' poverty and impoverished living conditions. Some women reported feeling embarrassed, unable to go even window shopping for fear of being watched. One woman said that if 'they came to her country', they would be served.

"We are always insulted, even while shopping, especially the old people - they don't only give you the dirty look, they insult us verbally [saying], "Do you get this kind of money in your country?"

Trafficked Migrants: Both Victimised and Criminalised

One of the unique challenges anti-trafficking practitioners face is accessing justice for women and men who can be defined both as a victim (of trafficking) and a criminal (of not possessing proper identification documents, for example) within a legal framework. It is unknown which identity legal processes have recognised more (i.e. a victimised gender identity or a criminalised migrant identity) but anecdotally, member organisations have expressed the challenges they encounter when trying to access justice for trafficked persons with irregular migration status. This sharp victim/criminal dichotomy also appears in social ideas of women in sex work, i.e. they are either victims or criminals.



There is a lack of interventions and government policies that recognise this complexity. Some trafficking survivors have experienced the possibility of punishment or deportation if they cannot be classified as victims according to certain requirements. Anti-trafficking advocates can help counter the “passive victim” stereotype within anti-trafficking work by learning from migrant rights organisations. Migrant rights organisations have been successful in identifying human rights violations in a way that does not discount migrants’ resourcefulness and strength. For example, Transient Workers Count Too (TWC2), a migrant rights organisation in Singapore, uses messages and imagery that call for attitudinal change while recognising migrant contributions.⁴⁶

WHAT ARE THE LINKS BETWEEN TRAFFICKING AND LABOUR ISSUES IMPACTING WOMEN?⁴⁷

Labour issues overlap with the 1st (recruitment practices) and 3rd (exploitation) components of the 2000 UN Human Trafficking Protocol.

Migrant women workers contribute greatly to the economies and development of their families, their communities, their countries of origin and their countries of destination.

The economic contributions of women migrant workers to Rowoberanten Village, Central Java, Indonesia⁴⁸

Women migrant workers’ contributions to the village’s development is very significant. This is demonstrated by the small road to the houses, which they paid for themselves, 250,000 Indonesian rupiahs per family and for the village light, for which families contributed 200 Indonesian rupiahs per month. Even though the life of Rowoberanten Village is funded by migrant workers, the government does not give adequate attention to women’s welfare. The government’s apathy is shown by the absence of village regulations on migrant worker issues and the minimal attention paid to migrant workers who had experienced problems, such as non-payment and abuse during migration.

Risks and Opportunities in the Informal Sector

Most of the literature and attention on trafficking and gender has focused on women’s vulnerabilities in the informal sector such as sex work and domestic work. Working in the informal sector can pose risks yet the informal sector can sometimes provide opportunity and autonomy for women, particularly small-scale entrepreneurs. A 2009-2010 action research project with migrant women working in the Nairobi informal sector (by FIDA-Kenya)

found that women working as vendors and small-scale entrepreneurs did face higher risks of longer hours, unreliable income, theft, harassment, gender-based discrimination (e.g. suppliers preferring to deal with men vendors). Yet women also saw opportunities in the informal sector that they did not find in the formal sector. Women who had experienced exploitation in the formal sector moved to informal employment in order to have more autonomy, freedom and independence over their work. For example, because of unpaid wages and long working hours, one migrant left her job in a large manufacturing firm to start a small business.

Gender differences in the informal sector in Nairobi, Kenya⁴⁹

Such cultural norms and stereotypes of relegating women to the home reflect the unequal status of women in Kenyan society. Indeed, gender discrimination trickles down to the work situation so that the informal sector is segmented along gender lines, with men and women working in different economic activities, which are associated with different levels of earnings. The tendency is for female informal sector workers to be own-account workers, unpaid family workers and domestic workers. On the other hand, male informal sector workers often work as informal employers or wage labourers. Men's businesses also tend to be bigger than women's, and to have more employees as well as higher turnovers. According to research participants, men have more access to capital (and can thus buy more raw materials) and better skills (such as customer relations). They also seem to have more work experience compared to women. Respondents observed that suppliers (in markets) prefer to sell their wares to male vendors because they buy goods in larger quantities. For example, a grain and vegetable vendor would only buy a few cobs or a can of grains while her male competitor can afford to buy a whole sack of grains. The above issues explain in part why the gender segmentation of the informal economy exists.

Women's participation in formal labour (such as in the manufacturing sector) is largely unrecognised in the academic literature on trafficking. One Indian study found inadequate and incomplete media coverage among local and regional newspapers on the trafficking of women in the mining industry (in the Dumka and Pakur districts of Jharkhand, India) although sexual violence against women trafficked into the mining industry was more likely to get media coverage.⁵⁰ Most of the documented instances of trafficked men have been in formal sectors while most of the literature on trafficked women has focused on informal sectors, but this is not necessarily a reflection of global trafficking trends.

Barriers to Labour Migration

Legal or "regular" channels for labour migration can be extremely limited for working class women and men, which can leave traffickers, smugglers or unlicensed brokers as their only option. Countries' immigration policies favour workers from the professional sectors even when their economies require working-class workers. Although domestic work is a great need in many countries (evidenced by the number of domestic workers employed globally), this sector of work is still largely unrecognised in countries' immigration policies or labour policies. Even in instances where legal channels may exist for women to take up domestic work in other

countries, government policies often still structure domestic work as temporary or circular employment (i.e. where migrants travel to another country to work but return back to their country after a certain period of time), meaning that migrant women may not enjoy a sense of permanence and establishment. Further, even for women working as domestic workers in their own country, domestic work is largely unrecognised as work in labour laws globally.

Labour and Women's Sexuality

Overseas migration programs developed by governments and/or corporations sometimes tie employment opportunities to a woman's reproductive state. A study of women strawberry pickers in southern Spain found that government policies, employers and recruitment agencies preferred women who were married with children in their home countries. It was thought that women's families would be a guarantee that migrant women workers would leave Spain after the completion of their work contract and would be less likely to attempt settling permanently in Spain.⁵¹ This government and employer preference has benefitted some women but penalised others.

Migrant workers in Israel sent home if pregnant

Since 2004, KavLaOved, along with other migrant rights NGOs in Israel have protested the discriminatory practice of sending home workers who become pregnant.⁵² In 2007, based on the right to parenthood, the High Court of Justice ruled that the state must explain why foreign workers are deported after giving birth instead of being allowed to complete their 5-year employment period and rejected state arguments that foreign workers who become pregnant should not be allowed to remain in Israel due to fears that mothers would refuse to leave at the end of their work term.⁵³

- *Kav LaOved, a migrant rights NGO in Israel*

Migrant women workers in the informal sector in Nairobi, Kenya also spoke about the assumptions made about women working as small-scale entrepreneurs: "Our husbands do not want us to work. They accuse us of being prostitutes when we go out to trade or say that we will desert them when we start making money" (migrant woman vendor in the Kiamai community, Nairobi, Kenya).⁵⁴

Women's Dual Roles

Definitions of what constitutes labour can be complex, as much of the work done by women still occurs in the informal sector (e.g. domestic work) or in the reproductive sphere (e.g. unpaid caregiving of relatives) or a combination of both (e.g. women taking up unpaid childminding work in a relative's home or taking up small-scale production work in their home). "Skilled labour" can often be used to describe labour traditionally performed by men (e.g. construction) whereas "unskilled labour" is more often used to describe work typically done by women (e.g. housekeeping).

“Beyond counting men and women in a given location and sector, a gender perspective recognises relationships among spheres of activity [- productive, reproductive, and care economies]. A further step acknowledges how one domain transmits to another creating different types of unequal relationships”.⁵⁵ For instance, if a person has been doing unpaid childcare and housework for several years, she is familiar with her work not being given monetary value. When she enters paid work, she and her managers might expect her work not to have as much value as that of ‘men’s work’. She might also have little or less access to the higher paid kind of work that men are able to get, based on gender stereotypes as well as access to networks, education or relationships that might get her that job.⁵⁶

- *GAATW Roundtable II: Trafficking and the Political Economy - Impacts on the rights of migrants from trade, the financial crisis and new regimes of control, 2009*

Women workers often carry dual burdens as the economic providers of their families in addition to taking care of the household. For instance, women in Kenya are often “time-poor” due to their dual roles in the household as well as in the labour market. Women typically work longer hours (12.9 hours) compared to men (8.2 hours), yet they earn less because these hours are not appropriately remunerated.⁵⁷ Women’s dual roles have also sometimes been used to justify informal, precarious or flexible employment for women by perpetuating the false idea that women’s earnings are “extra income” for their households.⁵⁸

Dual responsibilities without power: Household decision-making in Rowoberanten Village, Central Java, Indonesia⁵⁹

Even when women are the breadwinners, the control or power is still in the hands of their husbands, such as decisions made about their children’s education, the type or name of the school for the children, the type or name of the bank they should borrow money from, buying things, and selling the harvest. Property was usually owned in their husbands’ names. Out of a sample of 10 ten persons surveyed in the community, 3 had houses in the wife’s name, 5 had houses in their husband’s, and one person did not have a house. One participant did not answer the question. In terms of land, three legally owned land under both the woman’s and man’s name. Motorcycles were all legally owned by men, even when purchases were made together by men and women. Women who did legally own a house and land were widows or received it from their parents before they got married.

WHAT ARE THE LINKS BETWEEN TRAFFICKING AND VIOLENCE AGAINST WOMEN (VAW)?

Violence against women (VAW) can refer to an act or acts of violence against women because they are women, but it can also be used to refer to

a wider social movement, a conceptual framework of power over women, and/or a human rights violation.

As an act, violence against women can refer to physical abuse, sexual abuse, psychological and emotional abuse, social abuse (e.g. isolation, stigma), financial abuse (e.g. no control over one's income). Violence against women can occur within a woman's family (domestic violence), in one's community (e.g. as a result of discrimination, hatred, stigma, etc.), in one's workplace (e.g. abuse of domestic workers), in situations of conflict, and as a result of systemic or structural policies (e.g. colonialism), to name a few examples.

Women who have been trafficked may have experienced violence in various forms. Women fleeing abuse or violence may turn to brokers, recruiters and traffickers. Women who have been trafficked may encounter abuse and violence from their employers (e.g. violence towards sex workers or women working in factories) and/or from their agents or brokers (e.g. using violence to prevent a woman's escape). Unfortunately, women may also experience violence if she has escaped her trafficker. She may encounter violence by the authorities (e.g. abuse in detention centres, abuse by law enforcement) or by service providers who control women's movements as a method of "saving" them. Violence can also be a risk when a woman returns to her community, either from traffickers or from her community as a result of the stigma around trafficked women.

VAW as a Social Movement and Feminist Framework

Starting from the 1970s, the Violence Against Women movement sought to identify violence against women as a grave human rights violation and to understand violence against women as the result of patriarchy or unequal power relations between men and women. Trafficking emerged as a women's rights issue in the 1990s from the VAW movement; thus, VAW has informed much of GAATW's work throughout our history.

Public awareness and efforts addressing VAW differ globally. In some countries or local contexts, women's rights advocates are still struggling to convince people and/or governments that violence against women is a grave human rights violation stemming from social, political and economic inequities. In other countries and/or contexts, the VAW issue has become a politically strong movement, publicly visible issue, and well-funded non-profit sector.

Recognition of Specific Forms of Violence Against Women

Regional contexts also differ with respect to what forms of violence are recognised and what forms are not. In North America, the VAW movement has opened up private spaces to public accountability (or politicised the personal), particularly on violence within interpersonal relationships and families. However, there has been less focus on gender-based violence as a result of government policies (e.g. violence against Aboriginal women as a result of colonial policies), violence experienced in workplaces (e.g. employer's abuse of domestic workers) or migrant workers⁶⁰ and violence against transgendered women. Countries also differ in their recognition of violence against women in other non-relationship contexts, such as violence against women due to their sexual orientation, police brutality against sex workers,⁶¹ and violence against women human rights defenders, to name a few examples.

The VAW Framework's Contributions to and Limitations for Anti-Trafficking Discourses

As trafficking is about the control and exploitation of human bodies, the VAW movement has contributed to an understanding of who has the power to control women's movements and women's bodies. In the UN, the Committee on Elimination of All Forms of Discrimination against Women's (CEDAW) General Recommendation No. 19 on Violence against Women, the Vienna Declaration and Programme of Action, and the Beijing Declaration and Platform for Action all refer to trafficking within the context of violence against women. The VAW movement can also provide some valuable lessons to anti-trafficking practitioners. For instance, literature and research on secondary victimisation or retraumatisation of survivors have illuminated the harm survivors can encounter when seeking assistance from patriarchal medical and legal systems.⁶² Women's shelters have developed safety protocols (e.g. on client confidentiality, assessing counselling needs) for domestic violence survivors which can provide a useful knowledge base in creating shelters for trafficking survivors.

In other instances, linking violence against women with trafficking can mask, or present a limited view of, other important issues related to trafficking. Trafficking is also about exploitation and profit. Violence against women is commonly viewed as violence perpetrated by a man against a woman. However, trafficking can also be understood as violence against women that is perpetrated by nongendered individuals (e.g. brokers, employers) and by the State (e.g. border policies, immigration policies, labour protection measures).

Some within GAATW's network have challenged the VAW framework's emphasis on abuses rather than women's agency and women's rights, such as the right to dignity, the right to livelihood, and the right to self-determination. Some within GAATW's network have also questioned the VAW framework for emphasising the oppression of women by men rather than an intersectional and structural analysis based on factors such as race and class. The VAW movement's focus on patriarchal oppression has led some women's organisations to exclude transgendered women from their organisations or accessing assistance if they experience violence,⁶³ despite the fact that transgendered women are at increased risk of violence.⁶⁴

WHAT DO ANTI-TRAFFICKING PUBLIC AWARENESS CAMPAIGNS SAY ABOUT WOMEN?

Anti-trafficking public awareness campaigns and media depictions of trafficking have exacerbated particular social perceptions about victims of trafficking. There has been an overwhelming focus on women in public awareness campaigns and extremely little public recognition about trafficked men.

Questioning Victimising Messages in Public Awareness Campaigns

Most of these campaigns have a strong focus on women, children, or both. The messages are often based on ideas about women's vulnerability rather

than a gender-based analysis of the issue (see Section 1 in this paper). Concerns have been raised over the type of message communicated in anti-trafficking public campaigns, specifically confusing sex work with trafficking and the theme of “victimhood” that is displayed on posters, in print and visual media, in commercials, and movies.⁶⁵ But these campaigns capture only certain elements of women’s stories. The traditional “helpless/hopeless victim” storyline that is communicated in these campaigns very often leaves out other potential storylines, such as how a trafficked person decided to migrate, how she resisted exploitation, or how she survived, escaped and recovered.

A strategic reliance on stories of victimhood generates a great deal of interest (media, fundraising, etc.) but leaves the status quo intact by focusing on violence by one person perpetrated against another person and by excluding discussion about broader contexts that contribute to trafficking (e.g. lack of legal migration opportunities for working-class women). The use of racialised women in Western anti-trafficking public awareness campaigns also provides a socially acceptable way to sustain ideas about women’s vulnerability by defining certain type of women in need of assistance from women in wealthier countries, e.g. female victims from the “third world” needing rescue.

Questioning Methods Used by Public Awareness Campaigns

Interestingly, while media or campaigns may explicitly detail the abuses a trafficked person has suffered, these abuses are not often publicly identified in campaign materials as human rights violations. A human rights-based approach can be more empowering for trafficked persons and includes a more holistic approach to human needs (e.g. right to livelihood, right to health) so it is puzzling why a human rights based approach is not more embraced in public awareness campaigns. Trafficked persons may be more able to exercise their power and their agency in a human rights based framework. A human rights-based approach can also maintain the focus on redressing the wrongs done to a person rather than a protective approach’s focus on what makes certain persons weaker or more vulnerable. A protective approach can perpetuate the pattern of doing something “to” a person whereas a human rights based framework allows more space for people to assert what they are entitled to.

Irresponsible anti-trafficking public awareness campaigns can actually replicate trafficker’s methods or attitudes. For instance, trafficking has been described as one way of commodifying people yet this tactic has also been used in public awareness campaigns by depicting women in boxes or as frozen grocery meat.⁶⁶ From GAATW’s observations over the years, some anti-trafficking campaigns implicitly suggest that it is best to act for women who are assumed not to know what is best for themselves. This is seen when women’s shelters lock women in “for their own good” or “rescue” women from sex work on the assumption that any woman in sex work does not know what is best for herself. But ignoring what women say or ignoring when women resist or express concern is a trafficker’s tactic as well.

Sex workers protest exploitative, misleading imagery in anti-trafficking campaign

Sex workers rights advocates in Australia and Canada have protested the Salvation Army's anti-trafficking campaigns. The Scarlet Alliance, an Australian-based sex worker-led network organisation, demanded apologies for ads that they argued relied on public discrimination against sex workers and capitalised on exploitative imagery⁶⁷. In one Salvation Army advertisement in Australia, the ad details how the Salvation Army "saved" a sex worker's life by using deception and force to transport a sex worker to one of their rehabilitation centres. In Vancouver, a coalition of sex workers rights allies and sex worker-led groups protested the Salvation Army's plans to hold "group prayers" outside of sex work sites and their ads depicting women in dangerous and violent situations: "Through an aggressive misinformation campaign, the Salvation Army is trying to create an unwarranted panic about human trafficking in Canada...Even one instance of human trafficking is an unacceptable tragedy but it is harmful and insulting to characterize all sex workers as trafficking victims."⁶⁸

Trafficking for the purposes of forced prostitution has been described as eroticising women or filling a demand, yet the use of eroticised and violent imagery in anti-trafficking campaigns is rationalised as the need to make trafficking sexy enough for media and public consumption.

ARE SERVICES FOR TRAFFICKED PERSONS SHAPED BY IDEAS ABOUT GENDERED IDEAS ABOUT WOMEN?

Trafficked persons or organisations led by trafficked persons have an important role to play in developing and delivering assistance programs and in determining the terms of their own assistance.

From trauma to leadership

She [a health messenger from an NGO COIN and sex worker] told me about COIN [Centro de Orientacion e Investigacion Integral] and what they were doing and invited me to their meetings. I went to some of them with other women and little by little I got more interested in their work. They also started asking me about my case and my experiences. In the beginning I never spoke in their meetings. I was very afraid. But one day I decided to break the silence. The injustices and mistreatment I suffered were what made me start talking. Also with the help I received from COIN, I began to be more and more involved in their activities. This made me feel important. At the beginning I would only attend their trainings. Afterwards I became a trainer myself.

I now work in COIN's health area. I am the nurse in charge of the vaccines area and I also help the doctors working here. I am the nurse of COIN but also of the neighbourhood. Today, tomorrow and forever.

- *COIN staff member, 2006*⁶⁹

Determining the terms of their assistance

“And if I could choose, I don’t want them to use my real name, my real surname and reveal my background or discuss me by name and expose us. Once, for SEPOM work, I talked about trafficking and my experiences but not anymore because my children are grown now and I worry their friends will tease them. If we get help, we just want help without using the word ‘trafficking’ because it makes us feel like we have a defect and, in our hearts, we will never heal...The most important thing that will make us stronger and enable us to overcome our problems is to meet and talk amongst ourselves about our problems. Knowing we are not the only one with this problem, or giving moral support to our friends is like giving ourselves moral support, too. Sometimes, when working as a group leader, I can see my own strength when I advise other friends in the group.”

- *a Thai women who was trafficked and returned to Thailand to work with a returnee migrant women’s organisation*⁷⁰

Making Sure Help Does Not Harm

Anti-trafficking advocates must ensure that interventions based on an awareness of exploitation do not inadvertently perpetuate discrimination against women. Measures that seek to protect or rehabilitate women despite women’s refusals perpetuate discrimination against women by violating women’s right to choose. Anti-trafficking advocates may unwittingly replicate the behaviour of traffickers if they forcibly control women’s movements by locking women inside shelters during the day or forcibly removing them from their workplaces (such as in “raid and rescue” missions) or by violating women’s rights in “rehabilitation centres” (e.g. harassment by guards, unsanitary conditions, lack of access to healthcare, inadequate food and shelter).⁷¹ Other organisations may prioritise women’s particular roles when providing assistance such as by choosing to assist women who are mothers because they are mothers rather than assisting women as autonomous individuals.

Deciding Who Gets Help

The implementation of assistance programs for trafficked persons also depends on donors’ ideas of who is most in need⁷², yet donors’ ideas may not necessarily reflect the people or cases service providers actually encounter.

Who decides who is really trafficked? Differences between donor and community assessments of need in northern Thailand

In the past, Self Empowerment Program for Migrant Women (SEPOM) in northern Thailand has experienced large projects that have specified that their anti-trafficking services could only be used to assist women who were within a very particular age range and recently trafficked (within a particular timeframe). While the group of women identified did require assistance, SEPOM argued that many other women required assistance and that for some women, the process of identifying oneself as a trafficked person or coming to terms with that experience can take years, resulting in women only seeking assistance after a few years. This created tension among SEPOM’s membership as while all women were experiencing challenges stemming from their migration experiences and although some of them were trafficked, only a relatively small percentage fit the criteria for a trafficked person as defined by the project.

- *Self-Empowerment Program for Migrant Women (SEPOM)*

This is particularly true if we consider how trafficked men might be assisted. Our member organisations do provide assistance to trafficked men but information from these cases has not been comprehensively documented or shared. If we consider that many service providers assisting women work within feminist or VAW frameworks, it is interesting to think about how assistance might be shaped for men who have been trafficked. For instance, how does assistance to a woman trafficked into factory work differ from assistance to a man trafficked into the construction sector? How can feminist principles be used to develop assistance options for trafficked men? Is it more empowering to seek assistance as a trafficked person or as an exploited migrant labourer?

Fighting trafficking through labour cases

MAP Foundation, an organisation for migrant workers in Thailand typically encounters one trafficking case per year, usually trafficking for the purposes of domestic work, and has found that migrant women have more agency in the process of taking grievances to court in the form of labour cases over trafficking cases. Trafficking cases take longer than labour cases but more importantly than the length of time, “in labour cases, the migrant makes the decisions of how far to take the case, which they cannot do in trafficking. In trafficking cases, it is often no longer a migrant’s decision. Someone else takes decisions for the trafficked person. The Migrant Assistance Program [MAP] makes sure that for every trafficking case, a labour case is also filed.”

- Jackie Pollock, MAP Foundation, *Gender-Migration-Labour-Trafficking Roundtable, 2008*⁷³

Part of the support given to trafficked persons is meant to restore what has been lost. Therefore, would assistance to trafficked men be based on aims to restore feelings of independence, pride and strength - all social ideas about masculinity? Action research by La Strada Moldova found that men who had returned to Moldova after migrating abroad rarely spoke about their negative migration experiences due to stereotypes of men as “strong, undefeatable” persons⁷⁴. Who decides what a trafficking victim has lost and what should be restored? Are these ideas based on a person’s gender?

Assistance within Patriarchal Systems

Anti-trafficking assistance and identification processes are largely influenced by legal and criminal justice processes as trafficked persons are essentially victims of a crime. Yet legal and criminal justice processes traditionally have not been gender-sensitive or helpful for all women. Women can be re-victimised or re-traumatised when seeking help within patriarchal medical and legal frameworks. For example, women may have their claims dismissed or belittled, or their morality can be questioned when their private histories are assessed and judged by legal and medical professionals.⁷⁵

In addition, legal frameworks are typically focused on prosecution rather than bringing justice to victims.⁷⁶ Trafficked persons may have different views on what constitutes justice for them. At a workshop held for Burmese women who had experienced numerous human rights violations, participants ultimately defined justice as “having one’s life back”.⁷⁷ If justice is formulated this way, then access to justice could also entail reintegrating women into the workforce and reducing stigma against trafficked persons in addition to seeking compensation from traffickers through the legal system.

Trafficked persons may have a variety of reasons for refusing assistance.⁷⁸ Seeking assistance may pose serious risks for trafficked persons because trafficked persons have identities that are both victimised (as trafficked person) and criminalised (as a person without proper documentation or a person in criminalised work). Seeking assistance can be a gamble which some individuals will take. Others will not and will, for example, refuse to call the police or go to the hospital because of fears of deportation.

WHAT IS THE CONNECTION BETWEEN TRAFFICKING AND SEX WORK?

Clarifying Definitions

The link between gender and trafficking has perhaps been most public in feminist arguments over trafficking, prostitution, sex work and how they are connected. Based on GAATW's dialogues with actors in various feminist movements over the years, some groups (including GAATW) have advocated strongly for sex workers' rights and have argued that confusing trafficking and prostitution does little to combat trafficking while actively hurting women in sex work. Many others in the feminist movement continue to see a strong link between prostitution and trafficking, and maintain that trafficking cannot be addressed without abolishing prostitution.

Most of the global discussions around trafficking have only focused on women in sex work with almost no mention of male sex workers or transgendered sex workers.

While GAATW's membership has very diverse opinions on sex work, the commonalities of our analyses lie in our insistence that sex workers themselves have the right to organise themselves and assert their rights, that violence against women in sex work is a grave human rights violation, that trafficking is a distinct phenomenon from sex work and that anti-trafficking policies must also factor in sex workers' concerns and knowledge (e.g. concerns about the impact of raids on business/clients). While women can be trafficked for forced prostitution, not all or even the majority of sex workers are trafficked. GAATW is also careful to distinguish between trafficking, sex work and sexual exploitation.

Escaping a trafficked situation from a brothel to work independently with other sex workers

Bee (not her real name) was sold by her brother to one of his friends who owned a brothel in the Narathiwat province in Thailand. Bee was determined to help her brother and was not afraid of going away to work as she knew who her employer would be. However, after some time passed, she discovered she was bonded to her employer and "in debt" as her brother had been regularly withdrawing her pay from the owner. She fled the brothel and started working independently in sex work with other sex workers: "Some of the girls who couldn't stand the pressure and exploitation, joined together to work. We rented a room together and worked without having anyone take a cut in our earnings or forcing us to do anything. We would look out for each other and find our own customers, like a self-reliant group. When some of the girls had saved enough money, they left the group to return home." About a year after earning money as a sex worker, Bee decided to return home.⁷⁹

Sexual exploitation is a risk in any situation (not just sex work) where a woman experiences human rights violations. While sex workers can be sexually exploited (e.g. if a client refuses to pay for a received service; if a brothel owner demands sexual favours from an employee), commercial sex work (between two consenting adults who have agreed on a price for a service) is not inherently exploitative.

Sexual exploitation risks that African women asylum-seekers in Ireland experienced

Women from several regions reported that while walking in town or picking their children up from school, they were being followed by men, sometimes by men in cars. Women coming from, or going to, accommodation centres have been asked if they want 'lifts' in or out of town, or if they want money. Women said that they had been approached by local men and asked if they do sex work. Women in one region had been asked by local men, 'Do you need money? Do you want to work?'

'Women are been harassed here every day. The other day, a man in a car followed me and started shouting, "Have sex with me!" It doesn't matter - they think everyone black here is an asylum seeker and that they can harass us. They know we live on €19.10 Euros a week.'

A woman spoke about a man in a car following her, even past the local Garda station. He asked her if she wanted to get a drink or 'get together'. He circled the block twice before he finally gave up and left her alone. Another woman said that while on a school run with her children, a local man asked her if she wanted to have sex with him. Women from one region reported a man in a van who allegedly waits, parked inside the centre's gates, and approaches women.⁸⁰

Harms of Anti-Trafficking Measures Against Sex Workers

Policies created or actions performed in the name of anti-trafficking have at times resulted in gross human rights violations against sex workers, including economic exploitation and physical and sexual violence by law enforcement. For example, sex workers' rights groups in Cambodia are working to change the country's anti-trafficking law which they argue punishes sex workers (by forbidding them to work publicly) and creates a mechanism where law enforcement officers can extort sex workers for money or sex in return for non-arrest.⁸¹ In addition, when prostitution is mistakenly equated with trafficking, trafficked persons can also be stigmatised and receive threats of violence when they return home or when they seek assistance as a "trafficked person".⁸²

Some GAATW members and allies have also made a deliberate choice not to use the term "sex trafficking" based on concerns that all human rights violations against trafficked persons across all occupational sectors should be addressed, not just the sexual aspects of trafficked persons' experiences. There is also a worry that the term "sex trafficking" encourages voyeurism by directing public attention to the sensationalistic aspects of what women were forced to do rather than the full range of human rights violations women experienced and the human rights protections they are entitled to. A sole focus on trafficking for the purposes of prostitution can also divert

attention and urgently needed resources from human rights violations in other sectors, e.g. labour exploitation or the “trafficking-like” effects of particular government overseas labour programs.

Sex Workers’ Involvement in Anti-Trafficking Efforts

Sex workers and advocates for sex workers’ rights have asserted their voices in global discussions around trafficking. Various sex workers’ rights organisations and projects have organised fora and produced informational resources about trafficking and sex work,^{83 84} advocated and lobbied for changes in anti-trafficking legislation and policy,^{85 86} demanded changes to exploitative and misleading anti-trafficking campaigns,^{87 88} and worked to increase sex workers’ control over their work environments.^{89 90 91} Some sex workers have wanted to assist law enforcement (e.g. by sharing information about trafficking activities) but fear that they will be criminalised if they come forward with information.⁹²

Sex workers in Cambodia protesting MTV’s anti-trafficking campaign

The Women’s Network for Unity (WNU), a sex worker-led organisation in Phnom Penh, Cambodia, and the Asia-Pacific Network of Sex Workers (APNSW) connected sex workers’ rights and globalising economic agendas in a counter-campaign to the MTV EXIT anti-trafficking campaign. The counter-campaign was called MTV No EXIT. Cambodian sex workers argued that irresponsible, anti-trafficking campaigns and misguided anti-trafficking policies that focus only on sex workers can justify or rationalise mass round-ups and arrests of sex workers (as was happening in Cambodia). They also justify the detention of sex workers in “rehabilitation centres” where sex workers experienced further abuses, or placement into forced or coerced training programs geared towards preparing women to work in factories and export processing zones for the interest of wealthier nations.⁹³

The above example shows that fighting “sex trafficking” engenders a socially acceptable positioning of poorer countries as “villains” and wealthier countries as “rescuers”. A campaign against “sex trafficking” may also be directly implicated in priming women for work in lower-paid (but socially more acceptable) jobs such as factory work.

CONCLUSION

Gender is one factor that influences trafficking and anti-trafficking activities. In reality, it is hard to separate a trafficked person's identity as a woman from her multiple identities as a racialised person, a migrant, a mother, an autonomous worker, an urban or rural resident, and so forth.

The intersection between trafficking and women's gendered experiences are often specifically linked to ideas about women's sexuality. One example is migration labour opportunities that tie women's employment to their reproductive status (e.g. deporting workers who become pregnant). Another example is anti-trafficking campaigns that rely on sexualised images of violence against women.

A trafficked woman's gender identity and her other identities (e.g. race, class) influence her opportunities (or lack thereof) in her place of origin, how she is treated during the migration process, what opportunities are available to her in her place of destination and what assistance is available to her. The gendered aspects of women's experiences have also proved relevant to researchers, border officials, governments, and policy makers. What is less known is the relevance of a trafficked person's gender identity to *herself* in relation to her experience of being trafficked. For example, does a woman who has been trafficked feel wronged as a woman (young or old), as a migrant, as a citizen from a relatively poor country, as a youth or as part of another group? What aspects of her identity does she identify as being salient to her migration, labour and recovery experiences and do they include her status as a victim of trafficking?⁹⁴

Two women on talking about trafficking experiences with one's children

Sri (not her real name) felt that her work assisting other trafficked persons and exploited migrants will make her children feel proud of her: "When it's time, when they've finished their studies, if they ask me I will tell them about it. I think I'm ready to do it. Putting my children through school, to this level, is the best I could've done. And I have done so much social work that the community accepts me now. My children should understand because when they learn about my past, they will still see all the good I've done for society, for my children, and for my family. They should be able to change their feelings on their mother's past for themselves. I don't want to talk about the past but I never thought to erase them from my memory because I don't think it's so very terrible. I'd like to keep the memories so when I watch TV with my children I can teach them about things."

Bee (not her real name) uses her past experiences to teach her children because she doesn't want them to have the same experiences, plus she has never felt that her experience in going overseas should be kept secret. It's fine if her children know but she wants them to know from a strong mother's perspective, and how she overcame the obstacles as a lesson. Bee also wants to tell others to "look at me as an example that you should listen to yourself and not depend on others and to learn from new things and change yourself to adjust to them."

- *Two Thai women who had been trafficked and returned to Thailand to work with SEPOM, a returnee migrant women's organisation*⁹⁵

Exploring Links between Trafficking and Gender

The anti-trafficking framework is ultimately a criminal justice framework and therefore the trafficked person identity is ultimately that of victim. While this entitles persons to compensation and redress, practitioners should take care that a legal designation as a 'victim of trafficking' does not become victimising.

"While critical engagement with anti-trafficking legislation will continue, GAATW members have called for an affirmative component to anti-trafficking work. A shift away from the critical and negative has become important for GAATW. One founding member has said that 'it is time we highlighted what we are *for* and not just what we are *against*.' Overall, we need a positive approach within anti-trafficking: 'To be an anti-trafficking organisation but constantly be criticising the whole framework does not get you very far. We need to be saying something else positive as well.'

Gender-based rights that advocates can positively fight *for* (rather than only negatively pointing to violations) include the right to gender equality, to bodily integrity, to equality before the law, to freedom of movement, to freedom from discrimination, to freely choose a spouse and more...."

- *From GAATW's Gender-Migration-Labour-Trafficking Roundtable (2008)*⁹⁶

The link between gender and trafficking in the anti-trafficking discourse has almost exclusively focused on the connections between trafficking and women. When we examine trafficking issues with a holistic and critical understanding of women's gendered experiences, it can help address discrimination against women and promote women's rights. But when the gendered aspects of women's experiences are linked with trafficking as a result of ignorance or misinformation, this can result in gross human rights violations against marginalised groups of women or deepen women's vulnerability.

RECOMMENDATIONS

Anti-trafficking activities which reinforce gender stereotypes may harm rather than help trafficked persons, particularly women. Many awareness campaigns, wrongly, draw on exploitative imagery and victimising depictions of women who have been trafficked into forced prostitution. Service providers must take care that anti-trafficking assistance services do not end up perpetuating discrimination against women by making important decisions on behalf of trafficked persons without their knowledge or consent.

To governments:

- Study, analyse and understand gendered labour migration trends (e.g. why, how and where women are migrating for work) in order to respect, protect and uphold the human rights of all migrants.
- Ensure citizens and migrants working in the informal sector have access to full labour rights.
- Establish safe and legal migration channels for working-class migrants. For instance, women in Indonesia have recommended that Indonesian women be allowed to seek labour migration opportunities without the interference of a recruitment agent (i.e. Indonesians are required by law to seek work abroad through agents who often charge prohibitive fees⁹⁷).

To governments and civil society actors:

- Ensure that anti-trafficking legislation, policy and programs are rights enhancing, empowering and reduce discrimination against women.
- Minimise the negative impact of legal and medical procedures on a trafficked person's recovery, e.g. reducing the risk of retraumatisation in invasive medical procedures or confrontational legal proceedings.
- Consult and collaborate with migrant workers and informal sector workers, particularly sex workers, in identifying measures to prevent abuses.
- Include empowering imagery and messages in public awareness campaigns, such as emphasising peoples' right to livelihood and the resourcefulness women show in restrictive situations.
- Demonstrate flexibility when specifying the beneficiaries of anti-trafficking programs. Due to the changing nature of trafficking, donors' ideas of assistance may not match service providers' experience at the community level. In other instances, women may feel safer if they can access anti-trafficking services without publicly having to identify as trafficked.⁹⁸

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addressing trafficking (countries must be at least at Tier 2 to avoid being penalised). Civil society has criticised the US's stance on trafficking under the Bush administration has confusing prostitution with trafficking and for a lack of transparency regarding ranking assessments. This has resulted in many countries feeling that their anti-trafficking policies are governed by US anti-prostitution agendas rather than a sound evidence base on the scope and nature of trafficking within a particular country. Sex workers groups have argued that this has led to arbitrary crackdowns on the sex industry (regardless of the actual need or risk) so that their governments can demonstrate their allegiance to the US's anti-prostitution stance.

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