

Women Rights are Human Rights: Migration and Trafficking in Women

Comments will focus mainly on trafficking in women – a phenomenon which has grown to major proportions world-wide, often through internationally organized criminal networks, and which has caused much human suffering. It is high time for the international community to respond to these problems in a coordinated and concrete way.

Introduction

It has been estimated that the worldwide number of international migrants rose between the years 1965 to 1995 from 75 to about 130 million people. It is interesting to note that at the end of that period of 30 years the percentage of migrants out of total world population had remained the same, at 2.3%. The absolute number of migrants however has been constantly increasing.

Contemporary population movements are characterized by increasing pressures by individuals seeking, through migration, either to escape war, persecution, poverty, or human rights violations, or simply to find better economic opportunities. At the same time, many States have imposed stricter border controls and entry requirements. Thus, in much of the world, the possibilities for legal migration have decreased, even though considerable demand persists in destination countries for certain categories of foreign labor. And one major result of the interaction of these factors has been an increase in irregular, trans-border movements. This is the irregular migration phenomenon of which trafficking is but one part – albeit often a particularly abusive part, especially as it relates to women and children.

Indeed, the unabated demand for migration, coupled with governments' stricter entry controls or requirements, has given rise to a lucrative parallel market for services. Traffickers exploit the potential for profit in this irregular migration and, for an often hefty fee, supply the intending migrants with services such as fraudulent travel documents, transportation, guided border crossings, accommodation and job brokering.

Authorities have been tracing many intercontinental routes and found evidence of involvement of organized transnational criminal networks in trafficking business. The estimates of the amount of migrants involved in trafficking vary a great deal, but the total yearly figure seems to rise to millions. It is also estimated that traffickers' gains from the illicit business rise up to 7 billion US\$ yearly.

Trafficking in migrants touches upon a wide number of issues of interest to the affected states. It may affect relations between states and pose security problems especially in connection with organized crime. Irregular migration and trafficking undermine regular migration regimes; create large social cost through abuse, violence and exploitation experienced by trafficked women and children or undocumented workers at the mercy of their employers. The

humiliation, violence and exploitation, that trafficked people have to experience leave no doubt that trafficking is a human rights issue.

In discussions on trafficking, particular attention has to be given to the question of the voluntariness of the migrants' movement. For many migrants who are eager to escape poverty or political and social insecurity, and are insufficiently aware of the pitfalls of irregular migration, it seems worth paying a fee to try their luck, thereby allowing their dream for a better life to be exploited by traffickers. Yet in many instances, trafficked migrants are lured by false promises, misled by erroneous information on conditions and entry regulations, and driven by economic despair or large-scale violence. In such cases, the migrant's freedom of choice is so seriously impaired that the voluntariness of the transaction must be questioned.

Approaches to a definition on trafficking in migrants:

Despite the growing concern over trafficking, and already widespread activities to combat it, there still does not exist a generally accepted definition of the concept. This is not an academic question only, because basic information and statistics are always needed to plan and justify policy measures.

The variation in the conception of trafficking has its origins in the complexity of the issue and different approaches on how the phenomenon is looked upon. Organizations giving assistance to trafficked migrants sometimes equate 'trafficking' with the more narrow 'trafficking in women', some even more narrowly to prostitution. Elements like cheating, forcing, violence, abuse of women and children may be added to the definition, or other specifying details like forging of travel documents, illegal entry, illegal stay, employing illegal workers, keeping them in inhuman conditions etc.

From the perspective of IOM, we see 'trafficking in migrants', in its general sense, and to take place when the following four characteristics are fulfilled:

- an international border is crossed
- some irregularity is involved in that migration (illegal entry, overstaying etc.)
- a facilitating party is involved into the migration
- this facilitator gains from his services

These features define a basic category, which then may have some of the additional characteristics.

One form of trafficking in migrants, which is widespread and particularly disturbing, is trafficking in women. It has especially negative consequences for the women and societies involved. It differs from other forms of human trafficking because it is part of the exploitation of women that has occurred throughout history and across cultures. As such, it is an issue that involves both gender and basic human rights abuses.

Trafficking in women is a phenomenon that is growing and constantly changing, either in form or in its level of complexity. Often it is linked with forced prostitution that follows false promises of well-paid jobs. However, not all women are trafficked for sexual exploitation. Many are traded for marriage, as domestic and construction workers, or as beggars. And too many of these women become victims of forced labor, in many cases suffering deprivation of freedom and appropriation of income, or being forced into slave-like practices. Moreover, trafficking in women can involve violence against women. The 4th World Conference on Women addressed the physical, sexual, and psychological harm that this poses to its victims. It proposed several recommendations to governments of origin, transit and destination, as well as regional and international organizations.

How does trafficking work

The scale and structure of migrant trafficking varies widely. It can be small scale informal activity, involving relatives and friends as helpers. Small operators, working individually or in groups, can assist migrants in the border crossings on land or at sea. On the other end of the scale, trafficking can be run on a large scale by intercontinentally linked criminal networks, who work with well defined division of labor along the trafficking routes.

The big networks are capable of moving large groups of people. They make big profits and often are able to purchase and use more sophisticated communication technologies than country authorities.

Today, women are trafficked from South to North, from South to South and from east to West – the constant being that the flows are from poorer countries to countries where the standard of living for an average citizen is relatively higher than their own.

Trafficking involves many sorts of activities, modes of travel and varying ways of crossing borders. Naturally, the process becomes more complicated if the route involves several continents.

To demonstrate the multitude of activities connected to trafficking, two British researchers, John Salt and Jeremy Stein, have presented the idea of regarding international trafficking structures as a multinational business activity, built into a systematically working, profit oriented enterprise. The idea is simple but may help in conceptualizing the whole chain of activities along the process and geographical route of trafficking. Such mapping can help in identifying and planning countermeasures to curb this industry.

The model of Salt and Stein divides the trafficking process into three chronological stages: mobilization; en route; and insertion and integration into the destination country. The method they use to describe the various activities along the continuum of the trafficking process is compared by analogy to the activities of business companies.

When approaching trafficking as a business-like activity, the following functional categories can be identified: recruitment of migrants to be trafficked, involving marketing the services to reach the potential victims; recruitment of personnel to perform various tasks along the way; arranging safe middle stations along the route; planning and scheduling of the steps and waiting periods along the way; organizing information gathering and effective communications between the personnel involved in the logistical chain. Also, many financial inputs are needed to cover operational costs, needed to finance various transports, housing and feeding the migrants along the route. In the case of large scale trafficking this leads to the assumption that the financial operations and their planning cannot be performed on an ad hoc basis only.

Traffickers need information to plan and time their operations, for example asylum laws and benefits for migrants in transit and destination countries, field and sea conditions at the borders and coasts, and the strength and schedules of border patrols.

The activity of trafficking may involve a large number of criminal offences that need to be taken into consideration in the national and international legislation. The recruitment of migrants can be made using false promises and other deception, border crossing may happen illegally, bypassing border control or going through the control point with false documents, or bribing the officials. On the route and at the destination migrants are usually at the mercy of the traffickers. Along the way, whether on land or sea, migrants' lives may be deliberately endangered in overloaded vans, trucks or sea vessels.

Many sorts of human rights offenses occur when migrants are trafficked for further exploitation by traffickers in sex industry or slave-like labor. Forcing women and children into prostitution, trade in human beings, making them live in overcrowded apartments without freedom to move, confiscating their passports and earnings, forcing them to work overlong days in inhuman conditions in clandestine sweatshops – all these are crimes that authorities come across time and again when new cases of trafficking are discovered.

Trafficking routes

In the regional or intercontinental scale, trafficking routes seem to direct from South to North, from less advantageous towards wealthier countries and regions.

Many routes towards North America lead through South and Central America, where local adventurers join them towards the border between Mexico and the United States for attempts to cross this border which is guarded with the most modern technical devices and large concentrations of border control personnel.

In East and South East Asia traffickers' services are used both for migration towards other continents but also often in regional movements. Before the current economic crisis, the wealthier countries in the region, such as

Malaysia, Thailand and Korea, enjoyed strong economic growth, which would have been unattainable without immigrant labor. It is estimated that more than half of that immigrant labor was undocumented.

Also, trafficking of women and children to work in the sex industry or other exploitative work has large dimensions in East and South East Asia. The countries in the region are well aware of the downsides of irregular migration and trafficking. They have tried to diminish problems connected with large undocumented labor through regularization programmes. South East Asian countries are, along with China, important areas of departure of irregular migration towards Japan, Australia and North America.

South Asia (India, Pakistan, Sri Lanka, and Bangladesh) has traditionally been a provider of labor force to South East Asian economies and to the Persian Gulf countries, but trafficking flows from Southern Asia seem to take their way along various routes towards West, with Western Europe as the goal. Regional trafficking in women is taking place from Nepal and Bangladesh to Pakistan and India.

Not many studies are available on trafficking in Africa. The Republic of South Africa seems however to be a magnet for irregular labor force migrating, often with the help of traffickers, from the neighboring SADC countries. Newspapers and a London based NGO, Antislavery International, have reported of trafficking of considerable scale in Western Africa. There, women and children from the poorest countries such as Togo or Benin are trafficked and traded for prostitution or to slave-like servitude in the wealthier countries in the region, such as Nigeria, Gabon, Ivory Coast or Ghana.

According to a study carried out by IOM on trafficking in women to Italy, Nigerian women are recruited and trafficked to South and West Europe for prostitution. In late 1997, a Nigerian man was sentenced for nine years in Brussels for having brought some 400 Nigerian women to Western Europe and sold them for 8,000 US\$ each for prostitution.

From Northern Africa, considerable migration pressure is directed towards the Mediterranean Europe, notably to Spain and Portugal. A survey published in last March found out that 90 % of young Moroccans in their 20s wanted to leave their homeland driven by unemployment and lacking opportunity. Attempts by desperate migrants to cross Gibraltar from Algeria and Morocco end all too often in the sinking of the overloaded craft.

The area of the former Soviet Union is widely used as a passage for migration flows towards Western Europe. The study produced by IOM on trafficking in Lithuania in 1996 showed that an important group of trafficked irregular migrants to Lithuania were men, who were trying to get to Western Europe and arrange for their families to follow after. Whole families can also be on the road, having often paid tens of thousand of dollars to traffickers.

Countries like Russia and Ukraine have unfortunately become major exporters of young women, who due to a lack of opportunities are apt to seize

the offers of 'well paid jobs in the West' that a multitude of suppliers are offering. These agencies pretend to recruit women for modeling, restaurants and entertainment, or may work under the cover of marriage agencies, but often are traffickers, who unscrupulously provide East European women to the sex industry in Western Europe, the Middle East, China, the Far East, and North America.

The trafficking that affects the Baltic Sea region appears to originate in Africa, South, Central, and Eastern Asia. Routes lead through Moscow, Kiev or Minsk and now also Baku (with its increased foreign flight connections following the new oil boom), from where the land routes proceed westward. Migrants try to cross borders with the help of fake documents, but now increasingly hidden in large transport vehicles or over the "green border". Trafficked women from the Eastern Europe do not move as clandestinely as the migrants from more remote countries, but travel with documentation arranged by the employment agencies that target young women.

It seems to be easy for the migrants from the mentioned remote areas to get to the middle stations in Russia, Ukraine, Belarus or Azerbaijan. According to an interim report commissioned by IOM on trafficking in Ukraine, it is simple to arrive quite legally in the country with a status of student or businesspersons. According to Ukrainian authorities, two out of three irregular migrants stopped in the western border of the country have entered the country legally.

Responses to trafficking:

Several organizations approach the issue from the violation of human rights (related to coercion, violence and sexual abuses against women and children), or with a public order and security scope (uncontrollability of migration and organized crime), or as a labor market issue (demand and utilization of undocumented labor).

All the listed elements require different action. Governments, intergovernmental and non-governmental organizations have become active in recent years, along with the increased attention towards trafficking in the mass media. Several approaches and measures have been proposed. Some focus to prevent trafficking from taking place others implement law-enforcement through border control and punishments to traffickers, and some develop activities to remedy and support the victims.

The Conference of Ministers on the prevention of illegal migration in Prague in October 1997, (Budapest Process) recommended measures and policies against irregular migration and trafficking, collected through intergovernmental cooperation and research including proposals from the UN and the EU.

The recommendations set forth in Prague include:

- criminalization of trafficking and effective sanctioning of crimes related to it, including financial gain from performing trafficking, forging documents,

exploitation, forcing into criminal activities, involvement in organized crime etc.

- offering of protection and, if necessary, granting temporary residence permits to the trafficked, who help in giving information and testify against traffickers
- accession of states to relevant international legal instruments
- implementation of information programmes and campaigns
- standardization of machine readable travel documents
- cooperation with airlines and other providers of transport services
- approximation of visa regimes
- cooperation between states in arranging return movements; ascertaining identities of undocumented migrants; developing readmission agreements, utilizing, if necessary, the standard agreement model provided by the European Union
- study of organized crime and trafficking
- annual follow-up of the implementation of the recommendations in the participating countries.

On the other hand, the UN Commission on Crime Prevention and Criminal Justice in its seventh session held in April 1998 in Vienna, Austria, set the guidelines and the schedule for its work in the coming two years. Its goal is to finalize a comprehensive International Convention against Transnational Organized Crime at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the year 2000, to be presented for adoption in the Millennium session of the General Assembly of the United Nations in the year 2000. This general convention could be an umbrella for various legal instruments, such as an “international instrument against illegal trafficking and transporting of migrants, including by sea”, as referred to in the draft resolution of the Commission.

The Commission also decided that an “international instrument addressing trafficking in women and children” should be developed at the same time.

Trafficking in migrants, and especially trafficking in women for sexual exploitation, is a modern migration challenge demanding a strong, comprehensive and harmonized response from the international community. That response must include adoption of the appropriate policies and legislation to penalize traffickers, protect their victims and inform potential victims, as well as creation of the necessary migration management capacity to combat trafficking and educate the public. Forums and meetings should be organized to share ideas on how trafficking in women can be addressed more effectively through the cooperative efforts of States, intergovernmental and non-governmental organizations, and civil society, working together.

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