

**NGO Consultation with UN/IGOs on
Trafficking in Persons, Prostitution
and the Global Sex Industry**

**“Trafficking and the Global Sex Industry: Need for Human
Rights Framework”**

June 21-22 1999

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1) Introduction

The Consultation was a joint initiative of four non-governmental organisations -- Anti-Slavery International, Coalition Against Trafficking in Women, International Human Rights Law Group, and International Movement Against All Forms of Discrimination and Racism (IMADR) - - each active in the fight against trafficking in persons and other relevant issues. During the two days of the consultation, each organisation presented its view as to how to deal with the challenges involved in their work. Other participants in the consultation added to the discourse through discussions following the panel presentations. During the course of the consultations, the organising NGOs met to discuss and negotiate common recommendations arising out of the consultation. Additionally, each organisation also prepared its own recommendations to the Working Group on Contemporary Forms of Slavery.

The following report presents each of these recommendations as well as the presentations from the panel discussions. The order of each section parallels the order of panel presentations in the consultation.

In welcoming the work of the NGO consultation to the Working Group's deliberations on the issue of trafficking of persons, prostitution, and the global sex industry, the chairperson of the Working Group on Contemporary Forms of Slavery stressed her desire that such consultations provide a forum for respect, the exchange of ideas, and the strength to continue the battle of protecting the rights and dignity of trafficked persons and persons in prostitution.

“We are partners in a process. We know we have disagreements, but we have to find ways to dialogue and assist the UN mechanisms and bring in voices of women into the international arena. These are painful processes, but they are also learning processes. In order to find something precious out of the process, we may have to dig deep to find the pearls in the oysters. We should commit to this process for the women who are not here- those who have died, those who are still struggling, and those who can be empowered by this process.”

- *concluding remarks from the Chair of the Consultation, Nimalka Fernando, President of IMADR.*

2) Recommendations

a) Recommendations from the NGO Consultation with UN/IGOs on Trafficking in Persons, Prostitution and the Global Sex Industry

Drafting Committee:

Anti-Slavery International

Coalition Against Trafficking in Women

International Human Rights Law Group

International Movement Against All Forms of Discrimination and Racism

I. Basic Principles to be Observed at All Levels

In any legislative, administrative or other measures taken at the national, regional or international level, it should be ensured that the principles listed below be strictly observed:

- that the protection of human rights and the dignity of trafficked persons and persons in prostitution be given the highest priority;
- that trafficked persons should not be criminalised for the illegality of their entry or residence in countries of transit and destination, or for the activities they perform as a consequence of their status as trafficked persons;
- that the true criminals are effectively prosecuted and penalised, without compromising the rights of the victims;
- that a comprehensive programme of action be prepared and launched at all levels, including preventive measures addressing the root and immediate causes as an important part of it;
- that sexism, racism, and all forms of discrimination based on gender, ethnicity, class, poverty, or ambiguity or lack of citizenship, manifested in the operation of the global sex industry and often in the treatment of trafficked persons and persons in prostitution by the authorities be eliminated.

II. Measures and Mechanisms at the National Level

Each state should formulate a national plan of action, which should:

- be comprehensive, consisting of the legislative and administrative measures that address issues ranging from social and economic root causes to the empowerment of victims;
- specify goals and timetables to attain them;
- always include a system of periodic review and of individual reporting by victims and by their supporters;
- be based on data collection, research and analysis;
- be accompanied by the allocation of necessary financial and human resources.

Governments should ensure:

- that national laws ensure the decriminalisation of the victims;
- that trafficked persons and persons in prostitution, including those with 'illegal' immigration status, be granted protection; the necessary physical and mental care should be made available by the authorities of the involved countries;
- that free legal and other assistance be provided to trafficked persons and persons in prostitution in the course of any criminal, civil and other actions against traffickers and those who violate the human rights of trafficked persons and persons in prostitution, including a temporary or permanent residence permit and a safe shelter;

- that legal and judicial procedures be victim-sensitive and that trafficked persons and persons in prostitution and their family members be protected from re-victimisation, stigmatisation, and reprisal by perpetrators, authorities and others through legal and administrative measures including training, in co-operation with NGOs, of police and immigration officers, medical personnel, and other law enforcement and judicial officials at all levels;
- that national laws be enacted or revised for the investigation and prosecution of any violation of the human rights of trafficked persons and persons in prostitution, including non-nationals;
- that the voluntary and safe return of trafficked persons and persons in prostitution, instead of forced 'repatriation', be guaranteed;
- that children be registered and granted citizenship at birth so that, in the event they are trafficked, they may exercise their right to return to their home countries without difficulties;
- that governments provide education and alternative job opportunities for women through effective development and poverty alleviation programmes.

III. Strengthening of the international system

- A declaration of a United Nations Year (eventually a Decade) is strongly recommended by the consultation. Two titles were discussed: UN Year to Combat Trafficking in Persons and the Global Sex Industry; and UN Year to Suppress All Forms of Trafficking in Persons. There was disagreement on which focus would be most appropriate.
- A programme of co-operation between NGOs and intergovernmental organisations, particularly the relevant UN bodies and agencies, should be elaborated. Particular attention should be paid to women, children, minorities, indigenous peoples and other groups which are targets of discrimination and racism.
- Inter-agency co-operation and co-ordination should be strengthened and expanded within the UN and with other agencies of regional bodies, in co-operation with NGOs.
- Co-operation between governmental and intergovernmental organisations and NGOs should be promoted, particularly in the areas of exchange of information, experience, and research on the situation of trafficked persons and persons in prostitution, and setting up of joint action programmes with clearly identified priorities for the region and sub-region.

IV. Monitoring and Enforcement Mechanisms for International Systems

It is recommended:

1) UN Charter-based Mechanisms

- that all the relevant bodies, such as the General Assembly, the Economic and Social Council (ECOSOC), the Commission on Human Rights and its subsidiary organs, continue to pay close attention to the situation of trafficked persons and persons in prostitution; to assess the policies and practices of States, the relevant UN bodies and agencies, and other international organisations as appropriate; and to commit themselves to taking suitable action, in collaboration with NGOs;
- that the Working Group on Contemporary Forms of Slavery continue to listen to the voices of trafficked persons and persons in prostitution, directly or indirectly through NGOs, by securing the continued support from the UN Voluntary Trust Fund on Contemporary Forms of Slavery for their participation;

2) UN Treaty Bodies

- that the treaty bodies, such as the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Human Rights Committee (HRC), Committee on Economic, Social and Cultural Rights (CESCR), the Committee Against Torture (CAT), and the Committee on the Elimination of Racial Discrimination (CERD) focus on the State practices, legislative and administrative, concerning the situation of trafficked persons and persons in prostitution in examining state reports;
- that a mechanism for specifically monitoring State practices in relation to trafficked persons and persons in prostitution be established within or under the CEDAW, CRC and HRC;

3) UN Bodies

- that the High Commissioner for Human Rights take stronger initiatives in organising and promoting the co-operation and co-ordination of UN bodies and agencies, whose activities have relevance to the issue of trafficking;
- that the High Commissioner continues to promote the dialogue and collaboration between the UN and NGOs;
- that UN funds and funding agencies provide further assistance for relevant activities which are being carried out by NGOs at all levels.

V. NGO Co-operation in Research, Data Collection and Exchange of Information

It is recommended:

- that NGOs gather first-hand information on the reality of exploitation and the situation of trafficked persons and persons in prostitution and provide recommendations to governments and intergovernmental organisations for their proper and timely action;
- that exchange of information, experience and research be promoted so as to strengthen the capabilities of NGOs.
- NGOs must at all times respect the confidentiality of the information given by trafficked persons and persons in prostitution.

b) Recommendations from International Human Rights Law Group

Recommendations of the International Human Rights Law Group, The Global Alliance Against Traffic in Women, The foundation Against Trafficking in Women (Holland) and Partner Organisations to the UN Working Group on Contemporary Forms of Slavery

We would like to thank the members of the Working Group for providing the NGO community with the opportunity to address this important forum on its views and concerns about the need for a human rights framework addressing the subject of trafficking in persons. It is a privilege and an honour to present this set of Recommendations to the Working Group.

The members of the NGO consultation are also presenting a list of recommendations to the Working Group on actions that should be undertaken to address the problem of trafficking; however, due to time constraints, the drafters were unable to consider all areas of common concern. For this reason, we are submitting these additional recommendations for your consideration. Hopefully, many of these recommendations will also be made by other organisations, thus demonstrating a solidarity among activists on a large number of measures that must be undertaken at the international, regional and state level to combat the increasing problem of trafficking in human beings.

Although the crime of trafficking in persons includes trafficking in women, men and children, a distinction must be made between the adults and children as the legal status and needs of children differ significantly from those of adults. Additionally, many other NGOs have already spoken eloquently and forcefully about the need to stop all trafficking and sexual exploitation of children. Therefore, these Recommendations only address the situation of adults, particularly women, who are trafficked into the sex industry.

BACKGROUND

Why does trafficking in women exist?¹

- Trafficking in women should be seen in the context of traditional female roles, a gendered labour market and the world-wide feminisation of labour migration, resulting among other things from women's increasing responsibility for the economic survival of themselves and their families, on the one hand, and the increasingly restrictive immigration policies of the destination countries, on the other hand.
- Women are structurally denied equal access to the formal and regulated labour markets. They are generally relegated to the informal, unprotected labour sector, where abuse occurs with impunity. In this sector, sexual and domestic work are the income-generating activities most open to women who seek opportunities to support their families, to escape from traditional gender and family constraints or to find means for independence.
- National, intra-regional and international migration patterns reflect this labour division, showing increasing numbers of migrant women responding to the national and international demand for female domestic workers, for marriage partners and for the sex- and entertainment industry.
- Destination countries are further reducing the possibilities for legal migration. Diminished possibilities for legal labour migration, in combination with the demand for labour in the informal sector, create a considerable gap between official policies of destination countries and day-to-day practices in prostitution, the domestic work sector, and the commercial marriage market.
- This is where organised crime comes in, filling the gap official policies leave. It is the semi-legal character of these types of work, coupled with inadequate or lacking labour legislation and standards governing these sectors that create the conditions for abusive recruitment practices and exploitative working conditions, which vary from humiliating treatment, unjust payment and extreme working hours, to outright forced labour and slavery-like practices.

¹ An extensive analysis is contained in the report of the investigation on Trafficking in Women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution, carried out by the Global Alliance Against Trafficking in Women (GAATW) and the Dutch Foundation Against Trafficking in Women (STV) upon invitation of the Special Rapporteur on Violence Against Women, Mrs. Radhika Coomaraswamy (GAATW/STV, Utrecht, The Netherlands, April 1997).

- In this conjunction, there are considerable financial profits for all parties involved, except for the women migrant workers themselves. Not only do the criminal trafficking networks make considerable profits, the remittances of women migrant workers form an important source of foreign exchange for the home countries, while their families are often dependent on their income for years on end. At the same time, migrant labour contributes significantly to the economies of the destination countries.
- General factors that contribute to the contemporary forms of trafficking are poverty and unemployment, development strategies that reduce women's opportunities to earn income (whether at home or abroad) while increasing their reliance on the cash economy, restrictive migration laws and policies (especially in destination countries), the lack of rights of migrant women (and migrants in general), racism, discriminatory labour laws and policies, civil and military conflicts, corruption and large profits available to criminals, and the economic interest of states to ignore the crime of trafficking.
- Women also leave home as a result of sexual and domestic abuse and discriminatory social practices that force them to seek employment and security elsewhere. Also, the racist and sexist stereotyped images of women in commercial advertisements and propaganda for sex tourism are other factors contributing to the trafficking of women.
- The imposition of inappropriate development models and the subsequent failure of development "co-operation" has led to the debt burden and the imposition of the World Bank's Structural Adjustment policies, which have their most dramatic and harsh effects upon women who are almost universally responsible for child care and maintenance of the family. The effect of these policies has been the impoverishment of the less-developed countries, which are the countries of origin, and has increased the daily burden upon women for the economic survival of themselves and their families.

Contemporary Trends

- In the last fifteen years varied manifestations of trafficking have become apparent, such as kidnapping and selling women for marriage, the abuse of domestic workers and a marked increase in trafficking into sweatshop labour in the more developed countries. Furthermore, the trafficking in children and men has grown as the gap between rich and poor countries and regions within countries has grown.
- As societies move away from agriculture and towards waged labour, the need to abolish laws denying women equal rights with men take on a new urgency. Laws that deny women equal rights to property and inheritance, to marriage, separation, divorce and child custody and to residence also have the effect of denying women the independence, mobility and legal autonomy demanded by the new global economic order. They not only violate women's fundamental human rights but are also significant contributing factors that render women vulnerable to trafficking and forced labour and slavery-like practices.
- Furthermore, the unregulated and unprotected nature of domestic work and the lack of access to independent residence and work permits renders domestic workers vulnerable to violence and abuse, including sexual abuse.
- Also, the clandestine and illegal nature of prostitution in most countries, the (by definition) illegal status of women who work abroad in prostitution and the marginalization, stigmatization and criminalization of women in prostitution all place the women in the hands of, and at the mercy of, traffickers, abusive brothel keepers and corrupt officials, without the legal instruments to defend themselves.
- The central elements defining all contemporary forms of trafficking and slavery-like practices are coercion and abuse. Women may experience coercion and abuse on two related but separate levels: during the process of recruitment and travel and in their living and working conditions in the destination country. Mechanisms of coercion may vary from the kidnapping and sale of women, physical force, threats with violence, blackmail, illegal confinement, withholding of passports and wages, extortion, isolation, deceit, abuse of authority and debt bondage. Within this range, the practice of debt bondage is most prevalent and pervasive.
- International trafficking is a dynamic process, with new patterns developing in a short period of time, due to economic, political and social changes and situations of armed conflict, as demonstrated by the recent rapid growth of traffic in women from the Central and Eastern European countries to the Western European countries. We are particularly concerned at present that, due to the lack of all social and economic resources and effective law enforcement in Kosovo, the same Albanian mafia gangs that

reportedly trafficked women and children out of Albanian refugee camps will continue to operate out of Kosovo.

Problems with existing policies

- Existing governmental and inter-governmental measures to combat trafficking in women are predominantly limited to repressive strategies, such as restrictive immigration policies and strengthening criminal penalties, which aim simply to shut the problem out rather than deal with the causes and respect the human rights of the victims. Repressive measures work against the women concerned instead of in their favour, for example, by restricting their freedom of movement or by using them as witnesses in the interest of the state for combating organised crime, without providing adequate protection. Women's real interests, on the contrary, lie in viable economic and social options and prevention from re-victimisation.
- Many states tend to conflate "trafficking" with "illegal migration" or "smuggling of aliens". When trafficking in women is defined by illegal immigration, trafficked persons are criminalised for illegal exit, entry or stay, i.e. for an infraction of state laws, rather than treated as victims of violence, i.e. persons whose rights have been violated. The trafficked persons are thus criminalised and transformed from victims into collaborators and are punished and deported. Governmental measures aimed primarily at combating illegality and illegal aliens, "protect" the state instead of the victims. Instead of preventing and combating violence against and abuse of trafficked persons, such measures tend to further marginalise and criminalise the women concerned, even when they primarily target the recruiters and exploiters.
- Current legislation discourages women, especially migrant women, from taking legal actions against their violators. The policy of expelling women as illegal aliens not only deters them from taking action against their traffickers but also renders prosecution of the offenders virtually impossible, since they, the main witnesses, are deported, or are too afraid to testify due to lack of protection. Migrant women who agree to act as witnesses presently not only lack legal protection against reprisals but also risk penalties for prostitution in the destination country or their home country, in addition to expulsion.
- Furthermore, anti-trafficking laws generally are limited to trafficking for prostitution per se and do not target coercion and refer mainly to the illegal migration aspect of trafficking. Significantly, such laws and policies exclusively address the recruitment of so-called "good" or "innocent" women, i.e. women who have never worked in prostitution, did not know they would work in prostitution and do not want to continue to work in prostitution. As a consequence, in many trafficking cases, as in other cases of sexual violence, the victim rather than the perpetrator stands trial and is prevailed upon to demonstrate her "sexual innocence". The interpretation, enforcement and implementation of such laws in various ways are applied in a discriminatory manner towards women. For example, standard government tactics tend to be limited to raids on brothels and the apprehension and deportation of (migrant) prostitutes.
- Legal control of prostitution everywhere serves primarily to safeguard state interests regarding public order, public health, taxation, deterrence of immigration, etc., while depriving women working in prostitution of the legal protective mechanisms to which all other citizens are entitled. As a result, they do not focus on the abusive recruitment practices or abusive working and living conditions used by traffickers. These laws neither deter women from entering prostitution nor protect the political and civil rights of women in prostitution. On the contrary, they lead to the stigmatization, marginalization and isolation of prostitutes and trafficked persons, and in fact legitimize and sanction the abuse and oppression of all persons in prostitution, whether they are trafficked or not.

Consequently, we present the following principles to the Working Group on Contemporary Forms of Slavery and propose that these principles should form the basis of any recommendation made by the Working Group with regard to trafficking in persons:

I. Policies against trafficking in persons should clearly and unambiguously identify and address the violations of the human rights of trafficked persons, particularly women, and avoid current common distortions and definitional confusions.

They should be based on the following principles:

- Recognition of the right of all persons, and particularly women, to have agency, for example, to the right to control one's own life and body, the right to move freely and enter and leave one's own country as well as be admitted to another country on a non-discriminatory basis.

- The problems of violence and abuse against trafficked persons should be addressed first and foremost, as these constitute the central problems encountered by trafficked persons on a daily basis
- The need to adopt a holistic, multi-faceted approach to combat trafficking, including measures addressing the root causes of trafficking in persons, including the unjust international economic order, restrictive immigration policies and racist and sexist cultures.

A broad understanding of the problem of trafficking in persons should encompass:

1. Trafficking occurs WITHIN and ACROSS national borders.
2. Trafficking in persons takes place in many contexts, such as, in sweatshop labour, domestic labour, prostitution, agriculture, begging, and other formal and informal work.
3. A focus upon the abusive and deceptive recruitment and brokerage practices related to migration as well as the conditions of forced labour and slavery-like practices in which trafficked persons (as well as millions of other migrants) work and live.
4. The recognition that traffickers deprive their victims of agency, rights and freedom through the use of deception, coercion and (gender-specific) violence, including but not limited to, violence or threat of violence, physical and mental abuse, deprivation of freedom of movement, fraud and deceit regarding conditions or nature of work, blackmail, abuse of authority or dominant position, confiscation of passports, and debt bondage.

Most of these crimes are already prohibited by gender-neutral international guidelines (the most significant being the League of Nations Slavery Convention, 1926 with its Supplementary Convention of 1956 and the ILO Forced Labour Convention No. 29).

Therefore, we call for the application of the above mentioned internationally-accepted principles and understandings to:

- a. Form the basis for a reassessment, modification or abolition of existing international, regional and national anti-trafficking instruments, particularly the 1949 Trafficking Convention, laws and policies.
- b. Ensure the relevance and non-discriminatory content of all new instruments, laws and policies.
- c. Address the root causes of trafficking, particularly in women, and to empower the women concerned, as persons, as workers, as migrants and as migrant workers, in order to enable them to take back control over their lives, speak up for their own rights, and avoid stigmatisation and victimisation.
- d. Ensure that development aid programmes enhance the economic, social and legal position of women.

II. States must take all measures necessary to end the conditions under which trafficking in women, forced labour and slavery-like practices thrive by ensuring the civil and political, economic, social and cultural rights of women as persons, as workers and as migrants. They must:

- Recognise and protect the full legal status of women, independent of their marital status, their migrant status or their professional activity.
- Give full legal recognition to women's economic activity in the informal sector in accordance with accepted international and national labour standards.
- Recognise sex work as a form of labour, decriminalise prostitution, and recognise and protect the rights of those working in the sex industry under international labour standards and relevant human rights treaties.
- Punish all those who violate or abuse the rights of trafficked persons and persons in the sex industry (just as we call for zero tolerance of domestic violence, we also call for zero tolerance of violence in the sex industry).
- Provide the conditions under which all persons are able to work in safe and humane conditions, whether they are domestic workers, wives or sex workers.
- Ensure freedom of movement, speech and assembly.
- These rights are enshrined in, among others, International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of

All Forms of Discrimination Against Women, the International Labor Organization, Conventions on Forced Labour (no. 29), and on the Protection of Wages (no. 95); and the International Convention for the Protection of the Rights of all Migrant Workers and their Families.

III. Ensure that all laws and policies guarantee basic legal protection and possibilities for redress to victims of "trafficking", including the following:

1. The right to freedom from persecution or harassment by those in positions of authority;
2. Access to adequate, confidential and affordable health, social and psychological care;
3. Access to competent translators during legal proceedings;
4. Access to free legal assistance and legal representation during criminal or other proceedings;
5. Access to legal possibilities of compensation and redress;
6. Resources and programs to enable women to press criminal charges and/or take civil action against their violators, such as a temporary staying permit during criminal and/or civil proceedings and adequate witness protection;
7. Assistance to return to one's home country if she or he wishes to do so;
8. Legal rights to stay if the trafficked person does not want or cannot return to the home country;
9. Protection against reprisals both in countries of origin and destination from their violators and oppressive or discriminatory measures from the authorities;
10. Abolition of deportation practices that fail to take into account the risk of further victimisation upon deportation or that deprive trafficked persons of the right to apply for asylum or residence;
11. Encouragement, adequate financial resources and legal protection for self-help organisations of the persons affected, as well as for NGOs who work in solidarity with them.

In conclusion, we are encouraged by the interest of the Working Group in addressing the problem of trafficking in the context of contemporary forms of slavery and the need for a human rights framework. Therefore, we are attaching a copy of the Human Rights Standards for the Treatment of Trafficked Persons, which was compiled after consultation with dozens of NGOs from all over the world who work on a daily basis with trafficked persons. We encourage the UN Working Group on Contemporary Forms of Slavery to consider the Recommendations contained in this document and in the Human Rights Standards. ²

² This document was drawn, in large measure, from the NGO Statement of the Network of European NGOs Against Trafficking in Women, presented to the EU Ministerial Conference in April 1997.

c) Recommendations from Coalition Against Trafficking in Women

Resolution on Sex Trafficking, Prostitution, and the Global Sex Industry

JUNE 1999 - 24th SESSION, WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY, GENEVA, SWITZERLAND

Submitted to the Working Group on Contemporary Forms of Slavery by the Coalition Against Trafficking in Women, International; the Coalition Against Trafficking in Women, Asia Pacific, the Coalition Against Trafficking in Women, Latin America; the Movement for the Abolition of Pornography and Prostitution; Equality Now; and the Network North.

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenants on Human Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Declaration on the Elimination of Violence Against Women,

Recalling the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and underscoring the critical importance of its understanding that “prostitution and the accompanying evil of the traffic in persons for the purposes of prostitution are incompatible with the rights and dignity of the human person and endanger the welfare of the individual, the family and the community,”

Recalling also the General Assembly Resolution 52/98 of 12 December 1997 on traffic in women and girls and the Report of the Secretary General A/53/409 of 21 September 1998,

Deeply concerned that prostitution and trafficking are integral parts of a global sex industry that take new and pernicious forms, including sex tourism, the mail order bride trade, pornography, and trafficking in persons via the Internet,

Alarmed that the global sex industry is rapidly expanding and targeting increasingly vulnerable populations, including children, migrants, the disabled, refugees, members of racial and ethnic minorities, and women in circumstances of economic crisis in the developing countries and economies in transition,

Recognising that the growth of the global sex industry is fuelled by a growing and increasingly lucrative market for sex, based on the commodification of women and children, which socialises new generations of men and boys to view and treat women and girl children as sex objects,

Informed by the experiences of survivors, research, and the work of non-governmental organisations at the grassroots level that demonstrate that prostitution and sex trafficking severely impairs the physical and psychological health of women and girls,

Alarmed that pimps, procurers, and traffickers of women and children have victimised millions of women and children with impunity,

Convinced that sex trafficking, prostitution, and related practices of sexual exploitation constitute severe forms of discrimination and violence,

Takes note with appreciation of the initiative of the Working Group on Contemporary Forms of Slavery in initiating the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others, adopted at the Commission on Human Rights (E/CN.4/Sub.2/1995/28/Add.1).

Convinced of the urgent need to adopt immediate and effective measures to combat the global sex industry,

Calls upon the United Nations treaty bodies, in particular the Committee on the Elimination of All Forms of Discrimination Against Women, the Committee on the Rights of the Child, and the Committee on Human Rights to ensure that States Parties monitor and report on the extent, incidence, and forms of sexual exploitation in their country reports as well as the actions that their governments are taking to address these problems,

Affirms the critical role of the Working Group on Contemporary Forms of Slavery in bringing to the attention of the United Nations, governments, and civil society the systematic human rights violations perpetrated by the global sex industry,

Urges the United Nations Interagency Committee on Women and Gender Equality to prioritise the issue of sex trafficking, prostitution, and the global sex industry as part of the integrated follow-up to the Fourth World Conference on Women,

Calls upon governments to adopt and enforce national laws that criminalise the perpetrators of prostitution, sex trafficking, and other practices of sexual exploitation and that decriminalise their victims,

Urges governments to reject development policies that intensify the marginalisation of women and place them at risk of sexual exploitation,

Calls upon governments to adopt and enforce legislative and other measures to prevent and prohibit new practices of the global sex industry, especially sex tourism, the mail order bride trade, and trafficking in women and girls over the Internet,

Urges governments to develop and implement programs for victims and survivors that include shelter and refuge, free and confidential health care, free legal services, and alternative livelihood projects,

Calls upon governments to protect and promote the safety and well-being of sex industry victims by providing witness protection programs for those who choose to testify against their exploiters, by offering grants of asylum and refugee status to those who are immigrants, and by providing repatriation to those who wish to return to their countries of origin,

Calls upon governments to develop systematic data collection methods and projects to gather information about the incidence, forms, and harms of sex trafficking, prostitution, and other practices of the global sex industry,

Urges governments to initiate community-based prevention programs, especially in high-risk areas, to educate people about the tactics of recruiters, pimps, and traffickers and the risks of sexual exploitation,

Urges more governments to ratify the 1949 Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

d) Recommendations from International Movement Against All Forms of Discrimination and Racism (IMADR)

Recommendations for Measures and Mechanisms to Prevent and Combat Trafficking

June 1999

International Movement Against All Forms of Discrimination and Racism

INTRODUCTION

IMADR has continued its pursuit of better measures and mechanisms at all levels - national, regional and international - to prevent and combat trafficking in women and children and to protect the rights of victims.³ Since it presented a working paper⁴ to the UN Working Group on Contemporary Forms of Slavery (WGCFS) in its 23rd session in May 1998, IMADR has organised two seminars on the issue of trafficking in February and March 1999 in Colombo and Tokyo, respectively in order to promote the dialogue between NGOs at the sub-regional and regional levels. The seminars were also attended by experts, including the Special Rapporteur on Violence against Women, the Chairperson of the WGCFS, and the officer in charge of trafficking at the Office of the High Commissioner for Human Rights (OHCHR). Taking into account the discussions in the seminars,⁵ and the recent developments at various levels, IMADR would like to present a set of recommendations, supplementary to those included in its 1998 working paper.

In the absence of a universally accepted definition for the term 'trafficking', the following definition is used as a working definition for the purposes of the paper (This definition was suggested in the seminars organised by IMADR in Colombo and Tokyo, but does not necessarily represent the official position of IMADR.):

"Trafficking consists of all acts and attempted acts involved in the recruitment, transportation and/or forced movement within or across borders, selling and buying of a person by fraudulent means, deception, coercion, direct or indirect threats, abuse of authority, for the purposes of placing the person against his/her will with or without consent in exploitative and abusive situations such as forced prostitution, false marriage or adoption, bonded or forced labour, clandestine employment, begging, and organ trade."

I. Recent developments at the international level

There have been certain developments at the international level since May 1998, when the Working Group on Contemporary Forms of Slavery held its 23rd session, that may be noteworthy as a step forward in the strengthening of the international regime against trafficking. Main developments include:

- the adoption of relevant resolutions at the UN bodies, such as the General Assembly, the Economic and Social Council (ECOSOC), the Commission on Human Rights, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into consideration the report of the Working Group on Contemporary Forms of Slavery, that urge states and all the parties concerned to take actions;
- the reports on trafficking and related issues prepared by the Secretary-General, the Special Rapporteur on Violence against Women, its Causes and Consequences, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography;
- further activities undertaken by various organs within the United Nations system, especially the Global Programme against Trafficking in Human Beings which has been launched by the UN Office for Drug Control and Crime Prevention (ODCCP);
- the reports on the issue of trafficking prepared by the UN organs such as the International Organisation for Migration (IOM), the UN Development Fund for Women (UNIFEM), and others;

³ The term victim is used hereafter to include survivors.

⁴ It was entitled "Strengthening the International Regime to Eliminate the Traffic in Persons and the Exploitation of the Prostitution of Others".

⁵ See the IMADR report of the seminars for the texts.

- the establishment of an internal working group on the issue of trafficking and the appointment of Advisor on Trafficking at the Office of the High Commissioner for Human Rights (OHCHR), which reflects the OHCHR's commitment to address the issue;
- the commencement of consideration of a protocol to Prevent, Suppress and Punish Trafficking in Women and Children at the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime;
- the inclusion of trafficking in the Adopted Statute of the International Criminal Court;
- the adoption of the Optional Protocol for the establishment of an individual complaint procedure, supplementary to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) at the Commission on the Status of Women (CSW);
- the inter-agency cooperation that materialised at the sub-regional level in Asia, with the collaboration of NGOs;
- the growing awareness about the gravity of the problem and the necessity of concerted efforts by the international community, shown for instance in the meetings of the G8 and the World Bank;
- the promoted dialogue and cooperation between NGOs.

IMADR's assessment of the above documents is reflected partly in the recommendations listed below.

II. Basic Principles To Be Observed at All Levels

In any legislative, administrative or other measures taken at the national, regional and international level it should be ensured that the principles listed below be strictly observed:

- that the definition of the term "trafficking" should not be restricted to prostitution but extensive enough to cover other identified purposes without ambiguity, such as bonded or forced labour, clandestine employment, false marriage and adoption, camel jogging, begging, organ trade;
- that the protection of human rights and dignity of the victims be given highest priority;
- that victims should not be criminalised for the illegality of their entry or residence in the countries of transit and destination, or for the activities they perform as a consequence of their passive status as trafficked persons;
- that women and children be not treated equally in the rescue operation and repatriation process, in that women have the right to personal autonomy and should not be treated as the objects of protection;
- that the true criminal, i.e. traffickers and exploiters as well as their collaborators, be prosecuted and adequately penalised, without compromising the rights of the victims;
- that a comprehensive programme of action be prepared and launched at all levels, including preventive measures addressing the root and immediate causes on gender, ethnicity, class, poverty, or ambiguity or lack of citizenship, manifested in the operation of the global sex industry and often in the treatment of victims by the authorities be eliminated.

Remarks: For what IMADR considers the root and immediate causes, please see the 1998 working paper.

III. Measures and Mechanisms at the National Level

National plans of action should be formulated by the countries of origin and destination in such as way that the international human rights standards and guidelines set forth by the relevant treaties and agreements would be implemented, particularly those embodied in the 1995 Beijing Platform for Action, the Agenda for Action of the 1996 World Congress against Commercial Sexual Exploitation of Children (Stockholm Agenda for Action), and the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others adopted at the Commission on Human Rights (E/CN.4/Sub.2/1995/28/Add.1). The plans of action should:

- be comprehensive, consisting of the legislative and administrative measures that address issues ranging from social and economic root causes to the empowerment of victims;
- specifying goals and timetables to attain them;
- always include a system of periodic review and of individual reporting by victims and by their supporters;

- be based on the data collection, research and analysis;
- be accompanied by the allocation of necessary financial and human resources.

Most of the recommendations on the measures and mechanisms at the national level that have been presented in the various reports and resolutions at the UN appear to be appropriate. However, IMADR would like to raise several points that ought to be emphasised:

- that national laws ensure decriminalisation of the victims;
- that victims of trafficking including those with the “illegal” immigration status be granted protection and necessary physical and mental care by the authorities of the receiving country;
- that victims be provided legal and other assistance in the course of any criminal, civil and other actions against traffickers/exploiters, including a temporary or permanent residence permit and a safe shelter;
- that the legal and judicial procedures be victim-sensitive, and victims and their family members be protected from re-victimisation, stigmatisation, and reprisal by perpetrators through legal and administrative measures including training of police and immigration officers, medical personnel, other law enforcement and judicial officials at all levels;
- that extraterritorial jurisdiction to facilitate the prosecution of traffickers be incorporated in the legislation and their punishment appropriate to the seriousness of the crimes;
- that national laws be enacted or revised for the surveillance and prosecution of any violation of the human rights of non-nationals employed by the sex industry institutions;
- that the voluntary and safe return of the victim, instead of the forced ‘repatriation’, be guaranteed, particularly in the case of women;
- that children be registered immediately and granted citizenship at birth so that victims, particularly under the age of 18, may exercise their right to return to their home countries without difficulties;
- that awareness raising campaigns about the risks of trafficking be carried out by states in local communities, particularly in the often impoverished communities of ethnic minorities;
- that education and alternative job opportunities be increased, through effective development and poverty alleviation programmes;
- that sex-related industries, such as leisure, tourism, media, computer communication industries be encouraged to develop “a code of conduct” with clauses specifying monitoring and reporting mechanisms, to prevent direct or indirect involvement with trafficking.

Remarks: See the Annex 1 and 2 for the list of recommendations prepared in the sub-regional and regional seminars held in Colombo and Tokyo.

IV. Regional and Sub-regional Initiatives and Mechanisms

There has been some progress⁶ in the cooperation of governments, UN bodies and agencies, and intergovernmental and non-governmental organisations at the sub-regional and regional levels.⁷ Most noteworthy may include a sub-regional convention, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution that has been drafted by the member states of the South Asian Association for Regional Cooperation (SAARC)⁸ and the Basic Principles for a Code of Conduct concerning national measures against trafficking, that was agreed upon by the EU member states in 1997. Inter-agency cooperation and coordination has also been promoted, involving the international organisations such as ILO, IOM, UNDP, UNFPA, UNICEF, UNIFEM; UNAIDS; UNDCP; and the regional organisations such as the UN Economic and Social Committee for Asia-Pacific region (ESCAP) and the European Commission. The Inter-Agency UN Regional Campaign to Eliminate Violence Against Women initiated by the UN Development Fund for Women is significant to be mentioned.

⁶ Including developments before MAY 1998, since this topic was not dealt with in the IMADR’s 1998 working paper.

⁷ Please see the IMADR’s working paper presented to its Tokyo Seminar for a brief description on the developments in Asia and Europe.

⁸ *ibid.*

In view of the transnational character of trafficking, the highly organised network the global sex industry operates with, as well as the frequency of trafficking within regions or sub-regions, IMADR recommends:

- that close cooperation between the governments of victims' countries of origin, transit and destination be promoted in preventing and combating trafficking, preferably through consideration of a bilateral or multi-lateral treaty, where it does not exist;
- in particular, an agreement to cooperate in the surveillance, control and penalisation of all trafficking agents and collaborators be concluded between the governments of victims' countries of origin, transit and destination, involving immigration, police and other law enforcement authorities;
- that effective implementation of treaties and agreements be secured through establishment of monitoring and enforcement mechanisms and close cooperation with NGOs;
- that inter-agency cooperation and coordination be strengthened and expanded within the UN and with other agencies of regional bodies;
- that cooperation between governmental and intergovernmental organisations and NGOs be promoted, particularly in the areas of data collection, exchange of information and experience, research and monitoring of the situation of trafficking, and setting up of joint action programme with clearly identified priorities for the region or sub-region;

V. Strengthening of the international regime

States and international organisations, at the initiative of the UN High Commissioner for Human Rights, in collaboration with NGOs and other actors of the civil society, should double their efforts to establish a comprehensive programme of action to effectively prevent and combat the worsening and spreading problems of international trafficking in women and children. The programme should include legal and extra-legal measures and mechanisms that address the issue ranging from the root and immediate causes to the social reintegration of the victims and their empowerment. A rights-based approach should be adopted in every policy and action. Narrow or excessive emphasis on the law and order approach, such as crime prevention and immigration control, may divert the focus.

A programme on the areas of cooperation between the NGOs and intergovernmental organisations, particularly the relevant UN bodies and agencies should be elaborated and attached to the comprehensive programme of action. The setting up of a UN Year (eventually a decade) to fight against Trafficking in Women and Children at an appropriate time in the early 2000s is strongly recommended to raise international awareness and to encourage governments to formulate and launch their plans of action specifically on trafficking.

Given the fact that a large proportion of the victims who fall prey to the traffickers are women and girls belonging to ethnic minorities, IMADR would like to stress the need of addressing sexism - that constitutes an important element in the economic and social causes of trafficking, in the operation of the global sex industry, and in the treatment of victims by the authorities and often by the community members as well. Those from poorer countries and ethnic minorities normally face harsher treatment and severer exploitation than others.⁹

V.1 International Instruments

Ways to effectively utilise existing international instruments and fora need to be sought, apart from the search for new instruments and mechanisms, which include individual complaint procedure open to victim and/or their supporters, be established for the standard-setting instruments, wherever possible.

1) Optional Protocol to the 1949 Convention

(Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others)

At the UN, it has been repeatedly stressed, without much success, that the 1949 Convention needs to be ratified by more States. Given the widely recognised weaknesses and anachronistic nature of the Convention and the pressing need for an effective response to the expanding and worsening problems of trafficking, it may be more realistic and advisable for the UN to proceed with drafting a new convention that specifically

⁹ See Dr. Mushakoji's paper, "Anatomy of the Global Sex Industry" for details.

deals with the issue, or an Optional protocol to the 1949 Convention. In either case, enforcement mechanisms should be created in order to ensure the implementation of the provisions.

2) Draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention against Transnational Organised Crime

The Office of the UN High Commissioner for Human Rights (OHCHR) has expressed its concern about the need for enhancing a human rights perspective in the protocol. Concerted advocacy work of NGOs in support of the OHCHR's efforts in this concern at the Ad Hoc Committee on the Elaboration of the Convention against Transnational Organised Crime, that has been holding sessions since January 1999 in Vienna, as to be continued and strengthened.

3) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for individual complaints procedure and inquiries procedure

It is recommended that NGOs take actions, as needed, to secure the adoption of the draft Optional Protocol in the coming session of the UN General Assembly by lobbying governments including their own. The text of the Optional Protocol, once adopted, should be disseminated as widely as possible, in particular among women and children in local areas of developing countries.

4) Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Pornography

It is recommended that NGOs participate in the elaboration at the Working Group, particularly in order to make sure the misuse of the internet for trafficking and cyber-pornography be adequately addressed in the Optional Protocol. The possibility of establishing an individual complaint procedure should be sought.

V.2 Monitoring and Enforcement Mechanisms

1) UN Charter-based Mechanisms

It is recommended

- that all the relevant bodies, such as the General Assembly, the Economic and Social Council (ECOSOC), the Commission on Human Rights and its subsidiary organs continue to pay close attention to the gravity of the issue of trafficking, to assess the state practice, the relevant UN bodies and agencies, and other international organisations, and to commit themselves to the prevention and elimination of the problem in collaboration with NGOs, and to take appropriate actions in a timely fashion. The aforementioned 1996 Programme of Action for the Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others, which is based on a series of studies undertaken by the relevant Working Groups, should be further referred to in such efforts;
- that the commission on Human Rights (CHR) establish a working group of experts for consideration and drafting of a new Convention for the Elimination of the Traffic in Persons for Sexual Exploitation or an Optional Protocol to the 1949 Convention;
- that the Sub-Commission continue to take the initiative in monitoring and encouraging the implementation of the 1996 Programme of Action;
- that the Working Group on Contemporary Forms of Slavery continue to listen to the voices of victims, directly or indirectly through NGOs, by securing the continued support from the UN Voluntary Trust Fund on Contemporary Forms of Slavery for their participation;
- that the Working Group on Contemporary Forms of Slavery file a report on the state response to the 1996 Programme of Action in the year 2000, by urging governments to provide information on their actions;
- that Special Rapporteurs, Special Representatives and Independent Experts of the Commission on Human Rights, especially the Special Rapporteurs with country-specific mandate, continue to address the issue in their relevant studies and reports.

2) UN Treaty Bodies

- that the treaty bodies, such as CEDAW, CRC, HRC, CESCR; and CERD focus on the state practice, legislative and administrative, concerning the issue of trafficking in examining state reports;

- that a mechanism for specifically monitoring the state practice concerning the issue be established within or under the CEDAW and CRC, as IMADR has repeatedly recommended

3) UN Bodies

- that the High Commissioner for Human Rights take a stronger initiative in organising and promoting the cooperation and coordination of UN bodies and agencies, whose activities have relevance to the issue of trafficking;
- that the High Commissioner continue to promote the dialogue and collaboration between the UN and NGOs;
- that UN funds, such as UNICEF and UNIFEM provide further assistance for relevant activities which are being carried out by NGOs at all levels, with the clear aim of preventing women and children from being exploited by the global sex industry;
- that the UN Division for the Advancement of Women (DAW) promote relevant activities;
- that a world report (a white paper) be published on trafficking in women and children, based on an extensive research by UNIFEM or through inter-agency cooperation.

4) UN Specialised Agencies

- that the International Programme on the Elimination of Child Labour (IPEC) under the International Labour Organisation (ILO) be expanded to cover various regions;
- that other agencies, such as the UN Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO) strengthen relevant activities within their mandate.

5) Intergovernmental Organisations

- that INTERPOL (International Criminal Police Organisation) establish a data collection centre on trafficking in women and girls as soon as possible, as recommended by the Commission on the Status of Women;
- that the World Tourism Organisation (WTO) continue to strengthen its international campaign against the sexual exploitation of children and its follow-up of the 1997 Manila Declaration on the Social Impact of Tourism and the 1995 Statement on the Prevention of Organised Sex-Tourism;
- that the International Organisation for Migration (IOM) continue its valuable and useful research and publication on trafficking.

VI. NGOs' activities and Cooperation at the International Level

1) Research, data collection, and exchange of information

- that NGOs gather first-hand information on the reality of exploitation and the situation of victims and provide it to governments and intergovernmental organisations for their proper and timely action;
- that exchange of information, experience and research results be promoted so as to strengthen the capabilities of NGOs.

2) Consensus and coalition building

- that special efforts be made to pursue points of agreement, leaving the disagreement aside for further studies and discussion, particularly conceptual issues such as the definition of prostitution;
- that highest priority be given to the interests of actual and potential victims.

3) Joint Action

- that collaborative projects by NGOs with similar agenda be organised at all levels;
- that NGOs should participate actively in, and contribute to, drafting a joint programme of action on trafficking by the relevant UN and other regional and international organisations;¹⁰
- that concerted advocacy at all levels be planned and implemented.

¹⁰ See *infra*.

3) Opening Addresses

a) UN High Commissioner for Human Rights, Mary Robinson

Ladies and Gentlemen, Madame Chairperson,

I would like to begin by welcoming you all to this important event. In particular I extend a warm welcome to the Organizers: Anti-Slavery International, The International Movement Against Discrimination and Racism; the Coalition Against Trafficking in Women; and the International Human Rights Law Group. I also welcome the Chairperson and members of the Working Group on Contemporary Forms of Slavery;

representatives of international agencies and representatives of non-governmental organizations.

It is a significant achievement to have assembled so many of the key players in one room. I am sure you share my hope that this unique opportunity results in practical progress on this critical issue of trafficking.

Everywhere I travel I see evidence of the growing problem of trafficking and its links to the global sex industry. Invariably, the picture presented by the victims of trafficking is of money being made at the expense of human dignity and freedom. During a visit to Cambodia in January 1998 I heard first-hand accounts of the brutality inflicted on women and girls who had been trafficked into prostitution. When I went to the Former Republic of Yugoslavia and neighbouring States in May of this year I found that the growing problem of trafficking was adding to the miseries of the refugee population in that part of the world. I have just returned from Russia where I heard stories of huge numbers of Russian and Ukrainian women being tricked or coerced into situations of danger and exploitation. Poverty, inequality and discrimination seem to be the unifying factors in each of these sad situations.

The sheer scope of the world wide trade in human beings and the misery it generates can appear overwhelming. In the face of such odds I am encouraged by the energy and determination which I have witnessed in the non-governmental community. That is what struck me while visiting the makeshift women's shelter in Cambodia. Today I see it again in this room. It is thanks to you and to your compatriots in the field that trafficking is on the international political agenda. We must continue the fight in order to ensure that this attention results in the kind of policy and attitudinal changes which are so necessary.

While congratulating ourselves on certain successes we must remain aware of the fact that ideological and conceptual differences have prevented significant progress. I refer in particular to the debate over prostitution which has both energized and polarized the anti-trafficking community. We must accept the fact that opinions will differ on certain key issues. Differences of opinion are to be expected and can even be a positive force. Such differences should not, however, be allowed to take over. The resulting paralysis does a great disservice to the women, children and men who most need our help. I see this meeting as an important step forward. I encourage participants to identify the many commonalities which should allow us all to work productively together.

My own position and that of my Office is based on two fundamental principles:

- First: that human rights must be at the core of any credible anti-trafficking strategy; and
- Second: that we must work from the perspective of those who most need their human rights protected and promoted.

These two principles are of course, interrelated. By placing human rights at the centre of our analysis, we are forced to consider the needs of the trafficked person - and thereby to confront the poverty and discrimination which is at the root of this phenomenon. I note and take great encouragement from the fact that human rights are to be the focus of these Consultations.

What does it mean to make human rights the core of our anti-trafficking work? For me it means first and foremost, acknowledging that trafficking and related practices such as debt bondage and forced prostitution and false marriage are themselves a violation of the basic human rights to which all persons are entitled. The right to life; the right to dignity and security; the right to just and favourable conditions of work; the right to

health; the right to be recognized as a person before the law. These are rights which we all possess - irrespective of our sex, our nationality, our social status, our occupation or any other difference.

A human rights approach also demands that we acknowledge the responsibility of governments to protect and promote the rights of all persons within their jurisdiction. This responsibility translates into a legal obligation on governments to work towards eliminating trafficking and related exploitation. Passivity and inaction are insufficient. Tolerance or complicity are inexcusable.

Finally, for me, as High Commissioner, a human rights approach to trafficking means that all parts of the United Nations, not just my Office, should integrate human rights into their analysis of the problem and into their responses. This is the only way to retain a focus on the trafficked person: to ensure that trafficking is not simply reduced to a problem of migration, a problem of public order; or a problem of organized crime.

That brings me to the work of my Office. Very soon after my appointment I decided that trafficking must become a priority area of our work. The recent allocation of financial and human resources has enabled me to set up a modest Anti-Trafficking Programme. The basic objective of the Programme is to work towards the integration of human rights into international, regional and national anti-trafficking initiatives. Our emphasis is on legal and policy development. We do not aim to undertake large-scale projects or to otherwise duplicate the excellent initiatives which are being undertaken elsewhere. Instead, as far as possible we try to act as a catalyst and a support for the work of others. I will try, in the very short time remaining, to give you some examples of our work.

At the international level my Office has been closely following the development of two important Protocols to the draft Convention Against Transnational Organized Crime. One of these protocols concerns illegal migration. The other deals with trafficking of persons. We have analysed both draft instruments from a human rights perspective and submitted this analysis - together with specific recommendations - to the Ad-Hoc working Group responsible for the drafting process. I need not remind you all that this process represents the first legislative consideration of the trafficking issue in over half a century. It is very important to ensure that the end result represents a step forward in eliminating trafficking and securing the rights of trafficked persons. At a very minimum we must ensure that there is no retreat from earlier legal commitments.

It is equally important for us to make the link between illegal migration on the one hand, and trafficking in persons on the other. These are rightly being considered as two separate issues. However, the cross-over potential is enormous. Today's illegal migrant may well be yesterday's - or tomorrow's - trafficking victim. Both situations present a grave threat to the protection of human rights and both therefore deserve our closest attention.

My Office is increasingly directing its anti-trafficking activities to the regional and sub-regional levels. In Central and Eastern Europe we are cooperating with the Council of Europe and IOM on a project which is initially targeting refugees from Kosovo. The purpose of the project is to help prevent the trafficking of vulnerable refugee women and girls out of Albania. This is an emergency and I am pleased to be able to report that it is being treated as such. Our Office in Sarajevo is also undertaking significant preventive and assistance work throughout the territory of the Former Yugoslavia. We recently established a small trust fund to enable this Office to provide emergency support to trafficked women as well as to provide grants to local NGOs working in this area.

In the Asian region our attention is focussing on the draft Convention on Trafficking in Women and Girls which is being elaborated under the Auspices of the South Asian Association for Regional Cooperation. My concerns here are identical to those I expressed earlier in connection with the Vienna Protocols. The SAARC Governments are to be congratulated for taking up this complex and problematic issue. At the same time it is essential that all efforts be made to ensure that the end result represents an advance for trafficked persons and their human rights.

In Nepal my Office is currently developing a project, along with the local UNDP Office which will pilot a rights-based approach to the trafficking problem. The pilot will initially be implemented in two districts in Nepal. We are relying very heavily on the local NGO community to ensure the success of this important endeavour.

Finally, but importantly, recent and significant contributions to UN Trust Fund on Contemporary Forms of Slavery have enabled us to provide a number of travel and project grants to NGOs working on behalf of victims of trafficking. The continuing relevance of our Programme depends very much on external

feedback. For that reason I have asked my Trafficking Adviser to schedule an informal discussion session during the course of this week. I hope this session will give you a chance to learn more about what we are doing. I also hope you take this opportunity to give us your views on other ways in which my Office could contribute to the fight against trafficking.

Ladies and Gentlemen; We all agree on the enormity of the problem and on the difficulty of developing credible solutions. We should not allow differences of emphasis to turn into divisions that prevent us from realizing our common goal - to stand up for the rights of victims of trafficking wherever and whoever they are. We will only succeed if we harness our collective endeavours. I urge you to work together in a constructive, cooperative spirit. I urge you to take up the tools of human rights in your fight against trafficking and to focus on the needs of trafficked persons. That is the way forward and I am proud to be part of this journey.

Thank you.

b) Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, Halima Embarek Warzazi

Mme President,

Mme UN High Commission for Human Rights,

Distinguished participants to the seminar,

I know that these two days will be very busy and as time is very precious, I will try to keep my remarks as short as possible. Indeed, this speech should be limited to congratulate the four organisers of this seminar and in particular, IMADR and The Anti-Slavery, which last year responded so enthusiastically to the wishes expressed by the Working Group on the Contemporary Forms of Slavery. I am sure that the organisers had to face many difficulties in order to ensure the success of this international meeting. They deserve our warmest thanks.

The issue which is the theme of today and tomorrow is of an exceptional gravity, as the phenomenon of trafficking of women and girls for prostitution purposes constitutes not only an additional form of shameless exploitation of the victims but also a new form of slavery. Trafficking is the fact of unscrupulous individuals, ruthless for huge and easy benefits. There is also the additional activity of criminal networks dealing with arms and drug traffic and accumulating billions of dollars each at the expense of millions of victims

The United Nations had been dealing for years with the problem of the exploitation of prostitution, trying to find the means and ways to combat it. But, in my modest opinion, it would be naive to believe that we can put, in one day, an end to this exploitation without also combating prostitution. I know that since the declaration of the 1949 Convention on the Trafficking in Persons, this topic has been debated between abolitionists and those who consider abolition as a violation of a women's right to adopt this way of life.

However, with all respect to the position of the adversary to abolition, I think that this is about choosing between a minority and an overwhelming majority of women who are suffering and live in terrible situations due to the social scourge of prostitution. As a specialist on the subject of prostitution, Marcell Sacotte wrote in his book, 'Prostitution, What Can We Do?', "Prostitution is a trade of a specific nature in which human beings are merchandise to be bought and sold."

Some evolution has been noticed recently when the government of Sweden decided to leave the bench of non-abolitionists by passing a new law which will punish the clients of the prostitutes, but not the prostitutes. Antionette Tougriet, member of the European Parliament said in 1996 about prostitution, "This question is a serious one, particularly at the present time, because the situation of poverty and exclusion of women render them vulnerable and expose them even more to prostitution."

This is today a reality, in particular in countries suffering from underdevelopment and victims of an oppressive international economic order, where millions of women are exposed to prostitution through threats, blackmail or false promises. Sometimes, unfortunately, certain government officials prefer to close their eyes, giving priority to their economic situation. Criminal traffickers welcome and exploit these situations and even armed conflicts where the distress of refugees are windfalls to them.

Newspapers have recently published information about the activities of the Mafia in refugee camps in Albania to the extent that the UN High Commission for Refugees established a report on this problem requested the Albania authorities to collaborate with her office in order to combat these awful activities threatening the Kosovo refugee girls which not only suffer from the exile and the miserable living conditions but are also exposed to the claws of these criminals. The trafficking in women and girls, in particular for prostitution purposes is reaching a very disturbing magnitude and according to the estimations of the Economist, yields, every year 20 Billion U.S. Dollars in the global sex industry. The role of the internet in the enrichment of these traffickers cannot be ignored.

Several seminars on the traffic of women and girls have taken place especially in Asia. The last one was in Tokyo under the auspices of IMADR. There is no doubt that beyond Asia, other NGOs are also taking very seriously this problem. But all the suffering and agony that women and girls are bearing as well as the danger threatening their physical health, as well as their security and dignity, will never be described enough. That is why you are here today, ready to study together the alternative approaches to the terrible phenomenon.

This consultation is occurring at an important crossroads bearing in mind the scale of the problem. Either this lead to efficient and consensus recommendation which will be studied and adopted by the Working Group and the Sub-Commission, or a precious opportunity will be lost which will not be renewed. I am sure that your huge commitment to human rights will lead you to take a strong defence of the million of victims around the world. These women and girls could be our mothers, our sisters, our daughters. How could we refuse to give them all the assistance they need so desperately.

So, I wish you all the success in you consultations hoping that you will be able to bring useful proposals. I am sure that the Working Group will be very grateful to you for your precious contributions you will bring to it.

4) Keynote Speeches

a) Special Rapporteur on violence against women, Radhika Coomaraswamy

(Read by her assistant)

I would like to begin by expressing my regret that I am unable to attend this seminar in person. I welcome the efforts of the Working Group on Contemporary Forms of Slavery to examine the problem of trafficking more in-depth. And I appreciate the NGO initiative to bridge the ideological divides in order to assist the Working Group in this important endeavour. I am confident that this seminar will provide valuable information and a most timely opportunity to share and exchange a diversity of perspectives on this difficult issue.

This seminar comes at an important moment in the history of advocacy efforts to combat trafficking. This past year has brought a flurry of international, regional, and national efforts to prevent and punish trafficking in persons. These endeavours reflect a growing realisation by the international community that existing international anti-trafficking law is inadequate, and that there is an urgent need to find a more effective means to respond to the human rights violations endemic to trafficking.

At the international level, UN Member States are drafting a trafficking protocol to the Convention on Transnational Organised Crime. At the regional level, the South Asian heads of state are formulating a SAARC regional convention on the trafficking of women and children into prostitution. Meanwhile, at the national level, a number of States - - including Italy, Ukraine, Sweden, and the United States - - are attempting to implement trafficking legislation domestically. It is encouraging that States consider the prevention and eradication of trafficking a priority on their national and international agendas. It is extremely troubling however, that some of these initiatives are apparently being undertaken in a vacuum, isolated from a strong human rights perspective. As well-intentioned as they may be, these efforts may inadvertently compound or legitimise the abuse suffered by trafficked persons. This may, in turn, fuel the socio-economic marginalisation at the root of a women's vulnerability to trafficking.

Regrettably, the first trafficking convention to be drafted since the flawed and unenforceable 1949 Convention is being prepared through crime control - rather than a human rights - lens. We know from experience at the national level that the crime control perspective has only just begun to incorporate the needs of women and the protection of women's human rights.

Crime Control measures that do not prioritise protection of the human rights of trafficked persons will fail to combat trafficking in any meaningful way. In the absence of adequate procedural safeguards tailored to the human rights of trafficked persons, prosecutorial efforts may inadvertently expose trafficked persons to further psychological trauma and a high risk of reprisals by traffickers. Without appropriate human rights protection, trafficked persons will continue to refrain from reporting the abuses and from collaborating with prosecutorial efforts. Traffickers will escape prosecution and punishment, and trafficked persons will continue to receive little or no redress for the human rights violations committed against them. The human rights community must make it abundantly clear that effective prevention and eradication of trafficking are inextricably linked to the protection of trafficked persons' human rights.

As to regional initiatives, South Asian heads of state are developing a regional convention on trafficking, scheduled to be finalised this November. The SAARC governments should be applauded for taking this initiative. However, there are concerns over the draft convention's vague terminology, weak enforcement mechanisms, and scope limited to the trafficking of women and girls into prostitution. If not addressed, these limitations could render the SAARC Convention an ineffective tool to address modern trafficking practices. The human rights community must ensure that the SAARC Convention constitutes an advance, rather than a step backwards, in the protection of the human rights of trafficked persons.

With respect to national efforts to combat trafficking, the human rights community must ensure that domestic laws and polices fully incorporate protection of trafficked persons' human rights. States often oversimplify the problem as one that can be addressed by simply tightening immigration controls or criminalising prostitution, or by treating the problems as solely a public health issue. It is important to scrutinise states' motivations behind promulgating such laws and policies. Such initiatives may be fuelled more by domestic political agendas than genuine concern for the welfare of trafficked persons. Often discriminatorily enforced by state officials, these laws may penalise the victims of trafficking rather than the traffickers. In fact, State policies often encourage deportation or prosecution of trafficked persons due to their illegal immigration status or their involvement in prostitution. They do so despite the fact that trafficked persons' involvement in such activities was involuntary. Moreover, many domestic laws encourage restrictions on women's mobility and job choices, and sanction treatment of trafficked women as public health threats. In doing so, they can actually increase the economic and social marginalisation that maintains women's vulnerability to trafficking.

Under closer scrutiny, we see that these international, regional and national anti-trafficking initiatives lack a clear understanding of what trafficking actually is. While a common understanding of the term is presumed, in reality, numerous - and sometimes conflicting - definitions exist. Regrettably, and at the expense of women's human rights, trafficking continues to be conflated with, or treated as synonymous with, prostitution. Consequently, anti-trafficking advocacy efforts have been mired by the same ideological divisions that characterise the prostitution debate.

For the sake of women and for the sake of women's human rights, it is time to move away from this conflation. We know that trafficking increasingly occurs not only for forced prostitution, but also for other forms of labour and slavery-like practices. We also know that efforts by States to combat prostitution and trafficking too often result in the further marginalisation of women. Regrettably, and in the name of anti-trafficking measures, women's rights and freedoms are being further eroded. In the name of 'public health,' women are used as scape-goats. And in the name of 'rescue and rehabilitation,' women are stigmatised and re-victimised.

To be effective, any strategy to combat trafficking must begin and end with the protection of the human rights of trafficked persons. The burgeoning trade in women required broad and strategic initiatives designed to eradicate this human rights violation, and to find avenues for full and effective redress for its victims.

The complexities of the trafficking problem render our task a formidable one. The biggest challenge is developing a definition of trafficking that responds to the exigencies of modern trafficking practices. Only with the articulation of a clear definition of trafficking can definitive principles to guide national and international action be formulated.

However, while there appears to be a consensus on the need to reconceptualize the trafficking problem, attempts to do so have met with sharp division. Enduring normative debates over decriminalisation of prostitution continue to thwart consensus on the trafficking definition. These debates stymie the attempts to engage in collaborative efforts on behalf of trafficked persons' human rights. As a result, the human rights

community is left watching from the sidelines as the Crime Commission - - rather than the Commission on Human Rights - - takes the lead in developing a new international law against trafficking in persons.

We simply cannot miss another opportunity to ensure that human rights protection is the basis of any strategy or initiative to combat trafficking.

I appreciate the difficulty of this task. The decriminalisation issue has been a challenging one for all those engaged in anti-trafficking advocacy. As is evident from my report, my own perspective has changed as my understanding of the issue has developed. What has become clear is that existing human rights standards - - which are applicable to all women, irrespective of the occupation - - must be our constant frame of reference for any discussion of anti-trafficking strategy. Human rights abuses are common to all forms of trafficking. These must serve as the starting point for consensus-building across the fault lines that have divided anti-trafficking advocacy efforts.

Modern trafficking practices demand that we reconceptualize the trafficking problem in light of the human rights abuses endemic to trafficking. The absence of viable economic opportunities, the inequitable distribution of wealth between and within countries, and the continued and increasing social and economic marginalisation of women in many communities render women vulnerable to traffickers' deceptive promises of better opportunities abroad. As a result, women find themselves working and living under slavery-like conditions, not only as prostitutes, but also as domestic and factory workers, and in forced marriages. Employers often illegally confine these women, confiscate their passports and identification, and force them to work excessive hours and under inhuman conditions. They often beat and rape them, and withhold their wages until the 'debt' of their recruitment cost is paid off. Meanwhile, the threat of reprisals and the lack of identity papers prevent many of these women from being able to escape the abuse.

Gross and persistent human rights violations occur at every stage of the trafficking process. Deprivation of liberty, denial of security of person, torture, cruel, inhuman, and degrading punishment, debt bondage, servitude, rape, sexual violence, forced or compulsory labour, and slavery-like practices, are but a few of the human rights violations perpetrated by traffickers.

International human rights law obligates state to act with due diligence to prevent, investigate, punish, and protect against each and every one of these violations. States' failure to protect and ensure women's human rights is both cause and consequence of trafficking. Violations of women's human rights continue to feed and sustain trafficking - - be it through a failure to provide economic rights equal to those available to men, or through state complicity in denying adequate redress for violations of women's' human rights.

Due diligence requires states to prevent and redress such violations in the first instance. It also requires that states undertake every measure necessary to prevent their re-occurrence. One of the biggest challenges is to protect trafficked persons from re-victimisation - whether by re-trafficking or by short-sighted state policies that exacerbate rather than redress the harm. This requires the development of policies that empower trafficked persons to break out of the vicious cycle of economic and social marginalisation. It requires the provision of residency status to trafficked persons to facilitate their full recovery and to enable them to pursue prosecution of the traffickers. It requires procedural safeguards before, during, and after prosecution, to protect trafficked persons from psychological trauma and reprisals by traffickers. And it requires broad-ranging social programmes to educate the public to the realities of modern trafficking practices.

The difficulty of the task before us is clear, and its importance cannot be underestimated. The human rights community must come together to articulate and pursue collaborative strategies to eliminate the causes and redress the consequences of trafficking. I applaud the decision of the High Commissioner for Human Rights to prioritise trafficking on the international human rights agenda. And I firmly endorse the High Commissioner's commitment to ensure that human rights precepts provide the foundation for any anti-trafficking strategy.

In my work as Special Rapporteur, I have closely followed the development of the Trafficking Protocol to the Convention Against Transnational Organised Crime. I have produced an extensive analysis of this Protocol, which will soon be available as an official document of the July drafting session. I also plan to intervene in the drafting process of the SAARC Convention, in the hope that the final text will genuinely advance the human rights of trafficked persons. I encourage you to join me in my efforts to infuse a human rights perspective into these legislative activities.

As many of you know, I have decided to make trafficking the subject of my main report to the Commission on Human Rights for the year 2000. The report will examine modern manifestations of trafficking, its causes

and its consequences, and propose recommendations for international and national action. I am also planning a mission to investigate trafficking as it occurs in India, Nepal, and Bangladesh. I consider this mission particularly timely, given the current efforts to negotiate and adopt the SAARC trafficking Convention. I welcome any information you may have to contribute to my report and my preparations for this mission.

The task ahead of us is a challenging one, and one that requires our fullest commitment. It demands that we focus our energy and determination on sharpening our analysis and refining our advocacy. I urge you to work with each other and with me to utilise the human rights regime to strengthen advocacy on behalf of the human rights of trafficked persons. I look forward to working with you, and wish you a successful seminar.

b) Representative of the International Organisation for Migrations (IOM), Reinhard Lohrmann, Chief of the Research Division, PROTECTION OF THE RIGHTS OF TRAFFICKED PERSONS: OBSTACLES AND RECOMMENDATIONS

1. The Organisation that I represent, IOM, is tasked by its member governments, i.a.

- to provide a forum for governments for discussion of policy issues related to international migration, carry out studies on migration issues and seek practical solutions for the management of international migration;
- to give assistance to governments and individuals by arranging orderly migration movements, including the processing of refugees to countries of asylum and providing individual migrants counselling, training, medical screening and assistance in return migration.

2. Trafficking in persons, i.e. the smuggling of persons by intermediaries who obtain economic or other profit by means of deception, coercion and/or other forms of exploitation, is an offence against the integrity and sovereignty of States and to the rule of law that they are enforcing, at the borders and through their immigration legislation. At the same time, trafficking offends and violates, in a multitude of ways, the integrity and dignity of individual persons through various forms of exploitation and abuse, for instance forced prostitution or other slave-like working conditions.

3. When it comes to finding practical responses and measures against trafficking, the distinction between offices vis-à-vis individuals and governments becomes less important, because the law enforcement measures in border control or the combat against organised crime do not only concern the State authority but also the individual migrant, for example through protection of victims of trafficking and when they act as witnesses in criminal court in processes against traffickers.

4. Trafficking of human beings is a multi-faceted phenomenon that is taking place at global level. Action to counter it is needed by many actors: Governments, intergovernmental and non-governmental organisations, that deal i.a. with human rights, gender issues, social support, medical assistance and rehabilitation, preventive information dissemination and empowerment of potential victims, migration management, border control, combat against organised crime, access to the labour market. It is clear that with such a wide range of issues no instance can claim alone ownership of the phenomenon concerning preventive and repressive action.

5. The above-mentioned preventive and combating activities should take place in a coordinated manner both at national and international level in order to achieve a clear division of labour among the various actors and this facilitate a collective effort in addressing the phenomenon.

6. To achieve coordination of activities among different governmental, intergovernmental and non-governmental organisations is, however, not easy. Various interest influence the formulation of national migration policies. From a point of view of the national economy and official government policy, there may not be a need for immigrant labour and therefore foreign workers recruitment is not authorised, but at the same time the use of undocumented, cheap migrant labour by individual employers is sometimes tolerated at the administrative level under the pressure of certain economic sectors.

7. As a result, legal migrant workers may be at a disadvantage in the labour markets of host countries by the enrolment of regular and trafficked migrants. The informal economy, which is a growing phenomenon not only in developing countries but also in Europe and North America, employs a larger number of men,

women and children on irregular status in the host country whose job safety, salary, working conditions and working time are not at the negotiated standards, and thus their rights are offended in many ways.

8. The trend of globalisation of the economy and greater international labour mobility, despite many economic goods, has the disadvantage that it may put the protection of rights of migrant at risk or retards it. The implementation of technical and legal measures that have been recommended to fight against trafficking in persons and to protect individual witnesses, also face financial constraints, which reduce the effectiveness of the adopted measures.

9. Trafficking in men, women and children and all the violence and brutality enforcing these individuals to serve their masters as subjugated and dehumanised parts of their businesses in prostitution, begging, domestic or in sweatshop slavery, are obvious examples of such violations of very basic human rights that is spread to all continents in a highly organised manner.

10. Poverty, lack of opportunity for work or training, discrimination on religious, ethnic or political grounds, oppression of women -- in other words, shortcomings in issues which international treaties such as the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, Covenants on Women's and Children Rights - CEDAW; CCPR, etc., also define as human rights - - continue to create potential for irregular migration and trafficking as legal channels of emigration do not offer opportunities to many people who wish to migrate to other countries to improve their economic and social conditions.

11. The economic and social conditions in countries of origin are causes of emigration and an essential component in immigration dynamics. They are seized by traffickers and smugglers who offer their services to facilitate the passage of migrants, and satisfy the existing demand in the black economy or in prostitution.

12. It is extremely difficult to influence the causes of migration and the push factors. As we all know, to create development opportunities for all and confidence in the future in countries with combination of some of the mentioned conditions is often hampered or offset by strong growth of population, obstacles created by non-democratic political rules, and often weak competitiveness in the international market. The countries in question cannot cope alone with these challenges, and success -- even with assistance -- is hard to achieve.

13. These mentioned issues have been and are continuously address by the international community under different headings: human rights protection, eradication of poverty, sustainable populations growth and development, migration management, social services for all, etc. The nineties have been a calvacade of high a level meetings or specialised summits which have approached these issues from a variety of angles. There is no other way but to continue that work, understanding that we are working for the same goals.

14. I have referred in the preceding remarks to the various root causes of irregular migration because they are the long-term challenge that one comes across unavoidably in this context. In order to address them at the policy level a number of regional and interregional fora among governments and organisations have been organised to seek a broad sharing of information and possible reposes to irregular migration and trafficking within given regions.

15. Such processes of regional consultations exist in Central and North America (the so-called Puebla process), in East, South-East and South Asia (The Manila process and the Asia Pacific Consultations) in the Commonwealth of Independent States (the CIS Conference process), and between West, Central and Eastern Europe (i.a. the Budapest process to combat irregular migration). They also exist between European Union and 12 countries of the Eastern and Southern rim of the Mediterranean (the Euromed partnership). Other examples on advances regional cooperation among industrial countries are also the European Union and the Intergovernmental Consultation on asylum, refugee and migration issues.

16. IOM contributes to support and facilitate such regional intergovernmental consultation and cooperation inter alia through providing background information and research studies. It has carried out nearly 20 country studies on trafficking, is organising regional seminars on the issue, implementing preventive information campaigns, mostly in countries of Central and Eastern Europe as well as in management structures, organising voluntary returns of trafficked and other irregular migrants to their countries of origin if they are safe to return (this is most often verified in cooperation with UNHCR), are other tasks entrusted to IOM.

17. Within the EU, IGC and the Budapest process, extensive work has been done in compiling information and operative recommendations to governments and organisations on needed measures of prevention, enforcement, and support and remedy. A lot is till needed to put in place all that, which is mostly only a reaction to activities of traffickers. As said earlier, to address the root causes - - which to a large extent are

human rights related - - is a challenge demanding broad efforts and the involvement of many actors. The Euromed partnership among border States of the Mediterranean, the cooperation between the EU and countries in Central and Eastern Europe, as well as the US- Mexican cooperation, are efforts to address migration issues in a wider perspective than only reacting to the existing pressures. But more effort is needed. The cooperation between States, IGOs and NGOs in combating and preventing trafficking in persons needs to be strengthened at various levels: international crime repression, identification and effective prosecutions of human rights violations, and the respect of labour law and of basic rights accorded to every human being irrespective of his/her status. There and elsewhere, there is a whole lot of work for all of us.

5) Panel A

Organised by International Human Rights Law Group

Chair of presentations: Ann Jordan, International Human Rights Law Group

Chair of discussions: Mike Dottridge, Anti-Slavery International

a) Marjan Wijers, Foundation Against Trafficking in Women, TRAFFICKING IN WOMEN IN THE CONTEXT OF FEMALE LABOUR MIGRATION

When the Iron Curtain fell, women were the first to lose their jobs, while social services, education and medical care were no longer free. At the same time, the number of single parent families rose and an increasing number of women now bear sole responsibility for the support and care of their families. Consequently, the number of female labour migrants from Central and Eastern Europe has increased dramatically.

This is by no way an exceptional pattern. Women from all regions in the world - whether in Asia, Latin America or Africa - find themselves in similar conditions. They all have in common the goal to improve their conditions of life. Moreover, they are prepared to take risks to that aim. If we were talking about men, we would call them enterprising and courageous. But, as we are talking about women, many people call them naive and classify them as passive or stupid victims. I can assure you they are not.

The present global crisis of increasing economic and social inequality, rural economic failure, rising unemployment and the growing gap between the industrialised and developing countries affects both men and women. However, there is also the aspect of gender discrimination. Women represent a disproportionate share of the poor and low wage workforce and are often not effectively provided security by the social system. Millions of women all over the world find themselves in the paradoxical situation of being responsible for the family income, while not having equal access to the same employment opportunities as men. As a consequence, the number of female labour migrants has grown significantly over the last 20 years. Currently, nearly half of the migrants world-wide are women. To mention some examples: according to an ILO report 1.5 million Asian women are working abroad, legally or illegally. In the Philippines, women make up 60% of the legal migrants working abroad.

The labour market, however, does not offer equal opportunities for men and women. Compared to men, women have restricted access to the formal and regulated labour markets in their home countries as well as in more affluent countries. They are, to a great extent, dependent on work in the informal and unregulated labour sectors. Within a gender segregated labour market, sexual and domestic work are two of the few income-generating activities available for women, especially women from poor countries and regions. However, these types of work are hardly, if at all, protected by labour and civil laws and sex work is not even recognised as labour, even though in reality thousands (and probably millions) of women make a living for themselves and their families through this work. This means that we are talking about millions of women, who are denied basic human and labour rights.

Migration patterns reflect this labour division, as millions of women migrate into the international markets for female domestic workers, marriage partners and the sex-and-entertainment industry. Women have few legal and independent means to migrate within these informal labour sectors. As a result, women are to a greater or lesser extent dependent on the services of so called 'third parties', who lend them money for their journey, organise transport, visa's and (false) papers, find them a place to work, 'protect' them from the police, and - of course- expect to be paid for their services.

It is not a coincidence that trafficking and slavery-like practices predominantly occur in the informal, unprotected, female designated labour sectors of prostitution, entertainment, domestic labour and, related to this, the commercial marriage market. The absence of legal migration possibilities, the lack of labour protection, the illegal or semi-legal character of these types of labour and the resulting marginalisation of the migrant women harmoniously work together to create the perfect conditions for rampant abuse. At the same time, they guarantee impunity for the abusers, who are protected by corrupt officials and police.

Whereas, on the one hand the number of women seeking employment abroad has grown, on the other hand, many destination countries, and especially the EU, have put in place more restrictive immigration policies, thereby further decreasing legal migration possibilities, even though demand for female labour in these sectors persists. The result is a considerable gap between official policies of destination countries and day-to-day practices in the sex industry, mail-order-bride businesses and the domestic work sector. This is where organised crime comes in: filling the gap that official policies leave. However, not only considerable criminal profits are involved. The incomes of migrant women also form an important source of foreign exchange for their home countries. At the same time their labour benefits the economies of the destination countries.

In addition, the clandestine and illegal status of prostitution as such and the resulting stigmatisation and criminalisation of the women involved, put them even more in the power of abusive middle-men, exploitative employers and corrupt officials, without legal instruments to defend themselves and without recourse to law or society for protection or redress. In practically all legal systems, women working in prostitution are more or less outlawed and deprived of all protective mechanisms and basic human rights available to other workers and citizens.

Whereas in almost all countries persons working in the sex-industry are deprived of protection under national and international law, migrant women in this industry find themselves in a particularly precarious situation, due to their migrant status. Many have immigrated illegally, among other factors because of the absence of legal migration channels, and have no legal work permits or residence status in the country where they reside. Consequently, they are not only deprived from protection as workers in the sex industry, but also from the legal protection from abuse and violence available to nationals, irrespective of their work. Moreover, as undocumented migrants they are at constant risk of deportation.

This combination of factors makes the sex industry extremely profitable for the illicit and clandestine trafficking in labour and the corresponding abuses.

Definition

Although the term 'trafficking in women' was mentioned as early as the end of the last century, a persistent and fundamental problem is the lack of a clear and unambiguous definition. The definitions employed by States vary widely. The traditional concept of 'trafficking in women' focuses predominantly on the protection of so called 'innocent' women from being 'lured' or forced into prostitution. Consequently, anti-trafficking measures historically have been more concerned with protecting 'innocent' women from entering prostitution than with ensuring the basic human rights of those already working in the sex industry. From this point of view, once a woman works as a prostitute, the conditions under which she works are of no importance. Women who agree to work as prostitutes are deemed to have forfeited their right to protection against coercion and abuse. Such measures fail to recognise that a large number of the persons who are trafficked are sexworkers, meaning that it is sex workers whose basic human rights are being violated on a massive scale.

Moreover, the traditional concept does not take into account that trafficking does not exclusively occur within the sex industry and is not exclusively a problem of women, due to some 'inherent weakness'. Men and transgender in the sex industry and persons who are trafficked into slavery-like conditions for other industries, such as sweatshop labour or domestic labour, suffer the same human and labour rights abuses. It also denies that there are other factors that make people vulnerable to these abuses, for instance the fact that they are black or indigenous people.

In addition, and especially in Western Europe, 'trafficking in women' has become increasingly identified with illegal migration, thus shifting the focus away from protecting women from abuse and coercion to protecting of the State from illegal migrants. The crime then becomes illegal entry or residence, meaning infraction of state laws, rather than violence against women, meaning a violation of human rights. Moreover, it denies the fact that a large portion of modern trafficking takes place within borders, for instance from rural areas to urban areas.

When we define trafficking, therefore it is essential to question from whose perspective the problem is defined: the State's or the women's. As illustrated, trafficking affects not only the women involved, but is closely connected to different state interests, such as the interest of the industrialised countries to control or restrict immigration, of developing countries to encourage labour migration and of all states to combat organised crime and control prostitution.

If we take the perspectives and experiences of women as the point of departure, the core element of any definition must be 'coercion', that is all means by which a woman loses control over her own life, body and

mind. From the perspective of women, it is not necessarily the nature of the work or services as such or migration - legal or illegal - that is the problem, but the conditions of deceit, violence, debt bondage or abuse. It is not sex as such, that is a human rights abuse, not in marriage, not in a one night stand, and not when money is exchanged. It is the use of deceit, coercion or debt bondage that deprives a person of her (or his) free will and ability to control her (or his) body, and that is the serious violation of human rights we are discussing today.

Starting from the above formulated principles, we developed the following definition:

Trafficking = All (attempted) acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person

a. involving the use of deception, coercion (including the use or threat of force or the abuse of authority), or debt bondage

b. for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions.

Although the definition includes children, a distinction should be made between adults and children. Children have a very different legal position from adults. Trafficking of children should be dealt with within the framework of child labour and children's rights. Where children cannot consent to certain things, like marriage, adults can. Basically, children should not be involved in any labour, including sex work – let's be clear on that - , they must be in school and play with their mates.

b) Mala Singh, Durbar Mahila Samanaya Committee

(Translated from Bengali)

Greetings. I am Mala Singh and I am a sex workers from Calcutta and I am secretary from the committee when we started 7 years ago. We heard that there is a disease called AIDS and so we came together. When we started work distributing condoms, we realised that we have no rights as workers and that is when we turned to the law.

We wanted the word 'prostitution' be eliminated because it works against us. We think of ourselves as workers and I see myself as a worker and as an artist. I am speaking from my experience. If I want to buy land and if people know that I am a sex worker, I cannot buy the land... I cannot send my child to school. We suffer from discrimination. I do not know who does not do sex workers and everybody gets something in return... maybe they get their livelihood and some get food, I get money.

Maybe it is bad work, but I do not think that it is bad work.

There is a regulatory board which looks into the welfare of children below the age of 18. People who are not in sex work cannot understand the entire situation. People in sex work are the best people to combat trafficking. The board is comprised of several people. Probably the biggest fear that many have regarding the legalisation of sex work is that more and more people will enter the industry. But that is not true. Only those wanting to come to sex work will come.

I am looking forward to the day I can travel with a passport that says that I am sex worker. Those who do not want to be a sex worker should be allowed to leave and go through rehabilitation, but those who want to stay should be allowed to stay. I am not doing anything criminal. I am not thieving. It is a transaction. I make people happy and that makes me happy. I describe my work as someone who cures people. I compare my work to those who make cigarettes and that makes people sick. I cure people. I am rather like a doctor. In conclusion I am speaking on behalf of 40,000 sex worker. Please consider our situation. If they are allowed to work as workers, it will be a better situation.

c) Melissa Ditmore, Network of Sex Projects, ADDRESSING SEX WORK AS LABOUR

I am very pleased the Working Group on Contemporary Forms of Slavery has chosen to include sex workers' rights advocates. Without the help of sex workers' groups, it will be difficult, perhaps even impossible, to address trafficking as defined by our Ms. Wijers as it relates to sex work. I intend to emphasise three points today. They include:

1. recommending the recognition of sex work as a labour
2. recognising that the real issue at hand is that of working conditions within the sex industry as in other areas, and
3. when sex work is recognised as labour, sex workers and their organisations are in a better position to confront abuse.

Introduction

The term 'sex work' was coined by sex workers to emphasise the labour aspect of the sex industry, and to create a term without moral judgement or emotional connotations. Addressing the sex industry as labour is a prerequisite for including sex work in discussions of women's and worker's rights. Otherwise, we risk losing sight of the violations of labour norms (see Bindman) in the sex industry in the name of moralising. Sex work itself is not inherently problematic, but that sex work remains unrecognised and therefore outside the scope of labour standards is problematic. Violations of labour standards within the sex industry are not specific to the sex industry but more specific to informal labour. Rather than declaring sex work in itself an abuse, it is more productive to apply the same standards to the sex industry that are applied to other industries, including standards of human rights and occupational safety and health codes. This requires a recognised definition of sex work. The definition of sex work proposed by Anti-Slavery International is:

Negotiation and performance of sexual services for remuneration

- i. with or without intervention by a third party
- ii. where those services are advertised or generally recognised as available from a specific location
- iii. where the price of services reflects the pressures of supply and demand.

(In this definition, 'negotiation' implies the rejection of specific clients or acts on an individual basis. Indiscriminate acceptance by the worker of all proposed transactions is not presumed -- such acceptance would indicate the presence of coercion.)

(Bindman with Doezema)

Addressing working conditions in the sex industry

Where sex work is a marginalized or criminal activity, sex workers are denied the right to decent working conditions by the lack of regulatory mechanisms which address other industries. This enables exploitation of sex workers at the hands of employers and law enforcement while ignoring illegal practices that would be subject to correction in other businesses. This is possible because sex work remains outside the scope of regulatory bodies governing labour. As a consequence of this oversight, sex workers are often denied legal recourse in the face of abusive practices. Workers in the sex industry remain unlikely to seek legal recourse even if abuses exist as long as they have reason to fear law enforcement. Sex workers remain unlikely to report abuses if they are themselves in jeopardy of prosecution. In this way, sanctions against sex work inhibit efforts to address human rights violations.

The existence of abuses within the sex industry does not equate all sex work with abuse, but highlights the need for the application of labour regulations to the sex industry. Where sex work is recognised and labour violations are absent in sex work as in any work, there is no crime. As a person cannot consent to abusive conditions, including coercion, debt bondage or confinement, abuses in any such instance remain a crime regardless of the industry in which they are committed. Until the criminal justice system and the international community recognise the rights of sex workers as labourers, such abuses cannot be adequately addressed. The reaction to similar abuses in other areas of work led to worker organising and the initial introduction of occupational safety regulations.

Working conditions in informal labour, which is disproportionately performed by poor people, remain substandard. Addressing poor working conditions is an opportunity to better working conditions. There is no excuse for prejudice against the poor in the form of neglecting their working conditions in any industry.

The International Labour Organisation report, *The Sex Sector* recommends recognition of the sex industry as labour in light of the economic and social realities of the sex industry. It is fitting that the ILO recommends recognition of the sex industry as labour as ILO statutes governing minimum standards of working conditions could be applied to the sex industry, and modified where necessary to accommodate conditions specific to sex work. Examples of such specifics include the right to decline a client.

Countering critics of the ILO report The Sex Sector

It is refreshing to hear a reasonable report addressing the real issues facing workers in the sex industry instead of the strident tones of self appointed moralists. Critics of the ILO report cite flawed studies which misrepresent the source of their data. These are studies done by organisations whose sole goal is to 'rescue' all women, including those who do not want to be 'rescued', from prostitution. Such data only includes women who wish to be 'rescued'; and do not represent the larger population of sex workers.

Critics of the ILO report call on governments to create alternative employment for all women in the sex industry. Perhaps in an ideal world a government could supply enough jobs for everyone but it is important to address the existing reality of many people's lives. Prostitution is a viable occupation that provides income to sex workers and their families. I caution against the assumption that if something is repugnant to some people, no one else should be allowed to do it. Sex work is not inherently degrading or a violation of a woman's human rights simply because the work is distasteful to some. Many people opt for sex work because it is less degrading, better paying and provides more freedom than other available options (ie, work in export processing zone factories).

Those advocating against sex workers' rights cite sexual commerce as the sale of a person. Prostitution is not the purchase of a person, but of a person's services, as in other service occupations (i.e., food service occupations). This is the condescending reduction of a person to his or her sex. Claims that sex work is the culmination of a personal history of poverty and abuse are equally insensitive. Personal history has no bearing on a person's rights in the workplace. In no other profession does personal history or sentiments about the profession interfere with a person's right to acceptable working conditions. In any situation, abuses should be rectified rather than used as justification for further marginalisation. These arguments perpetuate the stereotype of the sex worker as in need of saving and unable to take care of his or herself rather than acknowledging their complex situations and self-determination. Such condescension has no place in any discussion of justice or rights.

Sex workers are often characterised as disease ridden by those who neglect the fact that good health is afforded by good working conditions. Sex workers who are not accorded rights at work are vulnerable to infection, illness and physical and psychological abuse. (Bindman, 4.) Sex workers who have better working conditions and the knowledge and materials to safeguard their health have lower rates of sexually transmitted infections than housewives! (Organised sex workers in Calcutta's Mahila Songatchi Group have a rate of infection that at under five percent is less than one-tenth that of unorganised sex workers in Bombay (over fifty percent) (UNAIDS)

Unfortunately, most health policy addressing sex work addresses only gynaecological problems and ignores other aspects of health. This approach would be unacceptable in any other realm but is deemed sufficient for sex workers due to the marginalisation of sex work, thus jeopardising the well-being of sex workers, their families, their clients, clients' families and the other sexual partners of clients. A more holistic approach to the health of sex workers would be enabled by the recognition of sex work as labour and the removal of the sex industry from the category of vice.

Sex workers want the same rights and protections as are enjoyed by other workers. Sex workers enjoy more of the basic civil rights afforded workers in other areas where sex work is recognised. The marginalisation of sex work in most countries world-wide denies sex workers' their basic right of access to legal recourse in the face of violence. When violence is committed against sex workers, the problem is violence, not the victim's occupation. It is imperative to recognise that in no other occupation do we so incessantly blame the victim of violence. We do not blame a victim of robbery for being beaten and robbed yet we blame women in the sex industry for the violence committed by others against them. In countries where sex workers have access to legal recourse, sex workers are able to avail themselves of the same help accorded other victims of violence, including rape and battery. Women who are protected rather than prosecuted by law enforcement are more likely to report cases of abuse than people who are themselves subject to criminal sanctions.

I am disheartened by the need of those who seek the unlikely eradication of sex work to denigrate men. This is as much done by ignoring the existence of male sex workers as by denigrating the clients of sex workers and other men as depraved and lustful. However, clients are frequently the most sympathetic ears for abused women and sex workers. Clients who are educated to the problems of abuse are often the people who bring the situation of women who are being held against their will to the attention of the police or non-governmental organisations.

A 1997 series of articles from Reuters News Service erroneously reported sex slaves in brothels in Canberra, Australia. The situation in Canberra is one in which sex work is above board and not hidden, and therefore subject to occupational safety and health standards. As the situation regarding sex work is quite overt, it was possible for a representative from Workers in Sex Employment (WISE) to visit and inspect each brothel on a weekly basis. The WISE representative discerned that working conditions were up to industry standards and that no one was there under duress. She has access to the brothels and the people who work in them in this capacity. This would not have been possible without sex workers organisations, nor without the system of decriminalised brothels in Canberra. The most recent article on this reported that no evidence of sexual slavery was found.

Sex Work Advocacy and Partnership Programs

Sex workers groups have been very active with recommendations to improve proposed legislation addressing trafficking in persons. I wish to stress the value of a model of partnership with sex workers' organisations rather than the punitive model of current legislation governing prostitution.

Efforts include the Asia-Pacific Network of Sex Work Projects. At its February meeting, the representative from the Thai organisation EMPOWER confirmed that Thai women interested in working in Australia's sex industry often inquire about working conditions in Australia, and that EMPOWER provides them with legal information and each state's sex workers' organisation's contact numbers. Fostering international links such as these between sex workers' organisations in countries of origin and countries of entry could lead to more such information sharing, including information about poor business practices and abusive working conditions. This would alert migrants to possible abuses including debt bondage or slavery-like situations and better enable them to avoid such situations.

The Australian-Thai example described above demonstrates what partnerships between sex workers' organisations are capable of offering to women who migrate for work. With this in mind, I wish to stress the need for peer programs and advocacy for sex workers. Sex workers, like many groups, are frequently best approached with peer programs and advocacy. Mala and Nury will describe successful programs.

Conclusions

In conclusion, I wish to emphasise that where sex work is a criminal activity, sex workers are denied the right to decent working conditions and that this has repercussions beyond the applications of criminal codes as human rights violations. Where sex workers have attained better working conditions, they are better able to address issues of abuse. One crucial step in the right direction is formal recognition by governments of the reality that sex work is a form of labour. Addressing sex work as labour enables application of minimum standards for employment and attendant requirements for occupational safety and health as well as peer programs and outreach. Without recognition of sex work as labour, women and sex workers continue to be subject to exploitation and poor working conditions. The criminal justice system and the international community must recognise the rights and needs of sex workers, before abuses within the sex industry can be adequately addressed.

References

Bindman, Jo, with Doezema, Jo, 'Redefining Prostitution as Sex Work on the International Agenda,' (as of June 10, 1999) www.walnet.org/csis/papers/redefining.html, copyright1997.

Lin Leam Lim, editor, *The Sex Sector*, International Labour Organisation, Geneva: 1998.

UNAIDS--website

d) Nury Pernia, Coordinator of the Latin America and Caribbean Network of Sex Work Projects

(Translated from Spanish)

My name is Nury Pernia from Venezuela and I am a Coordinator in Latin America and Caribbean region. I am a Coordinator of a male sex workers association. Globalisation in developing countries has made survival a daily fight for the poor.

In Latin American there are no laws that aim to end the poverty and discrimination to the poor. Vulnerable groups, like sex workers, have been treated without any rights and their rights are forgotten in the context of globalisation.

Men and women in the sex industry in developing countries have poor labour conditions and this has increased trafficking to developed countries. In developing countries there are very few programs that have been implemented for sex workers, they have been designed to help themselves and these activities have been sued for promoting prostitution. From this situation no basic human rights have been guaranteed to sex worker. They must work on a daily basis without any guarantee of the human rights. Those who fight for a guarantee for basic labour conditions in the sex working are not promoting prostitution's, they are promoting basic human rights and that should not exclude sex workers.

Thank you.

e) Jo Doezma, Network of Sexwork Projects, *ABOLISHING RIGHTS: HOW EXISTING LEGAL SYSTEMS FACILITATE TRAFFICKING*

Those who migrate to work in the sex industry of another country find their possibilities restricted by a daunting array of legal instruments. Most obviously, the laws that migrants and would-be migrant have to contend with are those concerning travel abroad, emigration, and immigration. However, migrants to the sex industry are also greatly affected by the legal systems designed to control prostitution. Laws to eliminate or regulate prostitution not only help determine the strategies chosen for migration but also the conditions under which a migrant sex worker performs her or his job and the possibility for them to access legal protection in the case abuse of their rights as citizens and workers. Laws against prostitution both facilitate the abuses known as 'trafficking in women' and present barriers to the elimination of these abuses. A necessary first step towards eliminating these abuses is the recognition of sex work as labour, and the application of labour and human rights standards to the sex industry.

As noted by Marjan, trafficking and slavery-like conditions appear most often in unregulated, informal labour sectors. Recognising that the focus of activities to stop these abuses should be on coercion, rather than on the type of work that performed, my presentation should be taken as a brief analysis of only one such sector: the sex industry. Firstly, I argue that legal systems that criminalise the sex industry contribute to human rights abuses, including trafficking. Secondly, I argue that there is no international consensus that sex work is a human rights abuse. Thirdly, I show the ways in which the recognition of sex work a labour is necessary to eliminate human rights abuses, including trafficking, from the sex industry.

Controlling sex work, criminalising sex workers

Legal systems to control prostitution exist in all countries. Some countries prohibit prostitution outright, such as the Philippines. Nelia will address this system in her presentation. A second way in which prostitution is regulated is through intense state control, with no rights accorded workers. The third type of system is one in which activities related to prostitution, rather than prostitution itself, are targeted by legal prohibitions. These may be aimed at sex workers themselves and include laws such as those against advertising for clients. Prohibitions may also be aimed at so-called third parties such as brothel owners, clients, or family members of sex workers. Examples of these include prohibitions on operating a brothel, on living off the earning of a prostitute, or on making use of a sex workers services. Though being a prostitute is not in itself illegal, all of the activities necessary to carry out the profession are, which means that any sex worker actually carrying out their profession is bound to breaking one law or another. This system pushes the entire industry, including sex workers, into the criminal sphere. It is based on an outdated and discredited view of women as passive victims without the ability to exercise agency.

While all three systems impact in an overwhelmingly negative way on the lives of sex workers, I will concentrate on the third system. This system is commonly known as 'abolition'. Recently, this system has been identified, falsely, as 'decriminalisation'. The term 'decriminalisation', originally used by sex worker activists, properly refers to a system in which sex work is recognised as labour.

Efforts to control prostitution through criminalising third parties and activities related to prostitution are ostensibly designed to protect those in the sex industry. However, far from protecting sex workers, these laws are often used against them, as shown by Melissa.

For migrant sex workers, who may already be in a tenuous legal situation because of their entry or residency status, the effects of criminalisation and marginalisation caused by the above system are intensified. This is well illustrated by a recent event in Canada. In a police raid on a brothel, 30 Thai women were found, who were working in a situation of debt bondage. Though being a prostitute is not an offence, these women were criminally charged for the crime of being in a brothel. They had to post bail, which of course greatly added to their debt. Instead of being able to use the legal system to redress the violations of their rights, these women found the law working to further abuse their rights.

An international consensus on abolition?

Advocates for abolitionist laws claim that there is an international consensus that supports this position. This may have been the case when the 1949 Convention on the for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others was drafted, more than fifty years ago. However, in recent years, it is clear that the international community has been moving towards a view of sex work as legitimate labour, and of the need for human rights and labour protections to be applied to the industry. The 1993 Declaration on the Elimination of Violence against Women states that “violence against women shall be understood to encompass ...trafficking in women and forced prostitution.” The Declaration on Violence Against women is the standard against which the actions of the international community must be measured. The implicit recognition in the Declaration that not all prostitution occurs in situations of coercion signals that the international communities’ view of sex work has changed. Since the adoption of the Declaration, the majority of international agreements clearly do not endorse the view that prostitution is per se a human rights abuse. The Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights urged state parties to adopt the Declaration on Violence Against Women. The 1995 Beijing Platform for Action also condemns forced prostitution, not prostitution as such, as violence against women. Radhika Coomariswarmy, the UN Special Rapporteur on Violence Against Women, has stated that “Some women become prostitutes through ‘rational choice’, others become prostitutes as a result of coercion, deception, or economic enslavement.” Most recently, the ILO report “The Sex Sector”, described by Melissa, adds a powerful voice to the international movement towards the recognition of sex work as labour.

While the distinction between ‘voluntary’ and ‘forced’ prostitution is problematic in that has often been interpreted to mean that only ‘forced’ prostitutes are deserving of rights, it is clear from the above documents that there is no international consensus on prostitution per se as a violation of human rights.

Trafficking and abolitionist laws

Recognising prostitution as legitimate labour, and application of labour and human rights to the sex industry, is a necessary first step towards eliminating human rights and labour abuses in the sex industry, including trafficking. Under abolitionist laws, there is no possibility for someone to migrate to do sex work, because all the activities necessary to carry out the profession are criminalised. A migrant who engages in sex work is thus involved in an criminal act, regardless of her status as a migrant, or whether or not he or she was aware of the nature of the work to be performed.

The impossibility of working legally as a prostitute in another country effects the migration strategies of potential migrants. Potential migrants can’t arrange a legal contract subject to existing labour laws, but are obliged to enter into exploitative arrangements with third parties for travel and work. As we know, these arrangements often constitute the crime of trafficking. The illegal nature of the sex industry also means that little information is available to potential migrants about the actual working conditions, as Melissa described. Unrealistic expectations can thus be created and played upon by traffickers. Once in the country of destination, the illegality of the sex industry means that migrant sex workers are often extremely dependent on traffickers or other third parties. They have little control over their own working conditions, which means increased risks to their health and safety, including increased risk of AIDS. Fear of arrest and deportation keeps migrant sex workers from seeking legal means to improve their situation. The illegality of the sex industry in countries of origin also contributes to trafficking. Sex workers who face appalling working conditions or the continual threat of rest are may jump at any offer of something better.

The need for a labour framework

Abolitionist laws lead to more, rather than fewer, human rights abuses of sex workers. Abolitionist measures to stop trafficking facilitate, rather than hinder, trafficking.

Until sex work is recognised as legitimate labour, and relevant standards applied, this situation will continue. Recognition of sex work as labour, on the other hand, would:

- Open up the possibilities for the creation of legal migration for the sex industry. This would mean that migrants would have the same rights to good working conditions as native sex workers:
- Allow accurate information about earnings, working conditions, and migration possibilities to be widely available to potential migrants, allowing them to make informed decisions about their migration:
- Open up the way for improved working conditions in the countries of origin, meaning potential migrants would be less vulnerable to traffickers offers:
- Encourage migrant sex workers to report abuses of their rights to the authorities, because they no longer would face arrest for offences related to sex work:
- Allow the application of existing human rights and labour standards to the sex industry. Improved working conditions means better health and safety for sex workers, including reduced vulnerability to HIV infection:
- Prevent trafficked persons status as a sex worker being used to discredit them when pressing charges against traffickers:
- Allow trafficked persons to claim compensation and redress in cases of abuses of their rights.

There is abundant evidence that laws that target third parties and activities related to the sex industry have systematically been used against sex workers, to persecute them, provide excuses for the denials of their rights, and allow those who abuse their rights to operate with impunity. In spite of this, there are those who still want to continue along this discredited path. They demand yet higher penalties, with yet more activities criminalised, extended to yet more countries, and that abolitionism be enshrined as an international standard. They do not explain how a system that never protected sex workers in the past will now suddenly do so. Advocating for the strengthening of a system that has been proved overwhelmingly to violate the human rights of sex workers is tantamount to acquiescing in these crimes. To protect sex workers and prevent trafficking it is essential to recognise that sex is sometimes work, and that sex work is a legitimate way to earn a living.

f) Nelia Sancho, Asian Women's Human Rights Council, THE LEGAL SYSTEM ON PROSTITUTION AND TRAFFICKING AND IMPACT ON THE WOMEN AFFECTED: THE PHILIPPINE CASE

HUMAN RIGHTS ABUSE ON WOMEN IN THE SEX INDUSTRY
AS A RESULT OF ANTI-PROSTITUTION AND ANTI- TRAFFICKING LAWS
AND FRAMEWORKS: THE PHILIPPINE CASE

INTRODUCTION

I wish to start this presentation by introducing the work that our NGO does on the issue of trafficking and prostitution. AWHRC addresses a broad range of women's human rights issues particularly in the Asia Pacific region and seeks to expand the human rights discourse from the perspective of women, seeking new ways of knowing from the life experiences of women. AWHRC is an international NGO with coordinating offices in Bangalore, India and Manila, Philippines. Our Manila office has pioneered the research on Filipino "Comfort Women" and initiated the campaign for redress thru a lawsuit filed at the Tokyo District Court for 46 plaintiffs, which seeks for an official apology and legal state compensation for each individual survivor.

Currently, we are engaged in a program to combat trafficking in persons, particularly women, by advocating for human rights standards for the treatment of trafficked persons. We also work towards sharpening the legal definition of trafficking in persons to facilitate the prosecution of traffickers; and

promoting measures that aim to improve the social and legal position of women, particularly those placed in vulnerable situations for trafficking and other violations of women's human rights.

In the Philippines, AWHRC has a twin program that accompanies our anti-trafficking campaign - this involves working in partnership with a Filipino women sex workers collective - the BUHAY Women's Collective, for the campaign to decriminalize prostitution (and here we mean the decriminalization of the prostitution business as a whole, or of prostitution as a site of work). An important component of this campaign is the recognition of prostitution as legitimate work for which adult women can opt for and have guaranteed legal and social protection from violence and abuse under existing civil and labour laws.

The main aim of BUHAY Women is to strengthen the capacity of women in prostitution to claim control of their work and determine its conditions. Our partnership with BUHAY Women started with a joint project for the documentation of abuse and violence by police forces on women working in prostitution. BUHAY also advocates for the rights of sex workers such as strengthening capacity towards self-determination, protection of their situation as workers thru safe sex practices, refusal of sadistic clients and access to legal recourse in the face of violence such as rape and battery.

PHILIPPINE LAWS ON PROSTITUTION AND ITS IMPACT ON WOMEN IN THE SEX INDUSTRY

Philippine laws are punitive towards women in prostitution. They serve as repressive tools by law enforcers and sex traffickers to abuse and exploit women prostitutes. The existing laws aim to suppress prostitution, notwithstanding the reality that hundreds of thousands of Filipinos earn their living as prostitutes, supporting themselves and their families. And everyday, hundreds more enter the sex industry.

Among the legal prohibitions that exist are:

- * Article 202 of the Revised Penal Code, which penalizes vagrants and prostitutes. In this law, a prostitute is defined as a "woman who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct." This law obviously ignores the fact that there are also male sex workers. Third parties - brothel owners, pimps, recruiters, clients, state agents or police authorities who give protection to the trade - are not referred to at all.
- * Under the same Article 202 of the RPC, provisions on vagrancy (defined as "any person found loitering without visible means of support; or any idle or dissolute person who lodges in houses of ill-fame...; any person having no apparent means of subsistence but who has the physical ability to work and who neglects to apply his/her person to some lawful calling") - are used to hound and arrest street walkers or those who solicit in the streets or in the premises of hotels and such similar establishments.
- * Presidential Decree 909 prohibits indecent shows in public (this is often used as reason to close down clubs on "seasonal basis" and to arrest dancers performing nude on stage).
- * Another law prohibits women from working without permits as dancers, guest relation officers, waitresses in clubs, etc.
- * There are also zoning laws such as those Manila City ordinances which define where sex entertainment establishments can put up their businesses.

The intent of existing anti-prostitution laws is prohibitionist - prohibiting women from engaging in prostitution. It is also based on moral condemnation of prostitution, stating that it is "morally degrading; a social malady that must be curbed for the public good; corrupts moral fiber of society; a menace to the good customs of people."

CURRENT MOVES TO UPDATE/AMEND EXISTING ANTI-PROSTITUTION LAWS

There are current moves on the part of legislators to amend the existing laws on prostitution. Four house bills HB 187, HB 645, HB 1580, and HB 3611 have been proposed this year and are now pending for deliberations in the House of Representatives. All four bills aim to amend the definition of a prostitute as being only a woman. They now want to change this to "persons" to include male sex workers in the prohibition of prostitution. HB 3611, authored by Rep. Allen Quimpo, proposes to provide stiffer penalties for prostitutes, and to include in the prohibition all "third parties" - "pimps, procurers such as parents, customers, managers, owners and other employees of sex establishments". Congressman Quimpo refers to the ILO report "The Sex Sector" as the basis for his response to propose stiffer penalties - saying that the "enticement of material well being is not enough justification to legalize an inherently immoral profession - prostitution." He particularly referred to the phenomena that among four Southeast Asian

countries surveyed, the Philippines was found to have the highest rate of females engaged in prostitution, from 100,000 to 600,000 or nearly half a million prostitutes.

It is sad that Philippine legislators have not even consulted the women who are involved in prostitution work when they started reformulating existing legislation. The women become the objects of government actions, consistently repressive until today, instead of being treated as subjects or holders of rights, as all Philippine citizens are entitled to.

IMPACT OF EXISTING ANTI-PROSTITUTION LAWS ON WOMEN

With morality and deeply entrenched moral biases guiding the making of laws, women prostitutes bear the brunt of society's condemnation of their activities. Stigmatization of prostitutes becomes part and parcel of the criminalization approach. They are not seen as a group of persons with rights as they are made non-persons, invisible and surrounded by a wall of silence.

Treating women prostitutes as criminals has resulted in the constant rounding up of streetwalkers (those who solicit in the streets), club dancers, bar girls. They become the victims of erratic and "seasonal" morality campaigns that are self-serving to politicians' interests such as building up the fund coffers of the city governments from bail out fees and fines. Existing reality shows that instead of suppression of prostitution, the sex industry flourishes despite the raids of sex industry establishments. Along with this, police corruption rises.

Criminalization leads to marginalization of sex workers - further isolating and stigmatizing the women and for some women, deepens their self-image as socially deviant (as constructed by the moralist traditions of Philippine society). Sex workers are also placed in situations of vulnerability where they can be used by police for drug dependency, drug pushing and for police extortion of sex and money.

PROSTITUTION AND TRAFFICKING IN WOMEN

In the Philippines, suppressing trafficking in women is equated with suppressing prostitution. The existing definitions of what trafficking is are quite hazy because it is made synonymous with prostitution. Thus, anti-trafficking measures include enforcement of anti-prostitution laws. The trafficking victims are themselves arrested either, for working as prostitutes (even when they were forced into it by traffickers) or arrested and deported as illegal aliens when these relates to migrant women. The trafficking policy likewise of receiving or destination countries are based on either the moral condemnation of prostitution and thus, suppression of it, and or migration control - which means penalizing thru arrests and deportation of undocumented Filipinas (in the case of destination countries) or foreign migrant women (in the case of the Philippines which has recently received Chinese and Russian women working in the sex entertainment business) considered as illegal aliens. This puts the migrant women at greater risks of abuse and violence due to the illegal and stigmatized status of their work. Perhaps because the basis of the anti-trafficking policy is state interests thus far, there are few strategies to address trafficking that aim at supporting the women concerned and strengthening their rights.

It is to be noted that the income of the Filipino migrant women and men form an important source of foreign exchange for their home countries, while at the same time, their labour contributes significantly to the economies of the destination countries.

Many Filipino immigrant women find themselves in the power of abusive recruiters and corrupt immigration officials. A case in point is when some Filipinos travelling abroad holding tourist visas and passports were still accosted by immigration officials at the airport. A particular vulnerability to abuse of traffickers are Filipino women migrating to work in the sex industry in other countries. Because prostitution is illegal, the women find it difficult to claim control of their work conditions. Also, they risk arrest as prostitutes as well as arrest and deportation as illegal aliens.

Most trafficking cases involving women in recent years were done in the context of female labour migration. Since 1994, an international crime syndicate has sold at least 150 Filipinas for sex slavery work for US \$5,000 each in Nigeria, Ghana, Senegal, Togo and other West African countries. (Philippine Today, 31 May 1995).

The Commission on Overseas Filipinos of the Philippine government's Department of Foreign Affairs, has documented the following modes of trafficking:

- * Undocumented OFWs, POEA - processed, leave as tourists through "escort" system at NAIA, as reported practiced in Amman, Bangkok, Bonn, Kuwait, Milan, Saipan, Singapore and Tripoli.
- * Illegal recruitment of Filipinas to work as domestic helpers and entertainers, as reported practiced in Agana, Athens, Islamabad, Kokor, Kuwait, Moscow, and Saipan.

- * Smuggling of Filipinas to Italy via Eastern Europe as reported Vienna and Rome.
- * Smuggling of Filipinas to US via Mexico and Central America, as reported in Mexico, Bonn, Brussels, and Tehran.
- * Serial Sponsorships as reported practiced in Cambodia.
- * Au pair Arrangement, as reported practiced in Bonn.
- * Trainees or internship courses, as reported practiced in Singapore.
- * Arranged visits as tourists through Sponsorship of fiancés and relatives, as reported in Bonn and Brunei.
- * Matching of Filipinas through internet; prostitution under cover as tourists, as in cases reported in Bonn, Brussels, Kokor, Port, Moresby, Singapore.
- * Tampered passports, falsified document with or without consent of victim, as reported in Manama, Paris and Rome.
- * Jobs - Ottawa
- * Well-organized international trafficking rings - Rome and Milan.
- * Exploitative work in the form of prostitution, sweatshops often involving deception/coercion - Hong Kong.
- * Sale of valid entry permits - Rome

The number of female labour migrants in the Philippines has increased dramatically more than 60% of the total number of Filipino migrants are women. Sexual and domestic work are the labour sectors that most women enter to - they are characterized as informal, unregulated and unprotected by labour and civil laws.

Migration patterns has shown that migrant women are relegated to the national and international markets for female domestic workers, for marriage partners and for the sex and entertainment industry. Owing to the fact that there are few legal and independent ways for Filipinas to migrate within the informal sector, they are driven to make use of the services of dubious recruitment organizations and middlemen. This puts the migrant women in vulnerable situations, liable for misuse by procurers, employment agencies, marriage agencies, so-called artist agencies and other kinds of middlemen. At the same time, restrictive immigration policies of Western countries (destination sites of the migrant women) have decreased the opportunities for legal migration even when there are high demand for certain types of labour. This is where organized crime whose interest is considerable profit making comes in: filling the gap that legal or official policies leave.

In conclusion, I wish to state that when the rights of trafficked women concerned are clearly defined and protected, including freedom from fear of arrest and deportation, or when there is recognition of sex work as legitimate work and that sex workers have rights for protection from labour and civil laws, there is a great degree of effectivity in the common goal to combat traffic in women and to support trafficked persons who are put in situations of servitude, forced labour and slavery-like practices.

g) Oksana Horbunova, Ukranian Centre for Women's Studies/International Women's Rights Centre/La Strada

Victims of trafficking on their way home usually face several problems.

First of these is absence of a passport.

In working in my organization everyday, our hotline puts us in touch with a lot of cases of women asking for help in contacting their national embassies abroad in order to get travel documents to return to their countries. Procuring this document needs time and sometimes money. The embassies often do not make a clear distinction between those who have simply lost their travel documents and those who are victims of trafficking. It is absolutely impossible to ask victims to pay a penalty for losing their documents. Also the travel documents should be handed over to the victims in the shortest possible time as they rarely have appropriate facilities for shelter.

However, even when victims have managed to procure travel documents and return to their country of origin (certificate for returning) they could still be stopped on the way and held in detention until the police verify

the authenticity of this document. Moreover, very often the police pushes the victim to pay penalty for violating the visa requirement.

In addition, usually embassies are not willing to pay for victims' return tickets. If the IOM or any other organisation is unable to help with the return travel, embassies may often ask the conductors of trains or buses to simply transport the victims back to their countries without tickets. There is no guarantee however that a victim would reach back as on the way, security authorities or ticket controllers may intercept this person and order her to disembark upon finding out that she does not have a ticket.

My organization has an exhaustive list of problems and difficulties faced by victims of trafficking on their way home. Countries of origin and destination must jointly develop mechanisms for the safe return of victims to their home countries. The authorities and police of destination countries must facilitate the return of victims and guarantee their safety.

Some other problems faced by trafficked persons relate to the victims' right to confidentiality and privacy.

Recently human rights activists from my NGO witnessed an aggressive abuse of the right to privacy by journalists. These journalists had managed to procure information about the return of some victims and they gathered at the train station to make a video about their arrival. When the returning women refused to be interviewed by the media persons and even declined to get off the train the journalists persisted on carrying on with their video. We consider this to be a brutal violation of the right of these victims to privacy which the government should prohibit. Additionally, media disclosure of the names and location of these women provided public notice to the traffickers of their return, thereby placing them in great danger. Article 7 of the Human Rights Standards calls for the prohibition of public disclosure of the names of persons trafficked into the sex industry in order to prevent exactly this type of situation.

While a large number of cases of trafficking have been registered in my country by different NGOs, it is notable that only a few victims wished to press charges in the courts. There are several reasons for this but one of the major one is lack of any mechanism for the protection of witnesses and victims. As a result, many of them prefer to change their names, move to a new location, attempt to forget about the abuses they suffered and, consequently, not press charges or otherwise cooperate with law enforcement agencies.

States must provide protection to trafficked persons and their families. Some of these measures could include even a change of identity and, if necessary, change of citizenship. Only in this way can we guarantee the respect and ensure of human right of trafficked persons to security and freedom from torture or other abuses. Furthermore, it is the only way for states to obtain the evidence they need to prosecute traffickers.

We could spend weeks talking about cases in which the human rights of trafficked persons are ignored and abused by traffickers and states. We have given only several examples for the purpose of demonstrating the necessity for a human rights framework in the context of trafficking. Thus, we recommend the members of the audience to read the Human Rights Standards and to apply them in their own advocacy work. We also encourage the Working Group on Contemporary Forms of Slavery to consider them in their discussions over the next few days.

h) Jan Boontinand, Global Alliance Against Trafficking in Women, Bangkok, THE NEED FOR HUMAN RIGHTS PROTECTIONS FOR TRAFFICKED PERSONS

For us, the fundamental problem of trafficking is the violation of the human rights of trafficked persons, which include deception, coercion, confinement, confiscation of legal identity, and being put in the situation of bonded labour. Trafficked persons, despite the fact that they are victims of serious human rights abuses, are often charged by States for being illegal immigrants, engaging in prostitution, or working without permits, which usually results in their deportation. In such a situation, trafficked persons receive little or no protection and no support for seeking redress, while the traffickers or the violators are not prosecuted for the crime they have committed. Thus, the cycle of trafficking and exploitation may continue.

This situation raises concerns from many NGOs working to stop trafficking for the need to have human rights standards to protect and promote the rights of individuals who are trafficked. Through many years of consultations at regional and international level, the Human Rights Standard for the Treatment of Trafficked Persons were developed. This HRS include the definition of trafficking presented by the first

speaker. They also contain a set of state responsibilities which ensure that trafficked persons are protected and their rights are promoted.

I myself and the other two speakers would like to share with you some examples of cases where human rights of women who are trafficked have been violated and how the HRS can address those violations and provide remedies for trafficked persons.

Three Thai women were promised work in a restaurant and factory in Japan but after their arrival they were sold and forced into prostitution. Each woman was told that they had to pay a debt of about US\$ 30,000. They were physically and mentally abused and their earnings from prostitution were taken away by their boss. The women felt that they were the slaves of the brothel owner. In their letter to a Thai NGO telling their experiences after they were arrested and sentenced, the women wrote that

'we were her slaves, why they have to treat us like animals. Even cattle have time to rest after hard work but we don't. We are human beings and feel pain and misery like other beings'.

After working for six months the women could pay back only small part of the debt. One night, the women killed their boss as they saw it was the only way to end their slave-like situation. The women were arrested. At the trial, which lasted for three years and during when the women had to stay in jail, the prosecutor argued to the judge that the three women be sentenced to life imprisonment on the charge of pre-meditated murder and robbery. The prosecutor said that it is necessary to give them a severe penalty in consideration of preventive measures against increasing crimes caused by foreigners. The prosecutor did not consider that the three women were victims of trafficking. The prosecutor was of the opinion that the women knew that they would work in prostitution and had worked as prostitutes before coming to Japan, and were not forced into prostitution. The women were sentenced to life imprisonment. Due to the work of NGOs this sentence was later mitigated to 10 years of imprisonment.

It can be seen from this case that the prosecutor's call for a severe penalty for the women did not take into consideration the violations and the abuses that the women suffered during their confinement in the brothel, nor the crime committed against them by the brothel owner. The prosecutor did not consider that the women killed their boss in order to liberate themselves and to protect their lives. The sentence given to the women was influenced by racial prejudice as well as discrimination against women who have worked in the sex industry.

In this situation, if the HRS was applied, the State would need to ensure that if a trafficked person is a defendant in a criminal case, she or he has the opportunity to raise a defence of duress or coercion. The same evidence is considered as a mitigating factor in sentencing, if convicted. In this regard, the traumatic experiences of the women who are victims of trafficking, forced labour and inhumane abuse would need to be taken into consideration. Moreover, the HRS with its principle of non-discrimination requires that the personal history or the current or previous occupation of the trafficked person is not used against her or used as a ground for disqualifying the trafficked person's complaint or for deciding not to prosecute the offenders.

There is still no provision in Japanese law that allows women to raise the fact that they were trafficked as a defence. This is a violation of their right to receive justice.

i) Chanthol Oung, Cambodian Women's Crisis Center, CASE STUDY OF 23 VIETNAMESE WOMEN WHO WERE TRAFFICKED INTO PROSTITUTION IN CAMBODIA

Twenty three Vietnamese girl were rescued from a massage place in Phnom Penh in 1998, following a complaint from the parents of one of the girls.

The women, who live in the eastern part of Vietnam, were offered jobs as sellers in Phnom Penh city with very high pay. They did not know anything about the issue of trafficking for prostitution. They were very happy to come to work. They paid some money for their own transportation.

Immediately after they arrived in Phnom Penh, they were confined and tortured to service the clients. Three months later, the parents did not get any information from them. One of the parents came to Phnom Penh to look for their daughter. Finally, they found out that their daughter was confined and forced to serve clients. They tried to negotiate for the release of their daughter by paying some money. The brothel owner did not

agree. They complained to the police. All women were taken out. However, the brothel owner was not arrested for account of this crime. As the result, the women did not get any compensation.

The girl whose parents filed a complaint was taken back to Vietnam by her parents. The rest of the women were kept for two days in the police station. They had no place to sleep and no proper food to eat. More difficult, the women were very frightened, even they were at the police station. They could not communicate with others because the women did not speak Khmer.

The women were referred to a NGO. Immediately after the police left, a gangster of the massage place came with grenade and gun to threat taking the women back. The police were informed. They came to ask the gangster to go back but did not arrest him. The women were very frightened. They needed a fast return home for their safety. But a fast return was impossible. To return home, it takes at least one year for all the necessary procedures. There was lack of political commitment and lack of cooperation from both governments.

Since the border is very open and the women insisted to go back for their security and reunification with their families, they were paid by an NGO for their transportation and food to go back to Vietnam. When they reached the border, they were fined by Vietnamese police because they had no legal travelling documents. They paid the police all money they had for food, NGO's staff was told during an unofficial visit three month later.

In this case, at least the following rights of women that are guaranteed in international human rights instruments were violated due to the failure of the competent authorities to protect the victims and prevent further violations of their rights:

The women had no access to information which victimised them into trafficking for prostitution. It was a failure of the state to fulfil its obligation to disseminate information to its citizens.

It was very grateful that the police took them out of the massage place. Otherwise, they could not. However, the police failed to protect the women from further harm by arresting the brothel owner for prosecution. They continued to harm the women while they were in their care and caused them to make the decision to return home without the needed documents as this was the only way they had for a fast return.

The police also failed providing proper social services included translation as well as seeking legal and financial remedies for the victims.

Repatriation is taking such a long time, more than a year, even when there was no court case, which caused the women to chose the unofficial repatriation. It was dangerous for them to go back unofficially. They were fined all the money they had for food. It was also difficult for NGOs to provide them with the available services in the communities and follow them up.

Therefore, the right to assistance to trafficked persons has to be integrated, as well as the right to safety and integrity of the trafficked person, the necessity of counselling, legal and civil remedies, translation, and safe and voluntary repatriation.

6) Panel B

Organised by the Coalition Against Trafficking in Women

Chair of presentations: Janice Raymond, Coalition Against Trafficking in Women

Chair of discussions: Nimalka Fernando, IMADR

a) Evalina Globbe, Executive Director, Commercial Sexual Exploitation Resource Institute

b) Belen Objas, Chair, Lawgububai

c) Aurora Javate de Diosm President of Coalition Against Trafficking in Women; *IN SEARCH OF HUMAN DIGNITY: THE GLOBAL STRUGGLE AGAINST TRAFFICKING OF WOMEN AND GIRLS*

I am honoured and privilege to participate in this most important consultation on Trafficking, Prostitution and the Global Sex Industry . I come from a third world country the Philippines and the Asian region which is still reeling from the most debilitating economic crisis in years. I represent an international Coalition based in Asia which has networks all across the region many of whom are survivor groups , direct service organisations working with women and children in prostitution and trafficking.

The Coalition –International itself has been inspired and co-founded by survivors whose voices and lives inform , inspire and guide our work in many regions of the world. Through the work that is being done by our members and networks in the Philippines, Bangladesh, India, Japan , Cambodia and India women have shared their life stories that tell us of abuse and dehumanisation, of violence and physical and psychological harm that they experience while in systems of prostitution and conditions of trafficking They tell us of the incredible ways in which they have tried to cope and survive while under the most horrendous bondage, slave-like conditions and misery. From them we learn that being used in prostitution for money is not work like any other .

The violence and abuse that they experience every so often in the hands of clients , traffickers and pimps ; the diseases and health risks including AIDS that they are exposed to day in and day out, the criminality , drug and alcohol addiction that surrounds their everyday existence are not the kind of conditions of work that characterise every one else's working conditions. But they are the so-called "working conditions" that often characterise prostitution and trafficking. From them we learn being in situations of prostitution and trafficking was never really just a matter of one time individual choice out of a range of options but a series of compromises and non-choices that one is compelled to make in order to survive for the moment in order to live hoping that tomorrow maybe better for them and their children. From them we also learn of the tremendous strength of the human spirit to reclaim and restart their lives in spite of the harm of prostitution and trafficking .

I start with this message of hope that is expressed in each of the life story that we have documented of women who have survived and are surviving the devastating impacts of trafficking and prostitution in all of the countries where Coalition is working. Each of this life story tell us that we should not stop and say, prostitution provides work and that therefore women should stay there – but instead assert their right not to be prostituted and to be afforded more , better and sustainable livelihood.

II. The Asian Crisis and the Intensification of Women's Commodification

In the last two years, the Southeast Asian region has seen a rare convergence o economic and political crises that have shaken the so-called "tiger economies" to their roots. Massive layoffs and factory closures aggravated by capital flight resulted in high rates of unemployment. An estimated 4 million or 15% of the

work force were unemployed in Thailand and in the Philippines 11 million had no jobs at the first quarter of 1999. In Indonesia the number of people living under the poverty line has risen from 22.5 million to 118.5 million according to some estimates (Bello, 1998:2) In turn, the economic crisis is aggravating the problem of irregular migrant trafficking. Labour importing countries like Malaysia, Korea, Hongkong and Thailand have been deporting migrant workers in increasing numbers as they are perceived to be competitors for jobs by local workers. Malaysia has already repatriated 1.7 million workers mostly Filipinos, Indonesians and Bangladeshis. Thailand plans to repatriate 300,000 irregular workers from the country and Korea has already repatriated 50,000 workers. Hongkong plans to do the same and has started reducing the salaries of domestic helpers as a prelude to eventually cutting down on the number of migrant labour. A complicating factor in this economic scenario has been the intensification of political conflicts in the region most notably in Malaysia and Indonesia.

The hardest hit in all of these are Asian women who have been laid off in massive numbers in many export oriented industries. The retrenchment in overseas labour affects women directly in that they are themselves overseas workers or are dependent on the earnings of husbands and male members of the family who are overseas workers. Job losses, shrinking economic opportunities further constrict women's economic options driving them to seek more desperate measures such as resorting to irregular migration that often puts them at risk of being trafficked for prostitution and or undocumented domestic labour. A direct result of the economic crisis has been the intensification of the trafficking of women and children at three levels: first within the country from depressed communities to main urban and development centers; second intra-regional trafficking from the Philippines and neighbouring countries such as Malaysia through the Southern gateway; transborder trafficking involving organised syndicates very often also utilising regular and irregular migration channels.

The combined push factors of economic stagnation, women's subordinate political and economic situation in most Asian economies as well as the devastating impact of globalisation which have effectively undermined local markets are pushing women and their families, to more desperate measures of earning a living. In Thailand according to the latest government report submitted to CEDAW, there are an estimated 150,000-200,000 women in prostitution, 15-20% of whom are below 18 years old. A significant number of these women have been known to have been trafficked from Burma, Cambodia and Laos. Vietnam likewise notes an increasing incidence of trafficking with the arrest of 456 traffickers from 1995-1997. The Philippines noted trafficking incidents in at least forty countries including such unlikely places as Nigeria and the Marianas islands (Philippine Embassy Reports to Under-secretary Rosario Manalo, 1999). NGO reports unabated trafficking incidents of Bangladeshi and Nepalese women and girls to India and Pakistan.

III. Main Reasons for the Increase in Trafficking

- 1) The normalisation and industrialisation of sexual exploitation and commodification of women. Long before the economic crisis started, the sex industry which is the business of buying and selling of women and girls have been increasingly integrated into the local economies of Asian countries contributing to large share of the incomes of many governments. The economic crisis has accentuated the inability of governments to ensure decent and sustainable jobs for women and many are now revisiting laws to legalise prostitution to justify their entry into the sex trade. The Asian economic crisis has also starkly illustrated how women are going to be forced to consign themselves to the bottomline – selling their bodies in order to survive and support their families;
- 2) Official labour migration policies facilitate movement of women for domestic work and the entertainment industry. Traffickers have been aggressively utilising migration channels as a mode of trafficking because these gives them the legal cover to recruit more widely and easily particularly when there are no adequate information to warn communities about the operations of traffickers. Legitimate migration channels have thus become the means for more organised, institutional trafficking of women for the sex industry.
- 3) Increasing use of technology such as the internet has made it possible for male clients to access women as brides or as sexual commodities earning the internet servers millions of dollars. The massive marketing of women as sexual objects in popular media at a time of economic despair and misery exploits women's subordinate position to the hilt.
- 4) Wilful neglect of governments in taking preventive, punitive and rehabilitative measures to address trafficking in women and children. Governments have not paid serious attention to the reality of

trafficking and have tended to view it as a minor problem. Thus there are practically no programs as well as laws and policies that address this phenomenon.

- 5) More restrictive border and immigration controls in most developed countries are directly and indirectly fuelling profitable trafficking operations selling women mostly for the sex industry from Eastern Europe to Europe and many parts of Asia as well as Asian women to North America and Europe.

III. What Must Be Done

Over the last decade, the issue of trafficking of women and children has reached a magnitude unimaginable compared to the last century. This is occurring at a time of tremendous progress in the defence of human rights and the project of gender equality in the world community. But governments have had no systematic nor informed programme of action to address this human tragedy of massive proportions. Belated as it now seems there a number of initiatives that can be immediately effected.

- 1) Governments must acknowledge that the problem of trafficking is real and take measures to prevent it. Both governments and NGOs must see the structural linkage between trafficking and prostitution in the context of the socio-economic contexts and forces that compel women and children to conditions of sexual exploitation and into trafficking situations.
- 2) Bilateral and multilateral agreements must be explored to address trafficking and prostitution including providing official development funds to development programs that prevent trafficking of women and children. An important project in this regard has been the Philippine –Belgian Anti-Trafficking Project which utilised a consortium and integrated approach to the issues. The two and a half year project include research, legal and social assistance components, education and training programs and survivor assistance programs.
- 3) Survivor –friendly programs must be developed to urgently assist victims with free legal, medical and psychological care at the same time that alternative livelihood programs. Governments and civil society must be sensitised to this issue through victim-sensitive legal and judicial procedures and legal regimes that do not criminalise the victims.
- 4) We must embark on ambitious project of resocialising the new generations of young men and women in the respect for the dignity of the human person and continue to challenge the unquestioned patriarchal notion that men must have access to women's bodies at all costs. The youth must be made to value intimate relationships are not for sale and that men and women alike have an accountability and a responsibility to end sexual exploitation of women and children in systems of prostitution and trafficking.
- 5) We must reassert that the human rights we all claim for women is the human right not to be prostituted and exploited. As a first step, governments must decriminalise the individual prostitutes but criminalise the victims. The true human rights that all women must enjoy begin with the right to non-discrimination on the basis of sex that is enshrined in all major human rights instruments. Prostitution violates this right because it is a system of extreme discrimination of one group of human beings over another group of human beings. It violates the right to physical and moral integrity by the alienation of women's sexuality that is appropriated, debased and turned into a commodity to be bought and sold in the marketplace. It violates the prohibition of torture and of cruel, inhuman or degrading treatment or punishment because practices of sexual entertainment and pornography as well as clients' acts are acts of power and violence against women.

Moreover, it violates the right to liberty and security and the prohibition of slavery, of forced labour and of trafficking in persons, because millions of women and girls all over the world are held in sexual slavery to meet the demand of millions of male buyers of sex. It violates women's right to the highest standard of physical and mental health because violence, diseases, unwanted pregnancies, unsafe abortions are endemic to the trade, presenting grave risks for women and girls in prostitution and militating against a healthy sense of self and relationship with their bodies.

- 6) Migrant women both documented and undocumented are especially at risk of being trafficked at any stage of the migration process. Thus, it is important for governments that their human rights enshrined in the Convention on Migrant Workers and Their Families and other human rights instruments, must be protected.

We are approaching a critical crossroads in the way we understand and conceptualise human rights to be. More than ever before, we need to assert that prostitution and trafficking in their diverse forms are incompatible with the dignity of the human person that is—body, mind and soul.

d) Jean d’Cunha, Coalition Against Trafficking in Women – Asia-Pacific, A PERSPECTIVE ON THE DECRIMINALISATION OF PROSTITUTION AND REFLECTIONS ON ACTION STRATEGIES

Belen Obeja of Davao, a city in Mindanao in the Philippines, is stunningly beautiful at 37, but more importantly she is a staff member at Lawig Bubai (Sail on Women), a non-governmental organisation made up of women who once worked in prostitution but have finally found a way out.

Yes she admitted to her teenage daughter who is now in her first year at college, that she was once a woman trapped in prostitution. This happened at a Lawig Bubai Christmas party to which she brought her two children. ‘I thought you were a cashier in a family videoke house’, her daughter retorted. ‘No I’ve had to keep it from you’, Belen said. She has gradually earned their love and respect all the more since that day.

After all, who could reject a mother who worked as - you name it - cook, baby-sitter, manicurist, and even applied to be a street sweeper, but was rejected because she had no ‘backer’ or government affiliated friend to recommend her for the job. Belen confides that she reached her third year of college but could not land a decent job so she first tried her luck at cooking. She would start working at 4 o’clock in the morning and end at mid-night, only to earn a paltry P2000 (US\$50) a month.

Next she earned by baby-sitting where she says, despite the lower salary of P1500 (US\$37) a month, she was at least given three square meals a day and a roof to shelter her. But while she cared for other people’s children, she could not care for her own. Her children aged six and ten at that time were both roaming the streets of Davao city in search of their mother, having just runaway from their father whose new wife was ready to make Belen’s daughter a house-help for another family.

This was the straw that broke the camel’s back. Belen knew she had to take a stand for her children. This was how she entered prostitution at 30 years of age. She had been a guest relations officer (GRO) and an ‘*akyat barko*’ (tagalog term for a woman who climbed up docked ships to sell sex to navy men). She worked alternately depending on the needs of the male clients. She was a GRO when no ship was docked in Davao and worked as an ‘*akyat barko*’ when a vessel usually transporting bananas to Japan, was at bay. Here she earned US\$ 150.00 when she was ‘booked’ for three days, during which time she was expected to not only engage in sex with men, but to wash their clothes while waiting for them to return to their rooms at night.

Now reunited with her children after several months of separation, Belen admits, ‘This was the only time I could bring home fruits to my children. And that is how I sent them to school’.

She has been very proud of her daughter, who won an essay writing contest in school about HIV/AIDS. Her daughters exposure to Lawig Bubai and her mother’s organising work among women in prostitution has helped her tremendously. In a recent class discussion, her class mates condemned women in prostitution as ‘dirty’, ‘loose’ and ‘sex-starved nymphomaniacs’. In tears, Belen’s daughter defended them and said, ‘I know those are myths, because my mother was a prostitute’.

Shocked in disbelief, her daughter’s teacher asked Belen at a PTA meeting if this was true. Belen unabashedly said, ‘Yes I was’.

Undeniably this woman once in prostitution has raised a sensitive and loving daughter. Since then, her daughters classmates and teachers have frequented their residence for chats and have built long and meaningful relationships.

Looking back Belen has this to say, ‘Prostitution is a form of exploitation. It is a violation of women’s human rights to live decently, develop one’s person-hood free from harassment and abuse’.

Asked how she related with people when she was in prostitution, Belen says, ‘I felt dirty. I had no right to refuse. I had always been in hiding, keeping it from my family. My friends did not trust me fearing I might get their husbands as customers. I stopped attending community activities. I severed my ties with my friends’.

She admits she had a problem with drinking, to mask her low self-esteem. As many other women in prostitution, Belen had to be quarrelsome with other women to protect herself and survive. 'My person-hood was gone and I felt my dignity was lost', she confides

Who helped Belen to find her way out? She narrates in a letter that Lawig Bubai organised by Talikala, an NGO in Davao city, led her out of prostitution. Decisive as she is, Belen was elected officer of the women's survivors of prostitution and has been active in organising women since.

Now she is looking brightly at the future of her children. 'Losing my own hopes and dreams does not mean losing hopes and dreams for my children' (Hoffman, 1998)

Belen's experience though unique in itself, is also the collective experience of countless women. Belen was not abducted or deceived into prostitution like millions of women and children. Belen "chose" prostitution like many others, but like many others this was a "choice" determined by pain, violation, a force of circumstance, a last bid survival strategy for her children and herself. It was hardly a "choice"

How does Belen's and the experience of millions of women in prostitution help us understand the institution - its socio-economic, political determinants, its construction of femininity and masculinity, the concept and practice of 'prostitution sex'? How then do we address the concerns of women vulnerable to prostitution, women in prostitution, women out of prostitution?

Markers of Contemporary Prostitution

Prostitution is a complex, nuanced, multi-layered and multi-dimensional phenomenon. It has a definite socio-economic, political and ideological base that interacts with wider socio-economic, political and cultural processes. The prostitution reality up to the 1950s for parts of Southeast Asia and perhaps the 1960s for South Asia, was still small scale. Its institutional manifestations were still limited primarily to more organised or informal street operations, brothel establishments, bar arrangements or massage parlours. The recruitment process though violent, was still confined to a smaller spectrum of methods: abduction, kidnap, rape and sale of women and children, fake marriages, the promise of lucrative jobs and sale of women and children by relatives for economic relief. Prostitution was still a more indirect product of socio-economic, political and ideological forces that interacted to produce vulnerable populations of women, whose vulnerability could be analysed on the basis of class, caste, gender, ethnicity and the like

Socio-economic, political and cultural transformations in the region in the last four decades, and most definitely in the 80s and 90s have however resulted in prostitution and sex-trafficking in parts of South and Southeast Asia reach an alarming magnitude and proportion. So too they have acquired diverse and pernicious forms. This has inevitably begun to command increasing attention nationally, regionally and internationally. What are these new facets of contemporary prostitution?

Contemporary Prostitution is marked by the following features:

1. Alarming Mass Dimensions

Estimates made in 1993-94 suggest that there were between 140,000 and 230,000 women in prostitution in Indonesia; between 43,000 and 1,42,000 in Malaysia out of a population of 18 million, around 400,000 in the Philippines, about 150,000-200,000 in Thailand. (Lim, 1998, p:7). In South Asia in India, there are about 2 million women in prostitution, a quarter of whom are minors (D'Cunha, 1998)

In regard to sex trafficking, there are every year about 5000 Nepali women and girls trafficked into India and about 100,000 Nepali girls work in India. About 200 to 400 women are trafficked from Bangladesh into Pakistan, every month. Over 150,000 non-Japanese women are in prostitution, more than half being Filipinas and another 40% being Thai. (Lim, 1998, p:8-9)

2. Prostitution: A Global Industry

Not only has prostitution and sex trafficking assumed mass dimensions, it has assumed the dimensions of a trans-national global industry. Further sex industry is one of the most lucrative enterprises today. Like most burgeoning international industries it is highly diversified, sophisticated and specialised. It is hierarchically tiered, offers a vast array of services through a range of institutional establishments; caters to a wide range of client demand; offers specialised and exotic locales and venues for sex entertainment around the world and has ingeniously designed marketing strategies to attract prospective clientele

Institutional manifestations of prostitution range from street operations, to brothel prostitution, to massage parlours, to ago-go bars, beer bars, escort services, internet services and the like. With an emphasis on 'differentness, exotica and mystery', women of different class, national, racial and ethnic backgrounds, and what is more young children are being incorporated into the sex industry. Services range from the routine to the kinky and include training in specialised and hazardous acts for public entertainment such as the genital insertion and ejection of razor blades, glass bottles, darts, cigarettes, through the control of vaginal and abdominal muscles. (Personal discussions with women in Thailand and the Philippines in 1991, 1996-98)

Akin to other trans-national corporate enterprises, the organisers and controllers of the sex industry : financiers, renters of premises, establishment owners and managers, recruiters, touts and the like are well networked and organised. Further they are well connected with the centers of political power and the bureaucracy.

Moreover the regional and trans-regional movement of labour and capital facilitated unhindered by both overt and covert institutional structures, together sustain the industry and result in the generation of massive profit margins, reportedly equalling those in the arms and narcotics trade.

Further the expansion and consolidation of the trans-national sex industry has occurred with mergers with other global enterprises, such as the tourist industry, the entertainment sector, travel and transport, as well as the crime industry.

3. Prostitution as Integral to Strategies of Development

Contemporary prostitution has in fact become a survival, indeed a development strategy for many countries in the 'developing world' who directly and indirectly encourage the sex industry.

To tide over their precarious economic situations characterised by adverse balance of payments and colossal debt deficit, several countries of the region have been encouraged by international organisations, to develop their tourism and entertainment industries as a new development strategy, with massive loans advanced for the purpose. The tourist and leisure industry in most of these countries have developed the small-scale sex sector into an industry and integrated it into its fold, using the bodies of women and children as a central resource for capital accumulation.

4. Diversification in the Forms of Sex-trafficking

The fourth new dimension of the new sex industry is the manner in which the bodies of women and children are incorporated into it . The industrial production of sex services requires an adequate and assured supply of women and children into it, the principal supply mechanism being trafficking.

Newer and more sophisticated methods of force and violence are being used to traffic in women and girls: ranging from international marriage alliances, to the mail order bride system, to the use of internet.

So while prostitution and sex-trafficking continues to exist, its the magnitude, proportions, expanse, degree of organisation, rate of capital accumulation, range of market strategies employed to sell sex services, render the present trans-national sex industry qualitatively different from traditional small-scale prostitution businesses - a reality that is increasingly determining the contexts within which women and children are incorporated into the sex industry under economic liberalisation and globalisation. This makes it imperative to frame prostitution as a development issue, from the perspective and experience of women from the 'developing world'

Socio-Economic, Political and Ideological Basis for Contemporary Prostitution

The changing and intensifying dimensions of the sex industry in the region are inextricably tied to the socio-economic, political transformations in Asia. A feature common to agricultural development strategies across Asia, since the 1960s has been a concerted effort to increase productivity and agricultural surpluses through the substitution of traditional subsistence agricultural production with modern technology based, commercial agro-business. The green revolution package of practices and major irrigation and resettlement schemes were examples of this. This preoccupation with growth that was amply registered, however neglected distributional and ecological concerns, raising serious questions about its long-term sustainability. For state policies also included among other things unregulated private tube well expansion ; deforestation due to commercial tree-felling, large-scale surface irrigation works, and agricultural expansion; appropriation of village commons by large farmers and government auctioning of the same to private contractors; barring of the poor from access to forest produce, have combined to rapidly deplete the country's natural resources, and concentrate the remaining resources in the hands of a few. This has resulted in severe shortages in the availability of fuel,

fodder, water and gathered food items, other forest products (engaged in mostly by women) and the appropriation of livelihood sources to the poor, resulting in deepening misery, displacement and growing unemployment/underemployment for rural populations and cultural minorities such as tribal peoples.

The gender impact of this development has been contingent on the pre-existing socio-economic, political status of women in these societies, the extent to which gender biases were an explicit and recognised part of agricultural planning or an unintended occurrence, and the extent of collective organised action against these changes. In South Asia which is largely patriarchal and patrilineal, women were marginalized women from traditional agricultural operations and livelihood sources, through the mechanisation of those operations and the non-accessibility of women to village commons/forests that were important livelihood sources. The provision of land titles, credit, agricultural extension information and new agricultural technology and practices to men and the gender-based wage differentials has resulted in a feminisation of deprivation and poverty, further reducing the price of women's labour both in agriculture and industry. While status indicators for women in Southeast Asia are higher than South Asia, marked as the region largely is by matrilineal and bilateral kinship systems, gendered processes of modernisation, gendered state policies and the overlay of patriarchal religious systems have tended to marginalise women economically, politically and socially.

While the 1960s-80s have seen several countries of Southeast Asia record substantial economic progress and a decline in absolute poverty, there remain an inadequacy of social safety nets and the existence of wide economic, political and social inequalities. Macro economic policies that emphasised export-oriented industrial production while encouraging urban development, have directly/indirectly resulted in the relative neglect of the agrarian sector, reduced agricultural employment, enhanced rural-urban and regional inequities and created relative poverty within rural areas. This latter combined with the female-intensive nature of export-oriented production, that cashed in on gender stereotypes such as -the docile, nimble Asian woman -, and the relatively greater mobility of Southeast women resulted in an out flow of women from rural to urban areas in search of employment. With factory jobs marked by low-wages, insecure tenure, and poor work conditions, studies attested to women moon-lighting in prostitution to compensate for their low earnings. For others the relatively poor rural sector became a source area for direct recruitment into the urban sex sector. North and Northeast rural Thailand is a case in point. By contrast female-intensive, export-oriented factory production in South Asia is a more recent and limited phenomenon, with much of the expanding workforce in general, and the female workforce in particular still dependent on peasant agriculture and the informal sector.

Large scale development of the sex and entertainment industry in many countries of the region, particularly in Southeast Asia has been linked to military tactics, war, and the establishment of military presence in the region for strategic and geopolitical reasons, during the time of the cold war. This presence in the form of military bases took root in the region with the formation of the hostile socialist/non-socialist power blocs in the wake of the second world war, the commencement of the Indochina and Vietnam conflict, the war in Korea, and the pervasive geopolitical instability in and around East and Southeast Asia. To boost the morale of thousands of American GIs drafted into battle, and to enhance their combative efficiency, the US entered into agreements with national governments to provide them with Rest and Recreation facilities at bases in non-combat periods. Essentially a euphemism for prostitution, Rest and Recreation for the US military establishment was provided by thousands of women/girls from rural areas or around military bases who were impoverished, dispossessed, abused and destabilized by the ravages of war, deserted or widowed. Brothels and an array of sex entertainment establishments thus mushroomed around military bases.

While military presence in the region laid the basis for the establishment of the Rest and Recreation industry, the latter did not disappear with military withdrawal. With the economy of certain locales grounded primarily in the Rest and Recreation based sex industry, with the absence of viable economic alternatives, with the accumulation of huge amounts of capital from this industry, with the development of an entire Rest and Recreation linked infrastructure, international interests, regional and local commercial enterprises and trans-national companies colluded with national governments to re-create the sex industry. The existing infrastructure and the sexuality of masses of dispossessed women were appropriated and utilized for international and domestic tourists and local clientele by integrating them into the tourist industry - a new development strategy. The bodies and sexuality of Asian women and children thus became central resources in this new and specialised international division of labour, providing as they did reproductive and sexual services to men from the 'developed' countries. This paralleled the growth and diversification of certain sectors, particularly the entertainment sector of the sex industry in the centers of capitalism and Asian women began to be trafficked to those venues. Thus evident is the development and consolidation of a trans-national

sex industry, with a two way flow of traffic: (a) clients from the centers of capitalism into the sex capitals of Asia whose greater purchasing power has the capacity to buy countries of the South, their cultures and their women and (b) Asian women into sex establishments in the centers of capitalism

The Present Economic Crisis in Asia and its Impact on Prostitution and Sex-trafficking

The present economic crisis in the region is likely to further exacerbate the prostitution sex-trafficking reality. While it is still too early to decipher definitive trends, the following scenarios suggest an expansion of the sex industry, and a burgeoning pool of women and children being plugged into the prostitution and trafficking circuit.: (a) large numbers of people, especially undocumented migrant workers or those in at the lower end of the job hierarchy, have or will lose their jobs. Their survival needs are likely to determine their entrapment within the sex sector; (b) policy plans by Asian governments to deport undocumented migrant workers en masse, so as to provide employment opportunities to their own nationals. This could drive migrants from neighboring countries further underground, without any mechanisms for monitoring or reporting abuses. © labour export policies by governments as a means to address their own unemployment problems and draw in foreign currency through their remittances.(d) the extreme devaluation of Asian currencies that make cross regional trafficking to greener pastures of the West and Europe even more lucrative for owners and controllers of the sex industry and traffickers, as well as an attractive option for women; (e) governmental efforts to promote tourism in an effort to earn foreign exchange and give a filip to their economies (Caouette, 1998)

The Asian experience points to both the labour export policies and tourism as a development strategy resulting in mass prostitution and sex trafficking. There is thus basis to assume that these policies in the present crisis are not likely to do any better.

Cultural and Ideological Dimensions of the Sex industry: Their Interface with Economic and Political Forces

While poverty is generally conceptualised as an economic phenomenon it is important to re-conceptualise poverty and understand it in both its material and non-material dimensions- a poverty of power, a poverty of culture, a poverty of the psyche, a poverty of the spirit. For this non-material poverty has a significant bearing on the growth and diversification of prostitution and the sex industry. To exemplify the point, one manifestation of a poverty of power is the power of nation states who by their action or inaction, owners and controllers of the sex industry critically allied to the former and the consumer power of clients to directly/indirectly promote the sex industry or in converse the marginalisation of communities, especially in this case women, from processes of decision-making and the power to control their sexuality, their lives and destinies. While abysmal economic poverty is a major factor that drives women into the sex industry, the impoverishing culture of consumerism that is fast permeating Asian societies and the demonstration effect it produces is another compellent for women into prostitution. Again greater purchasing power is not the only reason for the in flow of clients from 'developed' countries into Asia, for in both rich countries and within Asia, corporate competition, an emphasis on increasing productivity and the pressure for high performance standards, high levels of automation and technological sophistication that under-gird the process of economic liberalisation and globalisation, have resulted in work-related fatigue, stress and stress-related health problems both for corporate bosses, and employees, and in addition a sense of powerlessness for the latter. These alienating work conditions, coupled with the decline of traditional emotional and social support systems and the stress of individualised, competitive and fast-paced urban life styles; high levels of consumerism; the fragility of human relations including man-woman relations; increasing divorce rates; the greater inability in dominating more assertive western women, the difficulty in meeting prescribed standards of sexual imaging and therefore the inability to find partners (the last two perhaps being more true for western societies) have produced atomised, fragmented, alienated human beings, with impoverished psyches and impoverished spirits, impoverished and alienated sexuality.

The tourist, leisure, entertainment industry are quick to cash in on this condition. In an all pervasive commodity culture, in which rest and recreation, leisure and entertainment are packaged and sold as commodities, the ingenious marketing strategies of these industries sell promises of escape to new, remote, exotic lands that provide not just breathtaking landscapes but the experience of the feminine mystique and exotica, thus easing the fatigued of the 'corporate warrior.' Quick tour packages that include sex tourism, corporate rest and recreation trips to foreign lands as performance incentives and rewards help reproduce and rejuvenate the corporate workforce and enhance loyalties. It is through the appropriation of the bodies and sexuality of Asian women and children who service and reproduce the workforce that colossal revenues accrue to these industries within and beyond national boundaries, in fact globally.

This phenomenon however interacts with and is anchored in the following patriarchal ideological premises of prostitution, viz. that sex is a male right, grounded in a so-called biologically determined irrepressible male sexuality; that this uncontainable sexuality requires relatively 'safe' venues for expression, so as to prevent the abuse of innocent women, preserve the family structure and maintain social order; that therefore a class of public women defined as sexualised and commodified bodies need to be set aside as functional to any form of male sexual demand for a price. Female sexuality is fragmented into the procreative sexuality of the pristine pure wife and the pleasure producing and dangerous sexuality of the public woman, thus creating divides between women. So while society in many ways and at many levels sanctions the institution of prostitution as a necessary social evil, it unjustly indicts as an inconvenient necessity, the woman in prostitution as a 'moral eyesore'. Her inconvenience is handled by institutionalising her marginality, invisibilizing her and situating her at the periphery of society where she can be used and abused at will.

This sexism is however closely intertwined with racist cultural productions of female sexuality. Within the context of inequities of every kind between the centers of capitalism and the peripheries, wherein the latter serves as a source of raw materials, cheap labour and consumer markets, the 'docile, demure, ever-pleasing, subservient, exotic, Asian woman', is constructed as sexually uninhibited and unrestrained, with the promise of boundless excitement and sexual fulfilment to the client. Such a construction is perceived to be rooted in an indigenous 'amoral' value system, cultural norms and practices. This 'exotic sexual imaging', is simultaneously coupled with a denigration of these cultures and women, exemplified in the cultural imaging of our societies as the sex capitals of not just Asia but the world. This inter-subjectivity established between the South and the North emphasising the 'otherness' of the South, the sexual availability of Southern women and their cultures of poverty, is a phenomenon related to two processes: (a) creating a unique national identity to attract consumers from the centers of capitalism and (b) legitimising oppressive practices by relating them to the culture of a particular ethnic group, helping to ease the client conscience, while women are abused with impunity (Sanghera, 1990; Truong, 1991)

This reinforces impoverished and alienated male sexuality resulting in changes in sexual needs and demands, to include the exploration of newer and newer sexual partners, newer forms of sex, including violent and kinky sex and newer venues for the same. It creates divides between women of the North and South. It endorses intrusions of local and international capital and consumers into the realm of sexuality in the name of development.

Women's Experience of Alienation in Prostitution

To begin with, from the instant a woman or child is procured for brothel prostitution, she is seasoned. Practices like changing the victim's name; factors like distance and separation from home; language barriers; denial of money to a woman for travel; taking away her travel documents as in the case of Thai and Filipina entertainers trafficked into the entertainment industry in Japan; threats by brothel owners and traffickers of pressing charges of adultery under the Hudood Ordinance against resistant Bangladeshi women, trafficked into Pakistan; threats by prostitution racketeers of reporting as illegal immigrants into Thailand trafficked Burmese women who resist them, coupled with more brutal methods like verbal abuse, isolation in a room, starvation, drugging, beatings, burns with cigarette or beedi butts, knifing, rape and sodomy are used to break the woman's will and ego; distance her from her previous life and impose a new ethos with new values, morals, attitudes and relationships. (Personal discussion with Indian women in prostitution 1983-86, 1994; with Thai (1991, 1996) and Filipina (1991) women in prostitution and activists from India, Thailand, the Philippines and Bangladesh). Seasoning is a well institutionalised mechanism of control. It creates perfect obedience to the brothel management and pimps, effectively compels and enslaves a woman in prostitution. (Barry Kathleen; 1979). Further women have even been driven to suicide or have been murdered for refusing to trade their bodies. The well publicised case of 22-year-old Maricris Sioson, a Filipina entertainer trafficked into Japan in 1991 is evidence of this. Reported by her employers and certified by a hospital in Japan, to have died of fulminate hepatitis-B in September of the same year, the autopsy in the Philippines revealed severe head injuries, incisions on her thigh and injuries on her genital organs. Reportedly, Sioson was resisting her predicament and the advances of her employer, which brutally cost her, her life. (Observer at Senate hearing on the Sioson case in Metro Manila, the Philippines, during the ISIS Women's Cross Cultural Exchange Programme on Poverty and Prostitution, October 1991).

For those women who have been trafficked into prostitution, the victim is first confronted by the immediate terror of kidnap, deceit and abuse. She tries to make sense of what is happening and figure out a means of escape, but all the external points of reference for maintaining her identity are cut off. She finds she cannot escape (Barry 1979). She is physically confined and concealed, a strict vigil is maintained over her interactions

and physical movements. She is threatened with physical and mental torture or even death if she tries to escape, (D'Cunha 1991). The following case testifies to this. In the early 1980s Champa, working in a brothel in Kamathipura, one of the largest red light areas in the city of Mumbai in India, escaped with a client and married him. She was tracked down one and a half years later by her brothel keeper at her residence in Dombivili, Mumbai. She was brutally stabbed to death and bundled into a sack that was thrown outside City light Market in Mahim, for daring to escape. (Slides by Forensic Expert Pritam Phatnani, Mumbai, India)

Confinement is a regular practice especially for minors or women freshly recruited into the profession. A brothel owner only allows the women out on their own when they are seasoned, are much older, their earning potential has decreased or she has recovered the initial amount spent to purchase the woman or girl. What some possible implications of confinement are, is well demonstrated by the experience of four minor girls trafficked into a brothel in Phuket, in South Thailand in 1984. The girls were chained to their beds to prevent them from escaping. In an unfortunate fire accident that gutted the building, all the four were charred to death in chains (Personal Discussions with Thai women activists during the ISIS International Cross Cultural Exchange Programme on Poverty and Prostitution, 1991)

Another well entrenched phenomenon in prostitution is pimping or poncing, particularly in the case of women who operate on the streets. There are either heavy ponces who employ violence and intimidation, moving from glib talk to making the woman feel inadequate and dependent to bashing her routinely, so as to appropriate virtually all a woman's money and effectively control her; or men who on the other hand who simply live off what the woman earns or ponces who are a combination of both. Ironically despite all this, women often relate their pimps as boy friends, cohabitees or husbands, simply 'sharing the proceeds of prostitution on an egalitarian basis.' Some women also take pride in their pimps and regard their attractive physical appearances and material possessions as a tribute to their earning power. (McLeod 1982)

Such a complex relationship can be explained by several factors. The initial attraction of a ponce appears to lie in the fact that the woman in prostitution like many other women tends to feel incomplete without a man as the pivot of her emotional life. (McLeod 1982). Also because women in prostitution can be penalised by law, they are especially vulnerable to ponces, as support from 'straight men' is difficult to come by. Once the woman and pimp have an established relationship, it is difficult to come by. Once the woman and pimp have an established relationship, it is difficult for the women to extricate herself from the relationship. Then there are practical problems of obtaining alternate accommodation. Further the prospect of reporting one's pimp to the police is fraught with danger, for there lurks the anxiety of the repercussions of such a move once the man has completed his prison term. There is the additional fear of his friends, who could make life traumatic for a woman who has turned in one of their lot to the police. Love for the pimp also seems to leave him, or want to return to him despite his physical and psychological brutality. (McLeod 1982). This enforced identification with and subjection to the brothel management or to pimps is one of the worst forms of depersonalisation, as it means a total loss of freedom. The woman begins to live only for the present realising that she has no control over her economic, emotional, physical and sexual life. (Barry 1979).

Once in prostitution a woman realises that she has no control over the choice of client, the pace of work or the nature of sexual activity. She is shared property of any male who can pay a price for sex and her body. Interviews with women in cage brothels in Kamathipura in Mumbai and Budhwarpeth in Pune in India, reveal that the client either states his preference for a particular woman or is directed by the brothel owner to those among the women who are free. The women have to entertain clients regardless of whether they are physical unattractive, dirty, diseased or drunk. Failure to do so incurs verbal or physical abuse from the brothel keeper. (D'Cunha 1991). In one of the lowest grade massage parlours in one of Bangkok's business streets, the women sit in dimly lit glass cages, while clients pick them by numbers pinned on their blouses after paying the appropriate fee at the counter (Phongpaichit 1981). According to a German woman in prostitution, working in a sex club in Hamburg, it is the client who selects the woman from behind a glass door. Refusing a client would mean fired by the Club Manager. (Personal Discussions with women in prostitution at the Second Whores Congress at the European Parliament, Brussels 1986).

Also brothels often turn out to be sex factories with the women having no control over the number of clients they must entertain. In the Maisons D'Abbattage i.e. cage brothels in the Northern African Quarter of Paris, 6 to 7 girls entertain 80 to 120 clients every night and up to 150 clients on holidays. (Barry 1979). Interviews with women in Mumbai and Pune reveal that they entertain anywhere between 6-15 clients at any time, every day at the will of the brothel keeper. The physical or mental state of the women is of no consequence to the brothel keeper. The women are forced to take on clients even during menstruation or pregnancy. A woman interviewed in Kamathipura, Mumbai, delivered her baby 4 hours after she had entertained a client. She had

been working right up to her ninth month of pregnancy, as this was the condition on which the brothel manager had permitted her to continue the pregnancy. Further, women suffering from sexually transmitted diseases (STDs) or Pelvic Inflammatory Diseases (PIDs) maintained that they found their work very painful. (D'Cunha Jean; 1991).

Failure to conform to the work imperatives of the brothel keeper meets with verbal, physical or mental abuse as borne out by the following incident. The Colaba (Mumbai) police recovered the body of a 28-year-old woman in prostitution, Laxmibai, who was done to death and was being disposed off with the help of 6 coolies at Chandanwadi Crematorium, Marine Lines (Mumbai). According to the police, the brothel keeper Vijay Shankar and his partner Sulochana assaulted Laxmibai with a wooden plank and wore the whole night for showing negligence to her 'professional duties'. The woman vomited blood and collapsed. Failure to obtain a natural death certificate from a medical practitioner led them to hire 'coolies' to dispose of the body. (News Item; Delhi; India; 1983).

Further the service provided in prostitution is not just traditional sex, but kinky, perverted, violent sex which men cannot or choose not to fulfil with a wife or girlfriend. Some forms of perverted and violent sexual activity demanded by clients are; strapping women to beds and whipping them till they bleed; ducking a woman's head into a basin full of water till she chokes and splutters resulting in sexual satisfaction to the client; demanding that the woman lash the client till he bleeds. Sharing her experience of kinky sex a 24-year-old Filipina woman who had opted out of the bars at the Subic base in the Philippines in 1991, said that she had a client who was a small time film star. He had provided her with a leather hat, jacket, skirt, boots and a whip and demanded that she sit astride him, pretend that she was riding a horse and whip him on the back till he bled. This he found gratifying. The woman maintained that she was repelled by the idea of brutalising someone in this way-something she had never done in all her life. But she was reluctant to resist, having already consented to the terms of this encounter. Moreover there was no way out of the enclosed hotel room in which she was locked with her client. Steeling herself, she closed her eyes and whipped him till he bled. The client kept returning to her and she gradually found herself engaging in the same act without the initial repulsion. In fact she admitted that she had begun to enjoy whipping him, for in her view that was perhaps what he richly deserved. Moreover she maintained that her own bodily integrity was preserved and that she was well paid. (Personal Discussion with a Filipina woman in Prostitution at the Nazareth Growth Home in Quezon City Metro Manila, during the ISIS International Cross Cultural Exchange Programme on Poverty and Prostitution, 1991). This shift from initial resistance and revulsion to an enjoyment, for whatever reasons, of brutality and aggression towards the client indicates how the nature of sexuality experienced in prostitution can negatively impact a woman's psyche, even if it is not her who is being physically violated.

Yet another issue confronting women in prostitution is rape. According to a study on Street Prostitutes and Sexual Assault by Mimi Silbert of Delancey Street Foundation in San Francisco, 70% of the women interviewed are raped on the job or forced to go beyond the terms of the contract with the client. According to Silbert, those who had been raped, had been victimised on an average of 8-10 times a year. Only 7% had sought any kind of help and only 4% had reported any of the rapes to the police. (Silbert 1981).

The prevailing sexist belief that women engaging in non exclusive sexual relationships or providing commercial sex services have no right to refuse male sexual demands or set the terms of sexual encounters, renders women in prostitution vulnerable to men who assume they can act out their misogyny with impunity. That the woman is a prostitute has become a standard defence for rape as borne out by the following incidents. IN 1986, a Judge in Pasadena, California, dismissed a rape charge because the petitioner and survivor was a woman in prostitution. He said, 'A whore is a whore is a whore', and that he was not going to 'enforce an illegal contract'. The rapist in this case was an employee of the South Gate Police Department who had coerced sex from a woman in jail. He had brutally raped and sodomized a woman in prostitution because he was 'dissatisfied with the oral sex he had contracted for'. (Alexander, Priscilla; 1986). In the same year a District Attorney in Fresno, California, dropped all but three of thirty-two charges of sex crimes against a man alleged with raping 6 women, because at least 4 of the women he raped were prostitutes. (Alexander, Priscilla; 1987). Women in prostitution are thus denied the right to say 'yes' to prostitution when they are arrested; they are denied the right to say 'no' when they are blamed for being raped.

The long hours of work, lack of rest, inadequate food, poor sanitation, and the sadism and violence in the life of a woman in prostitution make her vulnerable to numerous physical and psychological problems. Physically, Indian women in prostitution often suffer from pulmonary tuberculosis, anaemia, hepatitis-B, STDs and gynaecological ailments like pelvic inflammatory diseases, leucorrhoea and the like, cervical cancer, and physical injuries. While infertility is said to be common because of the high incidence of STDs, abortions too

are not unknown (D'Cunha 1991). In the case of prostituted children, cases of rectal fissures, lesions, poor sphincter control, lacerated and ruptured vaginas and uteruses, perforated anal and vaginal walls, lacerated and mutilated bodies, peritonitis, venereal disease, death by asphyxiation, chronic choking from the gonorrhoeal tonsillitis, death resulting from sexual relations between these children and much older men etc. are problems largely related to adult sexual contacts with children. Little girls known to have become pregnant are often unable to sustain a pregnancy or childbirth. There are documented cases of female children struggling in labour for several days and unable to stand the process their bodies are torn apart and they die. (Mayo 1927).

The psychological trauma of women in prostitution manifests itself in stress, depression, hysteria, nightmares, insomnia, psychosis, schizophrenia, fear and revulsion to men and the sex act, distrust and suspicion of people, aggression, destructiveness and even suicide. (D'Cunha 1991). The obsession with physical appearance, beauty aids, clothes and other accessories; the constant pandering to men to make the latter believe that they are the women's subjective choice, the routine shifting of identities from being 'straight respectable mothers' by day, to working clandestinely in sex service establishments by night is a constant pressure for many women in prostitution. An experience related to this latter would not be out of place here. At the Second Whores Congress in Brussels in 1986, the press was persistent in its desire to interview and photograph, some of the women in prostitution giving testimony on the dais, despite repeated requests that no one was to be photographed unmasked. This latter was in the interest of preserving the women's anonymity. All hell broke loose when a German woman working in a Frankfurt sex club turned hysterical, having been caught off guard and in a split second photographed without her mask. She feared that the picture would find its way into the German newspapers and dreaded the consequence of this. For she said that she had for several years lived a schizoid existence of being the 'respectable mother' by day to her young daughter who had believed (together with the neighbourhood community) that she was a night shift factory worker.

It is important to note a woman's response to her work and her clientele. Disgust, pity or indifference to clients, feigning responses, jeering at clients who fall a prey to her pretences are common reactions of the prostitute. Interviews with women in prostitution reveal that they are often cold and frigid when professionally at work. This may be a revolt against male arrogance as well as a defence against fusing their love lives with their professions. Their work is only perceived as a source of income and the control of emotionality and sexuality is a safeguard against male exploitation and monopoly. (D'Cunha 1991). Sexual pleasure and control over one's body and sexuality is rarely present in prostitution.

Such a separation of sexual experience involving the most personal and erotic parts of one's physical and psychic being from the total person is indicative of the objectification and depersonalisation of women in prostitution. A woman in prostitution is thus alienated from this intimacy, (Barry 1979). In the final analysis, sexuality in prostitution ultimately means a male sexual experience, the power of conquest and ego gratification of the male and the male desire to believe that he is the subjective choice of the woman. Certain types of sexual activity demanded by men such as the demand to be dominated indicates the desire to withdraw from the pressures of conforming to socially prescribed 'aggressive' male stereotypes, which men may find oppressive. Even in sadomasochistic acts, a client is all powerful because in the pain and suffering that he commands to be inflicted on himself, he demonstrates a martyrdom, which he has chosen. Any guilt that he may have had is wiped away, indicating the emotional and sexual poverty in men (Barry 1979).

Female sexual exploitation in prostitution is an invisible and hidden reality. Female socialisation compels women in prostitution to docilely accept pain and suffering and consider themselves the second sex. This, coupled with the social perception of woman in prostitution as scum, immoral women, nymphomaniacs and criminals is internalised by women in prostitution. Women in prostitution are unable to perceive themselves as human beings, as victims of an exploitative system and as surviving subjects. They are unable to define their experiences of exploitation in prostitution in these terms. They therefore live with a negative identity and poor self-image. The estrangement from intimacy and love, and the social ostracism that women in prostitution face, inhibit them from entering into a love relationship for the fear of being deserted or their pasts being raked up in such a relationship. A woman in prostitution is thus alienated from society at large and deemed to live life of social condemnation. The hardened woman who tries to prove that she enjoys the trade and is the toughest woman in the street is no less a victim of similar alienation. Her reactions are a defence and survival mechanism built up to cope with her life.

A woman in prostitution is thus alienated from total self, her sexual being, her erotic life, earnings her freedom to live without physical and mental violence. She is boycotted by society at large. She has no control

over her body, sexuality and freedom. It is therefore of significance that we assess the advocacy of decriminalisation of prostitution within the context of an understanding of the socio-economic, political, ideological basis of the sex industry and the specific experience of violence and alienation of women and children built into the institution of prostitution.

Prostitution as an Expression of Women's Self determination and Autonomy: The Need to Decriminalise the Institution

This perspective maintains that in a patriarchally structured society and job market that marginalises women, the latter's entry into prostitution is most often a conscious and rational choice. And that since most women who are recruited into public employment are anyway relegated to stereotyped women oriented jobs at the lower end of the job hierarchy, singling out women in prostitution as pandering to male domination is discriminatory.

It thus advocates removal of all forms of discrimination against women in prostitution and goes so far as to suggest that prostitution be recognised as a valid form of work, an expression of a woman's self determination and autonomy; that prostitution businesses like any other be brought within the ambit of labour laws and that third party management of prostitution establishments be decriminalised and that certain minimum protective standards be introduced for women. It further maintains that as adult women have the right to choose, adult prostitution must be distinguished from child prostitution which is graver, more damaging and which therefore needs to be subject to stringent sanctions.

It argues that special trafficking laws be introduced for forced prostitution, which must be separate and distinct from laws governing 'choice' prostitution

This perspective fails to address the interacting socio-economic, political and ideological bases of prostitution and ends up positing the rigidly dichotomous categories of 'free choice' and forced prostitution'- categories dissociated from the institutional arrangement within which the act of prostitution takes place and the socio-economic background of women in prostitution. It is therefore to deconstruct the structural factors and mechanisms conditioning a woman's entry into and continued operation in prostitution, before we define what we mean by 'free choice'. For often the 'choice' is made in a situation where no options exist, making it no 'choice' at all. Further empirical reality points to greater complexities in terms of degree of choice on a continuum, rather than a static mechanistic 'free-forced' dichotomy.

The demand to recognise 'choice' prostitution as an acceptable form of labour, resulting partly from the desire to protect the individual woman in prostitution, collapses distinctions between the individual in prostitution and the social institution of prostitution. A distinction needs to be made between individual rights and collective, so that while we may respect and individual's right, the exploitative and patriarchal basis of the institution is challenged; while the individual woman should not in any way be penalised, the institution must be critiqued and owners and controllers of the sex industry must be penalised.

Moreover whether or not prostitution is characterised by choice, the very definition of women in prostitution as sexualised bodies, the very condition of commodification of sex and women's bodies, is a condition of gender oppression, violence and exploitation that needs to be struggled against.. The very condition of distantiation of the sexual experience involving the personal and erotic parts of ones physical and psychic being from the total person is indicative of the alienation and dehumanisation of the woman in prostitution. So too even in institutional arrangements affording a degree of freedom to women in prostitution, a woman is subject to blatant and insidious forms of client and state violence. Nor are women within such institutions always totally free to determine their choice of client, the pace and rate of work and nature of sexual activity.

While it is true that no sensitive being would ever condone child prostitution, child and adult prostitution are based on the same assumption that male sexual demand must be met. This places prostitution on the same continuum as other forms of violence against women grounded in patriarchal power, gender inequality and the subordination of women. No matter what age it goes against the goals of gender equality, transformed relations between men and women, and human society.

Further what happens to a little girl of 9 or 14, when she turns 18? Will her life radically change for the better? Will she then be in control of her life? Will we say that she was abused at 9, still abused at 14, but at 18 she was merely doing a job?. As one prostituted woman said, 'when I was a child they said that I was a victim of sexual exploitation and abuse, when I came of legal age, they said it was my choice to be working as a prostitute.

The proposal to introduce laws against trafficking delinked from other laws governing prostitution is a problem ridden in its application, for it is difficult to distinguish between 'forced' and 'free choice' prostitution. While trafficking is the principal means by which a steady supply of women's sexual labour is maintained to the sex service sector, and is often related to conditions of confinement and bondage, a woman once induced into prostitution may later acquire internal upward mobility within the sex service sector along the free-forced continuum, rendering it difficult to discern where and how to apply trafficking laws.

What is more is that the decriminalisation of third party management only legitimises the exploitative core of the sex service sector and allows traffic in persons for prostitution to flourish. For historically there has been a link established between increase in trafficking and legalised prostitution, including legalised brothel prostitution.

Further decriminalising third party management and introducing minimum protective standards seems to miss the point that the sex industry is premised on the notion that sex is a male right; women's bodies are fitting objects of male sexual release; that public women engaged in non-exclusive sex at a price exist to fulfil the 'male' need for variety and a spectrum of kinky acts that they cannot or choose not to engage in with spouses or girlfriends; that payment endorses the use and abuse of women in prostitution at will and that with a pervasive alienation sweeping over society and the colossal amounts of capital accumulated from specialised, violent and kinky acts, protective minimum standards can only remain a distant dream, for violence is a very condition of prostitution.

Also the very organisation and nature of the sex industry, the nature of the relationships between the organisers and controllers of the industry makes collective organisation difficult if not impossible.

Lastly decriminalisation of prostitution pre-empts organised collective action on governments to focus on meaningful preventive action programmes.

What Needs to be Done

Attempts to address prostitution and sex-trafficking necessitate the building and consolidation of sub-national, national, sub-regional, regional and international partnerships between Governments, Non-Government Organisations, Community-based Organisations (in locales that constitute source areas, transit zones and destination points for prostitution and sex-trafficking), Associations of Women in Prostitution and the rest of civil society (researchers, academics, lawyers, media personnel and the like). Policies, programmes, interventions designed and implemented by these players need to be multi-sectoral and multi-disciplinary. They must address the following: (a) Prevention (b) Protection and Assistance to those in prostitution © Repatriation, return and re-integration.

(a) Prevention

Economic

- to pressurise governments to invest women with the ownership and control of productive material resources like land and housing or at least the joint ownership of the same where communities have acquired a greater degree of gender sensitivity
- to press for gender equal laws, including inheritance laws
- to collectively organise against economic policies that marginalise women or discriminate against in public employment
- to organise against any government policy that is directly designed to promote prostitution (e.g. the joint organisation by Japanese and Filipino NGOs against sex tourism)
- to create income generating projects for women (individually and collectively), provide them with information, skills/ vocational and technical training

Areas identified as vulnerable to the sex sector must receive priority on the above

Legal/ Political

- to press for/encourage women to be represented in formal/informal decision-making bodies and fora at various levels, including in the formulation of gender sensitive prostitution laws
- to introduce strong penal sanctions against prostitution racketeers/prostitution businesses -establishment owners and managers, pimps, recruiters, agencies aiding, abetting, promoting prostitution.
- introduction of extra-territorial laws that penalise violators in countries other than in the country in which the crime was committed

- decriminalising individual women in prostitution
- to legally provide for cross border anti-trafficking police within and between countries to crack down on cross border trafficking.
- to ensure the constitution of statutory and mandatory citizens committees that work with government/implementing authorities to raid, arrest, prosecute, penalise prostitution racketeers and ensure the repatriation and reintegration of women and children in prostitution
- to press for persons holding public office/ authorities implementing prostitution laws who are directly/indirectly involved in the sex service sector/sex industry to be brought to book
- to ensure through community-based organisations that local political bodies and the law enforcement agencies have a precise record of the women/children in villages and investigate cases of missing women and children, especially in areas identified as source areas for recruitment.

Education

- to impart literacy, formal and informal education to women
 - to impart gender sensitivity training to persons holding public office, law enforcers/interpreters.
- This must include discussions on gender trait/role stereotypes, the inequity in gender relations and the basis for the same, demolition of myths around prostitution, the socio-economic, political basis of prostitution
- to incorporate the above in school/university curricula and further advocate it through all media forms for the public at large.
 - to specifically generate the same consciousness among local communities that are highly vulnerable to prostitution
 - to introduce specific re-socialisation programmes for clients

Protection and Assistance to those who for a spectrum of reasons continue to be in Prostitution

- alternate livelihood programmes so that the option to quit prostitution lies before them
- education and skills consistent with market demand
- crèche, educational, health and counselling for children of women in prostitution
- health education and provision of general health services
- encouraging women develop bargaining/negotiating skills for safe sex practices
- bans on mandatory testing for HIV AIDS
- provision of health status results to the woman
- pre and post test counselling
- maintenance of confidentiality of the individual's health status
- provision of AIDS care centers for the women
- provision of drop in centers that women can come to, to share their hopes, aspirations and problems and receive concrete assistance
- organise reflection/group discussions with the women at these centers on the way they experience the job structures governing them, their work, themselves, their bodies/sexuality, attitudes to life, savings, budgeting, investment of savings.
- development of sensitivity to gender issues through these reflections
- provision of therapy and counselling to women that helps them define their experience as one of exploitation and survival, rather than being morally condemnatory
- provision of legal assistance to women in prostitution

Repatriation

- bilateral agreements between countries
- setting up of a focal point within embassies abroad to deal with trafficking and prostitution issues
- constituting of fund for repatriation
- involvement of NGOs in the repatriation process
- provision of emergency shelters for the women while they await repatriation

Recovery and Re-integration

While fore-mentioned economic (livelihood programmes/credit schemes), social, health, counselling, legal facilities need to be provided for the recovery and re-integration of women and children rescued/seeking help out of prostitution, it is extremely important to work with the families/local communities from which the women have come, to facilitate the process of re-integration

Research and Advocacy

Finally research and advocacy that inputs into policy/programme design and periodic project implementation evaluations will help enhance the efficacy of policies and programmes

Bibliography

- Alexander, P (1986), Customer Violence Against Prostitutes, Paper for the National Task Force on Prostitution, San Francisco, USA, June.
- Alexander, P (1987), On Prostitution, Paper for the National Task Force on Prostitution, San Francisco, USA, February.
- Alexander, P (1987a), Prostitutes are being Scapegoated for Heterosexual AIDS, Paper for the Task Force on Prostitution, San Francisco, USA, February.
- Barry, K (1979), Female Sexual Slavery, Prentice Hall, Inc., Englewood Cliffs, New Jersey.
- Caourtte, T. (1998), Needs Assessment On Cross-border Trafficking in Women and Children -the Mekong Sub-region, Draft Prepared for the UN Working Group on Trafficking in the Mekong Sub-region
- D'Cunha, J (1987), Prostitution in a Patriarchal Society: A Critical Review of the Suppression of Immoral Traffic in Women and Girls Act of 1956; Economic and Political Weekly; 7 November.
- D'Cunha, J (1991), The Legalization of Prostitution: A Sociological Inquiry into the Laws Relating to Prostitution in India and the West, Word Makers, Bangalore.
- D'Cunha, J. (1992), Prostitution Laws: Ideological Dimensions and Enforcement Practices, Economic and Political Practices, Economic and Political Weekly, XXVII(17), 25 April.
- D'Cunha, J. (1998), Feminist Perspectives on Prostitution and Trafficking for Prostitution, in Violence Against Women, Women Against Violence, (eds) Shirin Kuchedkar and Sabiha Al-Isa, Pencraft International, Delhi, First Edition
- Hoffman. C. (1998), Questions and Issues On Prostitution: What We Need to Know, CATW
- Human Rights Watch/Asia, (1995), Rape For Profit, Trafficking of Nepali Girls and Women into India's Brothels, USA
- International Labour Office, (1997), The Sex Sector, Gender Relations and Socio-Economic Development in Southeast Asia, Geneva, February.
- Lim. L. (1998), The Sex Sector, ILO Geneva
- Mayo, K. (1927), Mother India, New York.
- Mcleod, E. (1982), Women Working: Prostitution Now, Croom Helm.
- News Item (1983), The Daily, India.
- Phongpaichit, P. (1981), Bangkok's Masseuses: Holding up the family sky, Southeast Asia Chronicle, Issue No. 78.
- Sanghera, J. (1990), Creating International Brothels (Dissertation Proposal), Department of Sociology, University of California, Berkeley.
- Silbert, M. (1981), PHD, Principal Investigator, Sexual Assault of Prostitutes, San Francisco, Delancey Street Foundation.
- Truong, T. (1990), Sex, Money and Morality: Prostitution and Tourism in Southeast Asia, Zed Books, London.
- The Human Rights Watch Global Report on Women's Human rights, (1995), Trafficking of Women and Girls into forced Prostitution and Coerced Marriage.
- UN Document E/Cn.4/1995/42 Preliminary Report submitted by the Special Rapporteur on Violence Against Women and its Causes and Consequences, Geneva, November 22, p50.

e) Dorchen Leifholdt, Co-Executive Director, Coalition Against Trafficking in Women, *THE POSITION PAPER OF THE COALITION AGAINST TRAFFICKING IN WOMEN*

The sexual exploitation of women and children by local and global sex industries violates the human rights of all women and children whose bodies are reduced to sexual commodities in this brutal and dehumanising marketplace. While experienced as pleasure by the prostitution consumers and as lucrative sources of income by sex industry entrepreneurs, prostitution, sex trafficking, and related practices are, in fact, forms of sexual violence that leave women and children physically and psychologically devastated.

Sexually exploited women and children are the sex industry's primary casualties but not its only victims. Commercial sexual exploitation diminishes the lives of all women and girls by inculcating in men and boys profoundly misogynistic beliefs and attitudes. By teaching males that female bodies are sexual merchandise to be traded, used, and discarded, prostitution bolsters gender inequality in all areas of society. Its effects are most readily apparent, however, in acts of sexual violence against women, in the sexual harassment of women in the workplace, and in violence against women by their intimate partners.

The global sex industry merchandises women and children in a variety of ways--through prostitution, sex trafficking, sex tourism, the mail-order bride trade, and pornography. These practices of sexual exploitation are interconnected and inextricable from each other, and most sexually exploited women and children are subjected to multiple forms of sexual exploitation. For example, women and children are often recruited or sold into domestic prostitution and then trafficked into brothels overseas. While being prostituted, women and children are often pressured or coerced into posing for pornography, which increasingly is trafficked internationally. Exploitation in "sexual entertainment" (strip clubs, topless bars, etc.) often precedes or accompanies exploitation in sex trafficking or prostitution.

Customers of sexually exploited women and children often buy access to them in a variety of sexually exploitative contexts, while pimps, procurers, and traffickers profit from the different practices of sexual exploitation interchangeably. Indeed, one of the motivating forces for trafficking is the demand of prostitution customers for more "exotic" and compliant sexual playthings. It is impossible, as the drafters of the 1949 Convention understood, to separate sex trafficking from the exploitation of the prostitution of others.

Just as women and children in situations of sexual exploitation are exploited in many different ways, they are systematically subjected to a wide range of abusive and violent practices. Women in prostitution describe the sex they must endure from customers as unwanted bodily invasions--painful, disgusting, humiliating, dangerous, and rape-like. They also report that male customers often subject them to abusive and dehumanising sexual practices that nonprostituted women refuse to engage in. Research demonstrates that many sexually exploited women and girls anaesthetise themselves with alcohol and drugs or enter dissociated mental states in order to endure the sex of prostitution. The consequences of both sexual exploitation and the "survival techniques" that prostituted women and children adopt to inure themselves to it are injurious to their physical and mental health.

Sexual exploitation severely compromises the physical well being of prostituted women and children. A 1994 study of prostituted women in the United States found that only 15 percent had never contracted a sexually transmitted disease. The gynaecological problems that prostituted women and girls suffer include chronic pelvic pain, pelvic inflammatory disease, unwanted pregnancy, miscarriages, high infertility rates, and increased risk of reproductive system cancers. The solution of "safe-sex" (condom usage) for prostituted women belies the inherent power dynamics of sexual exploitation. As the commodity in a transaction between buyer and seller, the sexually exploited woman or child usually must acquiesce to the customer's demands. The price of resistance is often violence. Because of the inherent power imbalance of commercial sexual exploitation--the gulf that exists between the buyer and the bought-- the prostituted woman or child is simply not in a position to demand "safe sex" practices.

As a result, exploitation in the commercial sex industry is increasingly a death sentence. A 1998 study published in the *International Journal of STDs and AIDS* revealed that prostituted women and girls in many parts of the world are more likely than not to contract HIV: 58 percent of the prostituted women in Burkina Faso; 52 percent of the prostituted women in Kenya; nearly half the prostituted women in Cambodia; 34 percent of the prostituted women in Northern Thailand; and 50 percent of the prostituted women in Bombay. Fifty to 70 percent of trafficked Burmese women were infected with HIV/AIDS and of 218 girls rescued

from a Bombay brothel, 65 percent were HIV positive. Prostituted women in the global West and North, where AIDS education is widespread, also show a far higher incidence of AIDS than women who have not been subjected to commercial sexual exploitation. In Italy, for example, the incidence of HIV/AIDS among prostituted women grew from 2 percent to 16 percent from 1988 to 1998.

Research also shows that women and girls in situations of sexual exploitation are subjected to shockingly high levels of violence--beatings, rapes, torture, and homicides. "Prostitution in Five Countries," a 1998 study of 475 prostitutes in South Africa, Thailand, Turkey, the United States, and Zambia, revealed that, across countries, 73% of the subjects reported physical assault in prostitution and 62% reported having been raped in prostitution, 46% at least five times. A 1985 Canadian report on the sex industry in that country reported that women in prostitution suffer a mortality rate forty times the national average. The violence directed against sexually exploited women and children is neither accidental nor incidental: it is endemic to the sex industry, systematic, and fuelled by the dehumanisation and devaluation of women it normalises.

The physical harm of sexual exploitation is at least equalled by the psychological harm it wreaks--suicidal feelings, clinical depression, dissociate disorders, and post-traumatic stress disorder. In "Prostitution in Five Countries," 67 percent of the 475 prostitutes studied met criteria for a diagnosis of post-traumatic stress disorder; 58 percent reported sexual abuse as children, with an average of four perpetrators; and 72 percent reported past or current homelessness. When asked what they needed, 92 percent wanted to leave prostitution; 72 percent wanted refuge; and 70 percent wanted job training.

Some have argued that prostitution, sex trafficking, and other forms of commercial sexual exploitation are not human rights concerns when adults enter these situations consensually and voluntarily. The reality is that many women and girls do enter prostitution voluntarily but whether that voluntariness is meaningful or of any significance is questionable when one examines the powerful social conditions that mediate this process. Vast numbers of women and girls enter prostitution to feed their children, to support their impoverished families, and to survive economically after escaping domestic violence. Others continue in prostitution in adulthood because they were sexually abused or exploited as children--indeed most adults in prostitution entered these conditions as children, and studies show that approximately two-thirds have histories of sexual abuse in childhood. For whatever reason women and children enter conditions of sexual exploitation, getting out is often impossible until they are too diseased, traumatised, and broken to continue to attract customers. The only options for most women who have managed to survive prostitution are destitution or work as madams or mamasans, controlling and exploiting the younger women who are still marketable commodities.

It is not a coincidence that the people who are sexually exploited in local and global sex industries are overwhelmingly female, young, and poor. In the global North and the West, the victims of the

Commercial sex trade are, with few exceptions, members of groups with histories of slavery and discrimination, women and children traumatized by sexual abuse, women who have immigrated from poor countries or have been sexually trafficked, women who are addicted to drugs, and/or women who are mentally ill. In the global South and East, victims of the sex trade are often young women and girls who are desperately poor in cultures where females are expected to sacrifice themselves for the well being of their families and communities. The global sex industry preys on this sexual, racial, and socio-economic inequality, profits from it, and reinforces and exacerbates it. It turns the exploitation of members of groups at the bottom of gender-, race-, and socio-economic-based hierarchies into the sexual entertainment of members of powerful groups. In short, it eroticizes inequality as it makes inequality immensely profitable.

The notion that prostitution is work--"sex work" is the dangerously misleading term--ignores both these powerful social forces of poverty, violence, and inequality that propel women and children into sexual exploitation and the harm that women and children sustain as a direct consequence of sexual exploitation. For some, the "sex work" model is a misguided attempt to bestow dignity on a stigmatised and marginalized population; what in fact it does, however, is to confer legitimacy on the systems of sexual exploitation that devastate the lives of prostituted women and children. It is not an accident that the organised commercial sex industry is one of the biggest promoters of the notion that prostitution is "sex work"--"a job like any other job." The notion that commercial sexual exploitation is viable work has been embraced by some governments, with catastrophic implications for poor women and girls. For example, one government in Central America proudly asserted in a report to an United Nations conference following the Fourth World Conference on Women in Beijing:

"Recognised prostitution in [our country] is a gender-specific form of migrant labour that serves the same economic function for women as agriculture work offers to men and often for better pay." It should be noted

that this country is a sex tourism center, with the second highest rate of HIV/AIDS in Central America. The appropriate model for understanding and addressing commercial sexual exploitation is not the labour model but the violence against women model. Like domestic violence, exploitation in the sex industry is carried out by men intent on wielding domination over comparatively powerless women and children. All of the dynamics and tactics of power and control employed by abusive husbands are employed by pimps, procurers, and traffickers. Both battered women and prostituted women have been known to enter abusive situations voluntarily, to choose to stay in or return to abusive situations, to deny that they are being subjected to abuse, and to defend their abusers. Battered women's advocates understand that extricating oneself from an abusive relationship is a process that often requires much social and material support and that the psychological effects of trauma can impede women from leaving abusive situations. Just as poverty is a powerful force propelling women into situations of sexual exploitation, it is a significant factor in inducing women to stay in situations of domestic violence. In the case of domestic violence, however, no one argues that voluntarily entering or staying in an abusive domestic relationship for economic reasons makes that situation work. Why then do some people argue that the fact that some women voluntarily enter into or stay in conditions of sexual exploitation proves that prostitution is "sex work"? Using the same logic, we could call domestic violence "housework."

The pro-prostitution lobby, made up of organisations that promote prostitution as "sex work" and lobbyists from the sex industry, argues that what matters, from a human rights perspective, is whether the prostituted woman consented to be prostituted or trafficked. If there is consent or voluntariness, according to this constituency, there is no human rights violation. I think we need to inquire if the act of consenting to certain treatment is an event that extinguishes a human rights claim. When we do so it becomes clear that under conditions of inequality the fact of consent may not only be irrelevant to the human rights inquiry--it may be the product of a human rights violation. A stark example of such a situation was recently exposed by an investigative reporter for the New York Times. He revealed that desperately poor mothers in rural Mexico were selling their young children to trafficking rings run by lawyers who sold the children to middle and upper-class American couples. Is there any question as to whether these traffickers were violating the human rights of the mothers and their children alike, even though the former entered the transaction completely voluntarily and consented to the sale of their children for financial gain.

The reality is that women and girls do sometimes enter prostitution voluntarily, but whether that voluntariness has any significance is dubious, given the powerful social forces of poverty, violence, and inequality that constrain this choice. For many women in prostitution, consent is preceded by and conditioned on traumatic abuse. One of the speakers at this conference, a spokesperson from the Global Alliance, testified that she was kidnapped and trafficked into prostitution as a child; subsequently she became a sex worker and a sex industry professional. Another speaker, who argued that prostitution is violence against prostituted women, described herself as a prostitution survivor, but did not recount her story. I asked her if I might relay it to this audience, and she gave me permission to do so. Sexually abused as a child, she ran away from home. She was picked up by a pimp and "seasoned" into prostitution through beatings and rapes. From ages fourteen to nineteen, she was a child prostitute. She became a heroin addict and finally entered a drug rehabilitation program, which saved her life. At twenty-three however, after escaping a violent marriage, she entered prostitution again, this time voluntarily. One doesn't have to be a psychologist to see how her voluntary entry into the sex industry was predicated on her earlier abuse and exploitation. Sexual trauma--with its hallmarks of denial and repetition compulsion--is the training ground of many subsequent prostitution "volunteers."

The real issue is not whether prostituted women and girls consent to sexual exploitation. It is how are they treated in conditions of sexual exploitation. Most women and girls, after having been recruited or procured, are either under the control of a pimp or in a system of self-obliterating domination and control. Such a system is evident in the Philippines outside of what was formerly Clark Air Base, where military prostitution has given way to sex tourism. Young women, recently recruited from poor rural areas, display new names, new clothing, new appearances and work under the surveillance of the mama sans, who carry out the dictates of the brothel owners. Across the Pacific Ocean, in Nevada's legal brothels, often held up by regulationists as model prostitution environments, prostituted women lead a concentration-camp-like existence, with every aspect of their lives monitored and circumscribed by "rules"--from the number of wash clothes they are allotted to the number of customers they must serve each day. Overt coercion is unnecessary because the domination is complete.

What about the prostitution customer? Is he the rescuer of sex industry victims described in Panel A? Is he Richard Gere in "Pretty Woman," the movie, shown widely in Eastern Europe, that encouraged so many

women and girls there to see prostitution as a glamorous career alternative. The reality is that "johns" are among the primary batterers and rapists of sexually exploited women and children. Not only do they callously view and treat prostituted women as sexual servants who must cater to their every misogynistic fantasy and demand, they then mete out this treatment on the nonprostituted women and girls in their lives. Not surprising, prostitution customers are increasingly turning to underage girls as protection from AIDS or a special thrill. When females are viewed as objects, it's easy to move from adult women to young girls and from prostituted native-born women to trafficked women and girls.

The reasons behind the legitimisation of sexual exploitation as "sex work" are obvious. Unlike domestic abuse, sexual exploitation makes billions of dollars that lines the pockets of pimps, traffickers, brothel owners, legitimate businessmen, and, sometimes, government officials. Conservatively estimated, the legal sex industry reaps an estimated 52 billion dollars a year annually, according to Forbes. Viewing sexual exploitation as work rather than abuse shields the industry from a powerful critique that could lead to legislative and policy changes that would impinge on the industry's profits.

Many have a sexual stake in the perpetuation of the sex industry. Millions of men all over the world, in every strata of society, are sex industry consumers who get physical and psychological gratification from buying the bodies of women and children. Last year, for example, a contingent of Latin American heads of state of paid a recreational visit to a notorious strip club in Venezuela. United Nations peacekeeping forces were prominent prostitution customers while stationed in Mozambique, Cambodia, and former Yugoslavia. It is uncomfortable for men who patronise prostitutes to face the reality of what they are inflicting on the women and children whose bodies they purchase. Viewing sexually exploited women and children as "sex workers"--free agents who are responsible for what is done to them in the sex industry--helps absolve prostitution customers of any feelings of responsibility.

There are those who romanticise the sex industry as a glamorous "outlaw" profession and believe that but for acts of coercion or deceit it is beneficial to women. These supporters of prostitution contend that organising "sex workers" to fight for the "right to prostitute" and to improve "working conditions" in the sex industry is the solution. Any problems faced by prostituted women, they argue, are the result of social stigma and criminalisation. What is curious about this position is not only the gross denial of the magnitude of harm suffered by sexually exploited women and children and of the overwhelming misogyny that pervades the sex industry, but the obvious fact that even when assessed as a labour practice "sex work" is destructive to "sex workers." What other form of labour requires that the worker be physically invaded by those who view him or her with contempt, subjects the worker to tremendous risk of fatal disease, destroys the worker's reproductive health, systematically subjects the worker to "on the job" violence, leaves the worker psychologically traumatized, renders the worker employable for only a short period of his/her life span, and offers the worker no job skills with which to survive after s/he is no longer employable in the trade. When evaluated this way, it becomes clear that "sex work" is akin to other forms of gross exploitation never dignified by the term "work"--exploitation as a "mule" in drug trafficking; exploitation by organ traffickers; and, for women, reproductive exploitation for the benefit of traffickers in infants.

The term "sex worker" is false advertising that deceives the women and children recruited by the sex industry about its brutal reality. It suggests that not only are those who promote it apologists for the sex industry; they are complicit with it.

Is there any hope of addressing this deeply rooted and escalating human rights crisis? Is there any way to begin to halt the massive devastation wreaked by the global sex industry? The answer lies not in the labour model but in the strategies and approaches developed by advocates fighting violence against women. Like responses to other practices of racial and sexual domination and abuse, strategies against sexual exploitation must include the expansion of human rights norms, the development and implementation of legislative and policy reforms, and programs at the grassroots level.

To start, we must recognise that trafficking, prostitution, and other practices of sexual exploitation are interrelated practices of gender-, race-, and socio-economic-based domination that reinforce gender-, race-, and socio-economic-based hierarchies. We must recognise that everyone has a fundamental right to be free from sexual exploitation. At the same time, we must repudiate all attempts to legitimise prostitution as "work."

We must strengthen and enforce the two international human rights instruments that address this human rights crisis: the 1949 Convention on the Traffic in Persons and the Exploitation of the Prostitution of Others and the Convention for the Elimination of All Forms of Discrimination Against Women. The 1949

Convention establishes vitally important human rights norms and remains a potential wedge against pimps, procurers, and traffickers. But it is under attack. Some would like to see the 1949 Convention supplanted by a convention that addresses only forced trafficking. These critics of the 1949 Convention are correct when they point out that it has no enforcement mechanisms and has been ratified by relatively few countries. But their motivation is not to strengthen the attack against the sex industry but to limit it so that organised commercial sexual exploitation is off limits unless there is proof of deception and force.

There are many problems with this approach. First, as discussed above, some women and children who are horribly exploited by the sex industry enter it voluntarily and consensually and as the result of powerful social inequities, like poverty, discrimination, and violence. Those who pimp, traffic, procure, and profit from their exploitation would be shielded from prosecution and accountability while their victims would be denied protection and relief. Second, even victims who are forced and deceived would not be protected and their abusers held accountable unless the force and deceit could be proven. Anyone who has worked with sex trade victims knows how difficult it would be to meet such a proof requirement, as traffickers and pimps control the evidence as well as the women. Sex industry profiteers can easily conceal evidence of coercion and manufacture evidence of consent, e.g., by making their victims pose smilingly for pornography. Moreover, the unfortunate reality is that the credibility of sexually exploited women is likely to be suspect in any legal forum. Why then should the prosecutions of their pimps and traffickers hinge on such determinations as they undoubtedly would if proof of coercion were a legal requirement. Third, basing legal definitions on distinctions between sex industry survivors who are forced and those who volunteer reinforces deeply rooted misogynistic stereotypes of "good girls and bad girls," "victims and whores." Ironically, in the name of prostitutes' rights, the promoters of such definitions turn their backs on vast numbers of prostituted women--especially those who consent to sexual exploitation and those unable to prove that they were forced and are thereby deserving of protection and relief.

The solution then is not to supplant the 1949 Convention but to strengthen it with a protocol that establishes a monitoring committee and enables complaints to be brought before that body. The 1949 Convention must be re-evaluated and amended to ensure that it addresses contemporary practices of sexual exploitation, and all states parties must be urged to ratify it or withdraw their reservations. It must be stressed that the human rights norms at the core of the 1949 Convention are more important now than ever before, especially the recognition that "prostitution and the accompanying evil of the traffic in persons for the purposes of prostitution are incompatible with the dignity and worth of the human person. . . ."

We must revolutionise the approach of the criminal justice system to prostitution and sex trafficking. Most criminal justice systems either tolerate sexual exploitation, often as the result of bribes paid by the exploiters, or punish the victims while ignoring the perpetrators. Rarely do they acknowledge the role of customer in the exploitation of victims and the growth of the industry.

Justice requires that women and children exploited by the sex industry be protected, not persecuted. Moreover, they are essential to successful prosecutions of pimps and traffickers. Laws and enforcement strategies that target the sex industry's victims must be eliminated and victims must be accorded the highest degree of protection--through witness protection programs if they choose to testify against their abusers, and through grants of asylum and refugee status if they are immigrants.

Existing criminal and civil penalties against pimps, traffickers, and other sex industry profiteers must be enforced, and new legislation must be passed if such penalties do not exist or are inadequate. Such laws must define sexual exploitation broadly, so that they address the full spectrum of sexually exploitative practices, including prostitution and the bride trade, and must be fully implemented. Sufficient resources must be allocated to investigations, and investigations must not be confined within the borders of countries but must be international in scope. Criminal justice efforts against sex exploiters must be given priority within each criminal justice system. Cooperation of governments across local, national, and regional boundaries is essential to the successful prosecution of perpetrators and profiteers.

Criminal justice efforts against sexual exploitation must acknowledge the responsibility of the prostitution customer. Men who buy the bodies of women and children for purposes of prostitution are sex exploiters as surely as are pimps and traffickers. Their demand fuels the growth and expansion of the sex industry. While they may not be as culpable as sex industry profiteers, they must be held accountable, criminally and civilly. Governments must enforce existing laws against sex industry customers, adopt laws that penalise their acts of exploitation, and carry out prevention campaigns educating the public about the harm of sexual exploitation.

Finally, we must demand that governments and the private sector develop and expand the same kind of services for sex industry victims and survivors that in many places are offered victims of domestic violence. In order to leave conditions of sexual exploitation, prostituted women and children need refuge, counselling, free and confidential medical care, lawyers to fight for legal protections and rights, substance abuse programs, income assistance, child care, education and job training programs, and permanent housing. Survivors of the sex industry need the financial support and technical assistance to build organisations to fight for their rights and to assist others. Existing non governmental organisations providing services to victims of violence must adapt their programs and open their doors to sexually exploited women and children. All over the world there are model programs working to offer women and children freedom from sexual exploitation: the Cambodian Women's Crisis Center, which equally serves women who have escaped from brothels and battering husbands; the Buklod Center, which offers hope to sexually exploited Philipinas; CERSO, which offers homes and education to girls from the streets of Chile; and S.A.G.E., where U.S. prostitution survivors educate first offender "johns" about the reality of the sex trade.

The sex industry and its defenders have succeeded in persuading many that the global sex trade cannot be eliminated; that it can only be regulated and organised. They insist that the sexual exploitation of new generations and populations of women and children is something to be accepted and valorised. They are wrong. The sexual exploitation of women and children is no more inevitable than the race-based slavery it resembles. The global sex industry can be challenged and its destruction of the human rights of women and children stopped--but only if there is the political will. Advocates for battered women have campaigned for zero tolerance of domestic violence, and while domestic violence has not been stopped, they have seen remarkable progress. It is high time for a campaign of zero tolerance of sexual exploitation if the promise of universal human rights is to be realised.

f) Jessica Neuwirth, Executive Director, Equality NOW, *THE HUMAN RIGHTS OF WOMEN AND THE 1949 CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS*

I would like to start by stating Equality Now's concern that trafficking and prostitution are inherently exploitative and harmful, both to those in the commercial sex industry and to others affected by it. It is clear from today's proceedings that there is a great debate about this assertion, but I would submit that this is an extremely theoretical debate. If you look at the patterns of trafficking and prostitution in the real world today, what you see is systematic exploitation. We firmly believe that the driving force behind prostitution is lack of equal opportunity and that the central focus of our work to end trafficking and sexual exploitation should be the fight against discrimination which deprives women of education and employment.

It is hard for me to understand the concept of sex as a commodity and the argument that commercial sex should be considered an industry like any other. It is even harder for me to imagine how third party beneficiaries of prostitution can be considered anything other than inherently exploitative - this would include all traffickers, regardless of whether those they have trafficked "consented" to their trafficking. The debate over the right to engage in prostitution as a legitimate form of "sex work" aside, it would seem that perhaps there might be room for agreement that all pimping and trafficking constitutes exploitation that is inherently harmful.

What we are really talking about in this meeting is trafficking, and in my view far too little has been said about the traffickers. The High Commissioner for Human Rights talked of a human rights framework - among the questions at issue are whose human rights and what are the rights? Who are the trafficking victims, and who are the traffickers? If a victim of trafficking agrees to be trafficked into prostitution as a desperate last measure to keep her children from starving, does that mean that she is not a victim and should not be able to benefit from human rights protections for victims of trafficking? Does it mean that the person who trafficked her should be exempt from punishment? Are we going to punish her again for having known what she was getting into? This would be inconsistent with my vision of human rights. I would submit that the operative concept of importance is not coercion or consent, but exploitation.

These views are consistent with the traditional approach of international law. The 1949 Convention recognises that prostitution and the traffic in persons for the purpose of prostitution are "incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the

community." Similarly, Article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women provides that "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." These treaties reflect a consensus of the United Nations, reflected in international law, that traffickers are responsible for this exploitation and they are the focus of attention rather than those who are trafficked and whether or not they have "consented" to their trafficking. As recently as February of this year, the General Assembly adopted a resolution reaffirming that "sexual violence and trafficking in women and girls for the purpose of economic exploitation, sexual exploitation through prostitution and other forms of sexual exploitation and contemporary forms of slavery are serious violations of human rights."

Much criticism has been heard of the 1949 Convention, and we should certainly work to improve the Convention. However, to those who would dismiss the Convention in its entirety, I would urge you to review the provisions of the Convention carefully. There are many concrete and useful anti-trafficking steps governments are obligated to take under the terms of the Convention, some of which we would certainly all agree on - and some of which might not survive a redrafting of the Convention.

In addition to pimps and traffickers, who must be prosecuted in accordance with Article 1 of the Convention, Article 2 of the Convention calls for measures against those who finance or take part in the financing of brothels, as well as those who knowingly let or rent buildings to be used as brothels. Article 14 requires states to set up a co-ordinating entity for the investigation of trafficking - both for prevention and punishment. Article 15 strongly urges cooperation between states with great specificity, calling for the sharing of photographs, fingerprints and descriptions of offenders.

The Convention does not only deal with punishment of traffickers. In Article 16, parties agree to take educational, health, social, economic and other related measures for the prevention of prostitution and for the rehabilitation and social adjustment of victims of prostitution. Article 17 provides for protective measures to be taken for the benefit of immigrants and emigrants, both at departure and arrival, calling for public warnings of the dangers of trafficking and the supervision of railway stations, airports, and seaports. Article 20 requires that states take the necessary measures for supervision of employment agencies to prevent persons seeking employment from being exposed to the danger of prostitution.

The Convention provides a comprehensive framework for action against traffickers that is both detailed and thorough. Many of the measures it contemplates are very specific, implementation of which could well signal the beginning of the end of trafficking. Significantly and perhaps another point of agreement among all, it does not treat the victims of trafficking as criminals and provides for their protection and rehabilitation.

We should use the strengths of this Convention and address its weaknesses. There is no treaty body to monitor compliance and engage in active dialogue with states regarding implementation of obligations under the Convention. There is no complaint mechanism either for states or for individuals, such as that set forth in the Optional Protocol to the International Covenant on Civil and Political Rights or the recently adopted Optional Protocol to CEDAW. There are new forms of sex trafficking, such as the trade in mail order brides or the promotion of sex tourism, which ought to be included within the scope of trafficking but do not fit within the conceptual framework of Article 1 of the Convention. These weaknesses can be addressed in a Protocol to the Convention, which strengthens without jeopardising what the Convention already offers in the fight against trafficking.

In response to the High Commissioner's call for an effort to find common ground, I would urge the participants of this consultation to consider whether we can't put differences over prostitution aside and focus on trafficking and more particularly the traffickers. Regardless of the consent issue, the traffickers are profiting from sexual exploitation on the order of billions of dollars. We should be able to agree, I would hope, that they should not be outside the reach of anti-trafficking measures because they turned other people's poverty into opportunity for their own gain and convinced desperate women to sign a consent form. Similarly I hope we can agree that a human rights framework should not exclude these women from the protections it will provide. Instead of promoting or opposing prostitution, if we can all agree to support the women who find themselves trafficked and oppose those who trafficked them, perhaps we can find a way forward together.

g) Janice Raymond, Concluding Remarks

There is a basic difference that governs two opposing sides in this consultation on *Trafficking in Persons, Prostitution and the Global Sex Industry*. The key difference can be phrased as is prostitution work, or is it violence against women?

Sadly, it is the labour model has been accepted by the ILO (International Labour Organisation) in its 1998 report calling for recognition of the “work” of prostitution as a full-fledged “economic sector.” In this report, we are urged to rename the sex industry as the “sex sector.” In the past, prostitution was viewed as more akin to slavery than to labour. Now the situation seems to be reversed, as we witness in the ILO Report conspicuously entitled *The Sex Sector*.

Within the last ten years especially, there have been proposals to abolish the 1949 Convention on trafficking and prostitution. These arguments point to the 1949 Convention’s low number of ratifications, its weak enforcement mechanisms, and its failure to distinguish between forced and free prostitution. But let us for a moment look at another Convention that was not well ratified, had weak enforcement mechanisms, and did not distinguish between free and forced slavery – the Slavery Convention. In this last context, it is important to note that historically, there were serious debates and proposals to regulate slavery as a business and as a state-sanctioned “economic sector.”

There were various “regulatory regimes” suggested to ameliorate, rather than to abolish, the system of slavery. Some countries insisted that their officials should inspect the slave ships, some argued for new standards of hygiene on vessels, some even argued a variation on the forced/free distinction maintaining that only if slaves had been kidnapped -- not bought -- should slaves be returned to Africa. Portugal intervened to regulate conditions in the slave trade by restricting the ratio of slaves per ton of shipping, the provision of food and water, and the duration of the voyages. And many argued, like Cotton Mather, that slaves in North America “lived better than they would have done as free men in Africa.” France elected to reap the profits of the “slave sector” by opening up its ports in the Caribbean to foreign traders, provided that they paid a tax.

I think few of us today appreciate what a leap forward it was in human rights policy and law that the 1949 Convention stipulated that consent could not be used as a defence in trafficking or the exploitation of prostitution. Today, we seem to be regressing from that advance in human rights law, articulated by the 1949 Convention, to a public policy that wants to make *consent rather than exploitation and harm* the foundation and focus of human rights law and policy on trafficking and prostitution. Statements by NGOs and governments alike, as well as academic discourses on trafficking and prostitution, focus on a narrow description and definition of trafficking and make little mention of the traffickers and pimps, much less the buyers of women and children for sex. Thus the perpetrators become invisible and a very western, individualised notion of choice becomes the central issue of the day.

This is the situation for many of the world’s women and children on the eve of the 21st century. This is the situation for many of the world’s women and children during the 50th anniversary year of the 1949 Convention, and barely past celebrating the 50th anniversary of the *International Declaration of Human Rights*.

We know the economic reason why individual women are drawn into prostitution to find income for their own and their families' survival. On a more macro level, we also know about globalisation of the world economy which has also meant globalisation of women’s sexual commodification. In our time, trafficking and prostitution, have truly become realities without borders.” However, in examining the causes of trafficking and prostitution, we must also ask why prostitution and related forms of sex entertainment are some of the only activities that allow many women to make more money than they could in other circumstances; why the sex industry has become so pervasive; why it is acceptable to society for women and children to have to sell their bodies as a means of survival or to achieve a survival standard of living; why prostitution is so overwhelmingly the selling of *women's* and *girls'* bodies to men; and why poor men -- as poor as they are -- somehow can always find the money to buy poor women for the sex of prostitution.

We have been asked, at this conference, to emphasise those minimum standards that we can all agree upon. At first glance, this may seem to be a good thing, but the way this works in reality is that the minimum gets ratcheted down and down instead of up and up. Think what would have happened to the whole human rights regime – the Declaration of Human Rights, CEDAW, the Conventions Against Torture, Apartheid, etc. – if our fore sisters and brothers had started with the minimum instead of the maximum.

Another effect of this is that minimalism restricts rather than enlarges the debate over sexual exploitation. People feel free to say things like “we’re talking about trafficking, not prostitution.” And any discussion of prostitution is effectively censored from the debate.

One of our speakers this morning emphasised the need to talk about strategic goals instead of broader and more long-term goals. It was said that abolition of prostitution is not where we are at the moment and that we need strategic actions that governments will agree to rather than some “pie in the sky” principles that governments will rhetorically agree to but not enforce. But why should we assume that governments will enforce more strategic goals than lofty ones. And why should we assume that more strategic actions -- i.e., in the context of prostitution and trafficking, more regulatory rather than abolitionist legislation and policy -- will protect women any better and lessen women’s conditions of abuse.

In countries that have taken a labour approach to prostitution regulating it as work in some way, recognition of the sex sector has caused prostitution to flourish more than when it was illegal. There is good evidence that countries such as Holland and Germany, both of which have recognised prostitution as work and as an economic sector, are precisely the countries which have higher rates of women illegally trafficked into the country for prostitution (de Stoop, 1994; Barry, 1995; Benson and Matthews, 1995). For example, in Amsterdam, Rotterdam and Utrecht, women from Latin America, the Philippines and Eastern Europe are reported to comprise 40%, 65% and 50% respectively of the prostituted population in these cities (Golding, 1994). Earlier evidence from Germany indicates that only 12% of prostituted women work in the state-regulated eros zones because the majority “would rather live in illegality than accept the state’s working conditions, wages and control” (Jaget, 1980).

Furthermore, the permissiveness of the legal climate encourages the illegal sector to grow. In Germany, the eros zones -- seen as a strategic mechanism to regulate prostitution and protect women -- have acted as a magnet for a range of illegal activities which then spill over into surrounding areas (Golding, 1994). Men who formerly would not risk buying women for sex now see prostitution as acceptable. The tolerant legal climate makes it easier for pimps, traffickers and brothel owners to attract women to the “work.”

The ILO and others argue that recognition of the sex sector would help keep the sex industry above ground and make it controllable. Bringing the sex sector under the economic control of governments is again viewed as a strategic action to control the industry. But consider the example of the legal arms sector which is supposedly monitored and regulated by governments, the very position in which the ILO would place the sex sector. A significant percentage of the arms trade is clandestine and underground, although the arms sector is subject to disclosure and to governmental oversight. In addition, hundreds of NGOs keep close watch on the arms sector. That there is a trade in legal arms has only served to enhance the viability and expansionism of the illegal arms industry. Rather than a strategic action to reduce the illegal trafficking in arms, the legal flow of arms serves to expand it by creating the infrastructure on which illegal arms trading depends. Why should the sex sector be any different? What are touted as strategic actions often end up being destructive practices.

Recognition of prostitution as work can only increase the current expansionism of the sex industry giving it the stable marketing environment for which it has lobbied and locking women even further into the industry by legitimating the sex trade. Instead of recommending that governments cash in on the economic benefits of the sex industry, the ILO should recommend that states invest in the futures of prostituted women by providing economic resources from the seizure of sex industry assets to provide alternatives for women in prostitution. In this context, the ILO should pay attention to that part of its own report which found that “...prostitution is one of the most alienated forms of labour; the surveys show that women worked ‘with a heavy heart’, ‘felt forced’ or were ‘conscience-stricken’ and had negative self-identities. A significant proportion claimed they wanted to leave sex work if they could” (p. 213).

Official recognition of the sex sector is not likely to improve things for women. Those who argue that recognising prostitution as work will protect women from abuse fail to acknowledge that violence is often done to women in prostitution not just because laws do not protect women or the “work,” but because men’s use of women in prostitution and the acts women must engage in are sexually and physically degrading, exploitative, and most often violent.

Our speaker this morning drove a wedge between abolitionist and strategic actions. Two governments that have demonstrated that strategic actions can be based on feminist abolitionism principles, refusing to recognise prostitution as work, are Sweden and Venezuela. In May, 1998, Sweden became one of the first countries to prohibit the purchase of sexual services with punishments of fines or imprisonment

(Swedish Government Offices, 1998). In so doing, Sweden has declared that prostitution is not a desirable economic and labour sector.

Also in May, 1998, the government of Venezuela passed legislation rejecting the request of powerful pro-sex industry groups to register a legal union of so-called sex workers. The Ministry of Labour's decision was based on the fact that since the majority of "sex work" is prostitution, rather than being sexual work, it is sexual exploitation. Venezuela ruled that "prostitution cannot be considered work because it lacks the basic elements of dignity and social justice." It also ruled that since one of the main purposes of forming a labour union is "to promote the collective development of its members and of their profession," a decision in favour of unionising so-called sex workers would in fact promote the development and expansion of prostitution (Republica De Venezuela, 1998).

There are many who would argue that prostitution and trafficking can be "made better" for women. Instead of acting to abolish sexual exploitation, they create what they call "minimum standards of trafficking." In effect they promote a "sustainable prostitution" in which women are made "safer" for men's use. We want maximum standards against trafficking and systems of prostitution.

There are those who would argue that prostitution should be redefined and recognised as work. Although prostitution is an *industry*, it should never be legitimated as a job. If we declare prostitution to be a job, just like any other job, we do not dignify the women in prostitution, we simply dignify the sex industry.

There are those who would say that the sexual exploitation of children is the real problem, because children have no choice. We believe, however, that it is critical to make connections between women and children because world-wide most women enter prostitution when they are 13 or 14. The day these girls turn 18, their abuse does not magically become a self-determined choice.

There are those who would ask us to speak only about the violation of trafficking and not about prostitution as violence against women. But globalisation of the world economy also means globalisation of sex industries. The links between domestic prostitution industries and international trafficking networks are critical to the expansion of the sex industry and we must make these connections.

There is an urgent need for courage and for the political will to act against this global exploitation of women and children. But first, we must recognise all practices of sexual exploitation for what they are: Not sex work but sexual exploitation. Not human rights but a human rights violation. Not the product of women's consent, but the result of women's compliance with the only options available to many of them.

The challenge of governments today is to recognise that prostitution is a massive and growing **industry** while **not** ratifying prostitution as **a job**. The challenge of governments today is to provide rights and protections for women in conditions of sex trafficking and prostitution while acknowledging that sex trafficking and prostitution abrogate women's rights and violate women's human dignity. The challenge of governments today is to punish the growing numbers of sexual exploiters -- pimps, procurers, and buyers -- while not penalising the women who find themselves in conditions of sex trafficking and prostitution.

Governments and non-governmental organisations can acknowledge that there are women and girls attempting to survive in conditions of sex trafficking and prostitution without normalising prostitution as work. Governments and non-governmental organisations can acknowledge that women have the right to do what they can to ameliorate these conditions until they can live in a society which no longer tolerates and supports women existing in conditions of sex trafficking and prostitution.

Governments and non-governmental organisations have tended to emphasise short-term solutions for women in sex industries that encourage women to stay in the industry, such as negotiating for safe sex, condoms, and HIV/AIDS testing. However, it is important to advocate for such measure within a context of other proposals which provide women with alternatives to sex trafficking and prostitution. We believe that women have the right to humanitarian assistance to help them out of prostitution rather than humanitarian assistance to keep them in prostitution.

Sexual exploitation is not inevitable. Stopping sexual exploitation requires the same kind of resources that are provided to other victims of violence against women. But most of all, it requires effective actions, programs, policies and legislation on a national, regional and international level, as well as inter-governmental cooperation to prevent further violations of women and girls.

REFERENCES

- Asia Watch and the Women's Rights Project. 1993. *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand* (New York: Human Rights Watch).
- Barry, Kathleen. 1995. *The Prostitution of Sexuality* (New York: New York University Press).
- Benson, Catherine and Roger Matthews. 1995. "Street Prostitution: Ten facts in Search of a Policy." *International Journal of the Sociology of Law*, 23: 395-415.
- Business Times* (Malaysia). 1998. "ILO eyeing the flesh trade now?" *New Straits Times Press (Malaysia) Berhad*, August 20, p. 4.
- Coalition Against Trafficking in Women - Asia. 1997. "Sex: From experience of intimacy to 'sexual labour' or Is it a human right to prostitute?" Policy Statement Available at Coalition Against Trafficking in Women website: www.uri.edu/artsci/wms/hughes/catw.
- De Stoop, Chris. 1992. Trans. from the French by Francois & Louise Hubert-Baterna, 1994. *They Are so Sweet, Sir: the Cruel World of Traffickers in Filipinas and Other Women* (Limitless Asia).
- ECPAT. 1996. "The Sex Exploiter." Paper submitted by ECPAT and written by Julia O'Connell Davidson for the World Congress against the Commercial Sexual Exploitation of Children, Stockholm, Sweden, August 27-31.
- Ghosh, Nirmal. 1998. "Why sex should not become a taxable 'service,'" *The Straits Times* (Singapore), September 13, p. 35.
- Golding, R. 1994. "Prostitution in Holland," *Police Review Publication*, 10, Spring: 48-57.
- Gollum, Mark. 1998. "Tax prostitution, UN group urges: Recognising sex industry would allow effective control of it, report says," *Ottawa Citizen* (News), August 23, p. A1.
- Human Rights Watch/Asia. 1995. *Rape for Profit: Trafficking of Nepali Girls and Women to India's Brothels* (New York: Human Rights Watch).
- Hunter, Susan Kay. 1993. "Prostitution is Cruelty and Abuse to Women and Children," *Feminist Broadcast Quarterly*, Spring, p. 16. Data also available from Council for Prostitution Alternatives, 1811 N.E. 39th Avenue, Portland, Oregon 97212.
- Jaget, C. 1980. *Prostitutes, Our Life*. (Bristol: Falling Wall Press).
- Lim, Lin Lean (ed.). 1998. *The Sex Sector: the Economic and Social Bases of Prostitution in Southeast Asia* (Geneva: International Labour Organisation).
- Ofreneo, Rene E. 1998. Unpublished letter to Dr. Roger Bohning, Officer-in-Charge, ILO Manila September 7.
- Parriott, Ruth. 1994. "Health Experiences of Twin Cities Women Used in Prostitution: Survey Findings and Recommendations," Unpublished paper, May. Available from Breaking Free, 1821 University Ave., Suite 312, South, St. Paul, Minnesota 55104.
- Republica De Venezuela Ministerio Del Trabajo. 1998. Direccion De Inspectoria Nacional y Asuntos Colectivos Del Trabajo. No. 135. Caracas. 25 Marzo.
- Reuters. 1998. "Indonesia social minister disagrees on sex workers," August 20.
- Swedish Government Offices. 1998. Fact Sheet, Violence Against Women Government Bill 1997/98:55. www.kvinnofrid.gov.se
- "View from Taft - A Bitchy Issue." 1998. *Businessworld (Philippines)*, September 10.
- WEDO, 1998. *Mapping Progress: Assessing Implementation of the Beijing Platform*. (New York, Women's Environment and Development Organisation).
- Ybarra, Michael J. "Patrons Given a Graphic View of Prostitution." *New York Times*, May 12, 1996, p. 18.

7) Panel C

Organised by Anti-Slavery International and IMADR

Chair of presentations: Mike Dottridge, Anti-Slavery

Chair of discussions: Nimalka Fernando, IMADR

a) Dr. Kinhide Mushakoji, Secretary-General of IMADR, *THE ANATOMY OF GLOBAL SEX INDUSTRY: THE POLITICAL ECONOMY OF HUMAN RIGHTS VIOLATIONS*

The Global Sex Industry (hereafter abridged as GSI) is defined as the sum-total of the activities of the transnational commercial operations of the various institutions selling sexual services and of the networks of agents providing women and children work in these institutions. The globalisation of the world economy has developed a global competition commodifying everything, has not left out the leisure economy sector, including the sex industry which competes in the commodification of women and children.

This "industry" provides all forms of sexual services to mainly male customers. This includes both legally and illegally performed services including prostitution but not limited to it. The globalisation of the economy has developed a global market for this industry commodifying women and children of the poorer regions and countries for the competitive satisfaction of the customers in the wealthier regions and countries.

The GSI is different from the traditional local sex industry institutionalising prostitution within given countries. This industry has always been based on the exploitation of local women and children of poor localities, but this was never done on a global scale. Nowadays, the GSI organises the trafficking of women and children on a global scale, orienting the flow of human commodities across world regions. From Russia and Eastern Europe to Western Europe, from Africa to Western Europe, from Southeast Asia to West Europe and Japan, from South Asia to the Middle East, from Europe to the Middle East, from Central America to North America and Japan.

The flow of human merchandise is directed by the transnational criminal organisations controlling the GSI according to the shifts in risk and benefit in different parts of the global, regional, and national markets. The tightening of police control in North America in the 1990s was followed by the introduction of Colombian women on the Japanese sex industry market. The trafficking routes within each world region are conducted through local mafias using local-specific techniques. So, the

GSI is composed of very different types of trafficking and exploitation mechanisms. There are, however, many common characteristics of the different regional and local manifestations of the GSI. It always maximises benefits by the skilful combination of legal and illegal means, and by a racist division of labour between national and expatriate women and children.

The GSI is a complex system of well defined roles performed by a chain of well connected groups of actors and supporters who support and sustain the GSI, and guarantee the replenishment of the victims it exploits. It uses, therefore, a complex system of money transfer from the rich countries where its major source of income lies, to the poorer countries from where the women and children are recruited.

Among the different categories of actors, we find generally the recruiters who "recruit" the women and children through various means including forced abduction and delusion as well as seduction by arguments on the profit to be made. The support from village dignitaries, local elite, or even influential extended family members are often bought by the recruiters.

Then there are the transporters from the home village and town to the national sex industry centre. Some of the recruited women and children stay there, but others are sold to foreign sex markets. The GSI employs different illegal operators, those who facilitate transportation, for example, by forging the necessary documents, and those who transport the victims who are sold to the rich country sex markets across national borders. Different techniques are used by the latter, who sometimes buy the services of the immigration authorities, or sometimes act as "husband" to the victims to pass through the immigration. Once brought into

the national sex industry market, the women and children are distributed locally within the receiving/exploiting countries.

On the side of the exploiting countries, another group of criminal gangs receives the women and children, sees that their bondage is guaranteed, and distributes them into the different sex industry centres where they enter under the control of local exploiters; mama-sans, pimps, owners, and the criminal gangs supervising them, and receiving margins in exchange with protection.

The local exploiters, depending on the mix of legal and illegal means are used locally and, often, receive the support of local authorities in different forms. Even uncorrupted, the police need the support of the criminal gangs to get various information on more serious crimes. In exchange they leak information on the dates and time of the roundups so that the sex industry complex can avoid being hampered. The survivors after having paid their "debts" are often encouraged to join the GSI network as mama-san, or help the transnational transporters, or support the recruiters by their "success" stories. Thus there is a chain of well linked roles which operates in a cyclical manner, replenishing the ranks of the exploited women and children, and at least some of the survivors constitute an important link in it.

An embarrassing fact, which is often overlooked, is that quite a number of the survivors, after having paid all their "debts" start to receive remuneration and become part of the chain supporting the GSI. They continue to be exploited, but the remuneration they receive, after having supported bonded slave status for several years, is considerable in terms of the standard of their country of origin, although it represents only a small proportion of the money received from the customers. This permits the GSI to replenish its "workforce", and recruit new victims by the success story of their predecessors.

The GSI is global, not only in its global mobilisation chains, but also in terms of the global network of money laundering and transfer. It distributes to all the agents and supporters constituting the chain of replenishment, a part of the money received from the clients. The transnational criminal organisations, who supervise the legal and illegal operations of the GSI, keep for themselves an enormous surplus. This money, after having been laundered, serves to develop further the GSIs as well as other transnational criminal activities, including drug trafficking, arms trafficking, and bribery. The GSI is thus, a legal sector of the global leisure industry, which is also a sector of the illegal transnational organisations engaged in different forms of transnational criminal activities, of which the trafficking of women and children, and the exploitation of their prostitution constitutes an integral part, out of which these organisation draw an important proportion of its funds.

It is imperative to develop a global strategy to fight against the global forces who support and replenish the GSI, a system of global exploitation of women and children, which is characterised by the following three aspects. Firstly, it has a specific way to violate the fundamental rights and dignity of its victims. Secondly, it is a system which combines in a flexible manner its legal and illegal aspects. Thirdly, it is a transnational system composed by a diversity of local agents and collaborators.

2. The Violation of the Rights of the Victims of the GSI

Firstly, the GSI exploits its victims in a particular way, which has to be taken into consideration, if the international community wants to protect these victims. One point which is often overlooked is the following fact. The GSI exploits at different degrees women and children from different geographical origins, among whom those coming from poor countries are, in general, in a social, economic, and cultural situation where they do not possess any freedom of decision.

As a matter of fact their freedom of decision is violated at the time of their recruitment, sometime by brutal force or deceit, but even when they are told to decide whether to remain poor, or to keep in abject poverty their parents, or to obtain wealth even after supporting a period of bondage, such choice is in itself not free, in the sense that free decision can not be made between two unacceptable options, one to choose a inhumanly or socially abject state of poverty or a state of over-exploitation and slavery.

The victims are exploited by the transporters who are demanding an exorbitant "reward", often taking the form of "debt," in exchange for their being "smuggled" into the country of their exploitation. The victims are transported like merchandise, and are charged an enormous amount of money for their transportation, as if they were criminals. Thus, the victims of the GSI are unjustly exploited by their transporters. Even when they "know" what awaits them in the country of destination, their "knowledge" is imprecise and the hardships awaiting them are under-represented or simply overlooked.

Their rights to migrate, and their rights as migrants, are then violated by the immigration authorities who implement the policy of their government to limit migrants, especially women migrants, his is especially so, in view of the limited number of signatories to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. When the authorities get aware of their transportation they are involved in their use of false documents, they are interrogated are also treated as "illegal" migrants.

Their exploiters in the country of exploitation also treat them as bonded slaves as long as they have not paid their "debt". The owners and mama-sans make money, legally and illegally, by the exploitation of the activities of their victims, both through their legal and illegal services, and they often use them as scapegoats, allowing them to be arrested by the police in their place. The authorities, police, prosecutors, and even the Courts, often see them as "prostitutes" who break the law and disturb the order, rather than victims of the GSI and of the transnational criminal organisation who have trafficked them and are exploiting them, combining legal and illegal means to extract a major share of the money paid by the customers.

3. The Combination of Illegal and Legal Operations by the GSI

The GSI is different from the national sex industries which have been exploiting women and children from a single country, in that it maximises its total income by a differential exploitation which is based on racial discrimination. As a matter of fact, a racist hierarchy of women and children is formed on top of which are the nationals who, generally, are not under bondage. The bottom layers are composed by the bonded women and children coming from poor countries, who are often "illegal" migrants. This hierarchy of the "commodity", enables the GSI to push-up the price of the merchandise on the top, and to reduce, to the extreme, the cost to sustain the commodified victims at the bottom.

The GSI is a robust industry which is capable of surviving under different regimes of prohibition, abolition and regulation. It is necessary to study concrete cases comparing the three approaches in order to arrive at a definite conclusion, but it is at least necessary to recognise the fact that the GSI profits from the clandestinity of sexual services to increase their prices, under regulationists regimes they profit from the widening of the market. Under abolitionism, a judicious mix of legality and illegality can permit the GSI to optimise its price and number of clients. The hierarchy of the women and children differently priced and exploited lend the GSI to survive under different regimes. For example, under a regulatory regime, the existence of a bottom layer of "illegal" and unregulated women and children makes it possible for the GSI to continue to exploit its victims under bondage, and maintain a price hierarchy high enough to guarantee its profits.

This is why in practically all countries, irrespective of the anti-trafficking regime, the GSI continues to prosper, and prove its robustness by reorganising its market after all the police round-ups, however successful they may have appeared to be for a short while. This is why, it is crucial to find the weak points of the GSI under each regime and develop regulatory mechanisms appropriate to each of them.

The GSI profits from its double status of legality and illegality. The global mega-competition common to all global industries, demand that each unit increase its competitive power by a combination of a reduction of the cost with a maximisation of unit price multiplied by the number of transactions. The GSI uses its illegal sector to minimise unit cost by using bonded slaves. It maximises its price by providing to its customers merchandise of different prices. The legal sector helps in increasing the number of customers, and the illegal to increase the price customers pay for illegal goods.

The different legislation regarding prostitution, sex industry, women labour, immigration, etc. determines the modes of operation of the sex industry, that maximises its profits by a judicious combination of legal and illegal means. The GSI has a specific way to exploit its victims in such a way that it can get maximum profit from the customers. The clients are ready to pay an exorbitant sum in return for the sexual "services" provided by women and children from their own country as well as from different "exotic" countries. Wealthier customers generally pay more for women and children from their own country, and the less affluent clients pay less for the women and children trafficked from the poorer countries. To obtain more profit from the trafficked victims, the GSI minimise expenses on them by exploiting them under bondage, avoiding paying them on the ground that they have to repay their debts.

4. The GSI and the Advantage of its Legality

The legal aspects of the GSI makes it possible for the different "legal" provision of sexual services to profit from different types of joint business with the other sectors of the global economy. The GSI uses all kinds of means to advertise the quality and low price of the services it provides. The different media industries, especially those with global reach, are their precious business partners. The global tourism is also providing

useful services, in terms of sex tourism, as well as in the transportation of trafficked victims. This industry is used even in terms of money laundering. The money laundered by transnational criminal organisations is beginning to affect the world financial markets and influence the economic and political processes of certain States. This is the main reason the industrialised countries and the UN have begun a process to fight transnational organised crime including the trafficking of women and children. The Draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, supplementary to the United Nations Convention against Transnational Organised Crime is part of this international campaign. The GSI, as we saw before, is part of the global leisure industry which is open to different kinds of joint activities, legal industries involved in gambling, drinking and masculine body-care are good business partners for the GSI.

In this way, the legal aspects of the GSI help it to expand its range of "legal" activities and strengthen its competitive power within the multi-sector mega-competition of the global economy. It is indispensable to develop a systematic approach to limit as much as possible such business cooperation by the different sectors of the global economy, especially with the different leisure industries. Although, legal measures may be difficult to develop, the adoption of a "code of conduct" by the press, the tourist industries, etc., should be considered in accordance with the regional, and national conditions. Generally speaking, any "code of conduct" should take into consideration the fact that the GSI exploits women and children by making full use of the amoral nature of the global economy. The GSI is a leisure industry which sells sexual services to mainly male customers. It does not require any justification other than its competitive profit-making capacity.

The GSI, as a commercial player engaged in the mega-competition of the global economy plays on the advantage given to it by a very simple demand and supply structure. If there were no rich customers ready to pay an exorbitant sum of money in return for sexual services, and if there were no poor women and children who are forced or incited to be trafficked to affluent centers of the GSI where they offer these services to the rich clients, no GSI could survive. The root of the problem lies in this combination of political/economic factors, i.e. the wide gap between rich and poor regions and the psychological/cultural factor, i.e. the customer's psychological readiness to buy sexual services and the cultural background motivating acceptance of the terms of the recruiter by the community and/or the family or the women and children themselves.

This poses another set of issues of an extra-legal nature.

It is to be feared that the general tendency to accept sex industry as a mainly male leisure industry while stigmatising and penalising the women exploited by this industry may be further enhanced by this new effort to fight the organised crimes supporting the GSI, unless a regime combining the criminalisation of the global criminals with a decriminalisation of their victims is established in full respect of the rights and dignity of the women and children concerned.

The GSI must not profit from the masculinist psychology which sees no problem in commodifying women and children of poorer regions as part of the leisure industry. It should neither be permitted to traffic women and children because of a political/economic situation which creates a strong motivation to migrate that is obstructed by the immigration regulations leaving to the women and children's relatives only one alternative, i.e. accepting to be trafficked. These issues need to be tackled legally by the revision of immigration laws. They should also lead to the modification of the development cooperation policies of the affluent countries exploiting the women and children of the developing countries in their GSI sector.

This is why we must seriously put into question the amoral nature of the contemporary global economy which legitimises any commercial operation provided that it makes profit and survives in the mega-competition. The double-standard ethics underlying the GSI must be denounced, in spite of this general tendency to ignore ethical issues. This industry is based on the one hand on exploited women (and children) whose fundamental rights and dignity is not enough seriously taken up by the governments and the public opinion which stigmatise them, while the industry itself is considered as legal and socially acceptable as a leisure industry providing sexual services to mainly male customers. The stigmatising standard should be fought by forceful efforts by the State and civil society to remove the stigma from the women exploited by the GSI. The over-permissive standard permitting the GSI to bear benefit from the exploitation of the women it exploits while making them offer sexual services to its customers, should be equally forcefully condemned also by State and civil society.

The GSI should also be dealt with in terms of the distortion it creates about gender interactions, by sustaining a clandestine sector of gender exploitation. The problems of education, health (including the HIV/AIDS question, mass media, tourist industry and leisure industry have to be mobilised in order at least to reduce, if not eliminate, the clients and victims of the GSI exploitation of women and children. (It is important that the

concerned States and Inter-State Bodies including the United Nations realise these conditions, whether political-economic, psychological or cultural, constitute one of the most serious forms of institutional sexism and racism. States should realise their responsibility in eliminating such sexism and racism, since it is only them that can create an institutional change sufficiently broad and coordinated to cope with the problem of the demands and supplies of the criminal exploitation of women and children by the GSI.

5. The Illegal Aspect of the GSI and its criminalisation:

Under these circumstances, it is extremely important to propose a general strategy to fight against the GSI from a human rights point of view, putting before other concerns, the respect of the rights and dignity of the women and children exploited by the GSI and their empowerment. In this attempt to propose a strategy to fight the human rights violations of the GSI, we need to take into consideration the following aspects of this "global" industry which profits from its illegal aspects in a particularly skilful way.

The GSI has developed a technique to survive by using the women and children as a shield. They allow the immigration authorities and the police to arrest the victims in their place. Many campaigns against organised crime, national or transnational end up arresting the victims or at best some of the lesser actors and supporters like pimps and mama-sans. The technique is simple. It consists of erasing any evidence linking what is happening on the site of operation/exploitation and the GSI bosses operating behind the scenes.

The GSI involves, as we have already seen, different actors who should all be the object of surveillance and punishment. Surveillance can often be an effective tool to identify the agents of the GSI who commit the same criminal act repeatedly. Such agents include the recruiters and their supporters who instigate the victims to agree to bondage or other forms of exploitation, they often return to the same village where they succeeded in their recruitment. The transporters inside the country of origin or across national borders victims should be identified and punished. The immigration authorities, often, know the transporters who take the same route across borders, or the same air route.

In all these circumstances, the investigation should not treat the victims as if they were the criminals. The investigation should not be satisfied to arrest the recruiters and transporters, but should seek to get to the bosses of the criminal organisations who hire them. This involves on the one hand an increase in the capacity of surveillance and investigation of the transnational police and of the immigration authorities, but also a process of interrogation and testimony of the victims themselves which, for the rights and dignity of the victims, who are treated more as criminals or accomplices and as "illegal" migrants.

This double problem, i.e. the need to strengthen surveillance and investigation reaching the criminal bosses behind the scene and the need to respect the rights and dignity of the victims, is even more delicate on the site of exploitation where the evidence of sexual exploitation is not the object of police inquiry, but rather illegal acts of sexual services which are performed by the victims and not by the exploiters.

The victims, even when not criminalised for their acts, are often arrested as "illegal" migrants, and, as we have said already, the police does not bother to investigate the terms of bondage, and the true identity of those who receive the margin of profit of the services provided by the women and children. This is where the domestic legislation and the international conventions should focus their legislative efforts, irrespective of the regime of prohibition, abolition, or regulation. In all cases there is always a legal and an illegal aspect to any of the services, and a surplus of the profit obtained which transfer is based on bondage or other terms of excessive exploitation which needs to be the central object of surveillance, investigation and criminalisation.

The national and international legislators who make legal efforts to control the GSI should have this objective clearly in mind to avoid violating the rights and dignity of the women and children concerned. On the administrative and civic levels, all the government officials, as well as all the citizens who deal directly (e.g. doctors) or indirectly (e.g. media people) with the victims of the GSI have to be instructed and trained accordingly.

6. Practical Conclusions:

In systematically opposing the human rights violation committed by the various agents of the GSI, and in protecting the rights of the victims, the United Nations, IGOs and NGOs have to develop a systematic approach to the surveillance, control, and prosecution of the agents and collaborators of the GSI, in full respect of the rights and dignity of the victims, at each point in the chain of agents of the GSI. Such systematic efforts should combine legal measures with different administrative policies of the states concerned, "codes of conduct" of the different industry sectors, awareness-building of and by the civil society. This should address not only the control of the GSI, but also the empowerment and the building of the

capacity of the victims and potential victims, as well as survivors, to protect their own rights and denounce the agents of the GSI.

This would include preventive measures, economic and educational, as well as "rehabilitation" or better empowerment of survivors. The intervention points to be the target of coordinated actions by the United Nations Departments and Agencies, by the IGOs and NGOs are:

- i. Recruitment at the home village/town of the victims: Legal measures to criminalise any cooperation with the recruiters plus extra-legal measures to build the capacity of the local communities to resist their invitation.
- ii. Transportation within country of origin of the victims: Legal measures to criminalise transporters and especially their supporters.

Educational measures for the police and other public officials to resist corruption.

- iii. Emigration and transportation of the victims across borders: Legal reform of emigration and immigration law, including the authorisation to obtain migrant worker status in non-sex-industry sectors. A close cooperation across borders to increase surveillance of transporters in full respect of the rights and dignity of the transported
- iv. Immigration and transportation of the victims within the country of exploitation: The criminalisation of transportation, mal-treatments of the victims including "debt" contracts, confiscation of passport and of other documents, bodily constraints and abuses. Awareness-building among related officials to respect the rights of the victims and criminals the real culprits behind the scenes.
- v. Site of exploitation of the victims: criminalisation of all abuse against the victims. Community awareness-building to destigmatise them.

Education of the police and other officials about the importance to respect the rights and dignity of the victims.

- vi. Repatriation or prolonged stay in the country of exploitation of the victims: This includes forced repatriation, repatriation or prolonged stay where the victim's intention is to break with the GSI and denounce its agents, or repatriation with the victims' intend to continue their connection with the GSI.

A constant review and improvement of all the national, regional and international legal measures is necessary in protecting the rights and guaranteeing the dignity of the victims of the GSI in face of its skilful development of new strategies to maximise profit by legal and illegal means. All the victims of the GSI exploitation deserve the active support of the international community. Some may be deceived and others induced to accept bondage by the GSI. The diverse forms of recruitment and exploitation are judiciously combined, as we saw, by the GSI to maximise profit and minimise surveillance and control by the different authorities which may hamper the free deployment of its different activities.

It is essential to develop a regime which protects all the victims, and convince them to fight against their exploiters. Their decriminalisation is in itself a goal, but it can also serve the purpose of fighting against the transnational criminal organisations about which the victims are often the only witnesses who can testify against them. It is essential to focus on the different concrete situations where the victims are caught between the agents of the GSI and the public authorities fighting against the illegal activities of the GSI, and cease to force the victims to protect their exploiters for lack of confidence in the government immigration and police authorities.

It is, also, essential to develop a system of surveillance and control of the GSI which copes with its combined use of legal and illegal means to exploit its victims, and to make the public authorities respect the rights and the dignity of the victims in all their activities of surveillance and control of the GSI. The attempts of the GSI to penalise its victims and stay unhurt by the legal measures taken by the public authorities need to be officially recognised and counteracted efficiently by the concerned states, IGOs and the United Nations.

The discussion on the victims' freedom of choice needs to be put into the actual concrete context where the GSI, supporting and supported by the transnational criminal organisations, traffics and exploits its victims. It is a fact that there is a considerable number of the victims of the GSI who accept bondage "freely" in view of the lack of alternative ways to gain a comparable money as what they are told they may earn after their bondage has been removed. A number of the agents working for the GSI are survivors. This is a fact, again, which demands a special concern of the governments, especially of the country of exploitation, who should

recognise their responsibility to remove, or reduce the incentives created by their restrictive immigration policy which often gives no alternatives to the victims than to rely on the traffickers to obtain a "job" in the rich country.

The civil societies of these rich countries should realise their-own responsibilities, by establishing a "code of conduct" to eliminate any cooperation by the different sectors of the industry, leisure industry, tourist industry, mass-media, computer communications, etc., to lend a hand to the exploitation of women and children conducted by the GSI. The citizens of the exploiting countries have to be educated not to produce any more of the customers who buy the sexual services of the victims, and are providing all the funds which feed all the agents involved in the GSI, as well as the transnational criminal organisations.

The country of origin of the women and children trafficked to the exploiting countries should develop their development policy with special emphasis on the creation of alternative jobs in the home villages/towns, and on the awareness-building of the local communities about the need to fight against the insidious invitation of the recruiters to "work" in the GSI. The responsibility to assist such development activities lies with the States where the victims are over-exploited under a regime of bonded slavery.

The exploitative nature of the GSI can not be eliminated unless an effective system of surveillance and control is developed against the agents in all parts of its global network. Such a system should give priority to the protection of the rights and dignity of the victims on other concerns, and the regrettable tendency to incriminate the victims where the real violators of human rights can not be controlled, have to be eliminated by a judicious combination of legal measures and administrative policies of the governments, or the IGOs and of the United Nations. The system of surveillance and control of the FSI needs to be transparent, and the concerned NGO community has a special role to play in this respect.

The present exposition is just a brief sketch of the anatomy of the GSI. It is hoped that further research will be made to obtain more concrete and more detailed facts about the GSI, so that it will become clear to the whole world that every citizen of all countries of the world, as well as each and every government, can not tolerate the present global economic and political regime which gives the GSI a free hand over its victims, and potential victims, the women and children of the poorer regions in the poorer countries of the world.

In the meantime we can not wait, this is why we hope that legal and extra-legal efforts to fight effectively against the transnational organised criminal activities which violate the basic rights and dignity of the women and children they exploit through the illegal and legal activities of the GSI will be developed. We hope, also, that the governments and the citizens of all the countries sending out or receiving women and children, victims of trafficking would reconsider their legal system and their policies to destigmatise and decriminalise them, and to remove the root causes of their unwilling or willing submission to the exploitative structures of the GSI. A well coordinated joint action is indispensable to fight against the transnational criminal organisations who are well coordinated. A well planned combination of different types of intervention is necessary, in order to compete with the GSI, and win over their clever ways to exploit the women and children by an even more clever set of legal and extra-legal measures, destigmatising them, and condemning the exploitative practices of the GSI, both illegal and legal. The coordinated actions has to be globally conducted by all the related Departments and Agencies of the United Nations in close cooperation with all the concerned members of the NGO Community, and with all concerned governments. It is necessary to develop well coordinated plans of action, nationally, regionally by the EU, SAARC, ASEAN, ASEM, etc., and globally through the human rights mechanisms of the United Nations and through its Specialised Agencies. We need such a global plan of action coordinating all these efforts to fight against the exploitative and discriminatory activities of the GSI and of the transnational criminal organisations coordinating them according to their own informal and illegal plans of action.

b) Misar Pooja, SHAKTI SHMUHA, ANALYSIS OF CONDITIONS UNDERLYING OR FACILITATING TRAFFICKING, FROM HER OWN EXPERIENCE.

Good morning, first of all I would like to say that I will speak through a translator. I am Pooja Misar, now I am chairing Shakti Shmuha. Shakti means power. This affects women of trafficking. I would like to thank the organisers because until now others were talking for us, but now I can talk for myself.

First of all, I would like to say something about Shakti Shmuha. It is an organisation of women back from the brothels. In 1996, Indian police raided brothels and 246 Nepali women were found. I was one of the women.

Actually, during the raid time, it was more exploitation on us. I am just trying to compare the operation. It was a very painful time, even more than when I was in the brothels.

During that time, they put us in a place like a jail. Then we arrived in Kathmandu airport, and no one was there to even say "how are you?" Only reporters were there to take pictures and ask us how were the brothels, but no one was there to say how are you. It was very difficult for us.

After that they took us to a center. They provided us with health services and then they told us about health, and that's how we learned what is HIV and STDs. 206 of us were very sick. Then we decided to take a health course and we learned more. Then we realised that it wasn't our fault that we were trafficked. Someone took us to the brothels, and it wasn't our fault. But still people look at us and say we are prostitutes and work in brothels and look down on us. But they shouldn't blame us.

Since yesterday, I have heard people saying stop trafficking, stop prostitution, prostitution is labour. For me its very clear that trafficking is a crime and prostitution is labour, and that's what I want to discuss with you.

Let me be clear, that trafficking and prostitution is only a small part of it. Remember what prostitution is . It is not always true that prostitution is bad, because it can support you. It is sometimes good. And trafficking is not always bad .

Let me give you an example, how I became a sex worker and was trafficked. In my family, we were very poor, there was no choice for me. I was expected to look after my brother and sister and I was the elder. I was looking for a job, and then someone came and offered me a job. I trusted him and he took me to an urban place and then I was still looking for a job there, but then the man took me to India and sold me there. That's how I started my job there. It wasn't my fault, I was brought there.

When I was in the brothels. I was working as a sex worker for 5 years. In the beginning it was difficult for me to accept the work, but after a while, there was no choice. I had to pay a loan of 25,000 Indian rupees. Then I started my business until the police raided me.

When I went back to my country, I wanted to go back to my home, but it wasn't possible because of social rejection. But after a while, after counselling, my family was ready to accept me, but society was not ready to accept me, and if my family accepted me, society would reject them. So I decided to go back to the organisation Shakti and I have been there 2 years. But I am lucky because many women do not have organisations and no one will accept them.

I'd like to mention why trafficking is happening. It's a crime. It's discrimination against women. Discrimination in the family and society, these are factors. These are why women are forced to become prostitutes. I'd like to add another point that is another reason for trafficking. It's rich people exploiting poor people and rich countries exploiting poor countries. That's the problem in society. I'd like to conclude that I'd like to request that let's all fight together to fight this crime and stop this in the sex industry. If there are questions, I'd like to take them.

**c) Mike Dottridge, Director of Anti-Slavery International,
*INTERNATIONAL INSTRUMENTS AGAINST TRAFFIC IN PERSONS - -
WHEN THE "EXCELLENT" IS THE ENEMY OF THE "GOOD"***

This year sees the 50th anniversary of the UN's adoption in 1949 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, otherwise referred to as the Suppression of Traffic Convention. By the end of last year it had been ratified by 72 of the UN's 185 Member States.¹¹ It is therefore timely to review whether this Convention is appropriate or adequate to

¹¹ By comparison, 93 States have acceded to the 1926 Slavery Convention, and 117 to the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery

prevent recruitment into prostitution, as well as the myriad forms of abuse associated with the global sex industry at both international and national level.

It is not only under the terms of the Suppression of Traffic Convention that governments have international obligations to take action against traffic in persons or exploitation of prostitution. I will therefore summarise the requirements of both the Suppression of Traffic Convention and other international instruments, before going on to highlight some issues on which international law seems startlingly silent or unclear, and which appear to be impeding effective action to prevent vast numbers of women, in particular, from being abused.

The Suppression of Traffic Convention aims to eradicate “traffic in persons”, but does not set out an explicit definition of this term. However, it is clear that the Convention classifies all cases of recruitment into prostitution as “traffic in persons”, whether the recruitment involves bringing women from the other side of the world, or recruiting local women as prostitutes in or near the community in which they reside.¹² Implicitly, therefore, the Convention does not cover other kinds of “traffic in persons” which do not constitute recruitment into prostitution – not even, as some critics have noted, recruitment of women into allied areas of the entertainment industry from which women are routinely recruited or forced into prostitution.

The Suppression of Traffic Convention implies that prostitution is so harmful that it should not be allowed to occur, but its provisions do not actually ban prostitution.¹³ The Convention goes on to prohibit the *exploitation* of prostitution by others, that is to say it makes it an offence for any third person to profit from a woman earning money from prostitution, either as a pimp or other sort of agent, or by taking rent for the use of premises used for prostitution. The prohibitions on procuring and on the exploitation of prostitution refer both to cases in which the prostitute is subjected to some form of coercion, and to acts carried out “even with the consent of that person” (that is, the man or woman involved as a prostitute). International instruments on trafficking of women for prostitution adopted earlier in the 20th century focused more particularly on women who were subjected to some form of coercion.¹⁴

The 113 States which have not ratified the Suppression of Traffic Convention still have obligations under international law as far as trafficking and prostitution are concerned. More than 160 States have ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women, Article 6 of which requires States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

And, of course, women and men earning money from prostitution have the same fundamental rights as everyone else, even if this is often not recognised in practice. Under the terms of the International Covenant on Civil and Political Rights, ratified by 140 States, prostitutes have the same basic rights as others not to be subjected to cruel, inhuman or degrading treatment, not to be held in slavery or in servitude (including debt bondage), and not to be required to perform forced or compulsory labour by agents of the State or anyone else, nor subjected to arbitrary detention or unlawful captivity.¹⁵

While there is continuing debate about whether adult prostitution should be tolerated in some circumstances, there is no such equivocation in relation to children. Article 34 of the Convention on the Rights of the Child, which has been almost universally ratified, is clear in requiring States to protect children from “all forms of sexual exploitation and sexual abuse”, in particular by taking measures to prevent “the exploitative use of children in prostitution or other unlawful sexual practices”.

¹² Article 1(1) of the Suppression of Traffic Convention requires States to punish “any person who, to gratify the passions of another...procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person” or “otherwise exploits the prostitution of another person”.

¹³ Its preamble states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”.

¹⁴ These were the 1904 International Convention for the Suppression of the White Slave Traffic; the 1910 International Convention for the Suppression of the White Slave Traffic; and the 1921 International Convention for the Suppression of the Traffic in Women and Children. It was in 1933 that an international instrument was first adopted which included a ban on traffic in women “even with her own consent”: the International Convention for the Suppression of the Traffic of Women of Full Age (11 October 1933 Article 1)

¹⁵ Under the terms of Articles 7, 8 and 9 of the 1966 International Covenant on Civil and Political Rights

Most UN human rights instruments adopted over the past 35 years provide for the establishment of treaty-monitoring committees, which examine periodic reports from States Parties about the actual implementation of these treaties and which can make recommendations to States about action required to enforce various articles. In contrast, there is no similar procedure requiring States Parties to report on the implementation of the Suppression of Traffic Convention. States can, in effect, accede to the Convention and then file it away without following any of the procedures for inter-state co-operation which it stipulates. Nor are they required to explain what difficulties they have faced in enforcing it.

In contrast, however, the UN Working Group on Contemporary Forms of Slavery has asked governments which have not acceded to the Suppression of Traffic Convention to explain their reasons for not doing so. Some have indicated that they are unwilling to ratify a convention which is so wide-ranging and seeks to ban all forms of recruitment into prostitution. In contrast, they appear willing in principle to take action against cases of trafficking or prostitution which involve coercion or intimidation.

The reality 50 years after the Suppression of Traffic Convention was adopted is that it is far from universally ratified and rarely enforced. The size of the sex industry world-wide and the money made out of it are booming in many countries, and the number of women involved in prostitution in countries other than their own has reached a scale which was inconceivable half a century ago. So, what standards would receive more universal support and enforcement?

One reason I have spelled out what the Convention means by “traffic in persons” is to underline that it does not refer specifically to cross border trafficking or what in recent years has been described as “forced prostitution”.¹⁶ I want to look at the issue of force further, not just because I represent an organisation which campaigns specifically against slavery and forced labour, but because there seems to be much more international consensus at the moment on the need for effective action to eliminate the coercion and violence to which many prostitutes are subjected, than there is to embark on the elimination of prostitution altogether.

However, it is difficult in practice to define which cases of prostitution involve force and which do not. Indeed, it tends to be forgotten that, back in the 1920s and 1930s, it was in part because prostitution was so routinely associated with coercion and violence that moves were made to extend the scope of international law from covering just forced prostitution to covering all case of recruitment.¹⁷

Some protagonists argue that all women and men who prostitute themselves do so as a result of force and are in a form of slavery. The use of intimidation or coercion is frequently cited as a reason for categorising particular forms of exploitation as slavery; so, the question of whether economic imperatives -- a need for money or income -- constitute a form of “force” needs looking at. The usual argument is that people only resort to seeking money from prostitution because of a lack of alternative sources of income, often as a result of institutionalised discrimination against women, and that it is these economic considerations which “force” them to resort to prostitution.¹⁸ Evidently, this type of “force” is very different from the threats of physical violence by pimps or others to which many prostitutes are subjected. Also difficult to categorise is the pressure of discrimination to which women practising prostitution (whether they entered prostitution voluntarily or involuntarily) are subjected, and which keeps them from leaving prostitution. Although such pressure is again of a different type from the coercion which may have led them into prostitution in the first place, it is a very real “force” which prevents them from changing their occupation.

¹⁶ For example, Article 2 of the Declaration on the Elimination of Violence Against Women (adopted by the UN General Assembly on 20 December 1993) provides that violence against women shall be understood to include “trafficking in women and *forced* prostitution.”

¹⁷ For example the 1910 White Slave Traffic Convention made it a crime for “any person who, to gratify the passions of others, **has by fraud or by the use of violence, threats, abuse of authority, or any other means of constraint**, hired, abducted or enticed a woman=for immoral purpose” (emphasis added)

¹⁸ See for example para. 23 in the 1983 *Report of the Special Rapporteur on the suppression of the traffic in persons and the exploitation of the prostitution of others*, which observes that “even when prostitution seems to have been chosen freely, it is actually the result of coercion”, and quotes from the testimony given to the Congress of Nice on 8 September 1981 by three collectives of women prostitutes: “As prostitutes, we are all aware that all prostitution is forced prostitution. Whether we are forced to become prostitutes by lack of money or by housing or unemployment problems, or to escape from a family situation of rape or violence (which is often the case with very young prostitutes), or by a procurer, we would not lead the ‘life’ if we were in a position to leave it”.

One regional inter-governmental organisation has at least considered a definition of forced prostitution. A Platform of Action drafted for the Council of Europe in 1996 suggested it was the “act, for financial gain, of inducing a person by any form of constraint to supply sexual services to another person.”¹⁹ It suggested that “any form of constraint” should include the more obvious forms of violence, such as beatings, rape, torture, and threats, but also be interpreted more widely to include the act of obtaining sexual services from a person “by taking advantage of his/her vulnerability resulting either from his/her precarious or illegal situation, or of his/her position of economic dependence.” This last point, stressing the issues of vulnerability and economic dependence, already begins to widen the scope of this definition almost as much as the concept of the “force” of economic circumstances. I want to look at it in the light of the international recruitment now occurring to provide prostitutes to industrialised countries.

Today’s global sex industry is in some ways a by-product of Globalisation in general, in which instead of paying men, women and children in developing countries low wages to produce exports, such as clothes, for the industrialised world, men from industrialised countries are paying women, or in some cases men, from developing countries for sex. In some instances the women concerned remain in their own countries, although probably not in their community of origin, in which case visits by rich foreigners are seen as “sex tourism”. In other cases women from both developing countries and other countries suffering from economic difficulties join the vast numbers who migrate around the globe to earn money in richer countries; and in some cases decide that selling sex pays better than other options, or else find that they are forced into the sex industry.

While it is fashionable to deride Globalisation, in some cases it enables poor people to acquire resources and income which they would not otherwise have. Similarly, migration of men and women both from poor rural areas to the cities in developing countries, as well as to the industrialised world, can be seen as giving enterprising people a fairer opportunity to secure some share of the world’s wealth.

There is evidently a critical issue at stake here. From a narrow economic view point, perhaps the existence of an opportunity justifies taking advantage of it, but in numerous other areas of exploitation, such as debt bondage and child labour, we recognise that such openings result in intolerable forms of exploitation, which cannot be corrected by economic means alone. Is there a fundamental difference between taking up paid work, even in the informal sector, as in the cases of a cook or housekeeper working in a private household, and providing sexual services? Some evidently argue that there is no major difference, that the patriarchal traditions of most societies confine women largely to informal sector employment, and that all women earning money in the informal sector, including by prostitution, are simply doing their best to get by. Others, of course, consider that sex outside marriage, whether paid for or not, is intrinsically bad. However, while a such view is clearly an expression of cultural, moral or religious norms, I do not regard it as particularly pertinent to the provisions of human rights law, which, while stressing the importance of the family, are general concerned with upholding the basic rights of individuals or groups of people.

Societies with large numbers of migrant labourers often create a virtual class or caste of low status foreign workers. When it is women who are imported in large numbers to work as domestic servants, as in Western Europe and the Middle East, but also many other regions, they are automatically categorised as low status workers whose sole purpose is to act as servants, rather than to have families or a personal life of their own. This creation of a servant caste, as it were, is not classified by the UN as a form of servitude, but insofar as it encourages discrimination against women from particular countries or ethnic backgrounds, it is already poses a problem. When the women who are introduced from abroad are required primarily to provide sexual services in exchange for money, often acts of sex which are regarded as degrading by women in the culture concerned, then a series of negative stereotypes are reinforced, all of which implicitly reinforce discriminatory attitudes against women, particularly women from poorer countries. While it can be argued that much the same is true if the women attracted into prostitution are from a poor background within the same society, my concern here is that it is more abusive for one society to systematically make use of women from another in prostitution. This applies not only to women migrating from developing to industrialised countries, but also to women from indigenous or tribal peoples or other specific social groups who are systematically recruited for use as prostitutes by men in the dominant society.

A conclusion to be drawn from this is that the current mass involvement of migrant women in the global sex industry has implications which go beyond the issue of the individual rights of the women (and men) involved, who may be looking to better themselves and their families. The issue, to put it bluntly, is that the

¹⁹ Michele Hirsch, *Plan of Action* 9 April 1996 Council of Europe EG(96) p.23

poverty of certain regions of the world makes their women available to the men of the industrialised world for sex in return for money. This is much more than a labour rights issue or an issue to do with unequal development. It is a basic human rights issue because it entails such a massive form of discrimination.

I recognise, however, that industrialised States do not yet acknowledge this to be a serious form of discrimination against women, just as they have so far refused to recognise the need to reinforce the rights of migrant workers in general.²⁰ It is important, therefore that appropriate UN bodies give further consideration to this particular implication of cross-border and trans-continental recruitment into prostitution.

Let me now come back to the issue of what needs to be done to prevent abuses being committed in the global sex industry. Governments throughout the world seem to prefer to pretend that a sex industry does not exist in their country, or, at least, that that they are doing nothing which directly affects it, and consequently have no responsibility to the women working in it. With the industry apparently booming in many countries, the “laissez faire” approach can be criticised not only as irresponsible, but as tantamount to condoning or encouraging abuse of women engaged in prostitution. To argue, however, that the only reasonable government policy should be to close the sex industry down altogether is not only unrealistic, but also fails to take into account the experience which the international community has acquired in relation to other areas of unacceptable exploitation, that is of embarking on a step-by-step approach, which starts by identifying the worst areas of abuse and targeting these for attention. It is this which the Suppression of Traffic Convention failed to do.

There is a strategic choice between trying to reduce and eradicate particular kinds of abuse associated with prostitution or trying to abolish prostitution itself. It tends to be assumed that any action inspired by the lesser goal, of eradicating abuse, must detract from the strategic goal of ending prostitution itself. But is this really so?

The same dilemma has arisen in relation to all sorts of areas of human rights, with bitter divisions about what the most appropriate means are to a particular end, as well as arguments about how exacting the standards set in relation to human rights should be. Those of us connected with anti-slavery campaigns know that there is nothing new about embarking on campaigns to seek less than we really want, nor about the bitterness of the disputes which follow. Just two weeks ago, in this same building, the International Labour Organisation (ILO) adopted a new convention which targets what it calls the “worst forms” of child labour for elimination,²¹ even though 25 years ago it agreed a more comprehensive convention against any children working below a minimum age. There have been lots of explanations about why a new convention was needed. The best is the simplest. With 250 million children working in violation of the convention adopted 25 years ago, there was no chance of enforcing it. In order to actually make progress in eradicating certain forms of abuse, it was necessary to start somewhere, to establish a set of internationally agreed priorities, as well as specifying what, as a minimum, governments have to do. I believe the same is true of prostitution.

So far, we have achieved near universal consensus that the commercial sexual exploitation of children is unacceptable and must be stopped. Now we should establish a consensus on what other “worst practices” in relation to prostitution can be eliminated. Consensus is needed so that clear standards are set and achieved at national level. At the moment, in contrast, the wide scope of existing international standards appears to be impeding effective enforcement. Indeed, the very prolongation of debate at international level, often in defence of “high” standards, appears to be allowing abuse to continue.

While I have pointed out some of the difficulties in defining what is meant by “force” in the context of prostitution, I believe that giving priority to ending forced prostitution would be a way of ensuring more systematic co-operation at the international level.

²⁰ No industrialised State has yet ratified the 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, confirming that the rights of such people are invariably subordinated to the immigration policies of such countries and to their governments’ determination to show voters that they intend to keep foreigners “out” and to protect the jobs of those who have a right to vote.

²¹ The Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour. Article 3 defines “the worst forms of child labour” and comprises, in Article 3 (b) “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.

Of course, progress is being made in Vienna on the development of a new instrument addressing trafficking in human beings by the open-ended intergovernmental *ad hoc* committee set up last December to draft an International Convention against Transnational Organised Crime and various associated protocols dealing with trafficking and other issues. While I support the idea that this should focus on trafficking in people in general, rather than uniquely on women or recruitment into prostitution, the implementation of a focused effort to eliminate forced prostitution does not appear to require States to wait until a new instrument has been agreed and ratified. A strongly supported resolution by the Commission on Human Rights could be enough, but would have to be more focused and action-orientated than the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others, as well as backed up by a concerted call for its implementation by both the High Commissioner for Human Rights and others.

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