



Is This Trafficking?

Running Time: 1 ½ hours
Materials: Flipchart and flipchart stand/chalkboard, markers;
Handout: Case Studies 1 -7
Target Audience: can be used for awareness-raising with various audiences/participants

❖ *This exercise is best conducted after the session “What is Trafficking” has been presented.*

Introduction

Facilitator: During this session we will explore the UN Trafficking Protocol definition of trafficking more in detail and examine various scenarios to gain a better understanding of what constitutes trafficking in women.

Learning Objectives:

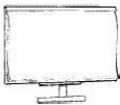
Facilitator: At the end of this session, participants will be able to:

- Increase their knowledge of trafficking in women.
- Clarify further the definition of trafficking.
- Distinguish between trafficking, smuggling and voluntary migration.

Activity 1: Elements of Trafficking

1. Facilitator introduces the exercise, highlighting the following ideas:

- ♦ According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (The Trafficking Protocol), the following elements determine whether or not trafficking occurred (*adapted from* Human Rights and Trafficking in Persons: A Handbook, Global Alliance Against Trafficking in Women, 2001):



Prior to the exercise, prepare a flipchart listing the factors and post it on the wall so that participants can refer to it during the explanation.

✓ **acts or attempted acts**

✓ **recruitment:**

Many trafficking cases involve a process of recruitment through agencies that organize and “facilitate” the process of travel from one country to another. Some agencies are legitimate, while others use deceit to recruit persons for the purposes of trafficking.

✓ **transportation within and across borders...:**

Some form of physical movement or transportation is needed for trafficking to occur. The movement often occurs between different countries, but can occur without the crossing of international borders. In either case, the victims are moved to an unfamiliar place, far from home and under control of the traffickers.

✓ **...through legal or illegal channels of migration:**

Trafficking can occur whether people move by legal or illegal means. Trafficking often happens to migrants with legitimated visas, who enter the country legally, but were deceived and did not agree to the conditions of work.

✓ **purchase, sale, transfer, receipt or harboring of a person:**

Traffickers use one or more of these actions when they move the trafficked person from the place of origin to the place of destination.

✓ **deception:**

Trafficked persons are usually tricked into their vulnerable situation. People may be offered further education, marriage or a well-paid job and end up in forced labor or a forced marriage. However, if a woman is trafficked into prostitution, she may know she is going to work in the sex industry, but not that she is going to be deprived of her liberty or her earnings. This is still trafficking. In most cases traffickers deceive trafficked persons about the conditions under which they will be forced to live and/or work.

✓ **coercion (including the use of threat of force or the abuse of authority)...:**

Some traffickers may use force to abduct a victim and others use violence or blackmail to keep a trafficked person under their control. Trafficked persons are dependent upon the traffickers for food, clothing and housing and must submit to the demands of their captors. Traffickers usually restrict a victim's freedom of movement or prohibit victims from leaving the premises without an escort. Coercion may also be psychological. Abuse of authority involves dependency situations in which a person who has power over another person (such as a relative or employer), denies the rights of the dependent person.

✓ **...or debt bondage**

Many trafficked persons end up in a debt-bondage situation, in which once at the destination they are told they will have to work to pay back a large and increasing sum for travel expenses, housing, clothing, medical and food expenses. Traffickers have full control over their employee's movement and their income. The victim is never able to pay back the extraordinarily high debt, but the trafficker tells her the debt will be paid off "soon". Trafficked persons, who are anxious to start earning money, believe the lie and continue to submit to their conditions in the hope that the debt will soon be paid off and they will start earning money. However, the traffickers continually find new (fictitious) expenses to charge and the payoff date continues to be postponed.

✓ **servitude (domestic, sexual or reproductive), in forced or bonded labor, or in slavery like conditions:**

Many women are trafficked into situations not strictly involving forced labor or slavery (by legal definition). In some cases women are trafficked into forced or servile marriages where no money changes hands. Other women are held as household servants and others may simply be held captive.

The core element of trafficking is the coercive and abusive conditions into which the trafficker intends to place his/her victim. Forced labor, servitude and slavery are all crimes prohibited as human rights violations in international law. They cover all situations into which people are trafficked. The kind of business or service into which a person is trafficked does not decide whether or not trafficking occurred. People are trafficked for many types of situations, such as domestic, manual or industrial work in formal or informal sectors or marriage or other kinds of relationships. It is coercive conditions/relations in these situations that constitute 'trafficking'.

✓ **community other than the one in which such person lived at the time of the original deception, coercion or debt bondage (concept included in the Trafficking Protocol):**

In the context of trafficking, victims are moved into foreign communities. They are isolated from their families and sometimes their language and, thus, rendered even more dependent upon the traffickers for food, shelter, information and "protection" from authorities.

- ♦ The focus of the remainder of the session is to give you a working knowledge of trafficking in women as it is defined in the UN Trafficking Protocol.

Activity 2: Case Studies

1. Facilitator asks participants to form small groups of 4-5 persons and gives them the following assignment:

- ♦ In a minute I will distribute an actual case study to each group.
- ♦ Read the case study and discuss it, considering the following questions:

Write the questions on a flipchart sheet so that participants can refer to them.

- Has this person been trafficked or is this a case of voluntary migration?
- Why/Why not?
- What are the elements that make this a case (or not a case) of trafficking?

- ♦ Record your conclusions on a flipchart sheet. You will have 20 minutes for this task, after which you will report to the entire group.

2. Facilitator distributes a different case study and flipchart sheets to each group and allows participants 15 minutes to complete the task.

- ❖ *As participants work on the task, move from group to group and help clarify their task. Do not, however, give them the answers.*

3. Facilitator reconvenes the entire group and has each small group report their results using the following process:

- ♦ Ask a representative from the group with Case Study 1 to read their handout so everyone understands the situation.
 - ❖ *It is advisable to distribute copies of the handout for Case Study 1 to all participants at this time.*
- ♦ Ask another participant from the same group display his or her group's flipchart sheet and explain how they reached their conclusions. Other participants from the group should feel free to add points of clarification whenever necessary.
- ♦ Allow participants from the observing groups to ask the presenting group questions about their conclusion.
- ♦ Lead a brief discussion about the group's conclusion, using the case study answers from the Answers page to guide the participants.
- ♦ Repeat the process until each group has reported its conclusions and thank all the participants for their hard work.

Summary and Closing:

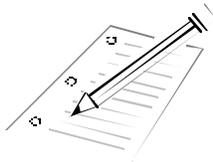
Facilitator closes by reiterating that, as demonstrated in the case studies, trafficking in women involves the following core elements:

- ♦ movement of a person
- ♦ with deception or coercion;
- ♦ into a situation of forced labor, servitude or slavery-like practices.



Questions and Comments:

Facilitator should end the session by asking if there are remaining questions or comments related to this material. Keeping track of feedback will allow the facilitator to make useful changes to future presentations.



HANDOUT

Case Studies 1-7

Case Study 1

"I am 21 years old from Moldova, I have a son, 4 years old. His father left us when he was born, my family cannot support us and the job I had was not paying for our basic needs. My salary was approximately 25 DM per month and lately salaries were not paid at all. Many young women from my town were traveling abroad for work, and I thought working abroad was also my chance to earn some money.

A woman I knew from the town was organizing these trips, so I asked her to help and she promised she would. She swore on her children's life I would work as a cleaner or a waitress but not as a prostitute, and she helped me to get a passport. She introduced me to a man and said he would take me to Italy.

After we passed the border in Romania he told me he had bought me from her. I was shocked and scared.

From that moment on, I was passed from hand to hand; men bought me and sold me, moving me from apartments to houses and hotels, crossing borders illegally.

Eventually I arrived in a bar in Kosovo, locked inside and forced into prostitution. My passport had been taken away long before, and the traffickers passed it from one to the other each time I was sold. In the bar I was never ever paid, I could not go out by myself, the owner became more and more violent as the weeks went by. He was beating and raping me and the other girls; we were his "property" he said, by buying us he bought the right to beat us, rape us, starve us, force us to have sex with clients . . . "

Adapted from: Situation Report – February 2000 to September 2002, IOM Kosovo Counter Trafficking Unit, Return & Reintegration Project. *Available from* http://www.iom.int//DOCUMENTS/PUBLICATION/EN/Kosovo_sit_report.pdf.

Case Study 2

Iulia is 26 years old, a single mother from Bulgaria. She has a secondary school certificate and worked as a clerk in Sofia for approximately US\$20 per month. Sometimes, she worked as a street based sex worker to make ends meet. She heard from a friend she could make more than double her current monthly income in a week in Cyprus, working as a sex worker. Iulia decided to go with her friend, Lisa who was a sex worker in Cyprus. Lisa introduced her to some clients.

Iulia could freely choose her clients and where she wanted to work. She sent money home to her family for the care for her baby, who was living with her aunt. After one year, Iulia had saved US\$1000. She returned to Sofia, and used this money to buy her own home there.

Adapted from: Human Rights and Trafficking in Persons: A Handbook, Global Alliance Against Trafficking in Women, 2001.

Case Study 3

Raya was 23 and living in Kyiv, Ukraine. Her mother took in a lodger from Jordan named Azim. Raya fell in love with Azim and they had a child together. However, Azim did not want to marry her. After the child was born, Azim returned to Jordan. When the child turned one year-old, Azim returned and insisted on adopting the child, so they registered the adoption in the Ukraine. Then Azim took Raya to Jordan to see his father.

They lived with Azim's parents and life was terrible. Azim did not allow her to go out, made her cover her face and still did not want to marry her. Raya then realized that Azim needed their son only to get state benefits for the child. This continued for about six months. One day Azim told Raya that she had to live with another man because he had

sold her to him as a slave. Raya finally managed to escape with the help of the Ukrainian embassy but she was forced to leave her son behind in Jordan. From time to time, Azim still called Raya, asking her to sell her flat in order to pay to get her son back.

Excerpted from: Human Rights and Trafficking in Persons: A Handbook, Global Alliance Against Trafficking in Women, 2001, at 29.

Case Study 4

At the end of 2000, most Lviv oblast newspapers in the Ukraine started placing advertisements saying “Company X invites girls between the ages of 18 and 27 for highly-paid work abroad, etc.”

So many women responded to the notice, that the company’s narrow corridor could not accommodate all those wishing to go abroad in search of a living. In spite of the crowd, the company representative gave everybody a warm welcome and even treated some women to a cup of coffee. She promised different kinds of jobs: nursing the elderly and children, cleaning of apartments and restaurants, harvesting, etc. The woman looked professional and spoke respectfully to the applicants. She promised that the company would cover costs connected with the issuance of foreign passports and transportation to the place of work.

From the testimony given by an 18 year-old girl:

“Three days later I was granted a foreign passport, and a few days later three girls and I crossed the border in a car and arrived in a Czech city. We were taken to an apartment of one of the multistory buildings. In the room, two men and one woman started examining us as if we were goods. “For this one – 500 dollars, for that one - 450 dollars and for that blonde – 700 dollars. Amazed, we looked at the driver: What spectacle is being staged here? But he quietly counted the money and left. We were left without money and documents. At that moment it occurred to us that we had been simply sold into slavery.

A man introduced himself to us as our boss. He said: “You will work for me. You must pay me back the money I paid for you”.

We had to walk along an international highway, stop German tourists and offer sex services to them. Beside me stood a few dozen other girls who were victims of the same Lviv company. We had to work hard, as we were watched by the boss’s guards.

We were punished for any fault by a severe beating. The boss used each opportunity to remind us that in the Czech Republic, we were nobody, even worse than animals. We had no documents, nor did we speak the language, etc.
Compiled from the Ukrainian press

Adapted from: Prevention of Domestic Violence and Trafficking in Human Beings, Training Manual, Winrock International, Kyiv, Ukraine, 2001. Available from http://www.winrock.org/GENERAL/Publications/Dos_manual.pdf.

Case Study 5

“I am 19 and from a small Bulgarian town. I went to Sofia to look for a job with a friend. The very first night we went dancing to a disco. A man invited me to dance – he was handsome, well dressed. We danced and afterwards went to a café. Petro told me about his business – how he gets leather jackets from Turkey and makes 2-3 thousand dollars. Then he asked: “Do you want me to find you a job in Istanbul? My friend is the proprietor of a clothes shop. He needs salespersons badly. Pays 500 dollars monthly”. I thought: this is the way out and agreed.

Petro arranged for passports for two more girls and me. We got into his car and in three days were in Istanbul. Petro brought us to the hotel and placed us in a room with four more girls.

The next morning he walked in with a gloomy face and said that we were late and our positions have already been filled, and we have to work back the money for travel. He did not even give me the chance to cry, saying that there is a job, that local men are crazy about Bulgarian girls.

Finally, I realized what a mess I had gotten into. I refused flatly at first. It was too late, though, as Petro had taken away and hidden our passports. At night, five big Bulgarians and one Turk dragged me out. They forced me into an empty room, raped and beat me. . . .

They kept us locked up at first. We spent days in our room, and at night had to go downstairs, to the hotel "disco". They would buy me a cup of coffee and I would wait for a guest. I served at least two or three guests per night, sometimes I had to serve eight. The money the clients would pay was taken away by the pimp- I would get a very small amount.

Horrible stories were told about those who tried to escape. I witnessed a Russian woman who tried to escape being escorted by two Turks; she was badly bruised. Later on she disappeared, and we heard that she was sold to someone in a remote region in the mountains. We heard that women there have to do hard labor and at night serve 20-30 men. If any woman tries to escape, she would be killed. . .

The proprietor was on very good terms with the police. The police patrol used to visit often, but paid no attention to us . . . "

Adapted from: Trafficking in Women: Questions and Answers, Animus/La Strada, Bulgaria, 2001.

Case Study 6

A news story:

In May 2001, the FBI discovered a scheme in which between 200 and 2,000 people from Ukraine paid about US\$7,000 apiece in order to enter the U.S. illegally. They were transported from Ukraine to Mexico. In Mexico, the FBI says, they received visiting papers. Then they were put onboard ships and [brought] up the coastline to San Diego, in southern California, and from there, they were dispersed to other cities around the country. Many were given false travel papers once they reached California.

According to the FBI, because the \$7,000 was for many of these people a lifetime's savings, in order to pay back the [middlemen], many of them had to go into what is called involuntary servitude, many forced work as prostitutes and in strip clubs in order to pay back the money. The "fee," however, was often increased by thousands of dollars.

Sources: CNN, May 3, 2001; *Los Angeles Times*, June 27, 2002 at 3; *The Deseret News*, May 4, 2001 at A02.

Case Study 7

In Romania, Maria had worked as a cleaner for a private company for 3 years. At 29 she met an American, Michael. He offered her a job in his house in the U.S. He promised to pay her US\$320 per month and to provide health insurance. Michael also promised that she would be able to study, visit friends and travel with his family. Michael organized a visa for Maria and paid for her ticket.

Maria soon realized that Michael had lied. He forced her to work 6 days per week, at least 12 hours per day, sometimes 16 hours per day. Many weeks she also worked on her day off. Despite the many hours worked, Maria was only paid US\$220 per month and she did not receive health insurance.

Michael took away Maria's passport and did not allow Maria to leave the house without the family. She was forced to work even when sick. When she was very ill, Michael refused to take her to a doctor saying it was too expensive. Once, someone visiting the house raped her, but when she told the family, no one helped her. Finally, Maria managed to escape with the help of a kind neighbor who had noticed her.

Adapted from Campaign for Migrant Domestic Worker's Rights, the Institute for Policy Studies, USA- Public Briefing – February 15, 2000 cited in *Human Rights and Trafficking in Persons: A Handbook*, Global Alliance Against Trafficking in Women, 2001

Answers:

Case Study 1:

The 21-year old woman from Moldova was recruited into trafficking through deception (false promise of a job as a cleaner or waitress) by an acquaintance. She was 'sold' by the acquaintance and 'purchased' by the owner, and then 'resold', 'repurchased' and transferred multiple times and forced to cross borders illegally. Traffickers restricted her freedom of movement and used violence to keep her under their control (coercion with the use of force and the abuse of authority). The 21-year-old woman from Moldova was trafficked into forced prostitution and was forced to work and live in slavery like conditions.

Case Study 2:

Iulia was not trafficked from Bulgaria to Cyprus. There was no deception or coercion upon her to travel or work as a sex worker in Cyprus. Iulia was not working under abusive or in slavery-like conditions. She knew what kind of work she was going to do, she was free to come and go as she liked, free to select where she wanted to work and to choose clients. She also managed to save a substantial amount of money. All of these indicators show that according to the UN Trafficking Protocol definition, Iulia was not trafficked.

Case Study 3:

In the case of Raya, Azim tried to sell her as a slave; however Raya managed to escape. According to the Trafficking Protocol, this is an 'attempted act' and constitutes trafficking. Raya was under psychological coercion to stay with Azim because he threatened her with the loss of her child. Raya was not performing work or service for Azim; however she was enticed to travel to Jordan (a foreign community) and then held against her will.

Case Study 4:

In this case study, Company X is a recruiter. The company representative recruited women with lies for the purposes of trafficking. In the case of the 18-year old girl, trafficking involved crossing international borders (transportation across borders). She and others were 'purchased' by the owner and 'sold' by the driver. She and others are victims of trafficking because they were 'transferred' through deception and forced into prostitution. The women were also exploited through a situation of debt-bondage situation and were physically isolated from their families and though lack of knowledge of the local language.

Case Study 5:

The 19-year-old Bulgarian girl was recruited into trafficking through deception (false promise of a well-paying job) by a stranger. Her trafficker used physical and sexual violence to keep her under control. Her freedom of movement was restricted, she was held in debt-bondage (she had to work in order to 'repay' the money for travel) and forced into prostitution. She was moved into a foreign community, isolated from her family and her language, and was dependent upon her traffickers for 'protection' from authorities.

Case Study 6:

The case described here does not constitute trafficking. The migrants paid a fee to smugglers to be transported with their consent to another country through illegal means. Since the sum of money they agreed to pay was for many of them a lifetime's savings, they found themselves vulnerable to further exploitation (e.g. having to work as prostitutes in order to pay off the money). This case study is an example of alien smuggling, and, in fact, seven people were prosecuted and convicted of immigrant smuggling in a California court in 2001.

Case Study 7:

Trafficking often happens to migrants with legitimate visas, as Maria's case demonstrates. Maria had a legitimate work visa, entered the country legally, but was deceived about the nature of her work and did not agree to the conditions of work. Maria She found herself working in slavery-like conditions. These factors combined make this a case of trafficking.