



What Is Trafficking in Women?

Running Time: 2½ hours

Materials: Flipchart and flipchart stand/chalkboard, markers;
Handout: *Human Rights Violations in the Process of Trafficking*

Target Audience: can be used for awareness-raising with various audiences/participants

Introduction

Facilitator: Trafficking in women is not a new phenomenon, but in the recent decades, it has emerged as a serious problem, requiring new solutions. Today, trafficking has become an international industry. Traffickers profit from the unequal social and economic status of women around the world. Although the term 'trafficking in women' is not new, the problem appears to be increasing and acquiring grave new dimensions in the recent context of globalization. In Central and Eastern Europe and the Commonwealth of Independent States, the process of privatization and the transition to a global economy have resulted in increased economic burdens for women and created a situation conducive to trafficking in women. During this session we will have an opportunity to explore the meanings of the term 'trafficking in women' and examine trafficking in women as a form of gender-based violence and a violation of human rights. We will also familiarize ourselves with the magnitude of the problem and its dimensions.

Learning Objectives:

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

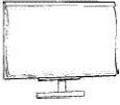
- Define trafficking in women according to the UN Trafficking Protocol.
- Distinguish between trafficking in persons and voluntary labor migration.
- Analyze trafficking in women as a form of gender-based violence.
- Discuss the magnitude of the problem of trafficking.
- Identify human rights violations that occur in the process of trafficking.

Activity 1: Trafficking: Definitions

1. Facilitator leads a brainstorming session to create a list of words that describe trafficking in women. Facilitator asks each of the participants to share their ideas randomly or in turn. The ideas are not criticized or discussed; participants may build on ideas voiced by others. The question for brainstorming is:
 - What thoughts and associations does the phrase 'trafficking in women' suggest to you?
 - ❖ *Write down each answer as they are offered on a flipchart without any comments, notes or questions for 5-7 minutes. After discussing the ideas, post the list on the wall so it is visible throughout the training workshop.*
2. Facilitator summarizes the results of the brainstorming and leads a group discussion using the following questions to guide the group:
 - What can you say looking at this list?
 - What actions do you think are associated with trafficking in women?

➤ Why do we often think of women in the sex industry when talking about trafficking in women?

3. Facilitator introduces the definition of "trafficking in persons" as it appears in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol) which supplements the Convention against Transnational Organized Crime.



Prior to the exercise, prepare a flipchart sheet with the definition of trafficking in persons from Article 3 of the UN Trafficking Protocol.

**UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
Article 3**

"Trafficking in persons" shall mean:

the recruitment, transportation, transfer, harbouring or receipt of persons,

by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,

for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude.

Sources:

The Trafficking Protocol is available in English to download from http://www.undcp.org/pdf/crime/a_res_55/res5525e.pdf (Appendix II) or can be accessed as a single document from http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.

The Trafficking Protocol is available in Russian to download from http://www.undcp.org/pdf/crime/a_res_55/res5525r.pdf.

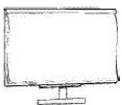
4. Facilitator explains the definition of trafficking in persons highlighting the following ideas:

- ◆ The definition in the Trafficking Protocol is the only international consensus definition of 'trafficking in persons.'
- ◆ The definition contains three main elements that constitute trafficking:
 - ◇ *Acts:* recruitment, transportation, transfer, harboring or receipt of a person
 - ◇ *Means:* threat/use of force, other forms of coercion, abduction, fraud, deception or abuse of power of a person of vulnerability
 - ◇ *Purpose:* forced labor or services, slavery, slavery-like practices; servitude
- ❖ *At this point, you may wish to ask participants for examples or information about specific cases from their practice, or which they have encountered through the media, that illustrate the elements of trafficking found in the UN definition. (i.e. Acts= employment ads, recruitment of female 'dancers' at universities, housing women in a brothel. Means= use physical assault to control victims, threatened retaliation against family members, false employment contracts. Purpose= forced prostitution, domestic service, forced agricultural work.*
- ◆ The second part of the definition of trafficking focuses on the issue of consent. The UN Trafficking Protocol clarifies that "the consent of a victim of trafficking in persons to the exploitation (the 'purpose') as described in the definition is irrelevant when any of the forms of coercion (the 'means') have been used against the victim. This statement is consistent with

principles of both international and national law that a person cannot legally consent when force, coercion, deception or abuse of power have been used.

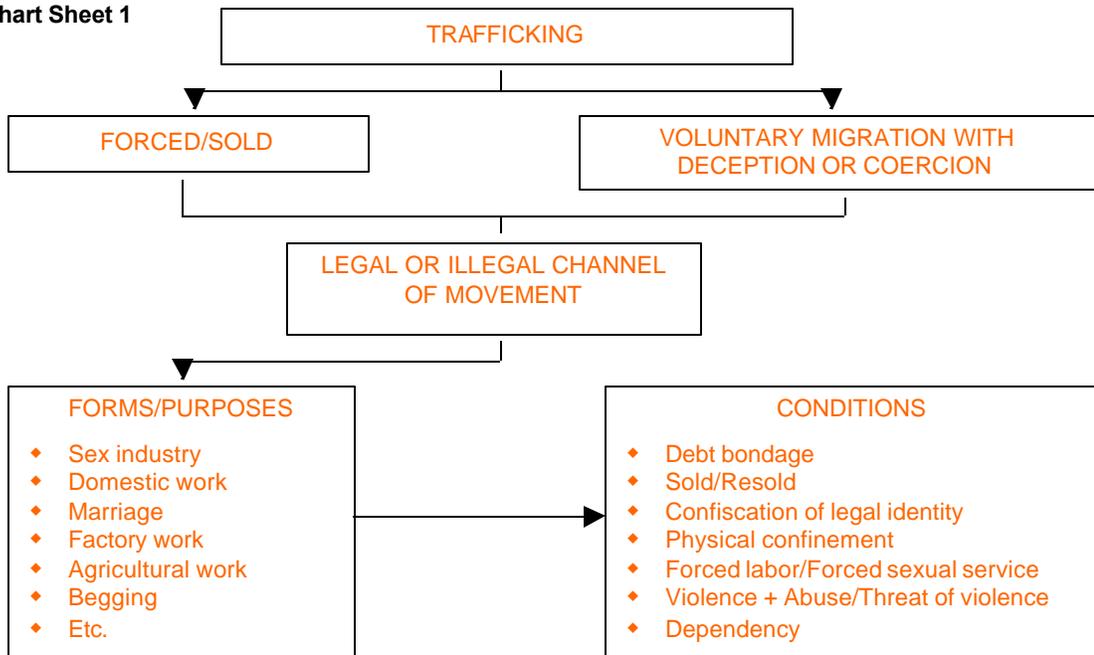
- ❖ *Give an example from a typical trafficking case, to illustrate why the concept of consent is important: a woman may consent to certain specific actions, such as using false documents, working illegally abroad or working as illegally as a prostitute, but if she has been coerced, deceived or forced into a situation of exploitation, her initial agreement will not allow a defendant to argue that she consented to be trafficked.*
 - ♦ The definition of trafficking from the UN Protocol deliberately does not define the terms “exploitation of the prostitution of others” or “other forms of sexual exploitation.” This was done in order to achieve consensus among signatory governments and allow State Parties to address this issue through domestic legislation. In some domestic legal systems prostitution is criminalized, while in others consensual adult sex work is de-criminalized and regulated.
 - ♦ The definition of trafficking in persons does not address the situation in which a migrant pays someone to facilitate an illegal border crossing. This scenario is referred to as ‘migrant smuggling’ and is addressed by a separate UN Protocol, which was drafted at the same time as the Trafficking Protocol.
5. Facilitator explains the differences between trafficking, migration and smuggling, highlighting the following points:
- ♦ There are important fundamental differences between migration, smuggling and trafficking:
 - ❖ **Migration** is where a person moves from one country to another or within one country. It can be by legal or illegal means and it can be either voluntary (with the consent of the person migrating) or forced (without their consent), but usually it is voluntary. Displacement of persons and trafficking are examples of forced migration.
 - ❖ **Smuggling** is the transport of a person (with their consent) to another country through illegal means. Smuggling has to include crossing of an international border.
 - ❖ **Trafficking** involves the following core elements:
 - a. movement of a person;
 - b. with deception or coercion;
 - c. into a situation of forced labor, servitude or slavery-like practices.

Trafficking can occur with or without crossing any international border. The exploitation of the migrant is one of the key factors determining ‘trafficking’, however, it is not relevant for the act of ‘smuggling’. However, smuggling can easily turn into trafficking. A voluntary migrant, by placing himself/herself into the hands of smugglers, has put himself/herself into a situation of dependency on the smuggler and is therefore vulnerable to subsequent trafficking.



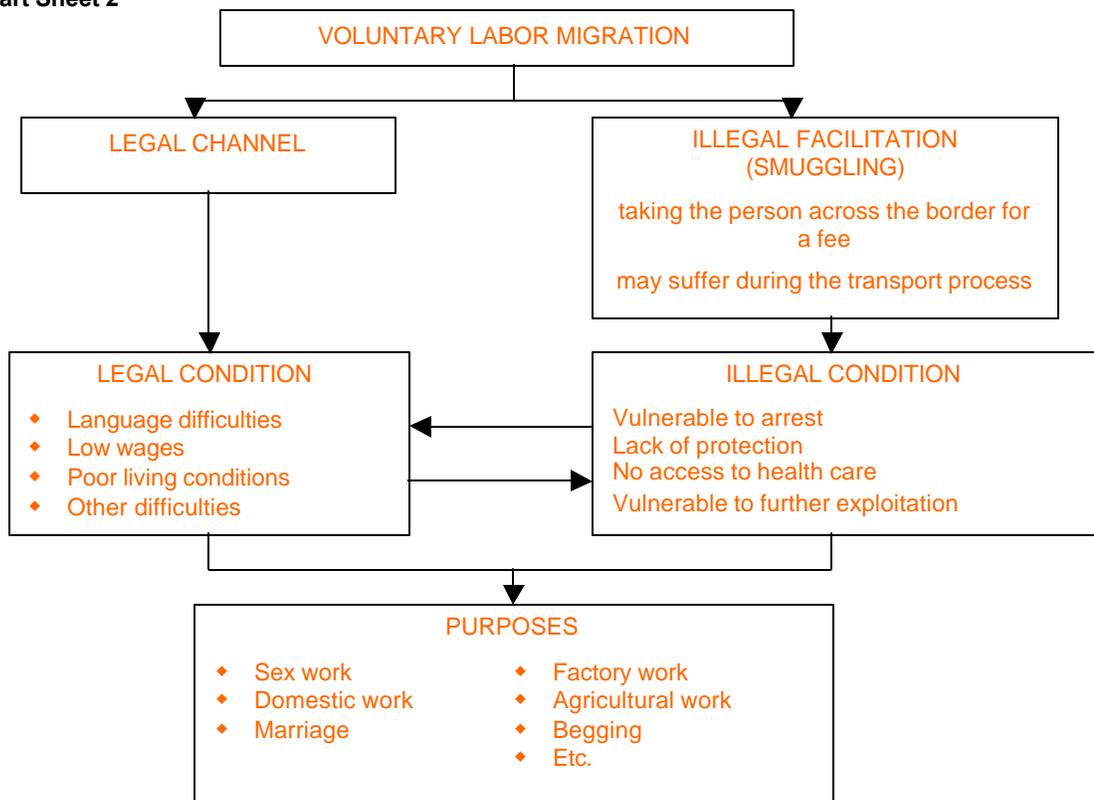
Prepare two flipcharts sheets with charts illustrating the differences between Trafficking and Voluntary Labor Migration prior to the exercise and display them next to each other for the participants to refer during the exercise.

Flipchart Sheet 1



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

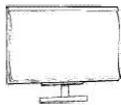
Flipchart Sheet 2



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

6. Facilitator highlights the following concepts regarding the notion of “trafficking in women”:

- ♦ In this training course we will not consider the notion of “trafficking in women” within the context of trafficking in persons in general, even though this would have broadened this concept and allowed us to address a wider range of related issues. However, this generalization, being gender-neutral, would prevent us from revealing specific features of trafficking in women. Adopting a gender perspective on the issue of trafficking allows us to focus on the specific ways in which women’s experiences of trafficking are different from those of men.



Prepare a flipchart with the explanation of the gender perspective on trafficking prior to the exercise. While presenting the information from the flipchart, ask the group questions to engage participants in a discussion and get feedback.

A gender perspective:

- ✓ distinguishes between the terms “sex” (biological distinctions) and “gender” – the different roles, attributes and conduct that society deems socially appropriate for men and women;
- ✓ refers to the relative status and position of men and women, and women’s greater disadvantage in most societies, as not just biologically but socially determined;
- ✓ recognizes that women’s less valued roles marginalize them from ownership and control over material (land, income) and non-material resources (political participation, time);
- ✓ considers the interaction between gender and the other social categories such as class, race and ethnicity; and
- ✓ holds that as gender inequities are socially conditioned, they can be changed at an individual and societal level in the direction of justice, equity, and partnership between men and women.

Addressing trafficking from a gender perspective:

Gendered stereotypes that present men as powerful and in control and women as passive and mostly relegated to private or domestic roles feed into the perception that ‘men migrate’, but women are trafficked’. However, what is often not recognized is that men too are trafficked, and that women are not only trafficked, but also migrate.

A gender perspective on trafficking achieves change by:

- ✓ acknowledging trafficking in both men and women;
- ✓ addressing the similarities and differences in the trafficking experience by women and men in relation to vulnerabilities, violations and consequences; and
- ✓ addressing the differential impacts of policies on men and women.

Source: Trafficking in Persons: A Gender Rights Perspective, UNIFEM Briefing Kit, October 2002.
Available at: <http://www.unifem-eseasia.org/Resources/Traffick2.html>

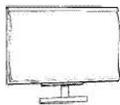
Activity 2: Magnitude of the Problem

1. Facilitator presents a mini-lecture on the magnitude of the problem of trafficking in women, highlighting the following points:

- ♦ There are no universally agreed estimates available that accurately reflect the numbers of trafficked women in and from the Central and Eastern Europe and the Commonwealth of Independent States.
- ♦ As is the case with other forms of violence against women, victims are often reluctant to report or make the fact of the violence known publicly.
- ♦ On the other hand, media reports frequently give estimates of numbers of women trafficked into the commercial sex industry for various regions and countries. Such statistics vary widely and are frequently unreliable or inaccurate. Furthermore, the methods by which such statistical data are gathered are seldom included, and statistics are generally not disaggregated by the sex or age of

the victim. To date, governments, international agencies and NGOs have at best been able to give very broad estimates.

- ◆ Reasons for this include: clandestine nature and illegality of the trafficking business and lack of a precise definition of trafficking.
- ◆ Here are a few commonly-quoted statistics which highlight the magnitude of the problem:



Prior to the exercise, prepare a flipchart with statistical data on trafficking including sample global, regional and national facts. It is important for facilitator to include statistical data from the country of training, where available.

Magnitude of Trafficking

- ✓ The United States Department of State Trafficking in Persons Report for 2002 notes "Over the past year, at least 700,000, and possibly as many as four million, men, women and children worldwide were bought, sold, transported and held against their will in slave-like conditions."
- ✓ The United Nations Population Fund states "Statistics about trafficking are unreliable for a number of reasons, including the clandestine nature of the activity. However, rough estimates suggest that between 700,000 to 2 million women are trafficked across international borders annually. Adding domestic trafficking would bring the total much higher, to perhaps 4 million persons per year."
- ✓ According to the Swedish NGO, Kvinna Till Kvinna, "Estimated 500,000 women from over the world are trafficked each year into Western Europe alone. A large proportion of these come from the former Soviet Union countries."
- ✓ The International Organization for Migration (IOM) states that "In 1997, an estimated 175,000 women and girls were trafficked from Central and Eastern Europe and the Commonwealth of Independent States."
- ✓ Recent IOM figures show that "120,000 women and children are being trafficked into the European Union each year, mostly through the Balkans" and "10,000 women mostly from Moldova, Romania and Ukraine are working in [Bosnia and Herzegovina] sex trade."

Sources:

United States Department of State, Trafficking in Persons Report for 2002 *available at* <http://www.state.gov/g/tip/rls/tiprpt/2002/>.

United Nations Population Fund. Gender issues, *available at* <http://www.unfpa.org/gender/trafficking.htm>

"Crossing Borders Against Trafficking in Women and Girls. A Resource Book for Working Against Trafficking in the Baltic Sea Region". Kvinnaforum, Stockholm, November 1999.

Bureau of Intelligence and Research, United States Department of State "Global Trafficking in Women and Children: Assessing the Magnitude", March 1998. Cited in Trafficking in Human Beings in Southeastern Europe, UNICEF/UNOHCHR/OSCE – ODIHR, June 2002, *available at* <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>

Ian Burrell, "From the Balkans to brothels in Soho,". The Independent, 21 January 2002, cited in "Trafficking in Human Beings in Southeastern Europe, UNICEF/UNOHCHR/OSCE – ODIHR, June 2002, *available at* <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>

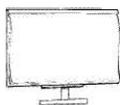
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- ◆ However, it is difficult to verify these statistics with the information provided from particular regions or countries. For example, the data provided by the International Organization for Migration (IOM) about trafficked women who were assisted to return from Bosnia and Herzegovina to their countries of origin in the year 2000 (approximately 180) does not reflect any percentage or proportion of the total number of trafficked women and girls in Bosnia and Herzegovina. Rather, the data is based on a number of women and girls who were referred to IOM by local police and the International Police Task Force. The joint police forces detain such women during raids and interview them. Based on these interviews, they refer only the women who were trafficked to IOM. As such, the information does not indicate the total number of trafficked women and interventions during 2000, but is a representative sample.
 - ◆ It is also difficult to distinguish between data on trafficking, illegal migration, migrant sex workers, illegal border crossing, etc. According to the UNICEF report, Trafficking in Human Beings in

Southeastern Europe, these statistics are often used for various political purposes. For example, trafficking prevention measures are cited as the reason for refusing young women entry to a country or for refusing to issue them a visa, and then, in local police statistics, these cases are labeled as successful cases of rescuing “victims of trafficking”. Report available from <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>.

- ♦ There is almost no information about the traffickers themselves. The lack of legislation, in almost all the countries, which would allow the perpetrators to be prosecuted directly for the crime of trafficking, has led to a situation whereby even the most obvious cases of trafficking are not prosecuted as such.

Activity 3: Human Rights Violations in the Process of Trafficking

1. Facilitator introduces the exercise emphasizing the following concepts:
 - ♦ Trafficking in women should be viewed as first and foremost a violation of women’s human rights.
 - ♦ The 1948 United Nations Universal Declaration of Human Rights speaks of fundamental human rights:
 - ✧ All human beings are born free (Article 1);
 - ✧ Everyone has the right to life, liberty and security of person (Article 3);
 - ✧ No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms. (Article 4);
 - ✧ No one shall be subjected to torture. (Article 5).
 - ♦ During the course of this exercise, we will explore how the human rights of trafficked persons are violated in the process of trafficking.
2. Facilitator divides participants into 3 smaller groups and distributes to the groups 3 flipchart sheets, each listing a different set of human rights violations that occur in the process of trafficking, and a marker. Then the facilitator gives the participants the following assignment:
 - ♦ Each group has just received a flipchart sheet with various human rights principles that are violated at different stages of the trafficking process.
 - ♦ Discuss and decide in your group, which actions occurring throughout the trafficking process violate the human rights of the trafficked victims that are listed on the flipchart sheets.
 - ♦ Record your conclusions on a flipchart sheet across from the respective human rights principle. You will have 20 minutes for this task, after which you will report to the entire group.



Prior to the exercise, prepare three flipchart sheets listing human rights violations occurring at the different stages of the trafficking process, as shown below:

Flipchart 1 <i>Violations in the Process of Recruitment and Transportation</i>	Flipchart 2 <i>Violations in the Destinations: Labor Rights and Health Rights</i>	Flipchart 3 <i>Violations in the Destinations: Slave-like Conditions</i>
<ul style="list-style-type: none"> • Freedom of movement • Right to life, liberty and security • Right to freedom • Right of communication 	<ul style="list-style-type: none"> • Labor rights: <ul style="list-style-type: none"> - right to wages and remuneration - right to compensation - right to health services - right to safe and appropriate working conditions - right to leisure and rest - right to form and join unions 	<ul style="list-style-type: none"> • Right to life and security; right to privacy • Freedom from torture, cruel, inhuman treatment or punishment • Right to equality; freedom from discrimination • Right to freedom of movement and residence • Right to an adequate standard of living • Right to self-determination • Right to legal identity • Right to information • Freedom of thought, conscience and religion

- | | |
|--|---|
| <ul style="list-style-type: none"> • Health rights: <ul style="list-style-type: none"> - right to health - reproductive rights - right to privacy | <ul style="list-style-type: none"> • Right to culture • Right to nationality • Right to education and development • Right to marriage |
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Adapted from Human Rights in Practice: A Guide to Assist Trafficked Women and Children, Global Alliance Against Traffic in Women (GAATW), Bangkok 1999.

❖ *It is advisable to prepare a flip chart sheet with a trafficking case study prior to the exercise to prompt a discussion about acts that violate human rights in the process of trafficking. This flip chart can be posted on the wall throughout the exercise. Facilitator should remind the participants that they should not be limited by the case study in identifying possible human rights violations. For examples of case studies, see the session “Is This Trafficking?”*

3. After 20 minutes, facilitator reconvenes the entire group and has each small group report their results using the following process:
 - a. Ask a representative from Group 1 to report the results of their discussion on the human rights principles that are violated in the process of recruitment and transportation and explain how they reached their conclusions. Other participants from the group should feel free to add points of clarification whenever necessary.
 - b. Allow participants from the observing groups to ask the presenting group questions about their conclusion.
 - c. Repeat steps *a* and *b*, alternating groups until each category has been discussed; end with adding any items missed by all the groups. See [Handout: Human Rights Violations in the Process of Trafficking](#) for reference.
4. Facilitator distributes the **Handout** to the group and closes the exercise asking if there are any questions.

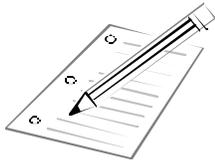
Summary and Closing:

Facilitator closes, emphasizing the following ideas about the changing approach to trafficking:

- ♦ The UN consensus definition of “trafficking in persons” was drafted in 2000 as a result of concern over the growing problem of trafficking worldwide. The problem of trafficking itself is not new, however, but has taken on new dimensions as a result of global political, economic and social changes. For example, factors such as political and economic instability, internal conflict and globalization, have created conditions conducive to trafficking.
- ♦ Since the collapse of communism in the early 1990’s, trafficking in women in the CEE/CIS region has emerged as a serious problem. Women from countries in transition are particularly at risk for trafficking, and traffickers have taken advantage of their vulnerable status.
- ♦ Early approaches to combating trafficking focused on crime prevention and law enforcement efforts. International organizations, such as the United Nations, however, have made clear that an integrated approach is required to address trafficking. An integrated approach focuses on protecting the human rights of trafficked persons as well as prosecuting perpetrators.

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

Human Rights Violations in the Process of Trafficking

Violations in the Process of Recruitment and Transportation

Human Rights Principles	Forms of Violations
<ul style="list-style-type: none"> Freedom of movement 	<ul style="list-style-type: none"> Deception (promise of better job, false documents, high broker fees) → debt bondage
<ul style="list-style-type: none"> Right to life, liberty and security 	<ul style="list-style-type: none"> Confinement
<ul style="list-style-type: none"> Right to freedom 	<ul style="list-style-type: none"> Threats and use of violence (abduction, coercion, torture)
<ul style="list-style-type: none"> Right of communication 	<ul style="list-style-type: none"> Denial of access to information

Violations in the Destinations: Labor Rights and Health Rights

Human Rights Principles	Forms of Violations
<ul style="list-style-type: none"> Labor rights: <ul style="list-style-type: none"> right to wages and remuneration right to compensation right to health services right to safe and appropriate working conditions right to leisure and rest right to form and join unions 	<ul style="list-style-type: none"> Women are forced into prostitution, denied the right to choose clients and conditions of selling sex as well as methods to prevent sexually transmitted diseases and AIDS Abusive working conditions: <ul style="list-style-type: none"> violation of contract unpaid labor (including housework) unsafe working conditions/bad working conditions overwork underpaid cannot form a union
<ul style="list-style-type: none"> Health rights: <ul style="list-style-type: none"> right to health reproductive rights right to privacy 	<ul style="list-style-type: none"> Denial of access to health <ul style="list-style-type: none"> no access to health services forced abortion forced drug and substance use forced medical check up and treatment

Violations in the Destinations: Slave-like Conditions

Human Rights Principles	Forms of Violations
<ul style="list-style-type: none"> Right to life and security; right to privacy 	<ul style="list-style-type: none"> Denial of basic human needs (food, shelter, rest, etc.)
<ul style="list-style-type: none"> Freedom from torture, cruel, inhumane treatment or punishment 	<ul style="list-style-type: none"> Torture (physical, mental, sexual abuses)
<ul style="list-style-type: none"> Right to equality; freedom from discrimination 	<ul style="list-style-type: none"> Discrimination
<ul style="list-style-type: none"> Right to freedom of movement and residence 	<ul style="list-style-type: none"> Confinement
<ul style="list-style-type: none"> Right to an adequate standard of living 	<ul style="list-style-type: none"> Bad living conditions (inadequate food, shelter, forced to buy expensive products from traffickers)
<ul style="list-style-type: none"> Right to self-determination 	<ul style="list-style-type: none"> Loss of control over one's life
<ul style="list-style-type: none"> Right to legal identity 	<ul style="list-style-type: none"> Confiscation of identity and travel documents
<ul style="list-style-type: none"> Right to information 	<ul style="list-style-type: none"> Denial of access to information about labor/immigration laws, social and culture knowledge
<ul style="list-style-type: none"> Freedom of thought, conscience and religion Right to culture 	<ul style="list-style-type: none"> Violation of cultural or religious aspects: <ul style="list-style-type: none"> forced to act against religious beliefs no right to organize cultural ceremonies
<ul style="list-style-type: none"> Right to nationality Right to education and development 	<ul style="list-style-type: none"> Children – denial of access to nationality, education
<ul style="list-style-type: none"> Right to marriage 	<ul style="list-style-type: none"> Women do not share equal rights with husbands and are forced to marry someone who they do not wish to marry

Adapted from Human Rights in Practice: A Guide to Assist Trafficked Women and Children, Global Alliance Against Trafficking Women (GAATW), Bangkok 1999.