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CONTEMPORARY GENDER ISSUE: FEMINISATON OF TRAFFICKING

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Abstract

Feminisation of trafficking refers to the recruitment, transportation, transfer and harbouring of women and girls, by threat of force or deception for the purpose of exploitation. The present paper is an attempt to look into the various aspects of feminisation of trafficking, such as the dilemmas faced by trafficked women, factors augmenting feminisation of trafficking and the various strategies for dealing with the issue. Trafficking in human being is increasing in both magnitude and reach. It violates all known canons of human rights and dignity. As part of the process of globalisation, feminisation of trafficking involves the interplay of exploitation, trafficking, migration, smuggling, labour and consent. Socio-economic, socio-cultural and political factors, domestic violence, and sex trade are the important situations that lead to feminisation of trafficking. Strategies to deal with the issue of feminisation of trafficking include programmes for economic empowerment of women, elimination of gender discrimination and sustainable livelihood, gender sensitive human-rights-based approach, and suitable trade policies between countries at the global level.

INTRODUCTION

Trafficking in human being is increasing in both magnitude and reach. It violates all known canons of human rights and dignity. It refers to the recruitment, transportation, transfer and harbouring of persons by threat of force or deception for the purpose of exploitation. It has become a multi-billion dollar industry run both by individuals and by small and large organised

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crime network. A 'communiqué from the G-8 countries on combating transnational organised crime' identified the phenomenon of trafficking as the dark side of globalisation (Heyzer 2006).

In this world of tragic and complex human abuse, women and children form a particularly vulnerable class. Human abuse of trafficking involves not only prostitution, debt bondage, forced labour and enslavement of adults and children, but also child soldiering and sexual slavery. The International Labour Organisation (ILO) estimates that some 12.3 million people are enslaved in forced or bonded labour or sexual or involuntary servitude at any given time. While the nature of trafficking makes it difficult to know the actual extent of the phenomenon, an estimated 600,000 to 800,000 persons – mainly women and children – are trafficked across international borders each year. The number of trafficked persons within countries is still unknown. Approximately 80 per cent of those trafficked across international borders are women and girls, and 50 per cent are minor (Williams and Masika 2002).

The dramatic growth in migration and trafficking flows has resulted from the combination of push, pull and facilitating factors. The 'push' factors include uneven economic growth and breakdown of economic systems, increase in war and armed conflict, environmental degradation, natural disasters, high level of gender discrimination and family violence etc. in the native country. The 'pull' factors are the economic growth, and relative prosperity and peace in industrialised and newly industrialising countries which are creating increased demand for imported labour. Migrant workers thus form two streams - the highly skilled professionals demanded by new advances in information and medical technologies on the one hand, and the far more enormous group of unskilled and less educated workers willing to take the low-wage, part-time and contract jobs that the native citizens are often reluctant to take, on the other. The entry of the former group is welcomed and legitimised by the receiving state; the entry of the latter group is carefully guarded against and hence many of the individuals of this group enter illegally and are therefore vulnerable to exploitation and abuse by employers and officials alike.

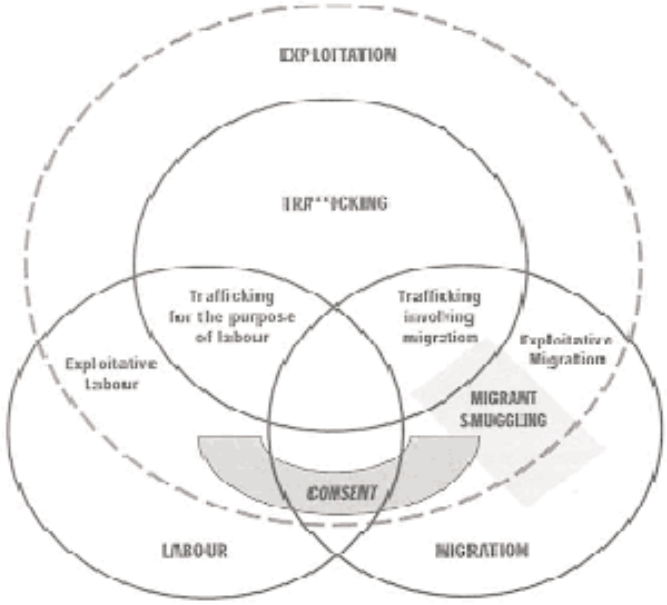
The major facilitating factor of trafficking is the involvement of organised crime, in which trafficking is a growing source of profit. The United Nations ranks human trafficking as the third largest criminal enterprise world wide, next to drugs and arms; it generates an estimated $ 9.5 billion

each year for the procurers, smugglers and corrupt public officials who make it possible (Truong 2003).

Interplay of Consent in Migration, Trafficking and Smuggling

People may consent to certain types of exploitation. "However, a person can never consent to trafficking" (United Nations 2003: 27). Even if there is manifestation of consent, it is, in fact, a façade of consent and not 'informed consent'. Trafficking means much more than the organised movement of persons for profit. The critical factor that distinguishes trafficking from migrant smuggling is the pressure of force, coercion and/or deception throughout or at some stage in the process – such deception, force or coercion being used for the purpose of exploitation. In this context, the model developed by the United Nations Economic and Social Council (ECOSOC), as shown in Figure1, explains the interplay among the various related concepts (United Nations 2003).

Figure 1
Interplay of Exploitation, Trafficking, Migration, Smuggling, Labour and Consent



Source: ECOSOC, cited in United Nations 2003

Trafficking in women and children is violation of several human rights, including the very right to life, right to liberty and human dignity, right to security, right to freedom from torture or cruelty and inhuman or degrading treatment, right to a home and family, right to education and proper employment, right to health care and everything that makes for a life with dignity.

GLOBALISATION AND FEMINISATION OF TRAFFICKING

As globalisation created a growing demand for cheap, low-skilled labour in both developed and developing countries in agriculture, labour intensive manufacturing, food processing, construction and service sector in general, including domestic service, home health care and sexual services, the demand for trafficked labour has also increased. Sex tourism and child pornography have become global industries, fuelled in part by the new information technologies such as the internet.

Globalisation has had both winners and losers. It has slashed economic opportunities in rural areas and in poor countries that are not competitive in the global market place, creating what one expert has called '*crisis of economic security*' in such countries (Stalker 2000). Market liberalisation and privatisation have created an increasing need for cash income to purchase the most basic needs, including those once provided by the state. Often this demand cannot be satisfied in local labour markets, forcing families to send members out into the global workplace.

Labour migration is now characterised by increasing numbers of women and girls, sometimes described in terms of increasing 'feminisation'. In the 20th century changes in both supply and demand factors led to the feminisation of migration flows and a sharp increase in the numbers and proportions of women and children migrating on a short-term or temporary basis in search of work. One reason for this shift is that migration is often both cheaper and easier for women than for men (Huntington 2002).

Gender inequality in both the source and destination areas also increases the vulnerability of women and children, particularly girls, to trafficking. Changes in both the supply of and demand for female labour, partly due to changes in the gender roles in industrialised and developing

countries, have also increased the proportion of women and children in migration streams, and therefore of women and adolescent girls being trafficked. Corner (2002) found that there was increased demand for female labour in areas such as household and care giving work, wherein the education and skill requirements are lower for women than for men.

While many women initially embraced the prospect of staying at home and caring for their children, the problem of job and income loss, the elimination of nurseries for children of working mothers, the abrupt dismantling of services previously provided by the state with a dramatic increase in alcoholism, violence and crime have resulted in the disintegration of family and community ties forcing women to look for new opportunities and new lives elsewhere. In regions throughout Asia, South Asia and Africa, young women are running away from prospects of early or forced marriage, constant childbearing, the risk of maternal and child mortality and the drudgery involved in fetching fuel and water, caring for their families and contributing to the family income through labour-intensive agriculture or other kinds of low-paid unskilled jobs available locally (Chhetry 1999).

DILEMMAS OF THE TRAFFICKED WOMEN

The increasing entry of women and children into the paid labour force, either full or part-time, has created a huge demand in industrialised countries for the labour and time of women and children, particularly girls, in unpaid household and care work. The low wages, traditional low status, and demanding hours of jobs in this sector are such that indigenous women or residents in these countries avoid them if they can, adding to the demand for illegal and trafficked women labour.

Gender stereotypes render women and girls especially vulnerable to physical violence and sexual abuse. The low wages paid to trafficked women, combined with frequent withholding of pay by employers and high fees charged by traffickers, often force women to be trafficked into areas of employment other than sex work. They resort to it ultimately in order to survive or to repay the debts incurred during the process of being trafficked. Young women and children especially adolescent girls are in particular demand because they are often regarded as more acquiescent and less likely to rebel against sub-standard working conditions.

The dominant market ideology has led to the weakening of regular monitoring mechanism to protect working conditions, minimum labour standards or basic human rights. Traffickers often use routes through countries that have been engulfed by conflict, since border controls and normal policing care are reduced. The breakdown of law and order, police functions and border controls that accompany armed conflicts create an environment in which the trafficking of women has flourished (UNIFEM 2002). Both refugees and displaced women and girls are taken as hostages and later trafficked into slavery or sex work and forced military recruitment by way of abduction or sold into marriage.

Refugees, returning and displaced women (as refugees and returnees), often suffer discrimination and human right abuses throughout their flight, during settlement and on their return. The loss of social support networks that typically accompanies uprooting means that they have less power to escape, defend themselves or obtain the protection and assistance needed to survive. Lack of security and poorly lit camps leave women at the risk of attack both inside and outside the camps. Their inability to obtain basic services or protection takes a tremendous toll on their physical and mental health. Left with few options, many turn to sex work in order to meet the basic survival needs.

The effects of trafficking and sexual slavery are profound, especially for young women. They face several physical and mental health problems due to rape, sexual abuse, sexually transmitted infections including HIV/AIDS, trauma and unwanted pregnancies. Torn from their families, women and girls who have been brutalised by their kidnappers are often rejected by their own kin. In some cases young girls who had been abducted by soldiers or rebels spent months searching for family members after escaping from their captors, only to be turned away in disgrace when they did find a relative (UNIFEM 2002).

Most often domestic laws and immigration policies that fail to address the differential impact of armed conflict on women may force them to return to their countries, where they risk further violence. Women and girls may be forced to stay in abusive marriages to avoid losing their visas and having to return to their countries in conflict.

FACTORS RESPONSIBLE FOR FEMINISATION OF TRAFFICKING

The human rights perspective sees trafficking as 'a crime against migrants', in which women are the most vulnerable to traffickers. Women are vulnerable to being coerced and deceived at the sources of origin, during the transfer while migrating, or at sites of work after reaching the transit point or destination. There are various factors that lead to feminisation of trafficking (Coomaraswamy 2000). Important among them are socio-economic factors, socio-cultural factors, domestic violence, sex trade and political factors.

Socio- Economic Factors

Economic disparity both within and between countries is an important factor that promotes trafficking. Trafficking takes place from low-income to high-income countries, where the demand for cheap and low status labour exists. Typically, traffickers target women and girls who are economically disadvantaged in their home country or region and transport them to wealthier countries or regions that can support the trafficked women commercially including sex industry.

At its core, trafficking in women is a result of women's unequal economic status. Majority of the world's poor are women. Breakdown of traditional family structures and support systems increases the responsibility of women to support families, who then tend to take greater risks while migrating to provide income for their families through the remittances. Women, more frequently than men, have the additional economic burden of caring for children. Women also tend to look for alternatives because of their expanding sense of economic and personal autonomy, greater levels of independence and mobility thus increasing the numbers who migrate. They tend to be at a greater risk as they are in a vulnerable position without their community's support (Raymond *et al.* 2002).

Many a time trafficking takes place due to economic hardships created by environmental factors. People move because of environmental disruptions, like cyclones or other natural disasters. The destabilisation and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour (United Nations 2000). Their

normal means of livelihood gets disrupted and they are unable to find subsistence from the existing land. It is usually the destitute and indigenous people, especially women among them, who are the most affected. Large-scale migration and consequent trafficking of women and girls have been reported after the cyclone disaster in Orissa in 1999 and the devastating earthquake of Latur in Maharashtra in 1993. The migrants who try to move out for safety are highly vulnerable to trafficking. Development projects, urbanisation, biological disruptions (ecological changes affecting the living organisms), deforestation, land erosion and lack of access to man-made resources (facilities created by human efforts for services such as transport, communication, energy, water supply, housing, land use etc.) also lead to large-scale displacement of local populations leading to trafficking (Pandey *et al.* 2002).

Socio-Cultural Factors

Women face discrimination that limits their educational and employment opportunities. In the employment setting, women are often the last hired and the first fired. Women also experience disproportionately more sexual harassment in the workplace. This situation forces many women to look abroad for work which makes them particularly vulnerable to exploitation.

Sangroula (2001) found that women are "exposed to large uncertainties" and are also more willing to take risks, so that they are likely to get trapped more easily. Also women are preferred by traffickers because they lack the requisite support structures to defend or demand their rights, both during migration and at the new work sites. Their limited 'bargaining power' impairs their ability to overcome vulnerability or resist exploitation, as they move from centralised economies to free market systems (Guthrie 1995).

Desire to travel, combined with poverty and social discrimination, is another factor that induces women to look abroad in search of better lives. Many women attempt to explore the world through employment agencies or study programmes abroad without knowing whether the recruiting agencies are legitimate or trustworthy. While it is possible in some countries to verify the legitimacy of an educational or employment agency, often through hotline services, there is still a need for basic information about safe employment or travel opportunities abroad.

Domestic Violence

Social discrimination and disturbance within families with problems of alcohol, drug, physical or sexual abuse fuel a desire to move away, especially in the case of girls/women and children who more easily fall for false promises. In situations of instability they trust agencies or people, who may use the opportunity to traffic them. Runaway girls/women and children are at a greater risk of being trafficked.

On account of limited legal provisions and support for abused women in many communities, women often see few opportunities to end the abuse. Victims of domestic violence may also be at risk of becoming victims of trafficking when they seek work abroad in order to leave the abusive situation. Women who have few means to stop abusive relationships may turn to employment services, matchmaking agencies or other offers of help to travel abroad in order to escape their current environments (Abraham 2001).

Sex Trade in Trafficking

An important factor involved in feminisation of trafficking is the trade in women and girls for sex work. Trafficking in women for sex work may be facilitated by situations of conflicts and militarisation, and demands of migrant population. At times trafficking for sex trade is carried out in the form of fake marriages.

Internal conflict destabilises a country's economy and disrupts social patterns. High level corruption is also found in conflict zones where separatist regimes may be funded by such activities as kidnapping, trade in narcotics or trafficking in people. Conflict and the resulting instability weaken border controls and facilitate the movement of women from country to country. During such situations women may even be forced into sex work or choose to become sex workers themselves in order to support their families.

The stationing of troops in both conflict and post-conflict areas is often followed by the development of the sex industry there. This phenomenon has been recognised around the world during every war. Victims of trafficking are sometimes delivered to brothels that serve military bases. Military involvement in trafficking and sex work ranges from ignoring the problem and thereby failing to discipline troops to actually regulating sex trade.

According to Talleyrand (2000: 151) the military's involvement in trafficking includes "regulation of the prostitution industry in 'officially approved brothels,' ensuring a steady supply of available military sex workers, acting as procurers, keeping track of the sex workers that had contracted sexually transmitted diseases (with the intention of protecting the servicemen and not for the purpose of informing the sex workers), and in some instances, government to government agreements that keep track of sex workers through identification."

Another factor involved in feminisation of trafficking for sex work is the preference for women of a certain racial or ethnic group by the client group. They are considered exotic and sold as such by the sex industry, which puts migrant women of certain ethnic and cultural backgrounds at risk, as in the instance of women from Nepal being trafficked to India. Many studies on sex work report that migrant labour forms a significant proportion of their clientele. The highway sector sex work serves a mainly commuting population of truck drivers and migrant labour. A preference is shown for women from similar backgrounds, and this may increase the demand for women from certain communities (Asian Development Bank 2002). It is reported that the possibility of trafficking increases along such routes, where a large number of male migrant labourers in an area create the demand for sex workers of similar linguistic and cultural background, leading to an increase in trafficking of women from those areas for sex work.

Traffickers often use promises of marriage or fake marriages as a means of shifting women from their families and communities. Shalini and Lalitha (1996) in their study reveal the case of a trafficker who married thirty Nepalese girls in one year, sold them one by one to brothels in India and then returned to Nepal to marry again. A study on international migration in the context of Bangladesh and India describes this process in detail. Agents working on both the sides of the border send a match maker, usually a female who is an original resident of a nearby village, to find recruits. A secret marriage is conducted and the couple move across borders, illegally assisted by a smuggling agent. The girl is then sold to another person. If she is not sold, she is taken to her husband's place, where she is kept in slave-like conditions and made to work in the bangle factories in exploitative conditions. "They do not consider Bengali girls as human beings, rather commodification has reached to such an extent that they are in a position to treat them in any manner whatsoever" (UBINIG 1996). Similar cases of

large-scale trafficking of girls from Orissa and Assam to Haryana and Punjab for 'marriage' are reported in the media (Razario 1988).

Political Factors

There are certain political factors that affect feminisation of trafficking. They include the immigration laws enacted by the states, absence of state security measures for women and girls, the state policies and practices in dealing with trafficking, and corruption among state personnel involved in enforcing the state polices.

Although globalisation has rendered the movement of goods and capital acceptable, the movement of people is not so easily accepted. Strict immigration laws are passed by the state in an attempt to be in control of this flow of people. These restrictions on migration tend to encourage illegal migration, which in turn creates higher risks of people being trafficked. Migrants may fall prey to traffickers while looking for means to enter a country illegally, may be with the help of smugglers. As illegal migrants, they will be at higher risk of being trafficked, because they fear and avoid authorities, which becomes one of the mechanisms of controlling them. The opposite situation, i.e. when the immigration laws are too lax, as in the case of India and its border situation with Nepal, may also create problems. The porous nature of the border between these countries has allowed trafficking to flourish and the close cultural and historical ties make it very difficult to place restrictions.

Absence of appropriate social security measures for women and children in situations of distress forces them to move. These circumstances, which usually remain invisible, place them at risk of being trafficked (Raymond *et al.* 2002). Another political aspect of the problem is that failure of governments to provide opportunities for education, shelter, food, employment, relief, access to structures of formal state power and freedom from violence puts women and children at risk of being trafficked. Situations and contexts are thereby created, which compel them to seek alternatives elsewhere, leading to migration (United Nations 2000).

Many a time the state policies and practices neither control nor prevent the situation of trafficking in women. On the contrary they may actually facilitate trafficking. The connections between national government practices

and trafficking vary. At one end of the continuum, government inaction and lack of attention in the matter make it possible for trafficking to exist. At the other end, corrupt government officials may be actually involved in the trafficking process. A government's national immigration policy can inadvertently impact trafficking routes. Weak border controls and untrained immigration officials make it possible for victims of trafficking to be transported both through transit countries and to destination countries without detection. On the other hand, strict border controls and entry requirements limit the possibility of legal migration. In such situations, women seek out agencies that will aid them to travel, and the agencies themselves are often fronts for traffickers. Increasingly, governments have responded to trafficking through restrictive immigration policies that render immigrants more vulnerable to traffickers.

In extreme cases, individual government officials, such as border guards, police officers, and court officials participate in or benefit directly from trafficking. Government corruption may take the form of receiving bribes from traffickers or profits from the trafficking industry, cooperation with traffickers, or refusing to provide assistance to victims of trafficking. Non-governmental organisations have raised concerns about reports of government officials demanding bribes from trafficking victims in order to begin investigation, police colluding with traffickers to return women to brothels and of border guards assisting in the abduction of women. Strategies for fighting government corruption can include the creation of internal affairs departments within the government structure as well as prosecution of members of the government who are found to have been complicit in trafficking (Government of India 1998).

STRATEGIES TO IMPEDE FEMINISATION OF TRAFFICKING

Economic Empowerment of Women

Economic empowerment of women involves building the capacity of women producers and entrepreneurs in product development, production process, business and financial development; and ensuring access to and use of information and marketing, including the ability to effectively respond to market change. It also involves enabling women to recognise and claim their economic rights, including the rights to sustainable livelihood, access to skill, information and markets in accordance with international human rights instruments and relevant international labour conventions.

Economic empowerment for women helps in enhancing women's ownership and control over productive resources, access to markets, and movement up the production and market value chain in secure and sustainable ways. Economic empowerment of women involves recognising and valuing women's paid and unpaid work equally with men's at all levels of society, examining the gender impact of macroeconomic policy on women's employment and livelihood, ensuring women's access to and ownership of economic resources including land and finance, and providing new and better paid employment and business opportunities for women that are not restricted to sectors traditionally dominated by women's labour.

Eliminating Gender Discrimination

Gender discrimination is recognised as a fundamental denial of human rights. Women's human rights must therefore lie at the core of any credible anti-trafficking strategy; for violations of human rights are both a cause and a consequence of trafficking in persons. It is unfortunately true that women remain inequitably situated in relation to men in terms of their gender roles and impact of gender stereotypes; women generally have needs different from those of men. Therefore a human rights orientation to trafficking must be responsive to gender differences and disparities when focused on realising human rights equally for women and men, girls and boys (Cunha 2002).

Strategies for Sustainable Livelihood

It has been an issue of considerable debate whether creating livelihood opportunities for women and girls will prevent trafficking and promote the resettlement of returnees. The creation of livelihood opportunities in the areas of high risk for trafficking of women and girls may discourage out-migration and thereby reduce the risk of trafficking. To be effective, however, these opportunities must be competitive in terms of earnings and working conditions with those available in the destination areas accessible to local women (Corner 2002).

The drudgery of unpaid housework, gathering fuel and fetching water, as well as the risk of high maternal and infant mortality, tend to drive young women away, especially from rural areas. The public provision of water,

power, transport and health services and macroeconomic policies that support these are important components of strategies for trafficking prevention.

Programmes to combat trafficking often limit training for women returnees to their traditional occupations, which are usually unskilled and poorly paid, and thus unlikely to be competitive with those available through migration or trafficking even taking into account the risk involved. There is also a need for the creation of more positive attitudes to women's rights, roles and status that will support girls' rights to education and women's right to paid employment, as well as reduce the unequal burden of unpaid work by promoting more active roles for men in household and family.

Gender Sensitive Rights Based Approach

Apart from national development strategies, that provide sustainable livelihoods and expand choices for women which limit migration and reduce vulnerability to trafficking, gender-sensitive and rights based efforts to make migration safe are also needed. An important step in this regard is the adoption of mechanisms for legal migration between and among states. In the Asia Pacific region, for example, such mechanisms have been adopted between Thailand and its neighbours, and between Malaysia and its neighbours.

The gender blind macroeconomic policies, failing to account for their differential impact on women and men, contribute directly to trafficking in women and girls. There have been relatively fewer efforts to transform gender stereotypes and beliefs about gender roles and responsibilities, or notions about male and female sexuality, that create and reinforce the demand for women in 'women oriented' sectors as domestic work and sex work (Heyzer 2006).

To be effective, the "UN Recommended Guidelines on Human Rights and Human Trafficking" (ECOSOC 2002) need to be integrated into national development policies, which must consider the potential impact on human trafficking, particularly in the case of women. The difficulty with this approach to trafficking is that while recipient countries see the growth of trafficking, especially in women and girls, as a danger, the countries of origin often do not. While recipient countries could do much to reduce the demand for trafficked labour, including reducing the demand for sex work, the main

pressure for prevention tends to fall on source countries. Thus though it will be difficult to persuade departments such as high ways and transportation, commerce and industry or even macroeconomic policy-makers in developing countries to consider the impact of their policies on human trafficking, there is a need for assessing the policies and development programmes in poor areas and marginal populations in terms of their potential impact on trafficking.

Trade Policies, Microeconomics and Trafficking

Governments in both sending and receiving countries that seek to combat trafficking must consider the possibility that, in a globalised world, their own policies contribute directly to the phenomenon they seek to eliminate. The current contradiction in trade policy is a case in point. Economically marginalised people, particularly women, in developing countries are unable to realise their human right to a decent livelihood in their own country partly due to global inequities in trade.

Deregulation and competition push firms in industrialised economies to search for cheap (often trafficked) labour in labour-intensive and protected sectors such as agriculture and the textile industry, thereby providing a labour market for the same victims of trafficking that their governments are trying to combat. By encouraging women's entry into the paid labour force while simultaneously cutting the social services needed to support women's household and care giving roles, these economies also create the demand for cheap domestic workers.

However, several demographic and economic changes may eventually encourage a move towards reducing such global inequities. There are signs that the preoccupation with economic growth to the virtual exclusion of social impact is under review in some countries, and especially following the financial crises in Asia. Civil society movements, most notably those struggling for a more equitable form of global trade, are forcing a consideration of balance between social and economic objectives.

CONCLUSION

The problems created by global phenomena such as migration and trafficking require global solutions. Global solutions must include full awareness of, and accountability for the persistence of, and need to combat

gender inequality and discrimination everywhere, especially in the age that has been marked by a huge upsurge of rhetoric about human rights and women's human rights.

Gender sensitive development strategies are needed that combine sustainable markets, strategies that enable women to build sustainable and profitable business, with the capacity to respond to market change when it happens. Such strategies must be so designed that women's economic empowerment promotes gender equality within their families and communities. Thus for women, prevention involves not only providing a viable economic alternative to opportunities elsewhere, but also promoting individual and collective empowerment that will enable them to address the underlying causes of their marginalisation and trafficking.

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