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# Alliance News



**Beyond Anti-Trafficking Frameworks**  
Linkages between Trafficking, Migration,  
Gender, Labour and Globalisation



Global Alliance Against Traffic in Women



**Editor's Note**

Articles contained in this issue of the GAATW newsletters represent the views of the respective authors and not necessarily those of the entire GAATW network. The editorial team has edited all articles much as possible with the author's approval before publication. However, the authenticity of the author's voices is maintained and the author's rights are respected in cases where the author feels strongly about keeping certain texts and/or style considerations intact.

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# Beyond Anti-Trafficking Frameworks: Linkages between Trafficking, Migration, Gender, Labour and Globalisation

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## Dear Friends

Welcome to the 33<sup>rd</sup> issue of the *Alliance News*. In this issue, we broaden our perspective beyond the anti-trafficking framework, to recognise women's multiple identities and their complex realities. In other words, we affirm once again that a woman's (or any person's) trafficking experience does not comprise her whole identity or life story.

The complexities of women's lives cannot be captured by one approach alone, whether that be anti-trafficking, women's rights, migrant rights or labour rights. Multiple approaches are required to fully understand women's experiences.

Women's trafficking experiences are not isolated from her other experiences, roles or identities. Women we have spoken to over the years have questioned the categories imposed on them:

- Why do women get help if they are trafficked into prostitution but not if they're trafficked into domestic work?
- Who helps migrants who are exploited but do not fit the international definition of a trafficked person?
- Does accepting help as a trafficked 'victim' require a person to surrender their power or their agency?

In this issue, Helga Conrad (Independent Consultant on Combating Trafficking in Human Beings) offers a critique of the 'projectisation' of anti-trafficking and the harm done to grassroots groups and trafficked persons when donors adhere to strict and decontextualised definitions of trafficking.

Holistic approaches are not yet regularly reflected in policies, programmes and advocacy tools; instead issues are sometimes fragmented or addressed in isolation. For example, anti-trafficking discussions and strategies may focus exclusively on trafficking but may not adequately acknowledge how trafficking occurs within broader migration, labour and gendered contexts. The failure to adopt holistic approaches is contributing to ineffective anti-trafficking policies and strategies. Millions of dollars and countless efforts are being made to end trafficking; however, people continue to be trafficked worldwide. Current anti-trafficking efforts need to be assessed. In October, a decision on the creation of a review mechanism to the Human Trafficking Protocol will be made at the United Nations Convention on Transnational Organised Crime 5<sup>th</sup> Conference of States Parties. For the past two years, GAATW has been lobbying states to implement an inclusive and transparent review mechanism to the Protocol, which, if well-developed, would assist governments and civil society to assess the effectiveness of their anti-trafficking

measures and would better enable advocates to demonstrate the need for integrated and holistic approaches to anti-trafficking.<sup>1</sup>

GAATW has always placed trafficking within a broader understanding of migration, gender and labour. Over the past three years we have deepened our conceptual and practical understanding of these intersections, as well as trafficking's intersections with security, trade and globalisation. This has occurred through the course of conversations with members and allies, as well as through three Roundtables<sup>2 3</sup>; a Working Paper series on the links between trafficking and migration, labour, gender, globalisation, trade and security<sup>4</sup>; and feminist participatory action research projects with several member and allied organisations<sup>5</sup>. In this *Alliance News*, Rebecca Napier-Moore, GAATW Research & Training Officer, summarises some of these conversations and Xenia Commandeur, GAATW Research & Communications Officer, reports back from our recent 3<sup>rd</sup> Roundtable on members' and allies' feminist participatory action research projects.

Members and allies are also strengthening their anti-trafficking work by using strategies from the labour rights, migrant rights and women's rights movements. To name a few examples, members and allies are filing labour cases to gain justice for trafficked persons, incorporating women's rights instruments such as the Convention on the Elimination of Discrimination Against Women (CEDAW) into their anti-trafficking advocacy work, developing safe migration tools to prevent trafficking, working for domestic workers' rights, and incorporating gender, migration and labour rights issues into regional anti-trafficking policy. You will find examples of such case studies dotted throughout the issue.

Globally, some of these intersections are more readily acknowledged than others. For instance, trafficking has historically been linked with women, and governments have largely focused on trafficking as a crime of migration. The intersection between trafficking and labour exploitation has received relatively less attention. In this issue, authors analyse the links between migrant labour, exploitation and trafficking. In Europe, Nerea Bilbatua, GAATW's Europe Regional Officer, critically reviews a labour migration management scheme in Spain that has been lauded as a way to prevent trafficking and manage migration but still presents some important women's rights challenges.

In addition to explicit links between trafficking and labour exploitation, we also broaden our view to analyse the circumstances of migrants who may not have been trafficked but have experienced or are at risk for

exploitation. Joy Chavez and Walden Bello, of Focus, provide an overview of how global economic processes influence labour migration. Nkirote Laiboni, GAATW's Africa Regional Officer explores the impact of xenophobia on urban refugees in Nairobi's informal economy. Florina Benoit (refugee rights advocate) talks about some of the less recognised social impacts of migration, specifically family separation among refugee families due to labour migration.

The connections between trafficking and related issues provide opportunities for joint action but these intersections also present important challenges. Articles by Jackie Pollock (migrants' rights advocate) and Susan Kneebone (Professor of Law) discuss the conceptual and practical questions that arise when an anti-trafficking solution may compromise or endanger another aspect of a person's identity, such as their rights as a migrant or as a refugee.

Three articles by Canadian members and allies present an interesting contrast between trafficking as a 'new' issue (when it is linked to migrant sex workers) and as an 'old' issue (when it is linked to indigenous rights) in Canada. FIRST, a sex workers rights group in Vancouver talk about how sex workers' advocates found themselves in local anti-trafficking debates when anti-prostitution groups used fears of trafficking to further anti-prostitution agendas in the lead up to the 2010 Vancouver Winter Olympics. Annalee Lepp further discusses how these anti-trafficking and anti-prostitution debates utilised or replicated particular racialised discourses. Sarah Hunt (an indigenous rights advocate), examines how this recent and Olympic-related attention on trafficking issues continued to largely ignore the history of trafficking and trafficking-like violations that Aboriginal peoples have experienced and continue to experience under government colonial policies.

We hope this issue encourages people to think about the impact of migration status categories (e.g. refugee, trafficked person) on people who may move in and out of these categories, and how frameworks that rely on categorising people can assist those whose lives may defy

categorisation. By recognising people's complex lived and fluid identities, we hope to encourage creative use of holistic approaches amongst all rights stakeholders.

We hope you enjoy reading this issue. As always, we welcome your feedback.

Sincerely,

Julie Ham  
For the GAATW Team

#### Endnotes

- <sup>1</sup> GAATW (2008), *Gender-Migration-Labour-Trafficking: Exploring Conceptual Linkages & Moving Forward*. Report of Roundtable I, 6-9 August 2008, Bangkok, Thailand: Global Alliance Against Traffic in Women.
- <sup>2</sup> GAATW (2009), *Trafficking and the Political Economy: Impacts on the Rights of Migrants From Trade, the Financial Crisis and New Regimes of Control*. Report of Roundtable II, 27 February & 25-27 March 2009, Bangkok, Thailand: Global Alliance Against Traffic in Women.
- <sup>3</sup> In press, for more information contact GAATW at [gaatw@gaatw.org](mailto:gaatw@gaatw.org)
- <sup>4</sup> In press, for more information contact GAATW at [gaatw@gaatw.org](mailto:gaatw@gaatw.org).
- <sup>5</sup> For more information go to [www.victimcenteredmechanism.com](http://www.victimcenteredmechanism.com)



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# What are 'Linkages'? GAATW Members Speak

Rebecca Napier-Moore

For the last two years, GAATW has focused on 'linking' trafficking to gender, migration and labour. In these two years, the GAATW International Secretariat (IS), members and friends have had many discussions to explore what 'linking' means, what it looks like, and how to use it in the most beneficial way. We have held three discussion Roundtables on the topic; 12 member and allied organisations have conducted Feminist Participatory Action Research on these connections; and members at four Regional Consultations have shared how the 'linkages' show up in their work. In preparation for, and during, the Regional Consultations we asked member organisation what they thought. Their words here introduce us to the 'Linkages' concept - the focus of this *Alliance News*.

## More than a 'Trafficked Person'

GAATW has always recognised that women's identities are more complex than just being 'a trafficked person'. This is what 'Linkages' is about - seeing the whole person. Being trafficked is not the only thing that shapes a person's life. People are also shaped and defined by their community, their religion, their ethnicity, and their identity as women, as workers, as migrants, to name a few examples. GAATW member organisations say that all these facets of women's lives must be recognised. In seeing people's lives more holistically, we are more true to the women we are trying to assist and we are better able to try to address some of the barriers constraining her choices, such as restrictive government migration and labour regulations.

*"People working at the grassroots have no option but to link. You have to see it; you see the government not allowing her to go [migrate]. You have to see her whole identity." - India*

We realise that it is not only important to look holistically at women's identities but also at the measures and policies affecting them. Trafficking can be addressed within wider legislation that affects migration, gender and labour. As the Brazilian member organisation says below, the political agendas of each topic are tied together. Working towards broader rights regimes for migrants, women and workers will leave less space for traffickers to operate.

*"The big challenge is that trafficking (inside the bigger themes of migration, gender and labour) is just a sub-theme. It is just 'one' of the violations of people's human rights. This means the fight against trafficking has to be a priority in the political agenda inside the other themes (of migration, gender and labour)." - Brazil*

Beyond looking holistically at women's identities and at the policies affecting them, we can do a better job at working together with advocates who specialise in different fields. Anti-trafficking advocates can join the campaigns of trade unions or of groups lobbying for, or against, a certain trade agreement that would affect many of the people they work with. Some members already do this! This is not to say that every organisation should specialise



in everything, but having a broader knowledge allows us to see what other issues are impacting on women's lives and how we can contribute to those efforts.

### Promotion of Human Rights in Trafficking and Other Fields

GAATW member organisations are working on, or are aware of, the different fields that affect the people with whom they work.

*"I think that these four concepts [trafficking, migration, labour, gender] all refer to situations where there can be human rights violations. Therefore, our common focus has to be the defence, promotion, guarantee and restitution of human rights."* - Colombia

In GAATW, we know unsafe migration and gender discrimination limit women to fully realise aspirations and rights.

*"We should link trafficking and migration because there is a danger of being trafficked while migrating."* - Nepal

*"Human trafficking and migration are separate but interrelated phenomena ... the linkages between these concepts adds to their complexities as well as confusion ... [and] sometimes policies which aim at combating human trafficking in reality end up restricting migration rather than the crime of human trafficking."* - Nigeria

*"Gender discrimination causes or contributes to violations: the limitation of women's mobility, equality of citizenship under the law, and equality in labour rights protections."* - Indonesia

*"Violence against women, particularly domestic violence, can lead to forced migration and trafficking..."* - Uganda

We know employment is relevant: both a lack of jobs at home as well as forced or exploitative labour in destination places.

*"People migrate because they do not find employment here. Hence our work is very much linked with migration and labour."* - India

*"Forced labour is one type of human trafficking; therefore, labour and especially the issue of labour exploitation is closely related to human trafficking."* - Mongolia

*"Irregular labour migrants are most vulnerable to human trafficking and forced labour ...."* - Nigeria

And we know that globalisation controls and affects what jobs are available and whether they are decent and dignified work or precarious and exploitative.

*"Trafficked women and men are usually involved in particular forms of labour which are highly affected by globalisation."* - Hong Kong

### Members' Use of Different Frameworks for their Anti-Trafficking Work

In order to promote rights, GAATW member organisations work in a variety of ways. Their focus and strategies depend on their particular context. Here's what a few member organisations have to say about the focus of their work. For some a gender framework is key. For others, safe migration strategies are important.

*"We mainly work on migrants' rights and labour rights. To some extent, we focus on women's rights (such as looking at reproductive rights for foreign domestic workers in the country)."* - Singapore

*"We must take concepts of gender as the basis in our prevention, empowerment and information activities."* - Dominican Republic

*"Our anti-trafficking prevention work has had an impact, particularly in urban areas where there is increased awareness about the differences between trafficking and migration."* - Nigeria

*"We are engaged in training media, local NGOs [non-governmental organisations], law enforcing agencies on the nexus between migration and trafficking and gender sensitive approaches."* - India

### Strategically Linking with Other Groups

*"If we aligned with different groups we would be able to lobby, advocate and start political campaigns that work more strongly, efficiently, and effectively."* - Brazil

There is power in numbers. And when civil society gets together, a stronger voice is heard. Many groups concentrate on a particular area. One group will find a niche in working with refugees. Another organisation may work with women trafficked to a certain country who have returned home. Another provides legal assistance to migrant workers who want compensation from employers. Some organisations run shelters open specifically for trafficked persons.

*"There are so many NGOs, different women's movements, and they walk alone."* - Indonesia

Some GAATW members, such as the European organisations in the quotes below, see specific value in aligning with groups made up of migrants themselves, or with organisations working with migrants more broadly.

*“There is a need to forge new alliances with groups of undocumented migrants as they are more sensitised and know of cases.” - Switzerland*

*“We have started closer cooperation with migrant organisations as well as with organisations working with people, including men, in situations of social exclusion.” - Czech Republic*

Some GAATW members do not specifically focus on trafficking. Some GAATW members are migrants’ rights organisations who occasionally encounter trafficking cases or women’s rights organisations who acknowledge trafficking as one of many issues impacting women.

Making connections with other organisations can be challenging. Sometimes political agendas do not align, or there may be assumptions that are not helpful to the people we work with. For instance, some labour rights organisations have not always been friendly to women’s rights issues. Similarly, trade unions or migrants’ rights organisations might find that working with anti-trafficking organisations is difficult if organisations only look at sex work or if there is a lot of stigma around trafficking in a certain context.

*“We must link with labour unions but ... [in Indonesia], it is not easy to talk about sexuality. Without talking about sexuality, sex workers and domestic workers have problems when they make alliances with labour unions.” - Indonesia*

Nonetheless, members are encouraging women to organise, whether that be in new grassroots groups or with existing groups like unions. As the Indian member says below, unions already have “a lot of mobilising power”. So do some other groups who deal with migrants’ rights, women’s rights, or globalisation and trade. In each context we must assess where change can be made and what allies we need to make it happen.

*“We encourage women workers to organise themselves. Most women do not want to be members of the trade unions, but if there are more women, maybe their voices can be heard.... Trade unions have a lot of mobilising power so we need to talk to them.” - India*

## New Perspectives

*“We think that the main challenge is to see the trafficking issue not only from the perspective of commercial sexual exploitation. Trafficking should be seen from different views. And different kinds of violence should be taken into consideration: marriage and domestic work among other forms. The issue of trafficking is too focused on forced prostitution only.” - Brazil*

It has long been recognised that anti-trafficking groups have an over-focus on trafficking for forced prostitution. The GAATW ‘Linkages’ programme is trying to address this by placing trafficking in a broader context.

*“We have some experience with linking these subjects, but it is never enough, as these concepts are big and diverse.” - Dominican Republic*

The language usually used to speak about trafficking has not always succeeded in promoting women’s rights. Sometimes it is too protectionist, telling women they cannot or should not work or move. At other times it only speaks of violations but not of remedy and redress. Sometimes it causes ‘collateral damage’<sup>1</sup> to other groups, such as anti-trafficking measures used to punish sex workers. Therefore, we link to other movements and other perspectives to make sure that our anti-trafficking work does promote women’s rights - and that we stay true to that goal.

## Endnotes

- <sup>1</sup> For more information on the collateral damage of anti-trafficking policies go to: [www.gaatw.org/Collateral%20Damage\\_Final/singlefile\\_CollateralDamagefinal.pdf](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf)



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Photo credit: Manuel Obeso

# Feminisation and Ethnicification of the Temporary Migrant Workforce in the Strawberry Sector in Huelva, Spain

*Nerea Bilbatua*

Over the last few years, GAATW has engaged in an in-depth discussion on the intersections (or linkages) between the gender and trafficking frameworks, and those of migration and labour. This conversation has prompted us to look at how different issues at a macro level (such as trade, security regimes and global economics) impact on migrant and trafficked women and on their space for action and decision-making.

A 2009 GAATW research project looked at these macro issues in the context of a specific programme for female temporary migration in the agriculture sector in the Spanish province of Huelva, in order to connect the macroeconomics to a micro example of reality lived on the ground.

Over the decades, the strawberry sector in Huelva has experienced an enormous transformation as a consequence of its insertion in a globalised capitalist model of intensive market-orientated agriculture production. Huelva has globally become the second largest strawberry producer and this boom (together with the expansion of other economic sectors, such as construction and tourism, and the Spanish entrance in the European Union [EU]) has moved Huelva (and the whole Andalucía region) out of its historic under-development.

**But this has come at a high price.**

Producing strawberries at this enormous scale is expensive and requires a high capital investment by farm owners. As in any other production process in the current neo-liberal globalised economic system, none of the supplies needed are locally produced but have to be bought (at a very high cost) in other regions of Spain or abroad, or are subcontracted. Whilst the costs attached to strawberry production have increased every year, the final price of the strawberry per kilogram has remained constant. In order to get benefits, local farmers have tried to reduce costs in the only segment of the production chain that is entirely controlled by them; the planting, and primarily, the harvesting of the crop.

Picking strawberries requires the participation of large numbers of a time-bound work force, concentrated during the harvesting period, for a limited period of time. The traditional male workforce, migrating from other Spanish regions, has now been replaced by female migrant workers hired under temporary migration schemes. Events at the national level (the booming of new economic sectors -







construction and tourism - the mass arrival of migrants, and the passing of new legislation) and at the regional level (the entrance in the EU of Poland, Romania and Bulgaria, and the new EU policies favouring circular migration programmes) have been instrumental in this strategy.

What has become evident over the last few years in the Huelva strawberry fields is the increasing feminisation and ethnification of the workforce. Spaniards were replaced by (mainly undocumented) male migrant workers, who have been in turn substituted by female migrant workers hired originally from Eastern European countries and, in recent years, mainly from Morocco. In order to pick strawberries in Huelva, Moroccan women have to comply with a set of criteria (established by both the employers and the Moroccan government) based on age (between 18 and 40 years old), health (good physical condition), origin (rural area), background (with previous experience in the agriculture sector), and (surprisingly) family status (married, divorced or widow; and with dependent children).

This profiling has been justified on the basis of: gender stereotypes and employers' perceptions related to aptitudes ('women are more subtle than men and, therefore, more suitable to pick such a delicate fruit', efficiency - 'women are better workers than men', docility - 'male workers are more conflictive than female workers', and tradition -

'picking strawberries has always been a female work'); cultural stereotypes ('Moroccan women are quieter than Eastern Europeans'); as well as co-development policies ('temporary circular migration programmes ensure that participants bring money and skills to their home countries, which in turn contributes to development').

This conditionality on the private life in order to apply for a job, shows in practice a violation of the right to non-discrimination and helps reinforce women's dependence on their husbands or male members of their families (through the husband's authorisation to be inscribed in the programme). It also contributes to the stigmatisation of groups already discriminated against in Morocco, like single mothers (who cannot participate) and women separated from their husbands (very few in this programme).

A new component in these temporary circular migration schemes is that they include an element of human rights protection. The AENEAS-Cartaya programme, which links farm owners in Huelva with female migrant workers in Morocco through government counterparts (including trade unions and non-governmental organisations), is presented as a good and exemplary model in different fora.

However, there are numerous divergences when it comes to evaluating the actual protection and promotion of the

rights of Moroccan temporary migrant workers. Whilst it is true that women migrate safely, with a standard work contract, without incurring high debts, receive some training during their time in Huelva, and that their living conditions must fall (at least in theory) within certain standards, it is also true that their contracts are not translated into their own language, the obligation to return is the aspect around which all the others orbit, final salaries are dependent on circumstances that escape women's control, and living conditions have been widely criticised.

What can be seen is how the dominant logic in this model is that of the employer, not of the migrant herself. However, women participating in these programmes navigate these processes and demonstrate action and resourcefulness in different ways, both by adapting their migration strategies to these programmes, and by completely stepping out of the programme.

This model has mainly benefited the farm-owners and those women who fit the profile and accept the conditions imposed. The 'losers' in this model are, on one hand those women who do not fit the profile (either because they have no dependent or because they are single), and on the other hand the undocumented migrants (mostly male) who are already in Spain and can longer find jobs in this sector. This model helps reinforce a distinction between 'good'

(documented - permanent and temporary) and 'bad' (undocumented) migrants; a distinction that is coherent with numerous policies at national and EU levels, such as the European Pact on Immigration and Asylum.

It also reinforces a restrictive view of human mobility, not as an inalienable and universal human right, but as an option available only to those that fit a profile and are ready to (or can) accept the conditions imposed. It is doubtful that this will actually become an effective means to control migration as it does not respond to the migrant's needs and goals, which are not necessarily temporary.

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## Women's League of Burma Successfully Lobbies Committee on the Elimination of Discrimination Against Women with Shadow Report

The Women's League of Burma<sup>1</sup>, a network of Burmese women's rights organisations, challenged claims made by the Burmese government to the Committee on the Elimination of Discrimination Against Women<sup>2</sup> (CEDAW), in October 2008, by submitting a powerful and well-regarded Shadow Report.<sup>34</sup>

The Report refutes claims made by the Burmese government that, "women [have] had legal equality with men in the political, economic, administrative and social spheres", and that "the status of women in Myanmar remains to be among the highest in the world".<sup>5</sup> The state also claims to have made many efforts to combat trafficking, including: becoming party to the United Nations Anti-Trafficking Protocol and enacting subsequent domestic laws; implementing strategies to ensure special protection to trafficked victims; and taking action to harshly punish human traffickers.

The Women's League of Burma Shadow Report, presented very different conclusions. Their research found trafficking to be increasing despite the government's claims. They argued that the government was exploiting its anti-trafficking measures to gain international legitimacy and that the government's anti-trafficking measures are leading to further restrictions and extortion by local authorities. For example, following the announcement of the government's new anti-trafficking law, many reports of local authorities barring people from travelling to Thailand, citing the new law, have been made. There have also been many disturbing reports of innocent women being arrested on false trafficking charges by law enforcement officials. Older women traveling with younger women were identified as particularly at risk. Furthermore, the report described: a lack of passports hindering legal travel, thereby requiring the use of brokers or agents; a fear of stigma and retaliation felt by trafficked persons in reporting a crime; as well as a fear of arrest for 'illegally' leaving the country.

Taking both reports and the state response into account, the Committee's Concluding Comments read as follows: "...the Committee expresses concern at the persistence of trafficking and sexual exploitation of women and girls in the country. The Committee is also concerned at reports that the 2005 anti-trafficking law has been abused and that some innocent people have been arrested on false trafficking charges. It is further concerned at the inadequate protection procedures granted for returned trafficked victims from abroad ... and at the state party's failure to address the root causes of migration in and from Myanmar, and its consequent inability to seriously address the trafficking problem."<sup>6</sup> Subsequently, the Committee included a list of recommendations for the state to follow up.

With their Shadow Report, the Women's League of Burma educated CEDAW on the situation for women in Burma by analysing the connections between trafficking and migration issues and highlighting the human rights violations occurring as a result of the Burmese government's anti-trafficking measures. The issues they raised were largely included in the Committee's Concluding Observations and the process enabled the Women's League of Burma to strengthen their links with other non-governmental organisations.

### Endnotes

- <sup>1</sup> [www.womenofburma.org](http://www.womenofburma.org)
- <sup>2</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. States have to submit national reports every four years, on measures they have taken to comply with their treaty obligations.
- <sup>3</sup> Shadow reports are a method for non-governmental organisations to supplement or present alternative information to the periodic government reports that state parties are required to submit to CEDAW.
- <sup>4</sup> Guidelines for writing a CEDAW Shadow Report can be found at [www.iwraw-ap.org/using\\_cedaw/sr\\_guidelines.htm](http://www.iwraw-ap.org/using_cedaw/sr_guidelines.htm)
- <sup>5</sup> [www2.ohchr.org/english/bodies/cedaw/docs/ngos/Women\\_Burma42.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Women_Burma42.pdf), p14.
- <sup>6</sup> <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N08/603/49/PDF/N0860349.pdf?OpenElement>, p.8

# Systemic Exploitation and Debt Bondage of Foreign Domestic Workers in Singapore

*Anne Bergen-Aurand and John Gee*

Government policies and employers' perceptions governing foreign domestic workers in Singapore systemise and validate exploitation and debt bondage of migrant women domestic workers. As a result, the situation of the migrant domestic workers in Singapore shows clear similarities with groups more readily identified as trafficked. Transient Workers Count Too (TWC2)<sup>1</sup> has started advocacy on the International Labour Organisation (ILO) Domestic Workers Convention to protect the rights of these workers.

In December 2009, the Straits Times highlighted a significant drop in accidental deaths and suicides among foreign domestic workers in Singapore. They cited 11 deaths in the first 11 months of 2009, down from 40 in 2004. The article also noted that the Ministry of Manpower reported a significant decrease in substantiated cases of abuse as well as in complaints against employers who fail to pay salaries due to workers.

Accidental deaths, abuse, and non-payment are very serious issues, so this apparent downward trend is welcome news. Unfortunately, the reality is that there are critical systemic problems that lead to widespread coercion and exploitation of foreign domestic workers.

Most notably, foreign domestic workers are not covered under the Employment Act, the key item of legislation governing labour rights and conditions in Singapore. As such, they do not have a guaranteed rest day weekly, or even monthly, and do not have a set limit on their working hours. Many women work longer than 12 hours per day and many - around half the total of 196,000 workers - get zero days off per month. Foreign domestic workers are not eligible for Work Injury Compensation when they are injured on the job, and guidelines for employers about what to provide their domestic workers are vague: work permit conditions state that the workers should have adequate food, acceptable accommodation, and adequate rest, for example.

Such vague conditions would be hard to enforce except in the most extreme cases and indeed, they rarely are. Though legally entitled to hold their own passports, very few foreign

domestic workers do, as it is general practice for agents or employers to take away their passports as a form of control. Many do not even have access to their own bank accounts.

The Ministry of Manpower has urged employers to cooperate with domestic workers in setting up their own accounts, but the general requirement of local banks for a start-up deposit of S\$500 (Singapore dollars) for any adult wishing to open an account, makes this impossible for the great majority of foreign domestic workers. Foreign domestic workers do not have reproduction rights while working in Singapore and pregnant workers are terminated from their jobs and repatriated without the option to return after delivery; their only alternative is to terminate their pregnancies in order to keep their jobs.

Employers say their own choices are restricted. They are required to post a S\$5,000 security bond with the Ministry of Manpower's Work Permit Department when they hire a domestic worker, which they may forfeit if there is a breach of work permit conditions for which they are held responsible. Breaches include failing to return domestic workers home within a week of their contracts ending or being terminated and allowing the worker to give birth in Singapore.

One issue that is worsening, concerns the employment loan and the debt bondage this places foreign domestic workers into. The employment loan is the money that a foreign domestic worker must repay the agency for their services. An employer who takes on a worker can pay this bill at once, but more often, chooses to pay by installments which they deduct monthly from the worker's salary. Loans, and thus repayment periods, have grown over the years. In 1997, it usually took three months for a worker to pay off this debt. By 2002, it already took six months. At present, most foreign domestic workers work for nine months before beginning to receive a salary. During those nine months, they may receive an 'allowance' of S\$10 -S\$15, though some women receive nothing. In addition to the loan repayment, foreign domestic workers who change employers are charged transfer fees of anywhere from one

to four months' salary. Agencies often charge these fees even if it is the employer who initiates the transfer. Considering these substantial debt burdens and additional transfer fees, it is easy to understand why women who are in bad work situations may be reluctant to report problems or request a transfer.

TWC2 believes that an international effort is needed to bring transparency to the processes of, and fees for, recruitment and placement, to help cut the debt burden on migrant workers and empower them to seek the most favourable terms, as well as removing a disincentive to reporting abusive behaviour by employers.

In the course of 2009, TWC2 issued a report<sup>2</sup> based on interviews with 100 Indonesian domestic workers in Singapore that highlighted these issues. And in July 2009, TWC2, along with the Humanitarian Organization for

Migration Economics (HOME), gathered a focus group of foreign domestic workers from Indonesia and the Philippines to discuss the ILO Convention for Domestic Workers. The document generated interesting discussions, and showed consensus regarding some basic issues such as limiting working hours and introducing mandatory days off. Later that month, TWC2 and HOME met with the National Trades Union Congress, Singapore's largest labour federation, to pass along the recommendations of the focus group.

Endnotes

- <sup>1</sup> [www.twc2.org.sg](http://www.twc2.org.sg)
- <sup>2</sup> TWC2 (2009), *Indonesian Domestic Workers in Singapore- Experiences of Recruitment, Training and Return*.



**John Gee**  
 President of TWC2, came to Singapore from Britain at the beginning of 1999. He is a freelance writer, but finds much of his time is spent working to improve the rights and wellbeing of migrant workers.



**Anne Bergen-Aurand**  
 a former staff member and current volunteer at TWC2, is originally from Chicago, but has been living in Singapore since 2007. She has a Masters Degree in Social Justice in Intercultural Relations and has been working on issues related to poverty, homelessness, and labour for 10 years.

## Fighting Trafficking Through Labour Cases

Some anti-trafficking practitioners have found that filing labour cases can provide a more successful and empowering solution for trafficked persons. This appears to be the case for groups who are not always identified as trafficked, such as men and migrant workers.

For example, Migrant Assistance Program (MAP) Foundation, an organisation for migrant workers in Thailand, typically encounters one trafficking case per year, usually trafficking for the purposes of domestic work, and has found that migrant women have more agency in the process of taking grievances to court in the form of labour cases over trafficking cases. Trafficking cases take longer than labour cases but more importantly than the length of time, *"in labour cases, the migrant makes the decisions of how far to take the case, which they cannot do in trafficking. In trafficking cases, it is often no longer a migrant's decision. Someone else takes decisions for the trafficked person. MAP makes sure that for every trafficking case, a labour case is also filed."*<sup>1</sup>

Also, in Australia, the Australian Construction, Forestry, Mining and Energy Union (CFMEU) assisted a male youth who had been trafficked into the construction industry. SK, aged 17, was recruited from the Cook Islands to work in Australia in the construction industry. Since the Cook Islands are a Protectorate of New Zealand, SK has a New Zealand passport and does not require a work permit to work in Australia. When he was recruited, SK was promised he would earn the standard Australian wage and that his employer was 'a good man'. For the 18 months that SK worked for his employer, he was subjected to severe beatings on a regular basis. He was punched repeatedly in the head, hit in the face and on the head, at times with a hammer. He was forced to work 12 hours per day, six days per week, and paid A\$50 (US\$39) per month. He was warned that if he tried to escape, his employer would find him and kill him. Although SK had some freedom of movement, he did not try to escape because he was afraid of his boss and wanted to get paid.

When SK eventually managed to escape, he sought medical treatment for his injuries and filed a complaint at the local police station. The beatings were so bad that SK has suffered blindness in one eye, partial deafness, a broken jaw, nose and teeth, scarring and neurological damage. The police charged SK's employer with grievous bodily harm but did not offer SK any other assistance. SK's mother flew over from the Cook Islands to help her son.

Through the Cook-Islander community, SK's family came to know CFMEU, which helped him to file workers' compensation claims as well as claims for his lost wages, accommodation and vocational training.<sup>2</sup>

Two years later, with the help of the Union, three cases have been held against SK's employer. Both SK and a colleague successfully claimed A\$136,019 (US\$106,100) and A\$66,049 (US\$51,500) respectively in unpaid wages and

lawful entitlements. For SK's other colleagues, the threats and intimidations were too much. Three of them were in such fear that they dropped their claims, too afraid to give evidence at the hearing. A fourth worker at the last moment recanted his statement and gave evidence for the employer, due to intimidation and threats of violence. A few weeks after this case was won, police finalised action against the employer and the employer was sentenced to two years prison for the assault on SK. The first court order has not yet been enforced, as the employer does not have income or assets. The Union and SK are waiting for the employer to obtain work and build up assets before they commence recovery action. Several months later, the third case was successful with the court ordering A\$360,000 (US\$280,800) payment to SK for worker's compensation injuries. SK has received this money.

Now that the cases have been won, SK and his mother have returned to the Cook Islands. SK has purchased a house close to the family home and he is secure in that respect. He has very limited job prospects due to his blindness and the brain damage he suffered.<sup>3</sup>

This case is one of several trafficking cases that the Union has encountered over the years. CFMEU has responded by reaching out more assertively to migrant workers. For example, the Union has a team of migrant work officers (who collectively speak 10 languages) and has been working for many years with all industry authorities, to ensure multi-lingual publications and are distributed to help migrant workers understand their legal entitlements and that safety notices in all workplaces are provided in the first languages of employees. Keryn McWhinney, Senior Industrial Officer, stressed that there is still a lot to do in order to address the fears and wariness of migrant workers: "Most workers do not know it is law here for an employer to pay 9% superannuation (retirement plan) on top of the weekly wage. Also many workers are fearful of trade unions as they do not understand the supportive and beneficial role that unions play in Australia. Often workers will not even talk with a union representative because they have no idea that we are there to help and we are not part of any government organisation."

### Endnotes

- 1 Pollock, Jackie. (2008). *Locating migrant women's voices. Gender-Migration-Labour-Trafficking Roundtable: Exploring conceptual linkages and moving forward*, Bangkok, 6-9 August 2008, pp. 12 & 27. Bangkok: GAATW.
- 2 From *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*, 2007. [http://www.gaatw.org/Collateral%20Damage\\_Final/singlefile\\_CollateralDamagefinal.pdf](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf)
- 3 Update from CFMEU Trade Union

# The 'Projectisation-Dilemma' Besetting Anti-Trafficking

*Dr. Helga Konrad*

For several years now, human trafficking has received concerted international attention. Broad enactment of new anti-trafficking laws has started, funding for anti-trafficking projects and programmes began to flow, and governments, organisations and actors have dedicated increasing attention to this problem. Hundreds of recommendations have been formulated, checklists have been crafted for the identification of trafficked persons, standards for victim protection have been developed, training material has been produced, and countless conferences, symposia, and meetings have been organised. At the same time, there is a continuing stream of commentators, researchers and analysts attempting to clarify the issue.

Despite all of these activities, there is no tangible evidence that we have sufficiently dealt with this complex and multifaceted problem. If we wish to make a global impact against trafficking and provide the lifeline needed for victims of trafficking, we need to test the assumptions on which we have been conducting this fight so far.



The many anti-trafficking projects claiming to address the '3 Ps' - Prevention, Protection and Prosecution - have failed to reveal the hidden agendas and the diverse interests, expectations and power dynamics of sponsors and donors. The difference between approaches and goals is most visible in the case of specialised non-governmental organisations (NGOs), whose focus is primarily on the human rights protection of trafficked persons, and government institutions, who have tended to frame trafficking as a state security issue.

On paper, inter-agency cooperation to combat trafficking is well developed and includes involvement from all types of organisations and addresses all aspects of human trafficking. In practice, coordination gatherings have often merely served the purpose of reporting organisational activities without analysing them to improve approaches. Moreover, coordination structures within law enforcement or NGOs, for example, have tended to work in isolated circles and failed to lead to concerted action.

Intergovernmental cooperation in the field of anti-trafficking management has focused on prevailing notions of national security and national sovereignty by increasing border controls and trying to prevent irregular migration. The fact that human trafficking has emerged as a global theme which sets migration in a framework of organised crime and criminality and subordinates human rights protection to control and anti-crime measures, has impacted most adversely on the protection of victims of trafficking.

In most cases, funding is provided by the countries of destination for work on issues related to their own state priorities and channelled through international donor organisations that strongly influence the focus and scope of anti-trafficking agendas. Funding of anti-trafficking programmes has increasingly resulted in shifting attention and support away from issues of development, human rights and long-term solutions to issues of state security and migration. Although cooperation is supposed to include all types of institutions - including those responsible for protecting victims and addressing root causes of trafficking in the countries of origin - in practice it is very much focused on prosecution and anti-migration measures prioritised by the countries of destination.

Despite the establishment of criteria and the crafting of indicators by human rights and anti-trafficking advocates, law enforcement agencies - when dealing with victims - have rarely applied standards other than those which best interests the criminal investigation. Anti-trafficking responses coordinated by the governmental institutions related to law enforcement reflect state security concerns and occasionally oblige shelters to violate human rights standards.

One proposed solution from several state governments, the United Nations Office on Drugs and Crime and civil society, including GAATW, is the development and implementation of a victim-centred review mechanism to the United Nations Convention Against Transnational

Organised Crime (UNTOC) which includes the Human Trafficking Protocol.

An effective review mechanism<sup>1</sup> must take into consideration that the problems with anti-trafficking responses are not exclusively related to the complexity and international nature of the crime. The problems with anti-trafficking responses are also the result of conflicting approaches, agendas and mandates of the states, institutions and organisations involved. To a large extent they are part of a much broader debate on labour migration and the protection of migrants' rights.

One of the most important questions is how effective can anti-trafficking measures be without integrating human-rights standards into migration frameworks? This is the challenge that needs to be met, if we wish to succeed in our fight against human trafficking.

#### Endnotes

- 1 A review mechanism is a structured and on-going process of review to see how conventions and protocols are being put into practice. A review mechanism for the Human Trafficking Protocol would allow civil society and governments to assess the effectiveness of anti-trafficking policies and measures, and to hold governments accountable for any negative impacts from their anti-trafficking measures and policies (e.g. discrimination against migrant workers). For more information on this campaign, visit [www.victimcenteredmechanism.com](http://www.victimcenteredmechanism.com).

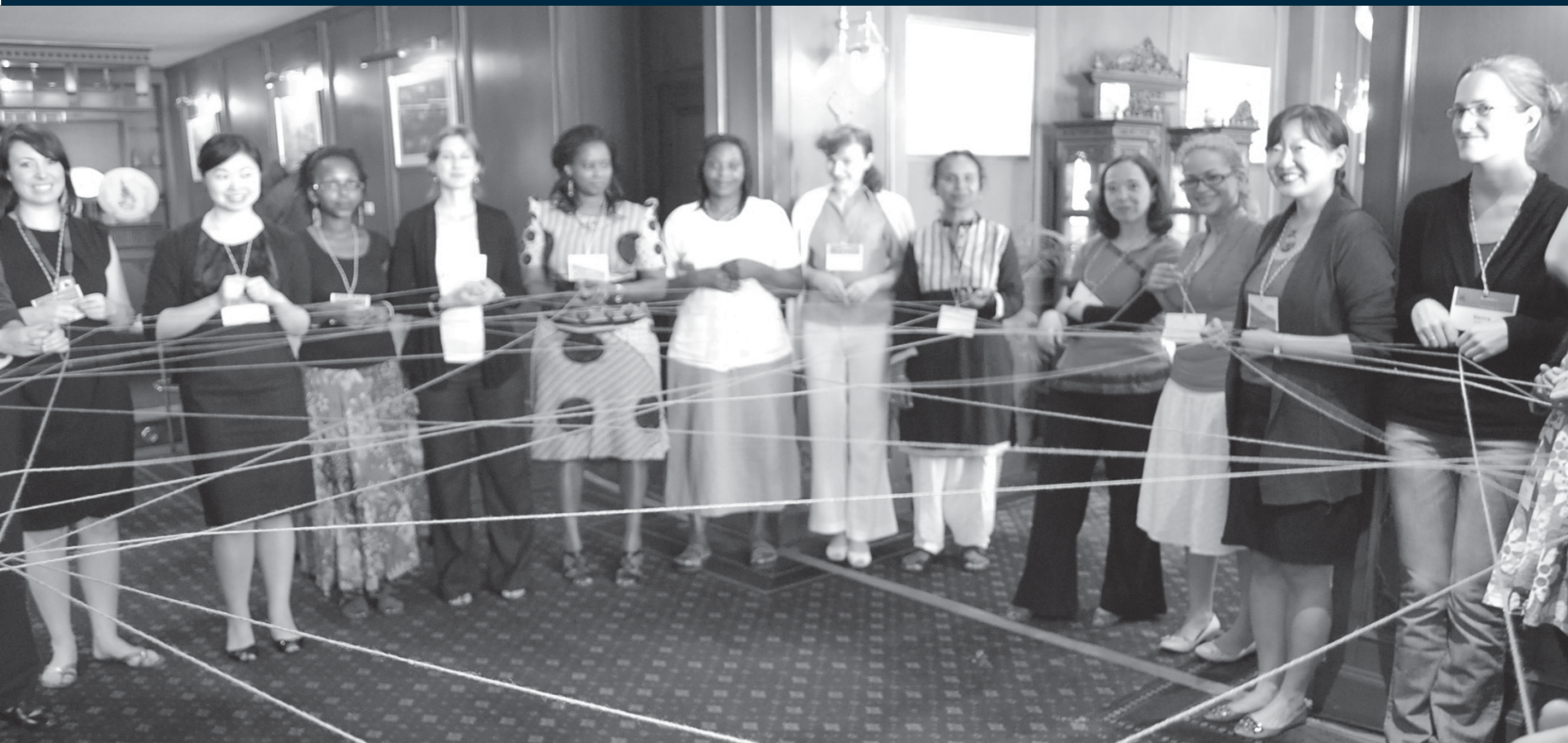


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former Austrian Federal Government Minister and Parliamentarian, chair to the European Stability Pact Task Force on Anti-Trafficking for South Eastern Europe, and the Organisation for Security and Co-operation in Europe Special Representative for the Fight against Trafficking persons - is now an Independent Consultant on Combating Trafficking in Human Beings.



# GAATW Roundtable Three on Bringing Together 'Linkages'

Xenia Commandeur



In March 2010, GAATW held a Roundtable on *Bringing Together 'Linkages': Topics in GAATW's Feminist Participatory Action Research and Working Papers*. This third Roundtable followed two earlier Roundtables in 2008<sup>1</sup> and 2009<sup>2</sup>, and will be followed by strategic discussions at the GAATW International Members Congress & Conference. It sought to bring together the results of two research processes for discussion and further exploration: (1) Feminist Participatory Action Research (FPAR): a project undertaken by 12 member and ally organisations from Asia, Latin America, Europe, Africa and North America to research and better understand women's agency and the complexities in their migration, labour and trafficking experiences; and, (2) four Working Papers looking at 'Linkages' from a more conceptual perspective.

## **Feminist Participatory Action Research: Sharing initial findings and analyses**

At the Roundtable, 10 of the 12 participating organisations met to present their project findings to each other and to

discuss their future plans for carrying the research findings forward. To strengthen the research, the work of each organisation was also peer reviewed.

Many of the projects looked at the linkages between women's familial roles, their roles as migrant workers in the global economy, the social as well as the economic consequences of migration in their home communities, the impact of women's migration and employment status on their ability to exercise agency, and the diverse livelihood and activist strategies women use in countries of origin and destination.

Presentations and discussions brought the connections between trafficking and gender, migration, globalisation, and labour in each research to the surface. Links between individual researches also emerged, and helped to see FPAR partners' separate projects as part of one common research project. The research demonstrated that all around the world, resilient and resourceful women weigh risks and seek opportunities to survive and to better their lives.

Furthermore, similar to the articles in this *Alliance News*, the research detailed the many struggles that women faced, but also the agency, resistance and initiative women demonstrate in exercising their rights and working for social change.

After three days of sharing, researchers felt their work was enriched by other's comments and discussions, and that the issues affecting women in diverse contexts require us to address them collectively as a network. The final reports of the FPAR research will be presented and discussed at GAATW's International Members Congress & Conference in July 2010, however, FPAR is an ongoing process, and will in most cases continue well beyond the Conference. The December 2010 issue of *Alliance News* will focus on GAATW's reflections on the FPAR methodology and process.

### Working Papers Series: Peer reviews

Following FPAR discussions, the 4<sup>th</sup> day of the Roundtable focused on the Working Papers, looking at the linkages between trafficking and gender, labour, migration, globalisation, trade and security, from a macro perspective. GAATW allies reviewed each paper and discussed the implications of FPAR findings for GAATW's conceptual analysis on trafficking and related issues. Discussions re-affirmed that the issues analysed in the Working Papers are not separate but are connected and embedded in the lived realities of migrant women workers. If we want to affect change, we and our allies have to be strategic, resist 'silo-isation' or the 'projectisation' of human rights work, and build much broader alliances with sister movements. The Working Papers will be published, presented and discussed at GAATW's International Members Congress & Conference in July 2010.

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### Endnotes

- 1 GAATW. (2008). *Gender-Migration-Labour-Trafficking: Exploring Conceptual Linkages & Moving Forward*. Report of Roundtable I, 6-9 August 2008. Bangkok, Thailand: Global Alliance Against Traffic in Women.
- 2 GAATW. (2009). *Trafficking and the Political Economy: Impacts on the Rights of Migrants From Trade, the Financial Crisis and New Regimes of Control*. Report of Roundtable II, 27 February & 25-27 March 2009. Bangkok, Thailand: Global Alliance Against Traffic in Women.



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# The Migrant Worker, The Refugee, and The Trafficked Person: What's in a Label?

*Jackie Pollock*

In an age where globalisation depends on the movement of goods, ideas, people, production sites and power around the world, it is the movement of people that creates the most suspicion and fear. Immigration regimes responded by becoming more and more restrictive, especially during the economic recession in the 1970s. Policies of making migration temporary with fewer pathways to permanent settlement proliferated as did carrier sanctions, tighter border controls, and more visa restrictions. After the terrorist attacks on Americans in 2001, these control mechanisms have been further strengthened globally and the profiling of people who move has been increasingly institutionalised. Different visas are issued or denied to different categories of people, each with its own set of rules and regulations and each with a separate protection regime. Demarcations between a trafficked person, a smuggled person, a refugee, a documented migrant and an undocumented migrant are spelt out ever more painstakingly in international conventions and in domestic laws and policies. Not surprisingly, this has also affected the levels of welcome, hospitality, tolerance, or rejection that the various categories of people receive in the countries of destination. **In whose favour have these demarcations worked? And should rights advocates be demarcating their work according to these categorisations? This article explores these questions in relation to three categorisations of people who move: migrant workers, trafficked persons and refugees.**

## Prior to Leaving

Refugees are victims of civil and political rights violations fleeing persecution or threat thereof, while migrant workers move for livelihood reasons often in response to violations of their social and economic rights. Current protection regimes dictate that one set of violations are more acute and deserving of protection than another. The person who has been tortured for their political beliefs and moves to another country, may receive asylum. But the family who is starving because of the economic mismanagement of their country and move to another country are treated as illegal migrants and will be deported.

Nevertheless, the journey out of the country is often fraught with difficulties for both migrant workers and refugees. Information is scarce and emigration and

immigration policies are restrictive. In many authoritarian states, leaving the country is as dangerous as entering the neighbouring country. The migrant/refugee might have to travel through conflict zones, through areas that are landmined, and pass numerous checkpoints manned by armed authorities. If they leave by plane, they have to overcome endless bureaucratic barriers just to get the right documents.

To do so usually involves time, knowledge of the system and costs. In both cross-border migration and overseas migration, it is unlikely that the migrant/refugee has the resources and the information to get past all these obstacles on their own. They must therefore employ a broker to assist them. Many of these brokers are business people, offering a service for a price. But if the environment and restrictions in place require the broker to perform some illegal activities - such as acquiring a passport for someone who would be arrested as a political activist if they applied for a passport themselves, or a travel document for a woman who is below the designated age of travel for women - the costs and the risks increase for both the broker and the migrant. A business deal can quickly degenerate into a situation of abuse, exploitation or trafficking.

For rights advocates working in countries of origin, it is important that migrant rights and anti-trafficking groups work together to provide as much practical, honest, non-value laden information as possible about travel, migration and conditions in potential countries of destination. It is the duty of rights advocates to improve access to information for people whose access is limited. If the restrictions on travel are part of the cause of migrants being vulnerable to trafficking, rights-based groups must not be party to these restrictions by re-iterating them blindly in posters and brochures.

Messages which are laden with moral judgments or those that are very prescriptive will stifle open dialogue and consultation in the community. No one considering migrating will dare to consult with anyone else about their migration. It will be secret, clandestine and therefore ever more dangerous. Access to comprehensive information on the other hand would expose the inequalities that make people vulnerable and allow communities to act against these discriminatory migration policies.

Providing information can also present a risk for migrant rights groups. When the migration regimes are so strict and there is no legal migration, non-governmental organisations (NGOs) run the risk of being categorised as traffickers when they provide information or assistance for safe migration. Migrants themselves also risk being labeled as a trafficker if they share their expertise about migration routes, availability of work and provide tips on how to survive the journey and the work. Rights groups must speak out against these unfounded allegations and must dare to provide information and to support migrants to share their information.

## **Movement**

Migrants rarely use conventional modes of transportation. They are more used to travelling in the backs of trucks hidden under roses or cabbages, in airtight containers designed to transport food, in the luggage compartments of luxury buses, and on overcrowded rickety boats. They may not pass the visa section and the transport they use has certainly not passed any safety checks. Even those travelling on planes with passports move across the multiple borders in the airports (check-in, immigration, customs) with trepidation, knowing their journey may be aborted at any moment. They again need to employ brokers to navigate these various obstacles and to weave through the mazes deliberately created to make movement of poor people as complicated as possible.

Rights groups must challenge these complex mazes that negatively impact on the safety of both migrant workers and refugees. These mazes are created deliberately by governments to allay the fears host populations express but result in deaths of migrants and refugees, violence and harassment, and trafficking. **It should be exposed that the maze not only relieves but also fuels the fears and suspicions. It sends a message that says: "We must make it difficult for these people to come to our country, because they are a threat". No one is sure what sort of threat they pose, but the message is sent and the maze is secured. And so long as anti-trafficking groups and migrant rights groups work separately, the maze is unopposed.**

## **In the Country of Destination or Transit**

Once in the country of destination or transit, the migrant/refugee needs to survive. Migrant workers may already have secured work before they left where as others will be searching for work on arrival. Under the control or management regime of migration, policies for migrant workers ensure that they can only stay in the country for a temporary period of time and only so long as they have work. Migrants are offered short border passes, seasonal work permits, time bound work permits. Sometimes there is the possibility of renewal, sometimes there is a proviso that the migrant cannot return again for a certain period of years.

People who have been abused and traumatised in their country of origin will not be able to enter the job market immediately. Under the refugee protection mandate, durable solutions must be found for refugees. These have traditionally consisted of three solutions, repatriation (only voluntary), resettlement and local integration.

Meanwhile, the person who has been identified to be a victim of trafficking is usually offered a temporary period of stay while they give testimony. They can stay as long as the state keeps track of them, they can stay as long as they help to rid the host society of the traffickers, but then they should go. A few countries offer trafficked people a 'reflection period' or a period of time to recover or to make a decision about taking a legal case against the trafficker. In most of the countries where there are options to offer long-term refuge, trafficked victims have to prove that they fit into the same category as the refugee - that they will face persecution on return and that they form a distinct social group that faces systematic discrimination. Under the Palermo Protocol on Human Trafficking<sup>1</sup>, states may offer legal, temporary, and/or permanent humanitarian alternatives to repatriation, including access to asylum procedures, if they conclude that the repatriation carries a serious risk for the victim and/or his/her family<sup>2</sup>. The issue of resettlement to a third country is also part of the current debate for trafficking victims. But these solutions are not binding: there is no principle of non-*refoulement* as exists for refugees.

Connecting trafficking victims' right to stay to the criteria set out for refugees is problematic. The criteria for refugees are directly related to the abuses which happened or were likely to happen in their home country. The person who has been trafficked has experienced abuses in the country of destination. The right to stay needs to be tied to a different set of criteria. Some countries are already exploring this. The Anti-Trafficking in Persons Programme in the United States (US) helps to certify victims of "a severe form of trafficking" so that these individuals are able to receive federally funded benefits and services to the same extent as a refugee so they can begin a new life in the US<sup>3</sup>. Canada and Costa Rica have made significant developments in applying the refugee definition to trafficking victims. Some administrative or judicial decisions exist that recognise the persecutory character of human trafficking for the purposes of recognising refugee status. These include the risk of re-victimisation and the recognition of non-state actors, such as brokers, criminal organisations or family members as agents of persecution.<sup>4</sup>

Nevertheless, trafficked persons are typically returned home after a period in a rehabilitation centre. There has been very little discussion about the possibility of integrating trafficked victims into the host community, although it is one of the durable solutions proposed for refugees. The temporary policies for migrants on the other

hand are aimed at keeping workers segregated not integrated. In that logic the only durable solution is the return of the migrants, trafficked or otherwise, to their countries of origin. Meanwhile the durable solution for the industries and services where migrants work is a constant, permanent market for labourers who are flexible, malleable and not union savvy. The policies for migrant workers are thus governed by the economic agenda over the civil, political and social rights agenda. Thus, current migration policies ensure that migrants return home before they have had the chance to settle down, to inter-marry, to have children, before they have become leading members of unions, before they have become active members of society, and before they have gained the confidence to exercise their rights.

Even the mandate for durable solutions for refugees is circumvented by many receiving countries. Unwilling to provide permanent refuge, governments house refugees in camps which segregate them from the general population and impose restrictions on their movement and on their right to work. These camps result in protracted refugee situations or situations where refugees are not able to avail any of the durable solutions for long periods of time. While most of these camps are in the developing world, developed countries hold an equal amount of responsibility for prolonging these protracted situations by not implementing the durable solution of resettlement more effectively, more expansively, and in a more timely manner.

In the last few years, a fourth solution has been added to the refugee arena and that is labour migration as part of the durable solutions framework<sup>5</sup>. The right to work for refugees should be integral to all durable solutions since it involves agency over livelihood. But this is different from suggesting that refugees avail of the labour migration systems to access safety and security. Today's labour migration regimes are far from durable and refugees moving in a regularised labour migration program would be afforded no citizenship rights or long term protection. In some African countries, refugees are being issued with passports from the country of origin and work permits from the country of refuge. Advocates of the scheme argue that flexibility is a benefit of the program, as it can provide an interim solution pending eventual repatriation. They suggest that it recognises refugees' resilience and agency and that it is the security and autonomy provided by an economic livelihood that is most important for the majority of refugees. Unfortunately, the reality of today's world is that labour migration is deliberately made the least secure of options for migrants.

For the moment then, it would seem to be a highly dangerous solution for refugees. But maybe this is exactly the moment when refugee rights and migrant rights groups should be coming together to challenge the insecurity and precariousness in labour migration for all migrants, to challenge the lack of autonomy and long-term security in labour migration schemes.

## Resisting Categorisation

The struggles for migrant workers are multiple struggles. They have moved away from economic and social rights violations, such as including lack of access to health care, education, adequate housing, and employment opportunities. But they often face the same in the country of destination.

There are examples of migrants resisting rights violations all over the world. In some countries, migrants have joined together to fight the exploitation in the workplace, in other countries to fight the lack of access to health care or education. Migrants form their own associations, unions, or join existing ones. They form community-based organisations or NGOs or join with existing ones. It is a major battle, because each of the areas where groups are fighting for rights, is an area which would improve the integration of the migrants, in direct opposition to the purpose of temporary labour and migration policies.

It may seem at this point that different groups are needed to support and represent trafficked persons, refugees and migrants and that each should diverge to fight their own battle, but it may actually be that it is imperative for different rights groups to converge and fight a battle against the making of temporary human beings, against the temporary suspension of rights, against the segregating of people. Imperative today because the trend is more and more towards making all migrants 'forced temporary beings'.

Because of the different legal international rights protections for refugees and trafficked persons and the general lack of one for migrants, it is assumed that the three groups should also keep themselves apart. There are indeed situations and policies which do separate them: asylum seekers and refugees are housed in camps or detained in detention centers, while migrants are housed on work sites or detained in immigration detention centres, and trafficked persons are confined in isolated houses, on fishing boats at sea, or held in rehabilitation centres. But despite these segregations, they do sometimes move together and they do sometimes work together. This is important for rights groups to recognise and to support. Migrant workers know if there are trafficked victims among them. A factory may have a special area where people are held against their will and not paid anything. Raids have exposed sleeping quarters in the roof rafters for trafficked persons. A fishing boat may have a group of fishermen who join for a few fishing trips, but a core group of fishermen who have experienced gross violations and are not allowed to leave. A brothel may have sex workers who come to work and leave to go home and a group who are kept there permanently even if they want to leave.

Those migrants who are not trafficked and who are aware of the situation want to free their colleagues from slavery-like conditions<sup>6</sup>. They also understand that such an action

will improve their own bargaining power for better conditions. However, migrants do not live in an environment conducive to acting against abuses, since any action can easily result in loss of their legal status. Migrants who wish to report abuse are themselves liable to be arrested or to be threatened and harassed by the employer and, where the authorities are complicit in the conditions of the trafficked persons, by the authorities. As long as this remains, the situation of trafficked persons continues in silence. Migrant workers need spaces to exercise their rights and legal access to be able to address all forms of exploitation in the workplace. Eliminating the culture of tolerance around exploitation of all migrant workers would ensure that working conditions for all workers were decent and dignified and would also free trafficked persons from exploitation. Being able to expose situations of gross abuse without repercussions would free trafficked persons and increase the bargaining power of the non-trafficked worker. If migrant workers are to be recognised as important agents in the fight against trafficking, they must be supported by and in contact with anti-trafficking groups as well as migrant rights groups.

## In conclusion

Today there is pressure on rights groups to define and demarcate their territory. Anti-trafficking groups, refugee groups and migrant groups each define their own messages, services and advocacy. The groups receive funding from different donors and in very different amounts. Governments and local populations react differently to each of these groups. Migrant groups are at best tolerated and at worst are banned by countries of origin. Failed states do not want their failures broadcast and as migration is a direct response to the social and economic failures, they prefer to keep it hidden. Refugees expose the political and civil failures and thus suffer a similar response from the governments of the countries of origin. Anti-trafficking groups, on the other hand, publicly receive acknowledgement and recognition of their work while on the ground they often face a complete lack of cooperation by local authorities who may be involved in trafficking.

One anomaly however, is that authoritarian and military regimes seem to welcome discussions and diversions about a handful of unscrupulous traffickers or about the exploitation of their citizens in another country. They can lay the blame on someone else, not themselves. Trafficking fits the bill nicely. The anti-trafficking framework also rewards what authoritarian governments do best, that is enforce the law, arrest and detain. In addition, these regimes can earn some praise in the international arena by addressing a gross human rights violation such as trafficking. Consequently, there are countries where rights cannot be openly discussed but where the government is active in the anti-trafficking arena.

Anti-trafficking, refugee and migrant rights groups need to expose this hypocrisy face on. They need to join forces to expose the conditions which result in people having to leave their countries of origin, whether it be for violations of economic, political or civil rights. They have to unite in challenging the restrictive migration regimes which increase migrants' and refugees' risks of death, abuse and trafficking. They need to come together to confront the policies which segregates people by their migration status and perpetuates insecurity and impermanence into the lives of so many people. Together, anti-trafficking, refugee and migrant rights groups must join with unions and local workers to protest the exploitation and diminishing labour rights for manual and service workers. Migrant workers, refugees and trafficked persons and their support groups must start to question the labels that are written in indelible ink but which reflect only a portion of a person's life.

## Endnotes

- 1 For more information on the definition of trafficking go to: [www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html](http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html)
- 2 UNHCR (2009), *Considerations on the Issue of Human Trafficking from the Perspective of International Refugee Law and UNHCR's Mandate*, para 18. [www.acnur.org/biblioteca/pdf/7013.pdf](http://www.acnur.org/biblioteca/pdf/7013.pdf).
- 3 [www.acf.hhs.gov/programs/orr/programsanti\\_trafficking.htm](http://www.acf.hhs.gov/programs/orr/programsanti_trafficking.htm)
- 4 UNHCR (2009), *Considerations on the Issue of Human Trafficking from the Perspective of International Refugee Law and UNHCR's Mandate*, para 20. <http://www.acnur.org/biblioteca/pdf/7013.pdf>.
- 5 Long, K. (2009 October), "Extending Protection? Labour Migration and Durable Solutions for Refugees" in *New Issues in Refugee Research*, Research Paper No 176, Refugee Studies Centre, University of Oxford. <http://www.unhcr.org/4ad334a46.pdf>.
- 6 Pollock, J. (Feb 2001), *Beyond Trafficking Jams: Creating a Space for Trafficked Women*, The Irrawaddy Magazine, Vol 9, No 2 [http://www.irrawaddy.org/article.php?art\\_id=2140](http://www.irrawaddy.org/article.php?art_id=2140).



### Jackie Pollock

was a founding member of the Migrant Assistance Program in Chiang Mai, Thailand 1996, which later registered as MAP Foundation. Jackie is currently director of MAP working closely with migrant construction, factory, agricultural and domestic workers from

Burma. MAP supports migrant workers to mobilise to exercise their rights, focusing particularly on labour rights and women's rights. MAP also has an active health education section. Prior to this, Jackie worked with Empower, a Thai sex workers group. Jackie has wide experience with grassroots organisations in the Mekong region.



### Migration for Sustainable Livelihood Proposed as an Anti-Terrorism Measure

Governments have often justified restrictive migration policies as measures to counter trafficking and terrorism. Anti-trafficking advocates have argued that developing sustainable livelihood opportunities in both countries of origin and destination is an important measure to prevent trafficking. United States (US) Senator, John Kerry, urged that similar job development strategies are also an effective measure to prevent the growth of terrorism.

In United Arab Emirates' (UAE) newspaper, *The National* on February 4, 2010<sup>1</sup>, Kerry argues that the UAE, and other Gulf States, should allow Yemen's migrant workforce to enter their countries, as it could be a vital channel for Yemen's unemployed youth. According to Kerry, such measures would decrease the risk of Yemen becoming a so-called failed state, in which Al Qa'eda would fill the void.

While many countries, most prominently in Europe, adopted the strategy of closing their borders to migrants as part of tightening security measures, Kerry's proposal asks countries to instead open up their borders for the same purpose. GAATW applauds the suggestion to increase livelihood opportunities by reducing migration barriers but would extend the suggestion to the US government as well. And while it is important to recognise that increasing livelihood opportunities could be an effective counter-terrorism measure, it is also important to recognise Yemeni youth as individuals seeking to improve their lives and assist their communities (rather than as potential recruits for terrorist activities) and important to ensure that migrants are able to exercise their labour rights in countries of destination.

#### Endnotes

<sup>1</sup> [www.thenational.ae/apps/pbcs.dll/article?AID=/20100205/FOREIGN/702049829/1010/NATIONAL](http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100205/FOREIGN/702049829/1010/NATIONAL)

# The Trafficking-Refugee Nexus: When return and reintegration becomes *refoulement*

Susan Kneebone

While there are policy and practice distinctions for refugees and trafficked persons, some individuals are both simultaneously a refugee and a trafficked person or may be identified as both at different points in their lives. Although people's identities evolve along a spectrum, policies for trafficked persons and policies for refugees have largely been developed without considering the fluidity of people's multiple identities. This can result in a situation where return and reintegration policies for trafficked persons directly contradict international standards to prevent *refoulement* of refugees. Therefore I argue in this paper that the problems refugees face in the Greater Mekong Sub region (GMS)<sup>1</sup> are exacerbated by policies and attitudes towards trafficked persons, whose rights are in need of protection *as a result of being trafficked*. The issues that exacerbate the vulnerability of trafficking victims include failure to identify victims of trafficking and lack of safe return and reintegration policies which focus on the post-trafficking needs of victims. In particular, return and reintegration policies may amount to *refoulement*<sup>2</sup> of trafficked persons as I explain.

## The Criminalisation of Trafficked Persons

In GMS, trafficking occurs for the purposes of forced prostitution and labour exploitation (in both production and manufacturing industries). Whilst the anti-trafficking legislation in Cambodia still confuses trafficking with sex work and does not cover trafficked men, in Thailand, the new anti-trafficking legislation now incorporates labour exploitation. Differences in understanding the nature of trafficking can put victims at risk of not being identified as needing assistance and rights protection.

In GMS, those who escape from an exploitative situation and continue to live in the destination country are at risk, often because their legal status is unclear. Even if they migrated legally, upon leaving the exploitative situation they probably become 'illegal' as many migration labour processes tie workers' migration status to a specific employer.<sup>3</sup> Often, as mentioned above, such persons are deported as 'illegal' immigrants after a period in immigration detention without enquiry into their situation. Hugué and Ramangkura found that 108 persons were returned to Burma through the official channels in 2005, even less in 2006, and that the numbers returned officially represent only 1 for each 1,000 persons arrested and deported in Thailand each year.<sup>4</sup>

Governments tend to frame the trafficking dialogue as being about irregular and forced migration such as issues of security, transnational crime and breach of borders. For example, during the Bali Process<sup>5</sup> convened in April 2009 to consider the plight of Rohingya asylum seekers from Burma, there was much discussion about trafficking and smuggling and criminal aspects of irregular migration but little attention to the human rights of that group.<sup>6</sup> Similarly, in its dialogue with Malaysia about the movement of asylum seekers, the Australian government framed the issues around the crime of smuggling.<sup>7</sup>

## Fluid Identities: Refugees who have been trafficked and trafficked persons seeking asylum

The conflation of the categories of smuggled person and trafficked person under the umbrella of transnational crime leaves the refugee out of the picture and ignores the realities which apply to vulnerable migrant populations. In fact, trafficked persons may be recognised as having refugee status as a result of being trafficked or of being at risk of being trafficked.<sup>8</sup> Thanks to the advocacy of United Nations High Commissioner for Refugees (UNHCR), it is now recognised that trafficked persons who leave their country of origin can indeed receive protection as refugees in another country.

Conversely, there is emerging evidence that refugees are at risk of being trafficked, both in refugee camps and urban situations, in international airports and at borders.<sup>9</sup> For example, the UNHCR office in Thailand discovered a trafficking ring operating from a refugee camp to place children in begging positions in urban areas.<sup>10</sup> In a refugee camp in Nepal, it was discovered that some of the refugees were themselves involved as traffickers.<sup>11</sup> It is also well known that some refugees who are deported by the Malaysian government are trafficked at the Thai-Malaysia border. Refugees and asylum seekers are vulnerable persons who are displaced from their usual support networks and are at risk of being trafficked.<sup>12</sup> Refugees and trafficked persons are vulnerable displaced populations whose circumstances overlap.

Trafficked persons who are outside their country of origin, may become refugees because they would be at risk of persecution if returned home *and* because they are at risk in the host state.<sup>13</sup> In the context of trafficking, victims



are likely to be triply jeopardised: first by the traffickers; second by their treatment at the hands of *both* the host country and the country of origin; and third, the lack of adequate refugee status determination procedures in host countries in GMS exacerbates the situation.

Their treatment by the host country often arises from policies coloured by wrong perceptions. Women who moved knowingly to engage in the sex industry are often regarded as persons of dubious character. Return and reintegration policies based upon such [mis]understandings put trafficked persons at risk, as do policies based on undocumented migration status. Fundamentally, the failure to identify victims of trafficking as such puts them at risk if they are arrested and deported without consideration of the risks on return.

### **When an Individual is both a Refugee and a Trafficked person: When return and reintegration of trafficked persons results in *refoulement* for refugees**

Return and reintegration policies which are based upon the migration status of the trafficked person, rather than upon the need for protection, may result in *refoulement*. But the problem often begins with failure to identify victims - which results from lack of training, lack of adequate knowledge about the nature of trafficking, or failure to recognise a situation as involving trafficking - and can be exacerbated by anti-trafficking practices that violate victims' human rights.

An analysis of Thailand's policies concluded that prolonged stays of 'rescued' victims in official shelters in Thailand amount to detention in practice, to facilitate the criminal justice process, and that as such it breaches the human rights of victims.<sup>14</sup> Whilst their vulnerability is given as the reason for such prolonged detention, it has the effect of exacerbating the exploitative experience. They also found that such practice overwhelmingly affects women and girls despite the fact that the trafficking scene in GMS involves a high proportion of men and boys.<sup>15</sup> This indicates that there is a false assumption that women and girls are more likely to be trafficked. Gallagher and Pearson concluded that, despite the new legislation, the shelters in Thailand serve the political interests of the government, to demonstrate its commitment to the anti-trafficking fight.<sup>16</sup>

In GMS, the lack of coherent and consistent return and reintegration policies which focus on the post-trafficking needs of victims exacerbates the vulnerability of victims. There is a lack of consistent monitoring mechanisms of such programmes, and a lack of consistency in support provided. Sometimes this results from a sheer lack of capacity. For example, Lao People's Democratic Republic has only one official shelter funded by the Japanese government, whereas Cambodia has a superabundance of such, mainly run by non-governmental organisations (NGOs) under national laws, and funded by international organisations. Another weakness of reintegration measures is that state-run shelters in GMS tend to operate as

'reform' and 're-education' institutions, rather than meeting the real needs and aspirations of trafficked persons. Huguet and Ramangkura conclude that there is a need to develop alternatives to institution-based recovery processes and to provide real integration opportunities.<sup>17</sup>

Other reasons for the lack of coherent and consistent return and reintegration policies are political, cultural or moral, and in the case of women may result from their participation in the sex industry. For example, women who are returned to Vietnam via official channels are treated as 'bad' and exposed to public lecturing on their return.<sup>18</sup> Such treatment, which increases their vulnerability upon return, arises from cultural, moral and political values especially concerning women's sexuality. Not only does this make their return known to their traffickers, but it also risks rejection by their families and communities for bringing them into public disrepute.

As the above information suggests, persons who are trafficked are likely to be at risk if they are returned to the same situation without careful investigation and without adequate reintegration measures. Where a broker who is living in the same vicinity has been used, both the victim and the family will be at risk of retribution for a failed 'bargain'. Children who have been sold by their family are also clearly at risk if returned to their families. Many women who are trafficked into the sex industry are victims of debt bondage and will be at risk from their traffickers if returned home. Trafficked persons who are returned to environments where livelihood opportunities are as inadequate or undesirable as when they decided to leave, may again have to use traffickers or smugglers to seek migration and labour opportunities elsewhere.

In a recent paper prepared for International Labour Organisation (ILO), it was found that many women who had been trafficked into forced prostitution were returned home, where they were at risk of retribution from the agents who were responsible for their being trafficked. This is a particular risk where the trafficking situation has involved debt bondage. The report found that reintegration programs need to take these risks into account but most victims lacked support in crucial areas such as legal advice and access to compensation for abuses suffered, and relevantly, protection from traffickers' retribution and community stigma.

### **Conclusion**

Refugees and trafficked persons are vulnerable groups whose circumstances overlap. Those working with trafficked persons and making policy need to be aware of the link between trafficking and refugee status. As stated, trafficked persons may be entitled to refugee status as a result of being trafficked or because they are at risk of being trafficked. Conversely, there is evidence that refugees are being trafficked in many situations.

Clearly, failure to identify trafficked persons who are at risk of *refoulement* is one issue, as are flawed policies of return and reintegration. But equally, the vulnerability of refugees to being trafficked must also be recognised.

Endnotes

- 1 GMS comprises Cambodia, the People's Republic of China, Lao People's Democratic Republic, Myanmar, Thailand, and Vietnam.
- 2 Returning an individual to places where their lives or freedoms could be threatened. Non-refoulement is a principle in international law, particularly refugee law.
- 3 Huguet, J and Ramangkura, V ( 2007), *The Long Road Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*. Bangkok: International Organization for Migration. p.41.
- 4 Ibid, p.v.\* My thanks to Fiona Ransom and Alice Beattie for research assistance in connection with this paper. I also acknowledge the Australian Research Council which funded the research referred to in this paper under a Linkage Grant.
- 5 The Bali Process is a regional, multilateral process designed to boost bilateral and regional cooperative efforts against people smuggling and trafficking through technical workshops and increased cooperation between interested countries, the Office of the United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM). Australia, the United States, New Zealand and Japan, funds the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). For more information, visit [www.baliprocess.net](http://www.baliprocess.net).
- 6 Email correspondence on file. See also Co-Chairs' Statement, Third Bali Regional Ministerial Conference on *People Smuggling, Trafficking in Persons and Related Transnational Crime*, Bali, Indonesia, 14-15 April 2009.
- 7 Steketee, M (2009 18-19 July), *Compassion Trumped by Expediency in Asylum-Seeker Response*, The Weekend Australian, Inquirer, p 18.
- 8 UNHCR (2006, 7 April), *Guidelines on International Protection: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking or Persons at Risk of Being Trafficked* (HCR/GIP/06/07). Individuals who whilst not themselves victims or potential victims of trafficking, have been involved in assisting others to

- escape trafficking in a country of origin may also claim refugee status, eg *NADX v MIMIA* [2003] FCA 289 (Madgick J, 18 March 2003); *NASF v MIMIA* [2004] FCAFC 162, (22 June 2004).
- 9 Isabelle Mandraud (2009 16 June), *Roissy, Terminal des Mineurs du Monde*, Le Monde, p.19; Maria Riiskjaer and Anna Marie Gallagher, UNHCR (2008 September), *Review of UNHCR's Efforts to Respond to Human Trafficking* (PDES/2008/07) para.125.
- 10 Riiskj r, Maria and Gallagher, Anna Marie (2008), *Review of UNHCR's Efforts to prevent and respond to human trafficking*, para.123.
- 11 Ibid, para.17.
- 12 Ibid, p.5.
- 13 Ryszard Piotrowicz (2005), *Victims of People Trafficking and Entitlement to International Protection* Australian Year Book of International Law 159.
- 14 Gallagher, A. and Pearson, E., *Detention of Trafficked Persons in Shelters: a legal and policy analysis*, Asia Regional Trafficking in Persons Project.
- 15 Ibid, p.6.
- 16 Ibid, p.25.
- 17 Huguet, J and Ramangkura, V ( 2007). *The Long Road Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*. Bangkok: International Organization for Migration. p.50.
- 18 Huguet, J and Ramangkura, V ( 2007). *The Long Road Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*. Bangkok: International Organization for Migration.



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**Guatemalan Workers Trafficked into Forced Labour in the United States**

12 Guatemalan workers, with the assistance of Global Workers<sup>1</sup>, took their employer to court after being recruited in 2006 on false pretenses to work in the United States (US), where their employer subsequently threatened and psychologically abused them.

The workers were promised employment planting pine trees in North Carolina, US, and lawfully obtained visas and plane tickets. Upon arriving in the US, however, they were transported without their consent to Connecticut, where they were forced to work for an average of nearly 80 hours per week, for far below federal and state minimum wages. Workers' passports were confiscated to prevent their escape; their employers allowed them only minimal contact with the outside world; they were deprived of emergency medical care; their employers fraudulently threatened them

with arrest, imprisonment, and/or deportation by US law enforcement authorities; and they were generally subjected to a campaign of coercion and fraud, designed to keep them intimidated and unable to leave the employer's plantation.

Through contact with the Guatemalan Consulate, the workers were put in touch with Global Workers. Using a combination of US domestic laws including, the Fair Labor Standards Act, the Migrant Seasonal Agricultural Worker Protection Act, the Connecticut Fraud Act, and the Trafficking Victims Protection Act, Global Workers was able to help the workers access justice. The workers received substantial payments in an out of court settlement, and all now have visas enabling them to remain in the US.

Endnotes

- 1 [www.globalworkers.org](http://www.globalworkers.org)

# Colonial Roots, Contemporary Risk Factors: a cautionary exploration of the domestic trafficking of Aboriginal women and girls in British Columbia, Canada

Sarah Hunt (Kwakwaka'wakw First Nation<sup>1</sup>)

In recent years, scholars have taken up the issue of domestic trafficking of Aboriginal girls and women in Canada, asserting that this is an issue of pressing concern in our communities.<sup>2,3,4,5</sup> Indeed, one study reported that Aboriginal women and children make up the majority of people trafficked within Canada.<sup>6</sup> With a lack of available data to clarify the extent and nature of human trafficking in Aboriginal communities, the authors have largely conflated domestic trafficking with youth sexual exploitation, intergenerational violence, and disappearance or abduction, resulting in a muddling of trafficking with other forms of violence and abuse. In order to better inform prevention and education efforts in Aboriginal communities, a more nuanced exploration of the trafficking of Aboriginal girls and women in Canada is needed. Adult sex work, often conflated with sexual exploitation in literature on domestic trafficking of Indigenous women, must also be approached within a rights-based framework rather than throwing it into the mix of exploitation. In this paper, I will draw on my 10 years of experience as a community-based researcher, program coordinator and educator on issues of youth sexual exploitation, intergenerational violence and related issues stemming from the colonisation of Indigenous communities in British Columbia (BC), Canada. I will also draw on available research to argue that while Indigenous girls and women in Canada are *at heightened risk of human trafficking for the purposes of sexual exploitation*, little evidence is available to support the claim that trafficking is a growing issue in our communities. Rather, as others have argued<sup>2</sup>, human trafficking is one of many forms of sexualised violence perpetrated against Aboriginal women, and efforts to address trafficking must simultaneously distinguish between trafficking, youth sexual exploitation, adult sex work, and a range of violent offences while seeing the colonial roots which link various forms of abuse and marginalisation.

In talking about issues of violence in Aboriginal communities, there is a danger of perpetuating stereotypes of Aboriginal women and girls as pure helpless victims lacking in agency, choice or voice, while at the same time

ignoring the systemic marginalisation that is at the root of colonial violence. I will therefore begin this paper by focusing on the systemic factors shaping the violence against us<sup>7</sup>, turning the gaze toward those institutions and individuals that have historically facilitated our marginalisation and victimisation. A starting point for this discussion is asking the question: **If human trafficking is about forced movement, exploitation, and the misuse of power in controlling the bodies of marginalised people, who has control over the movement, labour and bodies of Indigenous girls and women in Canada?**

## The Deep Roots of Sexualised Violence in Canada

The roots of sexual violence in Canada are as deep as colonialism itself. Some Indigenous scholars, such as Andrea Smith, have suggested that sexual violence serves as a powerful metaphor for the entire concept of colonialism.<sup>8</sup> The use of sexual violence as a tool of colonial conquest and domination is well documented internationally, including within Canada. Historically, stereotypes of Aboriginal women as “licentious and bloodthirsty”<sup>9</sup> aided in the establishment and control of Indian reserves, as European men and women were seen as needing protection from the sexual promiscuity of Aboriginal women. The containment of Aboriginal peoples on reserves remained in place until about the 1950s, when community members began migrating to urban areas due to a lack of resources and opportunities on reserves. Additionally, Aboriginal children were forced into the residential school system (which operated in BC between 1863 and 1984), which focused on industrial training along with stripping Aboriginal children of their cultural teachings. The Canadian government, in partnership with religious organisations, forcibly removed children from their homes, often facilitating their sexual and physical abuse by school officials.

Forced migration, confinement in residential schools and facilitated sexual abuse has the characteristics of what we now call human trafficking, although it is not recognized

as such. Some Indigenous scholars have begun reframing colonial violence in these terms, noting that “tactics of traffickers are consistent with many of the tactics used by colonial and American governments to subjugate Native women and girls. Indeed, the behavior is so deeply ingrained in American history that it is often rendered invisible and thus becomes normalized”.<sup>11</sup>

Stereotypes about the sexual availability and willingness of Aboriginal girls and women has resulted in generations of sexual violence and abuse continuing outside the law, as though it was not illegal to rape or batter an Aboriginal woman. As I will discuss below, this violence continues in both rural and urban communities across Canada, as violence against Aboriginal women is accepted, normalised and seemingly sanctioned by a lack of urgent response from the Canadian government and Aboriginal leaders.

### **The Intersection Between Trafficking, Histories of Sexual Violence and Exploitation**

In my work on youth sexual exploitation and violence, I have had the opportunity to talk to front-line workers in many rural and urban Aboriginal communities in BC. When asked if youth are being trafficked from rural to urban areas, front-line workers have largely said “no”<sup>10</sup>. Additionally, national research completed in 2010 indicated that human trafficking was not as a significant factor in the disappearance and murder of more than 500 Aboriginal women<sup>11</sup>. Despite the lack of concrete examples of trafficking, Aboriginal girls and women are undoubtedly at heightened risk of trafficking due to the general quality of life in Aboriginal communities, the overrepresentation of youth in sexual exploitation, intergenerational violence, and the number of missing girls and women from Aboriginal communities.

BC is home to the most culturally diverse population of Aboriginal people in Canada, including diverse language groups, political structures and cultural practices. BC’s Aboriginal peoples live in urban, remote, treaty, non-treaty, self-governed, and non-self-governed communities. In 2001, 17% of Canada’s Aboriginal people’s population lived in BC,<sup>12</sup> with membership in 198 bands<sup>13</sup>. Almost half of the Aboriginal population in Canada live in rural areas (as opposed to 19% of non-Aboriginals).<sup>14</sup>

A national study found that the mortality rate due to violence was 3 times higher for Aboriginal women than non-Aboriginal women, a rate that rose to 5 times higher for Aboriginal women aged 25 to 44.<sup>15</sup> Aboriginal people are also three times more likely than non-Aboriginal people to be victims of violent crime, specifically sexual assault, robbery and physical assault. Gendered violence is particularly prevalent, with Aboriginal women 3.5 times more likely to be victims of spousal violence than non-Aboriginal women.<sup>16</sup>

Aboriginal youth<sup>17</sup> and young people are particularly vulnerable. Violent victimisation is highest among young Aboriginal people aged 15 to 34, whose rate is about 2.5 times higher than the rate for those who are 35 years or

older. Aboriginal youth are also involved in the justice system at higher rates, as they are almost 8 times more likely to be in custody compared to their non-Aboriginal counterparts.<sup>18</sup> This early involvement in the justice system creates a barrier for youth reporting violence against them, as they do not see police and other justice officials as allies.

Lack of transportation is a huge risk factor for Aboriginal people in rural and remote areas, who travel to neighboring communities many miles away for food, health services, to visit family, and to have fun. Despite a lack of formal transportation options, rural youth are very mobile when travelling between small communities or neighbouring cities, often hitchhiking because there is no other option. When they arrive in a new town or city, the youth may find themselves without a place to stay and may be targeted by someone who expects sexual favors in return for a bed to sleep in. Young women are also targeted by recruiters or drug dealers who get them involved in the street-level sex trade or other street-level activities, often through acts of violence or drug debt. These situations involve migration from rural to urban areas, as well as sexual exploitation and violence, and the movement to urban areas is largely unfacilitated by a third party and is not human trafficking.

For the past 10 years, research and community dialogue has shown that Aboriginal girls make up a disproportionate number of sexually exploited youth in Canada. In a report published in 2000, estimates of the number of Aboriginal sexually exploited youth in BC ranged from 14-60% depending on the community.<sup>19</sup> Similarly, in national research conducted by two experiential<sup>20</sup> Aboriginal women<sup>21</sup>, widespread consensus emerged among community organisations, service providers, and front line agencies that the sexual exploitation of Aboriginal youth was increasing. These findings were supported by a recent study with street-involved youth in BC, which found that Aboriginal youth represented one-third to one-half of the sexually exploited youth on the streets.<sup>22</sup> Although the issue of sexual exploitation is equated with low-income, urban areas such as the Downtown East Side of Vancouver, where the street-level sex trade is hypervisible, research conducted in rural areas of the province has shown that sexual exploitation is happening in rural areas as well, although it is taking different forms than in urban centres.

Despite this, no primary research in British Columbia has shown that trafficking of Aboriginal women and girls is linked to their sexual exploitation. However, research in other areas of Canada has shown that Aboriginal girls and women are being trafficked between major urban centres, by organised crime, for the purposes of forced sex work or sexual exploitation.<sup>2</sup> One of the challenges in distinguishing trafficking from sexual exploitation or other forms of violence or abuse is the overlap in the legal definitions. Whereas facilitation of a young person in to sexual exploitation has, until recently, been framed as a form of sexual abuse, it is now being reframed in the language of trafficking because of the increased attention being given to the issue.

In community-based research I conducted with Natalie Clark and Melanie Mark<sup>23</sup> we found that Aboriginal girls in rural areas were trading sexual favors for transportation, food, clothing, shelter, drugs and alcohol. More overt recruitment into sexual exploitation was also reported by front-line service providers who said that young men from the city were picking up Aboriginal girls walking along rural roads, looking to take them to the city 'to party', which may have led to sexual exploitation. This facilitated migration to the city, for the purposes of sexual exploitation, has the characteristics of domestic trafficking within the Canadian Criminal Code definition, but at a community level was framed as recruitment or sexual exploitation. Additionally, the research showed that violence was a normal part of daily life for Aboriginal youth (both boys and girls) in rural areas, and that this violence made youth particularly vulnerable to exploitation. Another increased risk factor is the widespread use of the internet, which has made Aboriginal youth the targets of online predators. Previously isolated rural communities are now accessible to online recruiters who can take advantage of youth who may not have the skills to recognise sexual recruitment.<sup>24</sup> Community members have shared stories of girls being sent bus or plane tickets by 'boyfriends' they met online, who then abuse or sexually exploit them. This is one example of a form of sexual exploitation which could be linked to domestic trafficking (with the Canadian Criminal Code elements of recruitment, migration involving deception, leading to sexual exploitation).

Additionally, there is growing recognition that Aboriginal girls and women in BC, and across Canada, have gone missing from both rural and urban areas. The Native Women's Association of Canada's Sisters In Spirit initiative has gathered evidence that more than 500 Aboriginal girls and women have gone missing or been murdered in recent memory. While some of the victims have been found murdered close to where they went missing, others disappeared and no information is available about their fate. There is a possibility that these disappearances are linked to domestic trafficking, but no information is available to support this claim.<sup>15</sup>

The Canadian government and the general public continues to turn a blind eye to the rates of violence facing Aboriginal women, particularly in communities which are rendered invisible due to geographic location, social location or both. After many years of community-level advocacy, the police finally acknowledged the huge number of women who had gone missing from Vancouver's Downtown Eastside. A serial killer had been systematically murdering women from this area, and undoubtedly the extreme marginalisation faced by women in this area has led other violent offenders to do the same, given the lack of police response. Women in the Downtown Eastside have been made targets of violence which is sanctioned by the state due to a lack of serious response.

Violence against Aboriginal girls and women in rural areas of BC are also rendered invisible due to their marginal status, both at the level of Aboriginal leadership and at the level of government services. Again, after years of

community advocacy, police in northern BC recognised that a number of girls and women had gone missing from a stretch of remote highway in the middle of the province. These issues were introduced to the minds of the general Canadian public in 2002 when a non-Aboriginal girl went missing along Highway 16 in northern BC. As a result of the news around her disappearance, it was revealed that eight Aboriginal girls between the ages of 14 and 25 had gone missing or were found murdered along the highway. Since then, efforts have been made to develop a coordinated approach to prevention, with partnerships between local First Nations, Aboriginal organisations in the region, and the provincial government. In 2007, nine more names were added to the police list of women missing from the area (bringing the total list to 18), while community members report that the number is actually closer to 35.

It is well known in Canada that Aboriginal women are overrepresented in the street-level sex trade, as they are visible on the streets of all major urban centres. The adult sex trade is largely equated with exploitation, due to the poverty, violence and addiction which lead women to sex work and the similar conditions that keep them there. Violence against Aboriginal sex workers is rampant, including the mass murders in Vancouver which I have already mentioned, as well as many other examples of rapists or murderers getting light sentences for offences against Aboriginal sex workers.<sup>11</sup> However, I would argue that painting all Aboriginal sex workers as victims does nothing to empower their situation, and has the damaging effect of stripping them of their agency. Instead, a rights-based framework which focuses on Aboriginal women's rights to adequate housing, protection from violence, safe transportation, health care, and an acceptable standard of living would go a long way in giving women an actual choice as to whether or not to engage in sex work. While the conditions which lead women to sex work may be exploitative, and may indeed have their roots in child sexual exploitation, trying to 'save' adult women from their own lives only continues a legacy of paternalism first introduced by colonial institutions.

### **Moving Forward: Recognition, linkages and reparations**

Despite the wealth of information about the intersecting risk factors that put Aboriginal girls and women at heightened risk of domestic trafficking, no research has been conducted on the nature and extent of this issue in BC (or nationally). Rather, as I have shown, the issue is being conflated with other forms of exploitation, only some of which would actually be seen as trafficking under national and international definitions.

The issue of domestic trafficking of Aboriginal girls and women in BC has been only peripherally raised in discussions of human trafficking in Canada over the past 10 years. At a roundtable in Vancouver in 2004, expert discussion<sup>25</sup> mentioned that Aboriginal girls and women might be trafficked domestically but little was known about the exact nature of trafficking in Aboriginal communities, and little

attention was paid to it. Since that time, the issue has been brought to the forefront of anti-trafficking efforts by the provincial government.

One of the challenges in responding to the trafficking of Aboriginal girls in BC is confusion around the definition of trafficking, stemming from the legal definitions that affect Canadian law and policy.<sup>2</sup> The Canadian Criminal Code definition can be read in such a way that luring someone into an exploitative situation is defined as trafficking, whether or not there was migration or some form of coercion or force. If trafficking can be defined as luring a young person into sexual exploitation, then the definition differs significantly from international definitions around domestic trafficking. Essentially, 'sexual trafficking' and 'sexual exploitation' have become seen as one and the same, but are they?

Certainly, there is a need to find out more about the scope and nature of domestic trafficking in BC, and across Canada, particularly in the lives of Aboriginal girls, boys and women. However, resources which might prevent trafficking, such as in areas of housing, transportation, healing from intergenerational abuse, education, and community capacity building are significantly under-resourced. Current government policy and funding is aiding the potential growth of human trafficking, rather than preventing it, by increasing the levels of desperation and impoverishment in both rural and urban Aboriginal communities. Conditions in Aboriginal communities are such that girls and women are at increasingly greater risk, even as community, and national-level, education about issues such as violence and trafficking continues.

In recent years, a freeze on provincial government spending has resulted in a decrease in funding for front-line services in a number of sectors including health, education, and youth services. This has included a lack of funds for organisations that have been working for many years on raising awareness about youth sexual exploitation, creating tools such as videos, theatre performances, youth art shows and public awareness campaigns. Communities and organisations across BC that have worked for many years to raise the awareness and build capacity to address the issue of youth sexual exploitation have had their work halted. And with the introduction of language around trafficking, all of this work is essentially being done over again, reinventing the wheel when organisations are talking about interrelated issues of exploitation and could build on the work already being done.

Efforts to address the victimisation of Aboriginal girls and women are largely focused on education, and have the potential to restrict the movement of at-risk groups rather than targeting the perpetrators of violence against them. For example, in response to the missing girls and women along Highway 16 in northern BC, billboards have been erected with the message "friends don't let friends hitchhike". On the other hand, no broad based, government-funded efforts have been made to send the message that violence against women is not tolerated in those communities. Community-level marches taking a

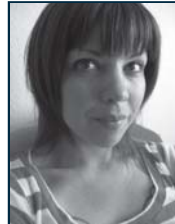
stand against violence against Aboriginal girls and women have been held across BC, with little or no funding to support them.

While the trafficking of girls and women from Aboriginal communities across BC and Canada is undoubtedly an issue of pressing concern given the heightened risk factors which stem from colonial violence and systemic inequities, trafficking must be addressed as part of a legacy of sexualised violence rather than a new issue arising from contemporary social problems. Additionally, it must not be divorced from the normalised violence in our communities, nor the sexual exploitation of children and youth, but must be seen as integrally linked to the ongoing project of colonial violence. Given the lack of concrete information about the nature and extent of domestic trafficking of Aboriginal people in Canada, responses must take a broad-based approach aimed at both raising awareness and lessening the root causes of exploitation - poverty, isolation, discrimination and normalised violence. Aboriginal women and girls must not be the sole focus of prevention efforts. Offenders, including the Canadian state, must be held accountable in facilitating the victimisation of Aboriginal women, and a clear message must be sent that this will no longer be tolerated. Underlying all of this is the need for sexualised violence to become a pressing issue at both national and community levels, and to be addressed as part of the larger project of reclaiming Indigenous rights to self-determination over our own bodies, minds, territories and the fate of our future generations.

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**Sarah Hunt**

has worked for 10 years as a community-based researcher and educator, focusing on building the capacity of Indigenous communities to address difficult issues such as colonial violence, intergenerational abuse, and youth sexual exploitation. Sarah is starting a PhD in 2010 in which she hopes to further explore the systemic and legal issues impacting violence in rural First Nations communities.

# Sex Workers' Rights and Olympic Anti-Trafficking Rhetoric

Esther Shannon

In Vancouver, the debate over sex work is constant, fierce and highly polarised between groups working for the rights of sex workers and groups seeking to abolish all forms of sex work. Sex work abolitionists in Vancouver deem sex workers as only victims of male violence. When sex workers reject that characterisation, they are ignored, derided or, most condescendingly, are represented as incapable of having any meaningful understanding of their experience. FIRST is a Canadian coalition of feminists that holds that sex workers should be treated as equal members of society, have equal protection of the law and be free from stigma and social and economic marginalisation<sup>1</sup>.

The level of attention on sex work in Vancouver is related in great measure to the Missing Women's case, which concerns the murders of 65 women sex industry workers in Vancouver from 1978 to the late 1990's. Aboriginal women constitute a majority of murdered and missing women from this period. In Vancouver, it is estimated that up to 50% of the women who work on the street are Aboriginal women and almost all who are involved in sex work issues recognise this over-representation as just one of the brutal legacies of Canadian colonialism.

The Missing Women's case left families of the victims, and the broader community, painfully questioning whether the authorities acted responsibly to investigate longstanding reports of missing women. In February 2002, Robert William Pickton was charged with some of these murders and in December 2007, a jury convicted him of the murders of seven of these missing sex workers. He was sentenced to life in prison, with no possibility of parole for 25 years. His case is currently under appeal.

## Formation of FIRST



FIRST began as a simple response to negative media commentary on a favourable story on Vancouver sex worker organising. In

response to the story, a feminist wrote a letter registering her opposition to sex work, noting that all feminists were opposed to sex work. Yet, I was a feminist who supported decriminalisation and I knew many Vancouver feminists who felt the same way. We quickly put together a letter to the editor, signed by 70 feminists, endorsing decriminalisation and equal rights for sex workers. After that, we very sensibly agreed to form a feminist organisation focused on working as an ally to support sex workers and the fight for decriminalisation.

In a dynamic, always interesting and sometimes challenging, process, a group of us -including current and former sex workers - met over two months to create a position statement that described our perspectives on the issues. Our new membership approved a final draft one dark and rainy night in November 2007. Following that, we came up with our name, a process that started with our trying to wrestle the critical words into a suitable acronym and ended with our choosing a name that, while not an abbreviation, defined the urgency of our goal as in, FIRST decriminalise sex work.

We now felt ready to move on, except we weren't exactly sure what we should be doing. As word about FIRST filtered out and we continued to gain new members, we agreed to focus on building public awareness on decriminalisation and sex worker rights generally, and this work quickly grew to include a strong focus on media relations. Since 2007, we have participated in numerous conferences and speaking and media engagements and have organised well-attended public forums on decriminalisation, trafficking and the Swedish model<sup>2</sup>.



## Trafficking and the Olympics

Interestingly, FIRST's first media involvement arose over trafficking and the Vancouver 2010 Winter Olympic Games. I say interesting because, while FIRST's position statement included a statement on our opposition to trafficking<sup>3</sup>, we never expected to do any anti-trafficking work, as our focus is the decriminalisation of sex work. However, we were compelled to enter the anti-trafficking discourse when we saw how sex workers were being targeted and negatively impacted by the anti-trafficking rhetoric used by sex work abolitionist groups.

The issue of trafficking and the 2010 Winter Olympic Games first arose in the autumn of 2007 via local media reports that revived the long discredited notion that 40,000 women were trafficked into Germany for the 2006 World Cup. Almost at the same time, a plan by the British Columbia Coalition of Experiential Communities (BCCEC, a provincial sex worker coalition), to establish a cooperative brothel (directed and staffed by sex workers themselves) gained media attention<sup>4</sup>. To the BCCEC's dismay, the headline writer misrepresented its intent to create safe spaces for street-level sex workers by describing the intended brothel as an Olympic brothel.

FIRST responded to these misrepresentations with an article in December 2007 that conclusively refuted the 40,000 women estimate, and challenged the idea that Vancouver would see major increases in trafficking<sup>5</sup>. We strongly supported the BCCEC's work to establish a cooperative brothel (directed and staffed by women in sex work) pointing out that, *"While alarmist rhetoric continues to plague discussions on sex industry work, the lack of concern for the safety and well-being of Vancouver's sex workers continues unabated"*.<sup>6</sup>

From that point forward, an enormous amount of the work FIRST has been doing in support of Vancouver sex workers has been focused on diminishing the impact of misguided anti-trafficking campaigns related to the 2010 Winter Olympic Games. We have been joined in that work by the BCCEC and many other groups including: Vancouver's Sex Industry Worker Safety Action Group (SIWSAG), a committee of sex workers, police and community groups that work to reduce violence and increase health and safety for sex workers; the Pivot Legal Society, a non-profit legal advocacy organisation; and the Global Alliance Against Trafficking in Women, among others.

Regardless of our collective efforts to provide accurate information on trafficking, claims related to high increases in trafficking - typically aiming to cause panic - continued seemingly without pause. The story offered by feminist services, local law professors, journalists, churches and the Salvation Army, had either a tenuous basis or, far more often, no basis at all. To date, we have not seen a single evidence-based report in support of the sex work abolitionist position.

For many residents, such stories operated as a disturbing sideshow to the Olympic circus. For sex workers, however,



these false claims became a form of symbolic violence. Yet again, they saw themselves singled out as wounded prey: Helpless victims with no capacity to act on their own behalf and with no community to support them. The abolitionist anti-trafficking rhetoric was so painful that one sex worker was moved to investigate whether she could charge some of the abolitionist groups with hate crimes. Those of us working in support of sex workers eventually came to believe that abolitionists were cynically using the trafficking issue to advance their cause without regard for how it would further stigmatise and endanger sex workers.

In response, SIWSAG commissioned a study on the potential impact of the 2010 Olympic Games on the Vancouver sex industry, including an analysis of whether international and/or domestic trafficking would occur. This ambitious study was funded by a small grant from the British Columbia Office to Combat Trafficking in Persons (OCTIP), a provincial government agency that has played a very minor public role in the 2010 debate on trafficking in Vancouver. Indeed, no Canadian government body - municipal, provincial or federal - acted in any significant way to either refute claims or provide accurate public information on the issue of trafficking and the 2010 Winter Olympic Games. At most, and only when pressed by the media on the issue, government and/or security spokespeople occasionally commented to refute concerns about trafficking and the Games. In one of the very few examples, in early 2008, federal Public Safety Minister Stockwell Day said he "doesn't foresee foreign prostitutes descending on the 2010 Winter Olympics in Vancouver" noting "stringent security at the Canadian border is likely to deter such activity".<sup>7</sup>

Community groups continued working together to support sex workers by providing rebuttals, media interviews and articles. GAATW's March 2009 briefing note<sup>8</sup> to the City of Vancouver refuting a link between trafficking issues and mega sports events supported our analysis and enormously encouraged all groups working on the issues. As noted above, however, the City government made no public comment on the information GAATW provided.

In early 2009, the Salvation Army brought its anti-trafficking campaign, *The Truth isn't Sexy*, to Vancouver. Throughout 2009, its anti-trafficking billboards - meant to spark the Army's annual fundraising appeal - littered the city featuring widely debunked claims about the nature of sex work and the extent of sex trafficking in Canada. The Salvation Army campaign galvanised local sex worker organisations who were appalled by how sex work was depicted and infuriated by the Salvation Army's failure to consult the sex worker community before launching what they deemed "a grossly offensive campaign".<sup>9,10</sup> Local groups, including GAATW Canada, eventually met with Salvation Army representatives to demand an end to the campaign, but the Salvation Army refused, and almost worse, had no idea of how inaccurate and offensive the campaign was.

In June 2009, SIWSAG released its comprehensive report, entitled *Human Trafficking, Sex Work Safety and the 2010 Games: Assessments and Recommendations Regarding Collateral Impacts*.<sup>11</sup> The report received wide media attention and presented an in-depth global overview of mega sport events, the sex work industry and trafficking in persons for the purposes of forced prostitution with a detailed examination of the Vancouver sex industry and issues related to the 2010 Winter Olympic Games. The report found that predictions of an alarming increase in human trafficking during the Olympic Games were inconsistent with the evidence, finding, in common with other reports on the issue, that trafficking and mega-events are not linked.

The report's key recommendations related to minimising the impact of the massive Olympic Games security apparatus and related street closures on street-based sex workers, specifically to prevent displacement of sex workers from their usual strolls. It also recommended providing time-limited additional support to sex worker organisations to ensure sex worker safety during the Olympic Games. These recommendations reflected earlier efforts to seek government support related to sex worker safety from as far back as 2006. No government or law enforcement took any action on these recommendations. Indeed, soon after the report was issued, the provincial government announced they were cutting funding to the Mobile Access Project or the 'MAP van', a key mobile service that travelled the city nightly to provide critical health and respite services to street-based sex workers. Fortunately, after immediate and widespread community protests, the government was forced to restore funding to the van.

By the time *Alliance News* readers see this article, the 2010 Winter Olympic Games will have come and gone from Vancouver. Our city is no longer an international stage for massive corporate advertising, a colossal security apparatus, vast real estate profits, gold medal patriotism and, of course, winter sports. The International Olympic Organisation has departed, taking the Olympics to London for the 2012 Summer Games. Hopefully, Vancouver sex workers are now getting some relief from those who twisted them into a target to advance an abolitionist agenda.

Speaking as a FIRST member and taking a slightly longer view, I look back over the past few years since our founding, inspired by our commitment and amazed by the amount of quality work we have undertaken. The future holds more work, and we go forward with no doubt that our analysis will deepen and dedication will continue to sustain our fight for sex worker equality.

While it is far too soon for any research results on the impact of the Games on sex work in Vancouver, to date, all anecdotal reports we have received testify to a significant drop in business during the Games. According to both street-level and inside workers we have spoken to, customers stayed away because of concerns about street closures, the overall security presence and the massive crowds that daily gathered in the city. To date, we have gained no specific information on the level of domestic or international trafficking during the Games.

### Endnotes

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# Somali Migrants in Nairobi: Challenges of recognising urban refugees and their contributions to the economy

Nkirote Laiboni

## 'Illegal' migrants and 'fake' citizens

On the night of January 17, 2010, police arrested over 300 people of Somali ethnicity in Nairobi's Eastleigh estate, on the basis of their alleged involvement in violent street protests earlier that week, as well as their suspected links to Al-Shabaab, the Somalia Islamic militant group.<sup>1</sup> Concerns about ethnic profiling arose when law enforcement officials claimed that the crackdowns were directed at 'illegal migrants' and that the suspects' identity cards were fake. Those arrested included Somali Members of Parliament in town for a meeting and ethnic Somali citizens of Kenya, which shares a border with Somalia<sup>2</sup>. It is likely, however, that most of the 300 people arrested were urban refugees living in the Somali-dominated residential neighbourhood commonly known to residents as 'Mogadishu Ndogo', Kiswahili for 'Little Mogadishu'.

While Kenya does not have a history of public displays of xenophobia, Nairobi is increasingly becoming hostile to Somali refugees residing in the city<sup>3</sup>. This hostility stems from various factors including a perception of refugees and asylum seekers as threats to

national security and as an economic burden; fears that money collected by Somali sea pirates has found its way into the economy and is responsible for the rising prices in Nairobi's real estate market; and misgivings over the growing commercial prosperity of 'Little Mogadishu'. Antagonism towards Somali refugees in Nairobi manifests itself explicitly in systemic discrimination and police harassment (as exemplified by the January 17 arrests), and implicitly in the neglect of public infrastructure and utilities in the Somali-dominated Eastleigh neighbourhood.

## Past and Present Refugee Policy in Kenya



Kenya<sup>4</sup> is located between the Horn of Africa and the Great Lakes region, two regions that have been afflicted by long-drawn conflicts and frequent droughts for the past three decades. The country's geographic location largely accounts for it being a major refugee host state. Migrants from neighbouring countries have also been drawn to Kenya because of its more vibrant economy, compared to its neighbours, as well as its relative political stability.

In the 1980s, Kenya's refugee policy was accommodating, with an

emphasis on local integration, but the arrival of a large number of refugees - mainly due to the 1991 civil conflict in Somalia - influenced the change in refugee protection in Kenya. The influx of Somali refugees into Kenya shaped the emergence of an encampment policy, whereby refugees are required to reside in designated camps far from urban areas and are denied opportunities to work and to legally integrate in Kenya. Kenya's Refugee Act (2006) specifically makes it an offence for refugees to live outside refugee camps or transit centres without permission from the government<sup>5</sup>. While the majority of refugees in Kenya now live in these camps, several live illegally and undocumented in Nairobi and other urban areas. Of the 374,000 refugees estimated to be residing in Kenya by the United Nations High Commission for Refugees (UNHCR) possibly well over 100,000 reside in Nairobi<sup>6</sup>. While some of the urban refugees have legal permits to live in urban areas, a majority of them are living in Nairobi illegally. Thus, the reality is that despite the government's policy that all refugees in Kenya should stay in refugee camps, thousands of undocumented and unauthorised urban refugees are settled in Nairobi and are carrying out business in the city.

### **Creating Economic Opportunity and Resisting Exploitation**

In Kenya, like in many other countries, the main employment sector for migrants without permission to work is the unregulated and unprotected informal sector. A vast majority of urban refugees in Kenya are not accorded legal status and as a consequence cannot access material benefits such as work permits and business permits or licences. Consequently, they cannot be employed in the formal sector and are also unable to run enterprises that are legally recognised. Therefore to survive, undocumented and unauthorised urban refugees in Nairobi either rely on their social networks for support, or engage in some form of 'informal' work through casual labour or by running businesses. The enterprises run by refugees in Nairobi vary from large-scale lucrative wholesale, retail and housing businesses to small-scale activities like hawking and street vending. While no official information is available, it can be deduced from observation and discussions in 2009 with female urban refugees in Kiamaiko (a slum neighbouring Eastleigh) that the smaller and less profitable activities like street vending are carried out by women urban refugees and the larger businesses are owned by wealthy male refugees.<sup>7</sup>

Because undocumented urban refugees working in Nairobi have no legal status, it is difficult to make a distinction between the formal and informal economy in their areas of operation. While a considerable number of enterprises in areas inhabited by urban refugees (such as Eastleigh) have characteristics belonging to the formal economy (such as high profits and a substantive number of employees), they still operate outside the regulatory framework. Thus, urban refugees operating businesses in Nairobi generally face similar challenges faced by Kenyan informal sector workers, including harassment and extortion of bribes from local government and law enforcement officials.

Furthermore, the small business operators and wage workers in the informal sector are working in conditions where wages and treatment are often poor and exploitative. Protection of irregular workers by the government and labour unions are also absent, although it should be noted that wealthy refugees are able to 'buy' protection and security from corrupt officials while poor refugees - including a large number of women - suffer from constant harassment and abuse. Migrant Somali interviewees in Kiamaiko reported that they are regularly mistreated by government officials, and that they are forced to bribe City Council officials in order to avoid harassment or to access services.

*"I cannot file complaints of abuse to law enforcement officials or else they will say that I am a refugee and kick me out of the country."<sup>8</sup>*

- Somali Refugee Woman in Nairobi

### **Refugees' Economic Contributions as Social Threat**

As noted above, another challenge faced by urban refugees in Nairobi is the growing xenophobia of the local population, mainly against Somali refugees, as well as arrests targeting 'illegal' migrants<sup>9</sup>. Eastleigh is perceived to pose an economic threat to local medium-sized businesses, especially as it offers a variety of goods and services at prices cheaper than those in the city centre and other parts of Nairobi. Tensions over the booming 'informal' refugee-owned businesses in Eastleigh have sometimes led to violent acts such as the arson of Garissa Lodge, a multi-store shopping complex, in 2000<sup>10</sup>. Somali migrants in Kiamaiko face blatant discrimination from the locals, including housing rights violations such as rent overcharges and evictions without prior notice.

*"A Kikuyu is charged 1,000 shillings for rent while Somalis are charged 3,000 shillings because they are apparently refugees."<sup>11</sup>*

- Somali Refugee Woman in Nairobi

Despite the xenophobic view that sees migrants as an economic burden, the impact and economic contributions of refugee-owned businesses on Nairobi's economy cannot be ignored. Somali businesses in Eastleigh, in particular, take advantage of their global networks to offer merchandise at very competitive prices and thus attract customers from all over Nairobi, and increasingly from other cities in East Africa<sup>12</sup>. The growth of Eastleigh as one of the main trading centres in East Africa and the infusion of capital in the neighbourhood has provided 'informal' work opportunities to Kenyans. Most of the businesses in Eastleigh employ at least one Kenyan<sup>13</sup>. According to government estimates, 76.5% (5.9 million people) of Kenya's labour force works in the informal sector, and this includes enterprises operated by urban refugees. The reality therefore is that the influx of refugees in Nairobi, particularly Somali refugees, has led to the development of formerly residential neighbourhoods like Eastleigh into



vibrant commercial hubs. Urban refugees can no longer be perceived as a burden to the local economy, particularly with the opportunities they continue to provide for Kenya's economic growth. Indeed, if the government were to rid Nairobi of refugees, the economy would suffer considerably.

With this in mind, perhaps it is time the Kenyan government woke up to this reality and developed policies that recognise the presence of refugees in urban areas and respect their entitlements to human rights protection. The first step towards achieving this would be addressing the current confusion regarding the legal status of refugees living in Nairobi, which has led to the unofficial categorisation of urban refugees into four groups: recognised refugees who are permitted to live in urban areas and are assisted by UNHCR, recognised refugees who have a legal permit to live in urban areas without assistance from UNHCR, recognised refugees mandated to stay in refugee camps who are living in cities and towns without permission, and refugees who are not recognised by UNHCR or the government and are living in urban areas (mainly Nairobi) illegally<sup>14</sup>. The government of Kenya should also allow refugees to access employment legally by facilitating the issuance of work permits for refugees. On a final note, there is need for the government to accord legal protection to refugees and to address the harassment and abuse of refugees by law enforcement officers. Doing

the above would eradicate the structural conditions that exacerbate refugees' vulnerability to various abuses, including human trafficking.

#### Endnotes

- <sup>1</sup> Daily Nation (2010 15 January), *Police arrest scores in city estate raid*. <http://www.nation.co.ke/News/-/1056/844586/-/vpcj3j/-/index.html>.
- <sup>2</sup> RFI (2010 18 January), *Kenyan police arrest 300 immigrants after Muslim protests*. [http://www.rfi.fr/actuen/articles/121/article\\_6572.asp](http://www.rfi.fr/actuen/articles/121/article_6572.asp).
- <sup>3</sup> Otieno, O. (2010), *Faisal riots exposed the ugly face of Kenya*. <http://www.nation.co.ke/oped/Opinion/-/440808/847918/-/5qdtky/-/index.html>.
- <sup>4</sup> Map of Kenya - <http://www.african-safari-journals.com/map-of-kenya.html>
- <sup>5</sup> Refugees Act, CAP 13 of 2006, Section 25(f).
- <sup>6</sup> Human Rights Watch (2009), *From Horror to Hopelessness*. <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>.
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- <sup>9</sup> RFI (2010 18 January), *Kenyan police arrest 300 immigrants after Muslim protests*. [http://www.rfi.fr/actuen/articles/121/article\\_6572.asp](http://www.rfi.fr/actuen/articles/121/article_6572.asp).
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- <sup>12</sup> Hertz, M., 2007, *Somali Refugees in Eastleigh, Nairobi*, <http://roundtable.kein.org/node/709>.
- <sup>13</sup> RFI (2010 18 January), *Kenyan police arrest 300 immigrants after Muslim protests*. [http://www.rfi.fr/actuen/articles/121/article\\_6572.asp](http://www.rfi.fr/actuen/articles/121/article_6572.asp).
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### Joint Advocacy by African Member Organisations Improves Anti-Trafficking Policy of Economic Community of West African States

In an effort to address the gaps in the area of assistance and care to trafficked persons, the Economic Community of West African States (ECOWAS) - a regional group of 15 West African countries - drafted the policy, *Assistance to Victims of Trafficking*. In November 2008, the ECOWAS Members considered the draft favourable and in April 2009, a meeting with experts and ministries was held to validate the policy for adoption by ECOWAS.

GAATW International Board Member, Vicky Nwogu, attended the meeting, both as a representative of GAATW Member Organisations in Africa and UNIFEM Nigeria. She was successful in bringing in gender, labour and migration linkages into the policy. Linkages made, include:

- Recognising that the increased feminisation of migration in Africa and the sub-region, along with historical discrimination and abuses faced by women, increases their vulnerability to exploitation and trafficking;
- Establishing a link between trafficking and migration in trafficking efforts, including the provision of safe migration information for potential migrants (particularly women) as a measure to prevent trafficking;
- Recognising the importance of employing a rights-based approach to victim protection and assistance; specifically ensuring that views of the victims are taken into consideration in initiatives that are developed for their own benefit;
- The need for a comprehensive identification tool for victims of trafficking;
- A clear delineation of the objectives and strategies for counseling from other processes such as rehabilitation and interviews for the purpose of criminal investigations;
- The role of individuals and communities in maintaining vigilance and reporting suspicious circumstances to law enforcement officials;
- The inclusion of a new policy issue on victims in the criminal justice process.

# Economic Migration and Family Separation: “Where are you going mama? Can’t I come with you?”

*Florina Benoit*

Migrants are a very diverse group. Migrants can be men or women, who can migrate for different or similar reasons. Refugees, internally displaced persons, and economic migrants are some of the most commonly used categories. Refugees and internally displaced people are people affected by war, violence, or prosecution. The refugee category is treated uniquely because it needs to be authenticated. A person seeking refugee status has to go through the process of status determination before he or she is declared a refugee as per the United Nations’ definition. There are countries that do not accept refugees and so those who land there seeking refuge are left in limbo. Another group of displaced persons are those who are displaced due to development. For instance, Special Economic Zones (SEZ) have been displacing many people who lived and worked on the land now occupied by SEZs. This causes a lot of unrest. By law every person has a right to land ownership. People who have been living in a place for generations are asked to move to create space for factories. Some of them may become economic migrants.

Today, the foreign workforce represents an indispensable portion of the labour market in the majority of developed countries. In some contexts, irregular migration and economic activities performed by migrants outside the legal framework are considered risky by societies based on adherence to regulations. As a result, migrants can carry the burden of being discriminated against, and different from ‘deserving’ refugees, economic migrants may be exploited in various ways: Long work hours, low wages, insecure jobs, sexual harassment, lack of medical care, and high agent commissions, to name a few examples.

This discrimination can often be part of a system intended to extract the most value from migrants, regardless of their needs and aspirations. An agent in a host country, with contacts in destination countries looking for cheap labour, searches for people who best suit their profile and talk to him or her informally. Once the potential migrant is convinced by the agent, or by others who have taken the same path, the next step in the process begins. Depending on the wages in the destination country, the agent specifies their fee to the soon to be migrant. Sometimes this can be as high as US\$1000 for a job that will pay only US\$100

per month. Migrants might be willing to accept this situation out of desperation, resulting from critical situations in origin countries. A lack of knowledge around migration processes or labour regulations in destination countries further contributes to the acceptance of unfair terms. Agreements with agents can render a migrant in debt-bondage to agents, employers or traffickers.

This article focuses on Sri Lankan economic migrants as a subset of the migrant population, and is based on my observations, as well as conversations I have had with Sri Lankan economic migrants and their family members. It should be noted that a person can be both a refugee and an economic migrant at the same time. An example would be a Sri Lankan, who goes to India as a refugee and returns to Sri Lanka in order to go to the Middle East as an economic migrant, for instance to work as a domestic worker. As refugees entering a foreign country they face many problems, however their families who have remained in their place of refuge also have to cope with the loss of one family member. This paper attempts to capture the difficulties that families in refugee camps face when a family member has left to migrate for work.

Migration requires a lot of adaptation to change. The three following cases present examples of migration successes and failures, as defined by the migrants themselves. In the successful stories, we find that the economic migrants (in this case the women) have been able to accomplish their mission to improve their families’ quality of life. In these instances, there were many factors that contributed to their success apart from an economic boost: A supportive husband, a good environment in the refugee camp, children who appreciate the sacrifices their parents have made, and a supportive extended family. However in cases of failed migration, one common factor is the loss of the mother, as perceived by the children. Children do not realise the monetary worth of the parent being away from home, but rather miss their parent’s physical presence and are not able to accept it. Other factors impacting family unity can also include irresponsible behavior by family members and bad refugee camp environments.

### Case Study 1: A husband's grief

When one member of the family leaves, the entire family can suffer. In this case, it was the mother who migrated abroad for work. There can be a lot of confusion and desperation among family members. Power dynamics can change with a father taking on the role of both mother and father. Nearly always, the eldest daughter will take over the cooking for the family.

In this case, many years ago, Sri Lankan Mr. Dhanush's<sup>1</sup> wife went to Saudi Arabia. The husband played an important role in sending her there, as they had seven children and needed the extra money. She left for Saudi Arabia before the family migrated as refugees to India. Money was sent for a few months and then it slowly stopped. Her husband has been waiting for her to return but there is no news of her. He tried to find her several times but to no avail. In the meanwhile, Mr. Dhanush left for India as a refugee along with his seven children, of which one is mentally disabled. They lived in the refugee camps in India for a few years and later returned to Sri Lanka. Because of the conflict in Sri Lanka, he came back to India in 1996, and has been in the refugee camps since then.

He has not remarried and is still waiting for his wife. She does not send money nor is there any contact. He keeps trying to find her through different embassies. Apparently he has heard that she had some contact with a man and is now in London. All of their children are now married except for the child who is mentally disabled. The children take care of the father and treat him well. However, he is still very affected by this incident and remains depressed; he is often found talking to everyone about his wife.

Some people are mentally affected because of the loss of their loved ones. Mr. Dhanush had to take care of his children on his own with no support from his wife. Although he thinks that she has settled with another man there is no certainty about the circumstances that led to it. This story ends with a man continuing to wait for his wife.

### Case Study 2: A single mother's survival and strength

Some women lead two lives: They work in a house the entire day as a domestic helper and at night they shift their attention to their private lives and their family, worrying about them and hoping that they are doing well. Children on the other hand, miss their mother and keep pining for her when she is at work. Often children do not understand that their mother is working so that children will have a better life. The children argue that they would rather have less material comforts and have their mother around.

Santhanalakshmi<sup>2</sup> is a 42 year old woman living in one of the refugee camps and originally comes from Vavuniya District in Sri Lanka. The uncertainty of the civil war forced

her to flee to India in 1990 with her family comprising of her father, mother, husband and four children (three boys and one girl). Misunderstandings, followed by conflicts between her husband and herself led to family separation. He later married another woman and left for his homeland taking a son and daughter with him. After this, she was forced to work in the brick industry to look after her remaining family's needs.

Considering the children's future, she left for Saudi Arabia. Despite earning a sizable income there, she found she was unable to live away from her children. Two years later, she went to Sri Lanka to see the children that her husband had taken. She met her husband and begged him to give her children back; she found that her daughter had passed away. She was traumatised to hear of her daughter's death, yet she mustered up courage and, with her husband's permission, took her son back with her. She was unable to go back to Saudi Arabia, so returned to the refugee camp. The Organisation for Eelam Refugees Rehabilitation (OfERR)<sup>3</sup>, a non-governmental organisation (NGO) working in the refugee camp, came to know of her problems and referred her for counseling.

She became a member of the self-help group named Thamarai and earned the goodwill of the members. She started a fish business with a loan obtained from her group. With the income gained from her fish business, she established a petty shop for her eldest son. She also directed efforts towards educating her children who now go to college. She says ecstatically, "challenges like this are inevitable in a refugee community. OfERR played a role to identify my problems and unearth my hidden skills to tackle the problems. I have learnt that there are many options available here to give my children a good life."

Life for a single mother is tough and for one that has been through traumatic experiences, it is worse. With the burden of caring for her children, she is stigmatised for being a single mother and for having worked in the Middle East as a domestic worker. Despite these challenges, and more, Santhanalakshmi and her family survive the camp.

### Case Study 3: Complexities of kinship care

Although the economic effects of migration have been extensively studied, the social effects of migration have received less attention.<sup>4</sup> They are however, very important and very closely linked to the economic effects of migration. The social effects of migration, amongst others, include changes in family composition, family separation and the neglect of elders. It also impacts on the labour, health and education of children, For example, when a parent is away, children can perform less well at school.

Mrs. Jabamalai<sup>5</sup> fled Sri Lanka for India in 1990 with four children. After she arrived, she was not sure how to take care of her four children, as her husband separated from her and married another woman and did not accompany the family to India. While in the refugee camp in India she



decided to go abroad so that she could support her children. At 30 years old, she left her by then five children (three girls and two boys) with her eldest daughter who was only eight years old, in order to go abroad for work. She has been away for the last 14 years. Her older sister now takes care of her children, although they don't like to be under the same roof.

Mrs. Jabamalai suffered a lot when she was in the Middle East, but her only aim was to take care of her children. She used to come home to the camp once every two years. All the children went to school and completed education; they are now at a marriageable age. Although Mrs Jabamalai's sister gave the children all the love and care she could, the children feel that they lost out on motherly love.

Her sister has one son, plus Mrs. Jabamalai's five children, and another five children that she adopted when they were orphaned. With so many children around, Mrs. Jabamalai was not sure if her children were well taken care of. Apart from the trauma of missing her children she also was worried about whether the money she sent was used to take care of her children. She also felt guilty for not trusting

her sister with her children. With this anxiety, Mrs. Jabamalai continued to work as domestic help and bore hardships for her children. Today all her children are married and are doing well. She continues to work in Saudi Arabia and visits her family once every two years. Doubt, fear, anxiety are all part of this woman's life. After 14 years she continues to feel unsettled.

Most of the women I have spoken to, who live away from their children, are not happy with this decision and feel that they have chosen the wrong path. In my observations, these women are particularly sensitive to criticism for their unorthodox choices, as they reinforce their feelings of guilt rather than celebrate their achievements of working abroad, and a certain amount of uncertainty seems to always exist in their lives.

### Family separation<sup>6</sup>

Family separation is a huge concern. In the camps, it is mainly women who migrate for work because it is easier for women to get jobs as housemaids in the Middle East. When women leave home to work abroad, they are able to send some money to their family back home. This money



is usually more than what women would earn in countries of origin. Some men take advantage of this and while their wives are away, find new partners. In scenarios such as these, children feel the loss of a mother and a father.

## Conclusion

Although forced migration receives the most attention, economic migrants have increasingly been gaining attention. A combination of forced migration and economic migration is a rare phenomenon that some Sri Lankan refugees experience. The emotional and social effects of migration have not received as much attention as its economic effects, though at the family level and at the level of the migrant these can be considerable. This paper has highlighted the confusion and hardship of living between two worlds, but also the courage and perseverance, and inspiring successes of people who migrate.

## Endnotes

- <sup>1</sup> Not his real name
- <sup>2</sup> Not her real name
- <sup>3</sup> For more information, see [www.oferr.org](http://www.oferr.org)
- <sup>4</sup> Suryaveer, S. (2008), *Streams of Migration*
- <sup>5</sup> Not her real name
- <sup>6</sup> All this information was gathered from family members and so the thoughts and opinions of the women who migrated is not known.



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## Smooth Flight: Providing safe migration information as a trafficking prevention measure

*Smooth Flight*<sup>1</sup> is a safe migration program in Latvia that seeks to reduce youth trafficking from Latvia and other Eastern European countries by making migration safer. The program was developed in 2004 by the Project for Prevention of Adolescent Trafficking (PPAT) and supported by the United Nations Development Fund for Women. It comprised a curriculum guide and a short documentary film, *Smooth Flight*, and targeted young adults - men and women - aged 14-25.

The program is designed as a simple, practical tool for teachers, youth counselors and others working with young adults to empower those considering work abroad with information on the realities, benefits and risks of migration, clear guidelines for assessing situations, and options for seeking protection and redress. The rights of young people to live, work and travel freely are at the centre of the program.

*Smooth Flight* centres on the communication of 10 simple and practical principles:

1. Verify the legitimacy of a job agency or opportunity;
2. Obtain an employment contract;
3. Ensure a third party has appraised and commented on the contract;
4. Review, comment and sign the contract;
5. Leave copies of the contract with relatives and/or friends;

6. Leave copies of a passport with relatives and/or friends;
7. Leave contact information with relatives and/or friends;
8. Leave the employer's contact information with relatives and/or friends;
9. Create a password/code language for letting others know "I'm in trouble"; and,
10. Attend a career counseling session at a youth centre.

Though the 10 principles are not radical, PPAT research indicated that most young people did not regularly implement any of the steps listed above. Despite the simple, practical basis of the strategy, however, *Smooth Flight*'s message is not one that has been widely adopted and distributed by other larger organisations. In presenting the example at GAATW's *Global Consultation on Prevention*, in 2006, a participant suggested that this reluctance was due to a concern that persons promoting these 10 principles might be held responsible should migrants following the advice still fall victim to trafficking, and stressed that non-governmental organisations have a responsibility to fill the gap left by the unwillingness of larger organisations.

## Endnotes

- <sup>1</sup> For more information on Smooth Flight, go to [http://www.childtrafficking.com/Docs/ppat\\_2003\\_smooth\\_flight\\_guide\\_prevent\\_youth\\_trafficking.pdf](http://www.childtrafficking.com/Docs/ppat_2003_smooth_flight_guide_prevent_youth_trafficking.pdf)

# Migration, Development and Globalisation in Crisis

*Jenina Joy Chavez and Walden Bello*

Accompanying existing imbalances in international capital flows, the recent banking fiasco has triggered a financial crisis, further exacerbating inequalities. From a mere slowdown in 2007 and 2008, in 2009, world output contracted by 0.8%, and global trade in goods and services by 12.3%.<sup>1</sup> This has resulted in the contraction of incomes and employment, and consequently, of living standards across the world.

The global financial crisis also seems to have fanned the anti-immigration sentiment. In the 2007 Pew Global Attitudes Survey, a majority of respondents, in 44 out of 47 countries, agreed that immigration should be further restricted and controlled. Countries that looked least favorably on immigration include South Africa (94%), Malaysia (89%), Italy (87%) and India (87%).<sup>2</sup>

In 2007, 3 out of 4 Americans had negative views about immigration;<sup>3</sup> in 2010, state-level actions against immigration led by Arizona have been accepted.<sup>4</sup> The perceived threat to culture is one concern, however the negative views on immigration is also conditioned by economic considerations. Migrants are thought to be competitors for local jobs 'who push wages down'. In developed countries, they are also seen as overburdening social services paid for by citizens. Interestingly, however, new research reveals that Americans prefer and approve of high-skilled, but not of low-skilled, migration.<sup>5</sup>

## The Migration Story

There are an estimated 214 million international migrants, 3.1% of the world's population.<sup>6</sup> It may not seem much, but the big fuss is mostly related to the distribution of migrants. Least developed regions have but 1.3% of migrants relative to their local populations, compared to 10% in more developed regions. High-skilled (compared to low-skilled) migration characterises the migration into developed countries, making up more than half of the intake in Canada and Australia, and a third in the United Kingdom.<sup>7</sup> Far from being an altruistic move by receiving countries, migration flows have in fact been induced by national and global economic restructuring to boost economic growth.

Economic history would attest that developing economies have experienced migration pressures before they prospered. Local labour had to seek employment abroad in the low-growth period; they then came back when the economy improved.<sup>8</sup> The reverse is also true. Migrant labour has been extremely important for countries that sustained economic growth. In both cases, the East Asian economies of Japan, South Korea and Taiwan, are good examples.

After the Second World War, for example, Japan encouraged migration to reduce labour shortages, a policy that continued until the mid-1960s when Japan started experiencing phenomenal growth. To avert mounting pressure from labour shortages, Japan recruited local farmers into the manufacturing and industrial sectors. It also shifted production abroad, particularly in Taiwan and South Korea. Soon a regional investment and manufacturing complex was in full steam to service the export-oriented industrialisation of Japan. When the supply of local labour dwindled, this complex relied on the armies of migrant labourers travelling to Taiwanese and Korean factories. In later stages, Japan also welcomed migrant workers to do "dirty, dangerous and difficult or demanding jobs" shunned by the Japanese, or to work in Japan's smaller and medium industries which were unable to relocate abroad.<sup>9</sup>

Western Asia (or the Middle East), awash with petro-dollars in the 1970s employed migrant labour from the rest of Asia to build its infrastructure, and then work in the service industries. As affluence improved and demand for services increased, migrant women were recruited for domestic work. While migrants remaining predominantly male, the share of female migrant labor in the region steadily increased, reaching 10% in Oman and as high as 25% in Kuwait by the 1990s.<sup>10</sup>

Migrant labour also helps sustain the medical and care sectors of developed countries with aging populations, particularly Japan, North America and some countries in Western Europe. Studies show that by 2000, 'foreign' medical graduates constituted 25% of medical practitioners; and that half of new nurses in the United

Kingdom were migrants.<sup>11</sup> Even countries like Malaysia and Thailand, that have only recently seen comfortable levels of economic growth, rely on migrant labour to work in industries such as plantations and fisheries - sectors that either drive substantial export interest or supply a growing consumer class.

### **Migration's Impact on Sending Countries**

According to the Global Commission on International Migration, there are 3Ds - differences in development, demography and democracy - that influence migration decisions.<sup>12</sup> For example, younger populations in many developing countries have greater mobility and access labour markets relatively easily. Democratic deficits, wars and conflicts, discrimination and abuse, and internal displacement push many people to migrate. Most of those who flee these precarious situations seek refugee status; 8% of migrants are refugees (16 million).<sup>13</sup> In certain cases, like Jordan, the growing negative outlook on migration results from the influx of refugees from Iraq.<sup>14</sup>

Economic disparities (differences in development) by far provide the biggest push and pull factors for migration. As discussed earlier, sustaining many of the world's biggest economies requires the use of foreign labour one way or another. Today, 60% of total international migrants are in the more developed regions, while least developed regions host but 5%.<sup>15</sup> Lack of opportunities at home drives many to migrate for work. In several countries, labour export constitutes part of their development strategy, such as in the Philippines and in the new emerging economies.<sup>16</sup> Paradoxically, the chances of success for both temporary and permanent migration increases with the level of education. The more educated have higher chances of successful migration. One of the biggest migrant sending countries, the Philippines, found that the percentage of overseas Filipino workers with some college education is higher (more than 50%) than those employed at home (25%).<sup>17</sup>

Migration contributes significantly to home countries in terms of economic, social and political stability. Migration's biggest contribution comes in the form of remittances which have become the largest sources of funds for developing countries next to foreign direct investments. In 2008, the World Bank estimated that a total of US\$328 billion in remittance flows went to developing countries. 3 of the top 5 dollar remittance earners are Asian countries (India, China and the Philippines); while 3 out of the 5 biggest dependents on remittances for their national incomes are from Africa (Tonga, Lesotho and Guyana).<sup>18</sup> These remittances help keep economies afloat and help stave several points off official poverty figures.

### **Migration, Structural Adjustment Programmes, and the Remittance Economy**

Quite significantly, migration reacts to the fluctuations in the international economy. The outlook for remittances is affected by three risk factors: (1) the length and depth of

crisis; (2) fluctuations in exchange rates; and, (3) tightening immigration controls as a reaction to weak job markets in destination countries.<sup>19</sup> This is further proof of the close connection between migration and global economic structures. This close connection means that the environment for migration is affected by the economic fluctuations in the receiving countries. The same migrant labourers who provide a convenient workforce in times of labour shortages and fill unwanted jobs, are those who face threats of discrimination when employment opportunities lessen. The value of remittances from those with relatively more secure jobs, e.g. those in high-skilled occupations, dwindles as economic troubles in developed countries spread abroad.

A major challenge is understanding how to better harness the positive impacts of migration, and at the same time, how to address the economic causes of migration. While migration can be considered a safety net for countries in dire need of foreign reserves, the negative impacts of migration cannot be overemphasised. By providing a convenient exit route, continued out-migration could delay or permanently undermine efforts for structural development in sending countries. The fact that many countries in the Caribbean and the Pacific have over half of their skilled labour force overseas; and that a quarter of the educated population in sub-Saharan Africa are abroad<sup>20</sup>, indicates not only the ills of 'brain-drain', but reinforces deep-seated imbalances that propelled migration in the first place.

Studies have also shown that high-skilled migration does not necessarily translate to higher remittances. In fact, high-skilled migrants tend to bring family with them and hence means lower remittances for sending countries. The fact that sending countries tend to be poor also does not mean that migrants will send more money home. A better determinant of remittances is the presence of investment opportunities in the home countries.<sup>21</sup> It means that unless sending countries develop, the fruits of migration might just mean even more migration, or that the benefits be confined to their spending as a consumer, rather than propping local development efforts per se through investment in local industries.

One cannot understand migration without understanding the political economy of structural adjustment programmes, to which a great number of sending countries have been subjected over the last 30 years.<sup>22</sup> Conditions of poverty and economic distress push people out of their countries, but these conditions are not natural. They are created. And in scores of developing countries since the late 1980s the prime engine expanding poverty and economic distress has been structural adjustment programmes pushed by the International Monetary Fund and the World Bank, trade liberalisation promoted by the World Trade Organization (WTO) and trade agreements such as the North American Free Trade Agreement (NAFTA).

Promoted under the guise of bringing about efficiency, these programmes have destroyed agriculture and industry in country after country. In Mexico, severe cutbacks in

state support for agriculture, efforts to roll back agrarian reform, and NAFTA-imposed trade liberalisation have made agriculture a losing proposition, forcing Mexico's peasantry, as the saying goes, to transfer en masse to the United States. In the Philippines, structural adjustments have destroyed the country's industrial base and with it, hundreds of thousands of industrial and manufacturing jobs, while WTO-imposed trade liberalisation has made farming unattractive for peasants whose products cannot compete with the subsidised commodities being dumped by the United States, Europe, and other countries. For many of these displaced farmers and their children, relocating to the urban metropolis is followed by emigration.

So massive has been the unraveling of the industrial and agricultural base wrought by neoliberal policies that it is oftentimes only remittances from migrant workers that keep the home economies afloat - something that can be said without exaggeration of the Philippines, Mexico, and El Salvador. Remittances are critical and migrant workers are to be complimented for their heroic role, but the remittance economy is no substitute for a vibrant domestic economy. Unfortunately, in the Philippines and other sending countries, policymakers have made remittances a substitute for domestic production.

### Negative and Positive Realities

It is important not to romanticise the lot of the globalised worker. Instability and lack of security is the condition of many. Capitalism in the neoliberal era destroys jobs at home and creates them elsewhere, forcing many into dangerous trans-border journeys to find those jobs. Unregulated as it is today, capitalism is marked by periods of expansion and contraction. When contraction arrives, the lot of the migrant becomes a perilous one, as opportunistic politicians scapegoat him or her for the loss of jobs of workers from the dominant culture. This is the situation in the developed countries today, where discrimination, police repression, and deportation have become pervasive. In Europe, this is accompanied by cultural stigmatisation, with migrants of Muslim origin being defined as the "Other."

But let us not be too negative either about the migrant's host societies. These are often democratic societies where there are rights and liberties that are institutionalised. Many migrants, of course, are deprived of a number of these rights and liberties, but in many respects, these politics provide a model of what is possible in our societies of origin, where rights and liberties are fragile if not non-existent and political corruption is pervasive. Women from many developing societies find in their host societies a level of respect and a state of formal equality with men that is sorely absent where they came from. Filipina women, for instance, are afforded in Europe and the United States the means to assert their reproductive rights via contraception, which are difficult for them to obtain back home. They also have the right to divorce abusive partners, a course of action they are legally deprived of in the Philippines.

### Two-Front War

Thus, to seriously address the problems they confront, migrants and migrant advocates cannot but be involved in a two-front war. On the one hand, we must struggle in our countries of origin to end the conditions of structural adjustment programmes, trade liberalisation, and other neoliberal policies that have eroded our industrial and agricultural base and destroyed millions of jobs. We must tell the United States government and the European Union that we do not need aid; what we need is for them to stop imposing bilateral trade agreements and economic partnership agreements on us. What our countries demand is a halt to the structural adjustment programmes still in effect in scores of countries in Africa and an end to further liberalisation of trade under the WTO and bilateral and multilateral trade agreements. Of course, development has many other requirements, but stopping structural adjustment programmes and indiscriminate trade liberalisation is a *sine qua non*, a condition without which other indigenous development initiatives cannot prosper.

When it comes to the other front, in our host countries, the agenda is clear. We must aggressively assert what is the unvarnished truth: That migrants overwhelmingly make a positive contribution to the economy and culture of their host countries. We must frontally oppose state repression of migrants and confront the right-wing populist groups that scapegoat them. We must demand an end to the deportation of undocumented migrants, the rapid legalisation and granting of full citizenship rights to those with papers and their children, and the facilitation of the achievement of legal status of those without papers.

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# Gender, Racialisation, and Mobility: Human trafficking and the 2010 Vancouver Winter Olympic Games

Annalee Lepp

## Introduction

Large international sporting events, like the Summer and Winter Olympics and the FIFA World Cup, conjure up a diverse array of co-existing and often contradictory sentiments, images, and realities. Supporters of such events emphasise the positive upsurge in global unity, celebration of athletic excellence, and more recently, the Right to Play with its emphasis on promoting development, health, and peace through sports among disadvantaged children.<sup>1</sup> On the other side of the divide, opponents express concerns about massive public investments in sports infrastructure and transportation and their adverse effects on the environment and social spending; and urban 'clean up' operations resulting in the social displacement of 'the poor', 'the vulnerable', and 'the stigmatised'. During the 2010 Vancouver Winter Olympic Games, there was also some vocal Indigenous opposition to the event, encapsulated in the slogan, "No Olympics on Stolen Native Land."<sup>2</sup> Amidst the ongoing debates over the benefits and harms caused by mega sporting events, it is relatively recently that human trafficking, specifically for the purposes of prostitution/youth sexual exploitation has been added to the list of potential negative side effects. The 2010 Winter Olympic Games, held in Vancouver/Whistler between 12 and 28 February, were no exception to this latter trend.<sup>3</sup>

Vancouver received the bid for the 2010 Winter Olympic and Paralympic Games in July 2003. Analysis of national and print media suggests that non-governmental organisation (NGO) discussions about an anticipated increase in human trafficking for the purpose of prostitution/youth sexual exploitation during this mega-sporting event began to emerge in early June 2006 - one week before the much scrutinised FIFA World Cup commenced in Germany (9 June to 9 July 2006).<sup>4</sup> In subsequent years, escalating local debates about sex work and human trafficking involved two coalitions: Sex worker activists and advocacy organisations concerned with sex worker safety; and increasingly vocal abolitionist groups whose main focus was on trafficked 'victims', 'pimps and traffickers', and the assumed increase in male demand for paid sex. In their constructions of who constituted

potential trafficking victims, these latter groups' public awareness campaigns, with their heavy reliance on 'sex slavery' discourse, produced and perpetuated particular notions about gender, race, and mobility.

## National Consultations on Canada's Prostitution Laws and Human Trafficking

In British Columbia (BC), the countdown to the 2010 Winter Olympic Games created a major catalyst for various NGOs to articulate and publicise pre-existing agendas and strategies related to prostitution/sex work, youth sexual exploitation, and trafficking in persons. It could be argued that two federal government-initiated consultations between 2003 and 2006 had galvanised NGOs positioned on two sides of the 'prostitution debates': Decriminalisation and abolition via the Swedish model.

After holding a series of nation-wide consultations on Canada's prostitution laws in 2003 and 2005, which involved approximately 300 witnesses, the submission of over 50 briefs, and the production of a number of substantial NGO-sponsored studies,<sup>5</sup> the Parliamentary Standing Committee on Justice and Human Rights' Subcommittee released its report, *The Challenge of Change: A Study of Canada's Criminal Prostitution Laws*, in December 2006. The Subcommittee's self-defined mandate had been "to review the solicitation laws in order to improve the safety of sex-trade workers and communities overall, and to recommend changes that will reduce the exploitation and violence against sex-trade workers," but its report indicated that the political parties represented were unable to reach consensus on a legal strategy - with decriminalisation and the Swedish model being the two main approaches supported by the majority of witnesses. While emphasising that the status quo was "unacceptable" but arguing that more research on sex work and preventative education were needed, the Subcommittee did stress that the "commercial sexual exploitation of minors" should continue to be treated as a serious crime and that "trafficking in persons" should remain a government priority. However, as critics argued, by blocking a potential move toward decriminalisation, the Canadian government had

abandoned particularly on-street sex workers to perpetual "danger."<sup>6</sup>

Two months later, after another but less extensive round of consultations with various stakeholders (law enforcement, immigration, NGOs, faith-based groups, and academics), the Standing Committee on the Status of Women Canada released its own report entitled, *Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada*, which included 33 recommendations. While recognising that "trafficking of persons across international borders also has significant implications for Canada," the Standing Committee's main focus was on domestic trafficking and particularly the trafficking of Aboriginal women and girls into the sex industry. In defining prostitution as "closely linked to trafficking in persons" and in identifying prostitution as "a form of violence and a violation of human rights" with women and girls as the principal "victims," the Committee recommended that the Swedish model be introduced in Canada and that counter-trafficking efforts in the areas of prevention, protection, and prosecution be significantly enhanced. Under the leadership of a number of vocal Conservative Members of Parliament, the report was significant on a number of levels: It represented the first federal government-produced document that conflated prostitution, youth sexual exploitation, and human trafficking squarely within a "violence against women" framework; it was also the first to explicitly focus on domestic trafficking and to unequivocally recommend the criminalisation of sexual demand. Media reports also suggested that during the consultations, several witnesses argued that Canada would face "an explosion" in "human trafficking in the run-up to the 2010 Winter Olympics," as it was assumed had been the case at "every sporting event in the last decade."<sup>7</sup>

### **Pre-2010 Olympic Games Initiatives and Public Awareness Campaigns**

In the aftermath of these federal government-initiated national discussions, a group of Vancouver sex workers affiliated with the BC Coalition of Experiential Committees (and later named the West Coast Co-operative of Sex Industry Professionals) announced in November 2007 that, in anticipation of the 2010 Olympic Games and subject to the approval of the federal government, they hoped to establish a cooperative brothel in Vancouver on an experimental basis for a two-year period. Ideally, however, the group hoped to open four more brothels as a way to provide domestic adult sex workers with a "safer working environment when the world comes to visit in 2010." NGO and political supporters of the initiative maintained that it would offer one mechanism to reduce the violence experienced particularly by on-street sex workers, allow for "collaborative ownership" and "a worker-controlled safe space to conduct sex work," and constitute a site for the provision of a variety of support services. They also expressed concerns about the possible impact the Olympic Games and particularly the enhanced security regime would have on on-street sex workers, such as displacement "into more isolated areas" and "increased homelessness."<sup>8</sup>

In response, various abolitionist groups strongly argued in both public forums and the media that the establishment of cooperative brothels would entrench and normalise prostitution and legitimise 'pimps and traffickers', would not reduce violence and abuse in the sex industry, and would cause a spike in human trafficking for the purposes of sexual exploitation during the 2010 Winter Olympic Games - whether "Asian women ... trafficked through licensed escort services and massage parlours" or Aboriginal women and girls who dominated "the dangerous street trade" in Vancouver. In an effort to block this initiative, the Committee Against Human Trafficking launched a formal campaign, urging Canadians to "call, send letters, fax or send packages" to Vancouver's mayor and protest against "his stated openness to the proposal."<sup>9</sup>

In the midst of the heated local debate over the proposed brothel initiative, the federal Justice Minister announced in February 2008 that the Conservative government was strenuously opposed to and would not approve the plan. The Public Safety Minister further noted that, given tight security measures at the Canadian border as well as strict passport and visa requirements, federal and provincial officials did not anticipate an increase in transnational human trafficking prior to or during the 2010 Olympic Games. He did, however, suggest that there might be more "Canadian prostitutes" on the Lower Mainland during the Olympics, but tighter policing would act as a deterrent and enhance law enforcement's capacity to pursue and arrest pimps and members of organised crime groups.<sup>10</sup>

Despite the cautious approach of federal and provincial officials, the June 2008 U.S. State Department's Trafficking in Persons Report, in which the 2010 Winter Olympic Games was first mentioned, garnered considerable media attention and seemed to add further fuel to NGO-sponsored campaigns. Critical of Canada's anti-human trafficking record, the report emphasised the absence of human trafficking prosecutions and the small number of temporary resident permits issued to transnational trafficked persons in 2007. It also highlighted the gendered and racialised contours of human trafficking to and within BC - in particular, the transnational trafficking of "Asian victims" into the sex industry in Vancouver and the domestic trafficking of women and girls, many of whom were identified as Aboriginal, for commercial sexual exploitation. These specifics contained in the report, as highlighted in the media, contributed to escalating calls for stringent law enforcement and border security measures, as well as public awareness campaigns designed to "deter traffickers" and "commercial sex users" in the lead up to and during the Games.<sup>11</sup>

While Vancouver-based sex worker activists and organisations continued to focus on developing strategies to address sex worker safety both prior to and during the 2010 Olympic Games, various NGOs and faith-based groups initiated a series of public awareness campaigns in anticipation of the influx of visitors into the city. In May 2009, REED, a Christian-based organisation, officially launched its "Buying Sex is Not a Sport" campaign. Arguing that "the demand for sexual access to the bodies of women



and children fuels human trafficking," that "women and children in Metro Vancouver and Whistler are routinely coerced into the flesh trade to meet this demand," and that "a large sporting event such as the 2010 Olympics will only further exploitation through a rise in demand for paid sex," the campaign focused on stemming "the tide of human trafficking" by targeting "male sexual demand." Prior to and during the Olympics, REED and its partnering groups sought to raise public awareness about these issues through community-based public and media forums (of which 12 were held in the Vancouver area, Edmonton, and Toronto between May 2009 and February 2010), poster campaigns, t-shirts, buttons, as well as silent direct actions at various exotic dancers clubs (which drew criticism from women working in the establishments) and public venues (one was held outside of Canada Hockey Place on 21 February).<sup>12</sup>

In a similar vein, the Citizens' Summit on Human Trafficking, of which REED was a member, released a declaration, "One Too Many," in April 2009. In calling for an end to "the sexual enslavement of women and youth ... before, during and after the 2010 Winter Olympic Games" and again in emphasising that "measures to stop the domestic trafficking of Aboriginal and other women and youth from within Canada must be recognised as equally important as measures to stop the importation of sex slaves from abroad," members of the Citizen's Summit advocated, among their other demands, two preventative measures to address the assumed and predicted increase in male demand for "paid sex" during the Games. These included a law enforcement system "to monitor and track on-line postings" of "commercial sex users" (such as on Craigslist) in the event of human trafficking investigations; and "the establishment of educational materials directed to men on the consequences of human trafficking including criminal penalties. This could take the form of a warning card, distributed at borders alongside visitor's permits, at social gathering venues or mailed in ticket packages for Olympic events."<sup>13</sup>

### Racialised 'Sex Slavery' Discourses

The discourse of 'sexual slavery' within the context of counter-human trafficking campaigns and media coverage emerged in Canada in the late 1990s, when law enforcement and immigration officials conducted the massage parlour raids involving Thai migrant sex workers in Toronto. In the ensuing years, the term 'sex slaves' - with its orientalist overtones - has been a popular term used by Canadian state officials, the media, and some NGOs to describe Southeast Asian migrant sex workers; this discourse of 'sexual slavery' - inscribed in the term 'The Natashas' - has more recently been applied to Russian and East European migrant sex workers. The subtext of these constructions has been that 'sex slavery' is predominantly a 'foreign' import, facilitated by transnational organised crime gangs, from which Canada has needed to secure its borders and communities. Migrant sex workers in general and those women categorised as 'victims of transnational sex trafficking' have, however, held an ambiguous position within the national imaginary

- as they have variously and often simultaneously cast as 'sex slaves' in need of rescue and state benevolence, as objects of suspicion and possible criminals in violation of immigration laws, and/or as potential pawns of a criminal justice system intent on prosecuting and punishing traffickers. They have also become central figures in broader - both overlapping and competing - grassroots and political campaigns, which include the abolition of prostitution, the promotion of human rights for all migrants and asylum seekers, and the intensified efforts to protect Canadian national security from illegal border crossers and transnational criminals.<sup>14</sup> While transnational trafficked women in need of identification, interception, and rescue were invoked in the pre-Olympic anti-human trafficking campaigns in Vancouver, the 'Asian women' allegedly trafficked through 'licensed escort services and massage parlours' or the young Korean girl being kicked by her trafficker on the street as depicted in one Salvation Army anti-trafficking advertisement - remained shadowy figures. They were nameless, faceless, and voiceless; devoid of complex histories, agency, rights, or desires for the future. This multi-leveled silencing was accomplished through the gendered and racialised discourses of 'sexual slavery' and victimisation.

Since 2004, the domestic trafficking of Aboriginal and non-Aboriginal women and girls has received growing attention in Canada, including in BC. Sarah Hunt's article in this issue of *Alliance News* explores the multiple factors - most notably colonial violence, the root causes of exploitation, and the complicity of the Canadian state - that need to be taken into account in any discussions of the trafficking of Aboriginal women and girls for the purposes of sexual exploitation - many of which remained unanalysed in the pre-Olympic anti-human trafficking campaigns. Furthermore, the vulnerability and trafficking of 'young innocents' - the gendered and racialised construct of the girl next door as invoked by various abolitionist groups - seemed to achieve the greatest currency in the lead up to the Olympic Games. The application of the term human trafficking to procuring, youth sexual exploitation, or even mobility more generally strongly implied that 'sex slavery' not only affected 'foreign' or 'colonised' Others, but had come to threaten ordinary Canadian women and girls living in rural and urban communities. This was a highly gendered and racialised moral panic in the making. In this scenario and not unlike the assumption that women at risk of being trafficked in a transnational world are 'better off and safer at home' and thus their rights to mobility should be restricted, the regulation of inter-provincial and intra-provincial movements and the prevention of the trafficking of 'young innocents' prior to and during the Olympic Games, as emphasised by various NGOs, required a multi-pronged and proactive approach. This included extensive public education, hyper vigilance, and access to 24-hour hot-lines; the specialised training of law enforcement and front-line workers; and above all, heightened surveillance on-line, in hotels, and on the streets.<sup>15</sup>

## Conclusion

Data from previous mega-sporting events such as the 2004 Athens Summer Olympic Games and the 2006 FIFA World Cup in Germany indicate that increases in human trafficking for the purposes of prostitution did not materialise. Furthermore, no evidence-based research has thus far been conducted that has analysed the fan base or measured what abolitionist groups assume constitutes the determining factor in causing an increase in human trafficking during such events: Male demand for paid sexual services. Anecdotal evidence from previous international sporting events and world exhibitions particularly when anti-human trafficking measures and campaigns were not yet implemented indicate that there was no significant rise demand and that business tended to be 'flat'. Nonetheless, anti-human trafficking campaigns in the lead up to mega-sporting events, with the 2010 Winter Games being no exception, have proceeded uncritically - often fueled by pre-existing state and NGO agendas, unsubstantiated assumptions, and/or the recycling of misinformation. In addition, in the years prior to the 2010 Olympic Games with British Columbia experiencing severe labour shortages, the reliance on temporary migrant workers from Latin America and the Philippines to construct the massive transportation and sports infrastructure in Vancouver and surrounding areas was less than a footnote to this unfolding story. Nor was there any extensive investigation of or concern about the working conditions under which Third World and predominantly Chinese workers produced the dizzying array of consumer goods available at Olympic venues and on-line. In conducting our research on the 2010 Vancouver Winter Olympic Games and human trafficking and despite accusations of 'bias' from our detractors, GAATW Canada researchers remain committed to an evidenced-based approach to our analysis as well as to exposing the harmful impacts of the anti-human trafficking campaigns discussed in this article. Stay tuned.

## Endnotes

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- 2 The Olympic Resistance Network, *What is wrong with the Olympics?* <http://olympicresistance.net/content/what-wrong-Olympics-0>; Yanchyk, B., *Aboriginal Canadians divided over Olympics*, *BBC News*, 1 January 2010.
- 3 The 2004 Athens Summer Olympic Games and the 2006 FIFA World Cup in Germany have received the most analytical attention. In January 2010, Public Safety and Emergency Preparedness Canada, a Canadian federal government department, commissioned GAATW Canada to conduct research on human trafficking and the 2010 Vancouver Winter Olympic Games. The research will be completed in June 2010 and the final report will be released at the end of August 2010.

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- 10 Christina Montgomery, "No 'co-op' brothel before Games, says Tories," *The Province* (Vancouver), 8 February 2008.
- 11 U.S. Department of State, *Trafficking in Persons Report 2008* at <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>; Susanne Fournier, "Human-trafficking efforts slammed; UBC law professor is shocked by lack of prosecutions in this country," *The Province* (Vancouver), 4 June 2008 and "Canada rapped by U.S.; Traffic in aboriginals, new immigrants 'tragic'," *The Province* (Vancouver), 5 June 2008; Daphne Bramham, "Too little, too late for the victims of human trafficking; We need a fully

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<sup>12</sup> For full details of this campaign, see <http://embracedignity.org/>.

<sup>13</sup> "One Is Too Many: A Citizens' Summit on Human Trafficking at the Vancouver 2010 Olympic Games and Beyond."

<sup>14</sup> Annalee Lepp, "Constructing and Regulating the Transnational Female Subject in Canada: Cross-Border Movements, Trafficking in Persons, and Stigmatized Labour" (forthcoming 2010).

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## UPDATES FROM THE SECRETARIAT

At the 4th Conference of Parties of the United Nations Convention against Transnational Organized Crime, the parent convention to the Human Trafficking Protocol (UNTOC), a working group was established to present a report to the 5th Conference on mechanisms for reviewing the implementation of the Convention and its Protocols. The second working group meeting took place in Vienna from 25-26 January 2010.

GAATW member organisations, CHAME, Institut Perempuan, LEFO, WOREC and La Strada Moldova including staff from the International Secretariat (IS) were present in Vienna in order to advocate on GAATW's campaign for a review mechanism to the Human Trafficking Protocol.

In this regard GAATW held a side event entitled *Reviewing the Human Trafficking Protocol: A Victim Centred Approach* in order to persuade delegates of the need to include civil society in any review of UNTOC.

Following this working group a meeting of the UNTOC Trafficking in Persons Working Group was also convened with the following issues on the agenda: Analysis of key concepts of the Trafficking in Persons Protocol; Good practices and tools in discouraging the demand for exploitative service; Non-punishment and non-prosecution of victims of trafficking; Administrative/Judicial approaches to offences committed in the process of trafficking; and Good practices and tools for case management, including front line law enforcement authorities in responding to trafficking in persons. Both Working Groups were closed to non-governmental organisations (NGOs) but GAATW representatives spoke to delegates at the margins to persuade them of our proposals for an effective review mechanism which are available on [www.victimcenteredmechanism.com](http://www.victimcenteredmechanism.com).





**Thai and International Groups meet with the Special Rapporteur on Trafficking in persons, Especially Women and Children, Joy Ngozi Ezeilo**

January 18, 2010, Bangkok, Thailand

GAATW and Foundation for Women, in cooperation with the UN Office of the High Commissioner for Human Rights Regional Office for South East Asia organised a consultation between Thai groups, international organisations and Ms Joy Ngozi Ezeilo, the Special Rapporteur on trafficking in persons, especially women and children, to discuss her October 2010 report focusing on Prevention. Main topics discussed included prevention of the root causes of trafficking, negative implications of the term ‘rehabilitation’ on trafficked persons’ recovery, the need to shift prevention campaigns beyond de-politised awareness raising campaigns, the need for flexible methodologies and approaches when working from a human rights based approach and the barriers trafficked persons encounter when receiving assistance from the government. Live Our Lives, a returnee migrant women’s group working with Foundation for Women called for governments to respect the rights of trafficked women and to include them in the development and implementation of anti-trafficking strategies. Save the Children (UK) called on the Special Rapporteur to remind

governments that anti-trafficking measures need to consider the best interests of the child, including the right for trafficked children to remain in the country if they choose. Foundation for Women emphasised the great risk of re-trafficking undocumented migrants as the direct result of government actions - if countries of destination deport undocumented migrants back to the border and if countries of origin refuse to accept their citizens without documents, undocumented migrants are likely to be handed over to agencies and recruiters, the only actors that may be willing to take them.

GAATW will be contacting members in the coming months for further contributions to the Special Rapporteur’s report. For more information contact Fleur Dewar at GAATW-IS fleur@gaatw.org

A handbook for legal actors and justice providers in Nigeria has been developed together with the *National Agency for Prohibition of Traffic in Persons (NAPTIP)* and UNIFEM Nigeria as part of the GAATW Access to Justice programme. While the handbook was developed specifically with Nigerian legal practitioners in mind, it is relevant and will be handy to legal and assistance providers working in various parts of the world. The book will be launched in Nigeria by NAPTIP in the coming months.



see article by Xenia Commandeur, *GAATW Roundtable Three on Bringing Together 'Linkages'*, in this *Alliance News*.

### African Union Launches the African Union Commission Initiative Against Trafficking in Persons (AU.COMMIT) Campaign with West African States

The African Union, on March 24 to 26, held a workshop to launch the African Union Commission Campaign Against Trafficking in Persons (AU.COMMIT) with West African States. The main objective of the meeting was to operationalise the *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children* (Ouagadougou Action Plan), a policy instrument that provides measures for African States to address trafficking in the region. While the meeting was held mainly for Economic Community of West African States (ECOWAS) members, other sub-regional communities, international agencies and civil society organisations were in attendance. The discussions covered sub-regional and continental anti-trafficking policy instruments, as well as trafficking trends in West Africa and current efforts to address them by governments and UN agencies. GAATW made a presentation on the role that civil society plays in addressing trafficking at local, regional and global levels. The importance of harmonising regional and sub-regional anti-trafficking policies was highlighted, and governments agreed that implementation and proper monitoring and evaluation of the policies was required. It was emphasised that reliable data and research on the scope and dynamics of trafficking in Africa was lacking, and this negatively affects anti-trafficking efforts.

As part of its plans to implement the Ouagadougou Action Plan, the African Union will hold similar workshops in other sub-regions between 2010 and 2011.

### GAATW is on Facebook!!!

Click here to join the GAATW group: <http://www.facebook.com/search/?q=ayi+gordo&init=quick#!group.php?gid=342829641479>

### Initial Feminist Participatory Action Research (FPAR) Findings Presented at 3<sup>rd</sup> Feminist Roundtable, Bangkok, Thailand, 10-14 March 2009

In 2009, as part of the Research and Linkages programme GAATW initiated a Feminist Participatory Action Research (FPAR) project to better understand women's agency and the complexities in their migration, labour and trafficking experiences. 10 member organisations and allies from Asia, Latin America, Europe, Africa and North America met in March to present their project findings to each other and to discuss their future plans for carrying the research findings forward. For more information on the Roundtable





### GAATW Africa Regional Programme Officer Visits GPI Nigeria

GAATW-IS paid a visit to Girls Power Initiative (GPI) Nigeria in March, 2010. GPI, a GAATW member, is a youth development NGO that provides extra-curricular education to teenage girls on sexual and reproductive rights, and life management skills. GPI's three-year Comprehensive Sexuality Education curriculum covers a number of issues including human trafficking and HIV/AIDS. The organisation employs this curriculum in schools, at its four centres in various Nigerian States and generally in communities through its community awareness program.

Besides education, GPI provides library services as well as counselling and referral services. GPI works with other NGOs in Nigeria in creating awareness on trafficking as well as in providing direct assistance to trafficked persons. According to GPI, there is a need to sensitise Nigerian law enforcement agencies on how to deal with trafficking cases as there is currently a problem with officials dehumanising trafficked persons. Moreover, there is need for research to be undertaken particularly on the new recruitment strategies traffickers are employing, as well as on the effect of anti-trafficking policy implementation on trafficked persons.

# RESOURCES ON LINKAGES

## **Strategies Against Human Trafficking: the role of the security sector**

National Defence Academy and Austrian Ministry of Defence and Sports and Geneva Centre for the Democratic Control of Armed Forces, 2009.

This book provides practical guidance on how practitioners in the security sector can take measures against modern-day slavery. It also acknowledges that many of the factors which allow trafficking to thrive are beyond the remit of the security sector alone. The authors maintain that proper security sector responses to human trafficking are necessary. The chapters, written by prominent experts in their fields, contribute to counter-trafficking by providing concrete recommendations for how to improve policy implementation, networking among the various counter-trafficking stakeholders, and research and evaluation.

To download go to:  
<http://www.dcaf.ch/publications/kms/details.cfm?id=110003&lng=en&nav1=5>

## **Trafficking in Human Beings: Social, cultural and political dimensions**

Sally Cameron and Edward Newman (Ed.s), United Nations University Press, 2008.

The chapter on **Globalization and National Sovereignty: from migration to trafficking** by Kinsey Alden Dinan explores the interaction between globalization and national sovereignty as a root cause of trafficking in persons: the transport of and trade in human beings for the purpose of forced labour, servitude and other forms of exploitation. The analysis focuses on transnational trafficking in adults, and does not attempt to explain the related phenomena of domestic trafficking or trafficking in children. This chapter begins with a discussion of the role of globalization in explaining contemporary international migration patterns, followed by an analysis of the way restrictive national immigration policies (implemented in the context of strong migratory pressures) have fostered the human rights abuse of trafficking in persons.

Another interesting chapter is on **Migrant Women and the Legal Politics of anti-trafficking interventions** by Ratna Kapur. This chapter looks at how the legitimacy of migrant women is reshaped and reconfigured in the process of crossing borders, where they are rendered vulnerable, stigmatized and even outlawed by anti-trafficking and anti-migration initiatives efforts to stop them from crossing borders. This chapter highlights how transnational migrants, in particular migrant women, are addressed through a spectrum of legal rules and criteria designed to question their legitimacy at the point of crossing borders.

To order a copy of the book e-mail: [sales@hq.unu.edu](mailto:sales@hq.unu.edu)

## **Globalisation and Human Trafficking**

Loring Jones, David Engstrom, Tricia Hilliard and Mariel Diaz, San Diego State University, School of Social Work, June 2007.

This paper describes and analyses trafficking in a global context. It argues that decision makers seeking to make global migration more humane need to better understand the dynamics and processes of trafficking, as well as ways to combat it. Definitional controversies, contextual issues (including the dynamics and processes of trafficking), and consequences of this movement for individuals and societies are discussed. Implications for social work are also raised.

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## **Trafficking: the Asia perspective**

Ronald Skeldon, International Migration, Special Issue 2000/1.

The main theme of this article is market development and trafficking as a business. It touches upon phenomenon which have been encountered elsewhere, and translates



them into the relatively unfamiliar context of many of the Asian and South-East Asian economies. Themes touched upon include democratization, inter-state relations, human rights, and scale and perspectives, together with the problems of definitions, theory, and the reliability of data. The article concludes that as long as countries in Asia maintain their policies of restrictive immigration, trafficking can be expected to continue and almost certainly increase.

### **Trafficking in Women and Forced Migration: Moving Victims Across the Border of Crime into the Domain of Human Rights**

Bernadette McSherry and Susan Kneebone, Faculty of Law, Monash University Australia, *The International Journal of Human Rights*, Vol. 12 No. 1, 67-87, February 2008.

This article explores the way in which trafficked and smuggled women are viewed within the law. Taking Australia's policy response to the trafficking of women in the Asia-Pacific region as an example, the article analyses how trafficked women are constructed as victims both by the criminal law, and regarded as illegal immigrants. The central element of exploitation is ignored, leading to conflation of the trafficking/smuggling dichotomy, leading to tensions implementing anti-trafficking policy.

To view the full article go to:  
<http://www.informaworld.com/smpp/content~content=a789107623~db=all~order=page>

### **Gender and Migration (Overview Report)**

Susie Jolly with Hazel Reeves, BRIDGE, Institute of Development Studies, 2005.

This Overview Report on Gender and Migration takes a broad approach to migration - it looks at the gender dynamics of both international and the lesser-researched internal migration and the interconnections between the two. This report covers both forced and voluntary migrants, refugees and internally displaced persons and trafficked people.

To download go to:  
[www.bridge.ids.ac.uk/reports/CEP-Mig-OR.pdf](http://www.bridge.ids.ac.uk/reports/CEP-Mig-OR.pdf)

### **Challenging Trafficking in Persons - Theoretical Debate and Practical Approaches**

The Sector Project against Trafficking in Women (Ed.), Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, 2005.

The first part of the book reflects comprehensive theoretical debates on the problem of trafficking, while

the second one presents practical anti-trafficking interventions in different areas. Reflecting upon their experiences, experts and practitioners have drawn conclusions from their work, thus enabling others acting in this area to build upon these results. The publication aims at providing insights and perspectives to stimulate further discussions on how to tackle trafficking in human beings through a comprehensive approach.

To download go to:  
[http://www.gtz.de/de/dokumente/en-svbf-summary-challenging\\_trafficking.pdf](http://www.gtz.de/de/dokumente/en-svbf-summary-challenging_trafficking.pdf)

### **Beautiful dead bodies: gender, migration and representation in anti-trafficking campaigns**

Rutvica Andrijasevic, *Feminist Review* 86, 2007.

This essay addresses the link between sex trafficking and European citizenship by examining several anti-trafficking campaigns launched in post-socialist Europe and points to the highly stereotypical constructions of femininity (victims) and masculinity (criminals) of eastern European nationals further contributing to the violence against women

To download, see pages 25-44:  
<http://www.atc.org.yu/data/File/Trgovina%20Ijudima/beautiful%20dead%20bodies.pdf>

### **Forced Labour in the 21<sup>st</sup> century**

Mike Kaye, Anti-Slavery International and ICFTU.

The booklet highlights some of the main ways in which forced labour manifests internationally, including through slavery, bonded labour, trafficking and child labour. References are made to some of the most relevant human rights standards in order to explain in what conditions exploitative labour practices can be described as forced labour.

To download go to:  
[www.antislavery.org/includes/documents/cm\\_docs/.../forcedlabour.pdf](http://www.antislavery.org/includes/documents/cm_docs/.../forcedlabour.pdf)

### **Ambiguities and Confusions in the Migration-Trafficking Nexus: A Development Challenge**

Md. Shahidul Haque, International Organization for Migration (IOM), presented at the *Regional Conference on Revisiting the Migration-Trafficking Nexus: The South Asian Scenario*, Dhaka, 4-6 April, 2005

The paper examines the intricate links between migration and trafficking within the complex continuum of population

movement. It also attempts to establish the relationship between 'smuggling in migrants' and 'trafficking in persons' to bring in further conceptual clarity and to identify programmes and projects which take into consideration the complexities of linkages among the three types of population movement. The paper concludes that the best possible option is to take a comprehensive and integrated approach for the management of both regular and irregular migration.

To download go to:  
<http://www.iom.org.bd/publications/2.pdf>

### Ten Ways to Protect Undocumented Migrant Workers

PICUM, 2005.

PICUM (Platform for International Cooperation on Undocumented Migrants) has produced a paper which looks at problems in unionising migrant workers. The issues they identify range from:

- employers threatening unionising efforts;
- unions reluctance to engage in what they see as 'illegal' activities;
- organising in untraditional and hard-to-reach sectors like domestic work; and,
- discouragement if they are unable to attain legal victories for migrant workers.

Available from [www.picum.org](http://www.picum.org), see section 5, pp 42-59.

### Motherhood, Apple Pie and Slavery: Reflections on Trafficking Debates

Bridget Anderson, COMPAS Working Paper 48, 2007.

Border controls are about keeping people without proper documents out (trafficked or not). The framing of the Palermo Protocol shows immigration controls to be the main response to trafficking. Therefore when it punishes immigration offences or takes measures to tighten its border, the state sees itself as taking care of trafficking.

To download go to:  
<http://www.compas.ox.ac.uk/fileadmin/files/pdfs/Bridget%20Anderson%20WP0748.pdf>

### Policy Brief 10: Illegal migration: how gender makes a difference,

*Marlou Schrover, Joanne van der Leun, Leo Lucassen and Chris Quispel, IMISCOE, 2008.*

This policy brief specifically presents illegal migration in a gender-based analysis. It argues that to understand a migrant's choice to migrate illegally and to remain illegal in the receiving country, his or her position prior to

migration must be considered; that women often experience unfavourable circumstances in their country of origin and that an institutionalised perception - of illegally migrant women being at risk, and illegally migrant men as posing a threat - creates different circumstances for the men and women who try to migrate illegally.

To download go to:  
<http://www.imiscoe.org/publications/policybriefs/documents/PB10-Illegalmigration-gender-schrover.pdf>

### Globalisation Backlash? The Influence of Global Governance in Trade and Immigration

Lucie Cerna William Hynes, Centre on Migration, Policy and Society, Working Paper No. 74, University of Oxford, 2009.

This paper investigates the recent policy developments in trade and immigration. Despite considerable discussion of emerging protectionism, trade policy remained resilient. High level political commitment to keeping markets open and international cooperation continued throughout the crisis. The globalisation backlash has been focused at the national level - in particular on high-skilled immigration policy - where the primacy of national policy-making remains and international coordination is absent. We attribute the differential crisis response to the role of global governance and argue that it has locked in globalisation. There are strong multilateral institutions in trade, but not in immigration. Where there is a regional dimension, governance arrangements have constrained countries from acting unilaterally.

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[http://www.compas.ox.ac.uk/fileadmin/files/pdfs/Working\\_Papers/WP0974%20Cerna\\_Hynes.pdf](http://www.compas.ox.ac.uk/fileadmin/files/pdfs/Working_Papers/WP0974%20Cerna_Hynes.pdf)

### Crossroads of Empowerment: The Organisation of Women Domestic Workers in Brazil

A. Cornwall and J. Edwards, Institute of Development Studies UK, Bulletin 41.2, 01 Jan 2010, Special Issue: Negotiating Empowerment.

This article by Terezinha Gonçalves draws on participatory research with women domestic workers in the city of Salvador, north-east Brazil. It aims to analyse how gender, race, and class inequalities play out in the women's lives, how these inequalities challenge women's access to empowerment, and the action women domestic workers are taking to seek greater rights, recognition and justice.

To download go to:  
<http://www3.interscience.wiley.com/journal/122401808/groupml>

### Trafficking in human beings and forced labour or labour exploitation in the Czech Republic

Petra Burěiková, La Strada Czech Republic, 2006.

The aim of the research was to identify and assess the situation of trafficking in human beings for the purposes of forced labour in the Czech Republic, especially for purposes other than sexual exploitation. Recommendations to help prevent trafficking for forced labour and to better protect migrant workers rights were made.

To download the report:  
<http://www.strada.cz/attachments/c/cea64fee8bacb7572fc91081381eada3.pdf>

### The Economic Crisis and Labour Migrants: A test for human security?

Kevin Punzalan, RSIS Centre for NTS Studies, NTU, 2009.

As the current global economic crisis deepens, labour migrants have begun to experience consequences of political and economic insecurity. How effective are legal frameworks in protecting the economic well-being of migrants in the Asia-Pacific? Can the adoption of a human security approach guarantee migrant welfare? This issue attempts to answer these questions, and to determine if more can be done.

To download go to:  
<http://www.rsis.edu.sg/nts/resources/nts-insight/NTS%20Insight%20June%202009.1.pdf>

### Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province

Legal Support for Children and Women (LSCW), 2005.

This research undertakes a gender analysis of human trafficking, through and from Koh Kong, Cambodia and looks at weaknesses in the current criminal justice and social welfare responses within Koh Kong and between Cambodia and Trang province, Thailand.

To download go to:  
[http://www.lscw.org/images/lscw\\_research\\_gender.pdf](http://www.lscw.org/images/lscw_research_gender.pdf)

### Alternative Report submitted by the Alliance of German Organizations in response to the 6th Periodic Report of the Federal German Government to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)

Alliance of German Women's Organisations, 2008.

On 14 September 2007, the German government submitted its 6<sup>th</sup> report to CEDAW. In response, 28 women's associations, organizations and advocacy groups joined together, to produce an Alternative Report; commenting on the official report, subjecting it to critical review and adding further information. The Alternative Report devoted particular attention to the experiences of migrant woman.

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### Independent child migrants in developing countries: unexplored links in migration and Development

Unicef, 2009.

This paper focuses on independent migrant children who choose to move from home and live in destinations without a parent or adult guardian. It summarises quantitative and qualitative research, and uses this to reflect on research agendas and global debates towards linking migration and development. It also looks at the extent to which children may demand migration opportunities, and what this demand might look like.

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[http://www.unicef-irc.org/article.php?id\\_article=121](http://www.unicef-irc.org/article.php?id_article=121)

### Analysis of the Agency Employment of the Vietnamese in the Czech Republic

Michal Krebs et al. , La Strada Czech Republic, 2009.

This research was based on, and drew from, *Vietnamese Workers in Czech Factories* (2008), a La Strada Czech Republic research project which explored the living and labour conditions of the Vietnamese employed through Czech Republic employment agencies. *Analysis of the Agency Employment of the Vietnamese in the Czech Republic* looks further at the recruitment of Vietnamese to the Czech Republic for labour including the role of embassies in the labour migration process, the relationship between agencies in Vietnam and the Czech Republic, strategies of finding work and maintaining a legal status, and also looks at labour conditions and the role of agencies in the exploitation Vietnamese workers.

To download the report:  
<http://www.strada.cz/attachments/f/fbfeb065ab4441394d00a41d3e366c47.pdf>

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