



Alliance News

Issue 21, July 2004
Prevention of Trafficking



*Global Alliance Against
Traffic in Women*

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Editorial Team

Helen Dobby
Oretha Gilbert
Barbara Heinzelmann
Bandana Pattanaik

Layout & Design

Suphattra Chaithaisong



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For more information on the stories in this newsletter, or any aspect of GAATW and our work, please contact the Secretariat.

PO BOX 36
Bangkok Noi Post Office
Bangkok 10700 Thailand

Tel: (662) 864-1427/8
Fax: (662) 864-1637
E-mail: gaatw@gaatw.org
Web Site: <http://www.gaatw.org>

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A few words about this issue...



The thematic focus of this issue of Alliance News-Prevention of Trafficking-completes our exploration into the three main areas of anti-trafficking intervention. The July 2002 issue of Alliance News looked at legal initiatives to address trafficking in some depth. The double issue in December 2003 focused on the process of recovery from trafficking. For this issue we decided to take a closer look at prevention strategies used in anti-trafficking interventions.

The recommended guidelines of the United Nations Office of the Human Rights Commissioner to address human trafficking categorically states that strategies aimed at “preventing trafficking should take into account demand as a root cause. States and intergovernmental organisations should also take into the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice. Effective prevention strategies should therefore be based on experience and accurate information.”

As such any development project which addresses the fundamental issues of social and economic inequality can be said to be working on prevention of trafficking. However, in order to get a

sense of how anti-trafficking projects are formulated and implemented, we invited people who are working within an explicitly stated anti-trafficking framework to contribute to this issue. More specifically, we focused on those groups who clearly stated that their projects aimed at the ‘prevention of human trafficking.’

As with previous issues we wrote to our members and contacts in various countries and tried to get as many regions of the world represented as possible. We also tried to get a mix of project and programme descriptions and analytical opinion pieces. Some people preferred to be interviewed and others sent in their pieces.

Mie Lewis, based on her legal assistance work in the US points out the lacunae in the commonly adopted strategies in destination countries to stop trafficking. Describing the complex nature of human trafficking and the diffuse and pervasive socio-economic factors which contribute to trafficking she maintains that a narrow legal response is clearly an inadequate response. Her piece advocates for a holistic approach which would include questioning immigration control and extending labour protection to a larger group of workers.

Elaine Pearson's most recent work was in Nepal. Based on her research there she is concerned about strict border surveillance and over zealous awareness raising campaigns focused in the area of the dangers of border crossing. When trafficking prevention translates as 'girls should not leave their village lest they end up in a Bombay brothel' it may stop opportunities for many.

Our conversation with Jackie Pollock, Tay Tay and Liz Hilton also underscored the need for serious rethinking of prevention strategies and the anti-trafficking paradigm especially because many of them have achieved so little in concrete terms and have resulted in further human rights violations. The on line interview with Victoria Nwogu pointed out how inadequate a prevention message could be that says 'do not go' - to people who do not see any alternative opportunities at home.

We have two special reports written by Oretha Gilbert and Barbara Heinzelmann on two very special groups from Thailand. Both work in the northern parts of the country. Gabfai carries out interactive theatre programmes to spread a balanced message on trafficking, migration and prostitution, the Mirror Arts Group has chosen eco-tourism as a tool to prevent trafficking in three hill tribe villages in Chiang Rai province.

We also have reports on two very interesting projects from different parts of the world. Hans van de Glind who has just moved to Beijing from Bangkok after having worked in the ILO-IPEC anti-trafficking project in the Mekong sub-region writes about the new project that ILO is just starting in China.

Alison Boak and her colleagues from IOFA report about Smooth Flight, a project which was implemented with adolescents in the Baltic States to help them make informed decisions on migration.

In 2004, GAATW completes a decade of her work and preparations are underway for a members congress in December. For details of this year's planned activities and brief reports on the meetings and consultations held in the first half of the year turn to page 60.

Happy reading and as always feedback is welcomed!

See you at the members congress in December.

*Bandana Pattanaik
Programme Coordinator*



Strategies in receiving countries



Despite lofty rhetoric around human trafficking, destination country prevention strategies are infrequently discussed in much detail, and even less frequently implemented. However, in contrast to efforts preventing human trafficking in sending countries, prevention measures undertaken in receiving countries may stand a better chance of showing results. At any rate, a holistic approach to the problem of trafficking requires action on both ends of the trafficking process. It is important for wealthier countries to address what they can do at home to address trafficking, rather than insisting that the bulk of the work be done by the poor countries from which trafficked people flow.

(By Mie Lewis)

When discussing how to prevent trafficking in persons, anti-trafficking advocates usually speak of measures to be taken in “source” or “sending” countries, those generally poorer countries of the world from which people seeking a better life find themselves trafficked to wealthier “destination” or “receiving” countries. Proposed source country prevention measures fall into three categories: (1) law enforcement

strategies, (2) those addressing root causes of trafficking, and (3) those providing for safe migration. First, despite the lack of evidence that law enforcement activity effectively deters trafficking, some source countries, often under pressure from the U.S., have hastily passed criminal anti-trafficking statutes and pursued efforts to prosecute recruiters and intermediaries. Other prevention efforts have attempted to identify and ameliorate broader economic and social ills creating vulnerability to trafficking. Commonly identified root causes include poverty and lack of educational and economic opportunities in source counties; economic disparities between rich and poor countries, and the even greater disparity perceived by denizens of the poor countries whose understanding of life in developed countries is shaped by media images and the embellished accounts of recent immigrants; oppression and discrimination, especially that affecting women and girls, such as forced marriage and early marriage; and dislocation resulting from war, economic upheaval, or natural disaster. Proposals aimed at root causes generally attempt to improve conditions in sending countries to weaken the “push” to out-migration. Finally, acknowledging that economic migration is both rational from the perspective of migrants and inevitable so long as economic disparities persist

between nations, other source country prevention efforts seek to mitigate the risks of migration. The main tool in this effort has been education, that is, providing prospective migrants a realistic picture of life in destination countries, and arming them with resources to call upon at the destination should things go badly.

These approaches to trafficking are probably quite sensible. They also present some obvious problems; for example, the root causes of trafficking are diffuse and pervasive, and are themselves the products of such complicated historical and current processes that they cannot be expected to be remedied in the near future. Corruption, lack of resources, and lack of coordination, moreover, frustrate the implementation of source country specific anti-trafficking measures. Police corruption and dysfunctional judicial systems, in particular, make deterring trafficking through law enforcement action unlikely. In contrast, prevention measures undertaken in receiving countries may stand a better chance of showing results, because some of the problems which hamstring intervention efforts in sending countries are absent, or at least less pronounced. At any rate, a holistic approach to the problem of trafficking certainly requires action on both ends of the trafficking process, and as a matter of maintaining credibility, it is important for wealthier countries to address what they can do at home to address trafficking, rather than insisting that the bulk of the work be done by the

poor countries from which trafficked people flow.

When prevention measures in receiving countries are raised, however, the discussion is often limited to a few tactics, in particular, prosecuting traffickers and imposing tighter restrictions on immigration. These law enforcement-centered approaches have been attempted for some time in Europe and the U.S. with no apparent deterrent effect on trafficking, and with a predictably harmful impact, described later in this article, on trafficked people and migrants as a whole. Law enforcement strategies are also extremely resource intensive, both for governments and the non-governmental organizations (NGOs) who partner with governments in law enforcement efforts. Another topic often raised when discussing prevention in receiving countries is “demand,” narrowly defined to mean “men’s demand for sexual services.” The emphasis on this kind of “demand” is misplaced for several reasons. First, it derives from a definition of trafficking that, to borrow an American legal concept, is both under- and over-inclusive. It is under-inclusive in that it posits sex trafficking as the only, or the most prevalent, or the most troubling, form of trafficking, and it is over-inclusive in that it includes sex tourism and prostitution, neither of which necessarily involves trafficking. This particular inquiry into demand is usually made in that shrill, puritanical tone that we have become accustomed to hearing from time to time, and which generally fixates on the immorality of consumers of sex

services to the exclusion of consideration of the rights, dignity, and immediate needs of trafficked people.

The intent of this article is to lay out a more expansive and realistic survey of actual and possible destination country prevention measures than is usually presented. Because trafficking takes very specific local manifestations, each of the strategies herein discussed may be applicable only to certain situations in certain regions of the U.S., and to specific situations and localities in other receiving countries. Overall, however, more of these strategies should be pursued, and pursued to a greater extent, than they are at present.

Survey of Actual and Possible Prevention Measures

For many prevention measures undertaken in source countries, there exist analogous steps that could be taken in receiving countries. Like prevention measures in sending countries, possible interventions in receiving countries fall into two categories: (1) deterrence, or demand-side measures, which reduce incentives to traffickers and/or the demand for trafficked labor, and (2) supply-side measures which aim to reduce the vulnerability of trafficked people. The first category, deterrence, is often narrowly construed to include only law enforcement strategies. Some arguably more effective and more humane

alternatives are suggested below. The second category of strategies, those which reduce the vulnerability of trafficked people once they reach their destination, is generally neglected in discussions of how receiving countries may reduce trafficking. Generally, people are trafficked and remain in slavery because the economic choices available to them are few, thus, prevention measures in receiving countries must widen the set of choices available to people in slavery and empower them to access these alternatives. Some prevention measures serve both purposes, by simultaneously empowering victims and deterring perpetrators. For each strategy surveyed, I briefly list some benefits and drawbacks.

Addressing Legal Vulnerabilities

It is well known that the laws of source countries can create and/or exacerbate vulnerability to trafficking. In his documentary, "Trading Women," for example, anthropologist David Feingold describes how the Thai government's refusal to extend citizenship to upland minority groups prevents members of these groups from owning land, thus depriving them of means of livelihood that could otherwise offer an alternative to relying upon sometimes unscrupulous labor recruiters. Lack of citizenship also afflicts displaced people in some countries of Africa, increasing their vulnerability to trafficking.

Laws contributing to trafficking and slavery are not limited to sending

countries. In the United States, for example, there exist several laws permitting the continued enslavement of trafficked people, particularly in two sectors where trafficking appears time and time again: domestic work and farm work. An obvious example can be found in the rules governing certain temporary work visas, namely, the B-1, A-3, and G-5 visas, used by many migrant domestic workers, and the H-2 guestworker visas used by many agricultural workers. These visas permit their holders to work for a sponsoring employer only. If the employment relationship terminates for any reason, the worker falls out of legal immigration status. The potential for abuse of these rules is apparent on their face, and anti-trafficking advocates report that employers do, indeed, exploit work visa rules to terrorize workers into remaining in abusive situations. This problem is widespread: Earlier this year, the U.N. Special Rapporteur on the human rights of migrant workers reported similar problems in Israel, and a January 2003 Discussion Paper published by Anti-Slavery International identifies the threat of summary termination as a significant menace to the rights of domestic workers. Closing this legal loophole for abusive employers requires implementing visa portability, that is, the freedom to change employers, at least within an industry or under certain circumstances, without immediately losing immigration status. Canada has taken some steps in the direction of delinking employers from immigration status with its controversial Live-in Caregiver Program (LCP), which grants permanent residency to certain

domestic workers after two years, but restrictions in the program have allowed worker abuse and enslavement to continue.

Another purely legal measure that would curtail slavery in receiving countries is to reform rules excluding vulnerable groups from labor law protections. In the U.S., for example, federal occupational safety and health laws specifically exclude from their coverage domestic household employment in private residences, and the coverage of federal civil rights laws is limited to employers with fifteen or more employees, effectively denying domestic workers the right to be free from discrimination in the workplace. The legal protections afforded to agricultural workers are similarly limited. If destination countries are serious about eliminating slavery and trafficking, they should consider the effects of these exclusions on workers already vulnerable to severe exploitation. In addition to granting rights to at-risk workers, receiving countries must prevent employer retaliation against temporary and undocumented workers who attempt to assert their rights. In the U.S., retaliation is outlawed as a formal matter, but employers nevertheless manipulate immigration enforcement as a convenient tool of oppression.

Identifying and revising legal rules in destination countries as an anti-trafficking prevention measure has a number of advantages. For one, unlike root causes such as poverty, these legal factors are neither diffuse nor intractable. On the

contrary, it is uniquely within the power of government to change the law. Taking these steps, moreover, can be expected to have widespread benefit, not just for trafficking victims, but for all low wage, low skill workers, by raising working conditions across the board. These proposals can be expected to arouse vigorous opposition from powerful industry lobbies because the status quo favors employers, especially the interests of big agriculture. Nevertheless, governments in receiving countries must consider these prevention measures. To the extent that trafficking, slavery, and labor exploitation are foreseeable consequences of these government imposed, government enforced rules, the governments of receiving countries are arguably complicit in trafficking so long as these rules are permitted to stand.

Protecting Workers' Rights

Poverty and lack of employment opportunities in source countries are often identified as root causes of trafficking. An analogous factor in destination countries may be the existing background level of labor exploitation. Trafficking, as it manifests in the U.S., appears in a wide array of environments, including domestic work, farm work, sweatshops, restaurants, hotels, and the sex industry. What unites these otherwise disparate industries is that in each, labor is exploited generally, and workers are prevented from organizing to protect their rights and improve their conditions of work. In other words,

trafficking thrives where workers are "invisible," hidden from view in restaurant kitchens or in domestic servitude in private homes, for example, out of reach of government labor inspectors and unable to join together to confront exploitative employers.

It stands to reason, then, that trafficking can be prevented by shining a light on invisible workers. This can take two forms: (1) more energetic enforcement of minimum wage, maximum hour, and working conditions standards for all workers, whether documented or not, and (2) support for labor organizing efforts as a means for workers to protect their own rights. Like the removal of legal barriers, this kind of prevention measure can be expected to have happy consequences across the board, for all workers. Trafficking is, after all, just one extreme example of labor exploitation. There is nothing inherently worse in transporting workers from abroad and enslaving them than there is in enslaving workers already present in wealthier countries. In short, all worker exploitation is abhorrent, and it is all interrelated. Promoting labor organizing, moreover, is efficient from the government's perspective, because it permits workers to define, assert, and protect their own rights, instead of relying upon government to protect their rights for them. Well-informed workers can police other employers within their own industries to prevent exploitative labor practices from threatening their own conditions of work.

This set of preventative measures also has its share of problems. Naturally, the same powerful lobbies opposing legal reform oppose these kinds of measures as well. Monitoring previously neglected industries would also consume scarce resources; in the U.S., for example, the federal department of labor and its state equivalents are generally understaffed and overextended already. Organized labor, moreover, does not always pursue the interests of the rank and file, and in the U.S. it has only recently, and fitfully, begun overcoming its traditional hostility to migrant workers. Finally, like all “root causes” proposals, this diffuse class of remedies cannot be expected to show immediate results.

Civil Litigation

A persistent feature of the response to trafficking, particularly in the United States, has been an extreme overemphasis on criminal law enforcement as a deterrent to trafficking. In its foreign policy, the U.S. has demanded that other countries also act swiftly to apprehend, convict, and sentence traffickers. This faith in law enforcement as an answer and a deterrent to trafficking is probably completely misplaced. Although criminal law enforcement no doubt has its part in a comprehensive response to human trafficking, its deterrence value is unproven and the damage it inflicts on trafficked people is obvious. In the scheme of criminal investigations and prosecutions, the role of a trafficked person is not that of a victim of human

rights violations, but rather that of a witness. In other words, no matter how well intentioned any law enforcement officer may be, it is his or her job to employ the trafficked person as a means to an end, i.e., securing a criminal conviction. Often, trafficked people also fear the authorities, fear retribution against themselves or their families by traffickers, or simply do not feel any desire for retribution, but merely wish to forget their experience of slavery and get on with their lives. Inordinately emphasizing numbers of convictions, lengths of sentences, and the like as benchmarks of a successful anti-trafficking effort effectively pressures law enforcement agents to extract testimony from traumatized people.

Civil litigation offers an interesting alternative to criminal prosecution as a means of deterring trafficking and compensating its survivors. In the U.S., the Trafficking Victims Protection Reauthorization Act of 2003 created a private right of action for trafficking survivors, making civil suits easier to bring than before. Civil suits offer a number of advantages over criminal prosecution: As plaintiffs in civil suits, trafficked people themselves are the parties to the litigation and direct its course. Further, civil suits target the major concern of many trafficked people who have escaped slavery, namely, collecting the wages owed them and winning compensation for violations of their rights. In addition, if it is the profit motive that drives traffickers, threatening profits through lawsuits can be expected

to have a strong deterrent effect. And by privatizing enforcement, civil suits promise to conserve scarce government resources even as they deter trafficking. If attorneys see the possibility of large judgments, they will take on trafficking cases. Finally, civil suits to penalize civil rights violations and recover wrongfully withheld wages are an important development in the face of the habitual overemphasis placed on trafficked people's identity as crime victims in need of charity. The civil format drives home the often forgotten fact that trafficked people are workers.

The idea of civil litigation against traffickers is increasingly coming in to vogue in the United States, but there are plenty of drawbacks to this strategy. Like prosecutions, civil suits can retraumatize trafficking survivors, especially those who fear imminent return to their home countries and/or retaliation by traffickers. Consequently, prospective plaintiffs must be thoroughly informed of the risks and benefits before bringing suit. Like any other litigation, civil suits against traffickers are time and resource intensive, requiring expert lawyers to pursue cases effectively. In smaller cases involving one or just a few victims or a short period of enslavement, the potential return may be too low to attract attorneys' interest. Even when trafficking survivors prevail, collecting judgments can be difficult when traffickers' assets are hidden or held outside the U.S., or when traffickers themselves cannot be found or have moved overseas. Larger employers may also insulate themselves

from liability by interposing subcontractors between themselves and their enslaved workers. Nevertheless, the deterrent value of the threat of legal liability may remain, and high profile cases raise awareness about trafficking among the general public.

Direct Action

A group of migrant farm workers in the town of Immokalee, Florida, have demonstrated a number of strategies to reduce the demand for the products of slave labor. Their Coalition of Immokalee Workers (CIW), collected signatures from community members protesting sweatshop conditions in the tomato fields of Immokalee, and organized community-wide work stoppages and marches to draw attention to their cause and to shame their employers into raising wages. Several CIW members even went on a hunger strike, and the combined strategies resulted in modest wage increases. CIW's most widely-known effort is a boycott of the Taco Bell fast food restaurant, which purchases large quantities of tomatoes from exploitative growers. In the fall of 2001, a caravan of migrant workers and their supporters embarked on their "Taco Bell Truth Tour," a cross-country tour to raise awareness of their national boycott.

The CIW strategies have a number of advantages. Borrowing from organized labor's repertoire of collective action, these strategies, when successful, deter trafficking by effectively imposing

monetary sanctions for exploitative and unfair business practices. Non-targeted employers, fearing negative publicity, are also likely to respond by improving conditions for their workers. As CIW's work illustrates, direct action can be accomplished by trafficked people themselves, independent of lawyers and free from legal impediments like the interposition of middlemen between trafficked labor and the ultimate beneficiary of slavery labor, in this case, Taco Bell. Among the drawbacks to direct action are the danger of retaliation against workers, and the necessity of a politicized group of workers able to organize, access the media, and mobilize the public over a period of time.

Rethinking Immigration Controls

Finally, destination countries serious about ending human trafficking must take the politically unpalatable step of rethinking restrictive immigration regimes. In the U.S., heightening immigration controls is sometimes prescribed as a means of reducing trafficking, and although it may at first appear that reducing the flow of undocumented people and screening more intensely at border checkpoints might reduce trafficking, this is simple-minded. Increasing barriers to migration is a way of trying to deter the victims. The victims, of course, are not amenable to deterrence because of the powerful push factors, such as grinding poverty, in their home countries, and the equally

powerful pull factors presented by receiving countries and exaggerated by recruiters. Nor do stricter immigration controls deter traffickers. Rather, because traffickers in effect perform a kind of arbitrage between labor rich, capital poor markets on one hand, and capital rich markets on the other, the more labor flows are constrained, the higher the value of the service traffickers purport to provide. In other words, stricter immigration controls force more migrants to depend upon intermediaries to reach work opportunities. Some of these intermediaries are legitimate, and some are not. Illegitimate migration facilitators, i.e. traffickers, invariably use their victims' undocumented status and the threat of exposure to immigration authorities as powerful tools of coercion and control.

Given the inevitability of economic migration and the usefulness of punitive immigration controls to traffickers, receiving country governments must more responsibly manage migration in flows if they wish to mitigate human trafficking. Relevant measures include amnesties for undocumented workers already present, and expanded guestworker programs featuring visa portability and other worker protections. Unfortunately, the present trend in the U.S. is quite the opposite, as attested to by the militarization along the U.S./Mexican border. Presently pending in the U.S. legislature is a bill nicknamed the "CLEAR Act," which would require state and local police to enforce federal immigration laws. Such a law will foreseeably disempower victims by

removing a choice-recourse to police-and would also remove a deterrent to traffickers-the possibility of victim reporting abuse to the police-yet the CLEAR Act enjoys widespread support in the U.S. Congress. In sum, although rethinking management of migration flows is the only real possibility for actually eliminating trafficking so long as there exist vast disparities in wealth between nations, and although ending trafficking is what every politician and law enforcement officer on record on this topic aspires to do, there is presently no reason to expect the U.S. to arrive at an immigration policy responsive to the needs of trafficked and enslaved people in the near future.

An alternative sending country response

Despite lofty rhetoric around human trafficking, and a kind of prestige value attached by the governments of western nations to vigorous responses to trafficking, destination country prevention strategies are infrequently discussed in much detail, and even less frequently implemented. The foregoing is intended as a non-comprehensive list of potential strategies for consideration by

governments and NGOs. Destination country prevention measures should be discussed in all gatherings of anti-trafficking advocates and tested in appropriate field settings. In evaluating one another's responses to trafficking in persons, states should look beyond simplistic criteria such as the number of traffickers prosecuted and the sheer amount of money dumped into anti-trafficking efforts. Instead, evaluations of developed nations in particular should encompass a number of factors including the degree of innovation apparent in the strategies employed; the soundness of the research into local conditions upon which strategies are based; whether strategies are appropriately tailored to local manifestations of trafficking; whether strategies are sufficiently diversified or instead place disproportionate emphasis on law enforcement and border controls; the degree to which governments and NGOs actually cooperate effectively with one another; and, most importantly, whether response strategies empower victims or affirmatively harm them. The resulting discussion of trafficking may spur further innovation toward a more humane, nuanced, and ultimately effective worldwide response to human trafficking.



Mie Lewis is an attorney at Asian Pacific Islander Legal Outreach in San Francisco, where she provides direct legal services to trafficking survivors and conducts education and advocacy on trafficking to government agencies, NGOs, and the general public. Comments and questions on this piece are welcome at mlewis@apilegaloutreach.org.



Preventing what?



Some of the prevention activities initiated by organizations have not only prevented people from being trafficked, but prevented them from migrating or from seeking opportunities and potential livelihoods. However, a new buzzword in prevention, 'safe migration' is appearing with more frequency. Governments and agencies have to be careful not to construe the concept of safe migration too narrowly. It might become simply another way of trying to prevent illegal migration rather than being seriously concerned with prevention of trafficking.

(By Elaine Pearson)

A young woman, Anju, in a youth group from a Western district of Nepal was selected by a women's peace NGO to attend the 2004 World Social Forum in Bombay. Anju was going to participate in a youth for peace workshop that would train young people in peer education techniques for peace-building. She travelled to Kathmandu with a colleague and upon arrival at the

NGO seemed very distressed. She asked if she was going to be sold into prostitution. Is that why she was brought here? The NGO told her that no, she would not be sold, and again explained the programme at the World Social Forum. Anju still seemed worried and said her village was very convinced she would be sold. The NGO said, 'We would like you to participate and you will be safe, but it is your choice to come or not to this workshop'. Anju said she would rather stay in Nepal. She returned to her village.¹

Of the so-called three 'Ps' in anti-trafficking programmes (prevention, prosecution and protection), prevention seems to be the strategy of choice for many NGOs and international agencies. Prosecution of traffickers and protection of victims are fraught with their own complexities and difficulties. Far fewer cases are assisted and prosecuted in comparison to the possible number that can be seen to be prevented - prevention is a way of tackling the abuses before they occur. There is none of the need for legalistic expertise nor the practical

¹ Case information from Didi Bahini, Nepal. Case included in research undertaken for Oxfam GB Nepal Programme.

difficulties in assisting with day-to-day cases of survivors recovering from their situation. Prevention campaigns are attractive to funders. For these reasons and others, many who jump on the anti-trafficking bandwagon, leap into prevention.

They do so not only at their peril, but to the peril of the communities and women of those they seek to protect. Some of the activities initiated by organizations have not only prevented people from being trafficked, but prevented them from migrating, prevented people from seeking opportunities and potential livelihoods. In some cases, what such activities have not prevented is such women then being forced to return to situations of violence, armed conflict or poverty.

When one is employing the typical 'prevention' strategy (i.e. warning communities about the risks of trafficking, its process and consequences) it is difficult to ensure that a more complex message filters through to communities, than simply 'don't leave the village you might be trafficked'. Anju's case (see boxed text) is a perfect example of how awareness-raising campaigns may be working too effectively in achieving their goals of raising awareness about trafficking. Anju was so terrified of being trafficked, that it prevented her from taking an opportunity that would most probably have enriched her and the members of her village.

Yet, it is not only at the level of awareness raising campaigns where organisations

need to be clear on what they are seeking to prevent. In Nepal, for many years now, various NGOs have set up their own checkpoints at the Nepal - India border. Working in tandem with police, staff of such checkpoints observe women crossing the border and interrogate women of a certain profile - namely those who are young, poor and travelling without their parents. Those who cannot persuade the NGO checkpoint staff that they have a legitimate reason for travelling, by proof of employment in India, or verification of a guardian are generally stopped at the border.

I witnessed this myself at one border crossing, where an 18-year-old woman was prevented from travelling with her husband because they could not produce the requisite documentation - a marriage certificate. Whilst there were certainly some inconsistencies in their stories, their inability to cross the border seemed less to do with what they told the staff, than the lack of documentation. Indeed, when the young man stated he would then travel alone to India due to work commitments, he was told by the NGO checkpoint staff that he could not do so, that he must stay with his wife as it would be dangerous for her to travel back to their village alone. If he was really a trafficker, should NGOs be suggesting he stay with the potential victim?

NGOs running such checkpoints in Nepal claim to have rescued several thousands of Nepali girls from being trafficked. It is certainly true that they have prevented some cases of trafficking and that they

do provide an alternative to women who may be vulnerable to exploitation, by offering them skills trainings programmes and shelter for those in need. Such programmes are well-intentioned, but there are real questions as whether women stopped at the border choose to enter such programmes, or if they are being coerced and pressured into doing so. The opportunity cost of such an approach cannot be ignored. Who is documenting the number of women who are prevented from travelling, who were not going to be trafficked? Or the number of women who were prevented from travelling who then return to dangerous conditions? Or the number of women who end up on the streets or forced into the sex industry in Kathmandu, as a result of being 'rescued' at the border?

These are some of the more extreme cases which show the damage done by oversimplifying the anti-trafficking message into an anti-migration one. Yet, it is possible to view the issues with more complexity, and have a prevention strategy that does not result in terrifying girls like Anju or simply blocking migration. A new buzzword in prevention, 'safe migration' is appearing with more frequency. The safe migration approach works from a premise of accepting that people will migrate, and may subject themselves to dangerous conditions because of their desperate situation, or because of lack of knowledge about how to travel and work in another place. Such activities aim to provide people with accurate and detailed information before they travel to prepare

them for their journey, rather than to prevent them from travelling. The move towards a safe migration approach in prevention campaigns is a good sign that trafficking is being recognised more clearly as a human rights concern than an issue of national security or the need to protect women. The safe migration approach is about recognising freedom of movement as a basic human right and the positive aspects of migration, whilst trying to educate and prepare potential migrants for the possibility that trafficking or other problems in the migration process may occur.

A safe migration approach means using materials such as GAATW's Migrating Women's Handbook to provide practical information to a potential migrant. For example, contacts of migrant support NGOs, lawyers, health services, embassies etc. tailored specifically to the country to which people are hoping to travel. Information about that country's laws and policies concerning migration, labour and prostitution is also very useful.

There is a danger that safe migration is being construed narrowly by some governments and agencies, to mean simply legal labour migration for purposes other than prostitution. Such a narrow approach is not very useful, when most migrants travel illegally and without a clear idea of what work they will do at the end destination. Viewing safe migration in such a way, is simply another way of trying to prevent illegal migration rather than being serious concerned with preventing trafficking.

◆ESSAYS◆

There is a lack of monitoring mechanisms to differentiate good prevention strategies from bad ones. One of the main difficulties is how to measure the success of prevention strategies. We should not look at simple measurements of less or nil migration from a village as evidence of an effective prevention campaign. The indicators need to be far more complex, and must look at issues such as the level of awareness of the community as to trafficking. One question to ask might be, if people in the community know how to protect themselves in a trafficking situation

As we can see, a human rights approach to preventing trafficking is a slippery slope. A good starting point is to recognise and present a more complex image of migration, where trafficking is one possibility in a range of things that could happen to a migrant, rather than an image of all young women doomed to be trafficked.



Elaine Pearson is an independent human rights consultant based in Hong Kong SAR and has researched human trafficking in Africa, Asia, Europe and North America. She is the author of GAATW's *Human Rights and Trafficking in Persons: A Handbook* (2001). She also wrote *Human Traffic, Human Rights: Redefining Victim Protection* (2002) during her time as Anti-Slavery International's Trafficking Programme Officer. Elaine recently completed research with Oxfam GB on the impact of anti-trafficking work in Nepal.

Concrete alternatives are a must



Trafficking for domestic labour and sexual services is the most rampant form of human trafficking within West Africa.

There is a widespread migratory movement from poorer to richer areas within the sub-region. Poverty clearly is the major root cause of trafficking, and people experiencing misery, rejection and deprivation are convinced that there are better opportunities abroad. Prevention strategies not offering concrete alternatives for those vulnerable of being trafficked cannot achieve much result.

(Interview with Victoria Nwogu)

What has been done in West Africa by governments and non-governmental organisations on prevention of trafficking in persons?

Governments in West Africa have focused primarily on awareness raising campaigns to prevent trafficking. Governments often collaborate with international donor agencies or non-governmental organisations (NGOs) to carry out these campaigns. However, governments pay little attention to the root causes of human trafficking and how they can be addressed. Only very few NGOs in the sub-region try to

empower vulnerable groups economically and address poverty as a root cause of human trafficking.

Another strategy of governments has been the training of law enforcement authorities, such as police, custom officials and immigration officers on how to identify trafficking situations, potential traffickers or their victims.

Do these prevention interventions address the factors that contribute to the trafficking of people?

The interventions usually address the less important issues or factors. They simply assume that people want to travel for no other reason than for seeking adventure or due to the 'get-rich-quick' syndrome. Ignored is the fact that indeed poverty, natural disasters, conflicts and discrimination are also push factors, which make people, want to migrate at all costs.

The awareness raising campaigns often do not have the right kind of message, thus creating misunderstandings of what trafficking really is. Unfortunately, almost all of these prevention campaigns, both the government and the NGO campaigns, have only one primary message: 'You need not travel abroad!'

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However vulnerable groups experiencing poverty, misery, rejection and deprivation are convinced that there are better opportunities abroad. A prevention campaign that urges people to stay at home but provides no alternatives to their desperate situations cannot be successful!

Apart from awareness raising campaigns, is there any prevention of trafficking interventions that aim specifically to bring about economic justice such as, better access to jobs for women? Or are there interventions, which eliminate any of the multiple forms of discrimination against women?

To date I am not aware of any prevention intervention by the government which seeks to bring about gender justice. I also have not come across any government intervention that links up trafficking with the discriminations women face in their societies. NGOs on the other hand try to create better job opportunities and self-reliance for women by empowering them through income generation activities. They provide micro-credit schemes and skill acquisition programmes for vulnerable groups and returnees in order to prevent their re-trafficking.

Are migration laws and policies in the region reformed to protect migrant workers and their families?

Presently, not many West African countries have signed, let alone ratified, the *UN Convention on the Protection of*

the Rights of All Migrant Workers and Members of their Families. Also there are no such laws or policy reform initiatives going on at the moment even though trafficking in persons within the West African sub-region is rampant.

You mentioned conflicts in the sub-region as one of the root causes of trafficking. Are there any prevention strategies that try to resolve the root causes of armed conflicts and provide better security for people?

Over forty years of regional insecurity have impinged on the achievement of the original objective of ECOWAS (*Economic Community of West African States*), which is the economic cooperation between states to transcend economic underdevelopment and its attendant crisis and widespread human rights violations. As more conflicts unfolded within the region it became clear that issues of peace and security could not be separated from good governance and compliance with human rights. Therefore ECOWAS developed several responses to tackle the peace and security problems of the region. The ECOWAS Monitoring Group (ECOMOG) was created in 1990 to carry out peacekeeping missions within the region. Protocols such as the *ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, endorsed in 1999 and its *Supplementary Protocol on Democracy and Good Governance* from 2001 have been adopted.

With the adoption of the *New Partnership for African Development* (NEPAD) in 2001 and increasing recognition of civil society as an important actor regarding governance within the region, civil society organisations are now more effective. They now demand answers from ECOWAS on issues like peace, security and governance and the human rights situation within the region.

Individual governments within the sub-region have also developed initiatives for conflict resolution.

Although all these are wonderful initiatives they have not been linked directly to the prevention of human trafficking. However, ending or reducing conflict within the region will automatically reduce incidents of human trafficking.

ECOWAS Initial Plan of Action against Trafficking in Persons (2002 - 2003)

The Plan of Action outlines the most urgent actions against trafficking in persons to be taken by ECOWAS member states within the years 2002 until 2003, with a focus on criminal justice responses. It contains the following 7 components:

- Legal framework and policy development;
- Protection and support of trafficked persons;

- Prevention and awareness raising;
- Collection exchange and analysis of information;
- Specialization and training;
- Travel and identity documents;
- Monitoring and evaluation of the Initial Plan of Action.

The ECOWAS Secretariat has the task of coordinating and monitoring the implementation of the Plan of Action and reporting on the progress achieved every six months to the ministerial meeting of the Mediation and Security Council.

Critical points and observations regarding the ECOWAS Plan of Action:

- The document is not binding on state members and so may be only a plan on paper. Very few governments have implemented the ECOWAS Plan of Action;
- There is very little awareness among NGOs working within the region of the activities that are being or have been carried out at the regional level;
- Most countries focus on the implementation of international conventions rather than on regional agreements;
- The functioning of the ECOWAS institutions itself is problematic;
- Ministries of foreign affairs are unwilling to release information about their activities to implement the Plan of Action;

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- There is a general lack of harmonization of ECOWAS treaties;
- There is a tradition of exclusion and lack of consultation of local NGOs by ECOWAS in favor of international and intergovernmental organizations. [However, an ECOWAS meeting was held in December 2002 in Ghana to discuss NGO participation.]

(Source: Global Rights Initiative Against Trafficking in Persons/Global Rights Nigeria: Report on the Three-Day West African Workshop on Human Trafficking, 2003)

How about corruption among government officials and their involvement in trafficking:

I am not aware of any trafficking prevention initiative in West Africa which addresses the issue of corruption among government officials as proposed by the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. However, there are several anti-corruption initiatives within the sub-region, targeting government officials as well as citizens. In Nigeria, for instance, the national anti-trafficking law does not contain a provision criminalising corruption, but

Nigeria has recently passed an anti-corruption law, which is all encompassing and adequately covers the situations envisaged by the Trafficking Protocol.

Do religious or traditional practices contribute to trafficking in women and girls in West Africa - if yes, what has been done to eliminate these?

NGOs have been conducting a lot of advocacy at the local level to break down cultural barriers and traditional practices which are harmful to women. Harmful traditional practices include using children as labourers and for domestic work by religious leaders, child marriages, and abusive apprenticeships for children, trading young daughters for payment of family debts or rejection of women pregnant outside of marriage. Nigeria, for example, has recently passed into law a Child Rights Act, which incorporates the provisions of the *UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child*.

There is currently a bill in Nigeria, which seeks to criminalise female genital mutilation. In Enugu State, in Nigeria, the House of Assembly has also passed a law prohibiting harmful widowhood and widower hood practices.¹ All these

¹ The practice of harmful widowhood/widowerhood is based on a set of practices steeped in culture and are reflected as abuses that are meted out to a spouse as a consequence of the death of the other spouse or as part of the funeral rites of the deceased spouse. These practices vary from area to area and in reality women bear the brunt of these death related abuses. Some of these practices include: shaving of all bodily hairs; being made to sleep on the floor and eat out of broken and dirty plates; being

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activities have yielded a lot of positive responses and benefits for women and girls. Though these initiatives have not been directly linked with human trafficking in their design or implementation, their benefits as a mechanism to prevent trafficking cannot be understated.

Looking at prevention strategies and programmes implemented in West Africa do you find striking similarities among the countries in the region? What has been their impact on project development?

A lot of NGOs with which the *Global Rights Initiative Against Trafficking in Persons*² works have similar prevention strategies. Basically, they involve awareness raising activities, research, and capacity building for potential victims and returnees. Hence, there is the need to set up a network to facilitate communication and information sharing.

There is a sub-regional mechanism against trafficking, the *ECOWAS Initial Plan of Action against Trafficking*³, which

outlines the most urgent actions against trafficking in persons to be taken by ECOWAS member states during the years 2002 through 2003. These include prevention and awareness raising activities and a harmonization of all member states responses. The ECOWAS Secretariat has the task of coordinating and monitoring the implementation of the Plan of Action and of reporting every 6 months to the ministerial meeting of the *Mediation and Security Council* on the progress achieved. Unfortunately, member states have not achieved much - only Nigeria and Burkina Faso have legislation in place which specifically addresses human trafficking.

Is there coordination among partners and other large project holders?

There are several collaborative efforts between governments and NGOs in carrying out preventive interventions. For example, in 2002, the International Organization for Migration (IOM), the Office of the Special Assistant to the President on Human Trafficking and

prevented from bathing and other personal hygiene practices during the period of mourning; being forced to mourn for a specific period and dress in a certain way throughout the period; being prohibited from talking to or from having any physical contact with male relations during the mourning period; prohibition of any form of mirth; being made to weep and wail through a crack or small hole in the wall; being forced to cry only at specific times; being made to spend nights with the late husband's corpse; being forced to have sex with the corpse; being made to drink the water with which the corpse is washed as a test of the woman's innocence of the cause of her husband's death; rape or forceful marriage to the late husband's male relations; disinheritance of women which is widespread in the South Eastern parts of Nigeria.

² Formerly known as the International Human Rights Law Group (http://www.hrlawgroup.org/initiatives/trafficking_persons/default.asp).

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Child Labour, the United Nations Fund for Women (UNIFEM) and the Belgian Embassy came together to launch a massive awareness raising campaign on human trafficking across Nigeria. The campaign made use of print and electronic media.

The International Labour Organization, International Programme on the Elimination of Child Labour (ILO-IPEC) also collaborates with Interpol and the governments of Nigeria and Ghana to train law enforcement agents on child trafficking in the sub region and how to foster international cooperation to combat it.

At the NGO level, a training workshop on 'Capacity Building and Sub-regional Cooperation Against Trafficking in Humans' was organised in 2003 by *Global Rights Nigeria*⁴ in collaboration with the *Global Rights Initiative Against Trafficking in Persons*, Washington DC. Civil society organisations from 7 West African countries working against human trafficking participated. The workshop resulted in the formation of a Network Against Human Trafficking in West Africa (NAHTIWA)⁵ with the mission 'to facilitate and encourage transnational NGO collaboration and cooperation to protect and promote the human rights of trafficked persons'.

There are other networks in the sub-region that have been formed around the issue of child trafficking in West Africa. In Togo, the NGOs for the Protection of the Rights of the Child are coordinated by WAO-Afrique. In Nigeria there is the National Coalition Against Trafficking in Persons (NACATIP) and in the Gambia, the Child Protection Alliance (CPA).

How are the prevention projects evaluated? What mechanisms are in place to monitor project success?

I am not sure if there are any specific evaluation techniques being used by any organisations or even governments to assess projects in order to determine whether people have been - or how many people have been - prevented from being trafficked. This is a major problem because many West African countries lack the technology or expertise for adequate data collection, preservation and dissemination. Much valuable information is often lost.

The Network Against Human Trafficking in West Africa (NAHTIWA)

A training workshop on 'Capacity Building and Sub-regional Cooperation Against Trafficking in Humans' was

³ http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/10POAHuTraf.pdf

⁴ http://www.globalrights.org/where_we_work/africa/nigeria/

⁵ <http://www.nahtiwa.virtualactivism.net>

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initiated in 2003 by Global Rights Initiative Against Trafficking in Persons, Washington DC in collaboration with Global Rights Nigeria. Participants were representatives of civil society organizations of 7 West African countries, working against human trafficking. At the end of the workshop participants set up the Network Against Human Trafficking in West Africa (NAHTIWA) with the mission 'to facilitate and encourage transnational NGO collaboration and cooperation to protect and promote the human rights of trafficked persons'. The objectives of the network are to:

- Ensure that governments meet their international obligations to respect and protect the human rights of vulnerable people and trafficked persons;
- Empower vulnerable people and trafficked persons to access their human rights.

The Network plans to engage in the following activities:

- Conduct advocacy at the regional level on the rights of trafficked persons;
- Monitor the level of implementation of the ECOWAS plan of action by member states in terms of the establishment of concrete legal frameworks and the development of effective awareness raising campaigns to prevent trafficking;
- Conduct research and develop IT materials for information

dissemination;

- Promote transnational interventions of NGOs against human trafficking;

Empower vulnerable populations to avoid being trafficked and protect the rights of trafficked persons.

The nexus between prosecution of traffickers and prevention: is prosecution used as a prevention strategy?

In my opinion there is a strong link between prosecution of traffickers and prevention of trafficking. Although, for example, the Nigerian government sees the prosecution of traffickers as an effective deterrent, there are certain legal loopholes that prevent enforcement of the maximum legal penalty allowed under the laws in question. For instances, under the Nigerian anti-trafficking law where an offence should carry the maximum penalty for a felony, the law also provides the option of paying a fine. Obviously trafficking is a very lucrative enterprise and traffickers can easily afford these fines - so where is the deterrent?

Sad to note also is that since the passage of the anti-trafficking law over a year ago, not one person has been successfully prosecuted in Nigeria under the law.

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Any insights, good practices and lessons learnt from prevention initiatives in West Africa which you can share with us?

The use of electronic media for awareness raising campaigns! There is much illiteracy in the sub-region, therefore using audio-visuals rather than print media for information dissemination in rural areas is a must! However, the most important thing is to ensure that the content of the message is correct.

The earlier mentioned information campaign by IOM, the Office of the Special Assistant, UNIFEM and the Belgian Embassy was instructive in many ways. It contained useful information on how to identify a potential trafficking situation, the rights of migrants workers, self-protection skills while migrating and how to escape an exploitative labour situation or seek help in Europe. But the campaign was limited in the sense that it focused specifically on prostitution in Europe; leaving the general public with the impression that human trafficking only ends in forced prostitution. The campaign has also, unfortunately, contributed to some of the confusion about the definitions and concepts of trafficking in persons and prostitution or voluntary sex work in Nigeria.

What is the crucial element in a trafficking prevention project in your opinion:?

In my opinion a prevention of trafficking project must be multidimensional. Human trafficking thrives on a demand and supply relationship, thus there must be effective legal, administrative and other strategies in place to address the demand in the destination countries and the supply from the countries of origin.

The demand for cheap labour all over the world cannot be totally extinguished. While citizens of a particular country may not find low paid jobs in their country attractive, people from less fortunate countries may see such jobs as their only hope for survival. For instance I have noticed that Nigerians are very reluctant to accept low paying jobs in the home country but do not mind accepting low paying jobs in other countries such as in Europe. Thus demand always finds easy fulfilment from poorer countries. There is the need for countries with high demand for cheap labour to review their immigration laws to provide the enabling environment for migrant workers to effectively exercise their rights in the host country. Most effective in this regard would be the ratification and domestic implementation of the *UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* by receiving countries.