

# Trafficking in Persons

**A Gender**

**&**

**Rights Perspective**

**Briefing Kit**



The United Nations Development Fund for Women (UNIFEM-East and Southeast Asia Regional Office, Bangkok) and the United Nations Inter-agency Project on Human Trafficking in the Mekong Sub-region are pleased to present this briefing kit entitled "Trafficking in Persons: a Gender and Rights Perspective". This kit is an invitation to all practitioners addressing the issue to revisit and rethink their efforts from a gender and rights perspective.

The kit is dedicated to survivors of trafficking whose voices and experiences of struggle and resilience continue to inform our analysis on and response to trafficking.



The women from this remote village in North Borneo, Indonesia represent one of the many groups of women and children vulnerable to trafficking. Living in economic hardship, with little education and few alternatives, they are easy targets for traffickers. While these women themselves have not been trafficked, many women from their village have.

Photo credit: Nick Rain

*“I am waiting to give birth to my baby. I hope it is not a girl. She must not suffer like me.”*

### Nu's Story

I was abandoned by my parents and left to be brought up by distant relatives. I studied up to the primary level and did all the housework. When I reached puberty the son of the family I lived with began making advances towards me. He raped me several times, and began sending me out occasionally with clients for short periods, warning me never to tell his parents. I was already 'spoilt' and decided to run away and entertain clients on my own, instead of living under his control. I came to Bangkok at the age of 15, rented a room and began seeing clients independently. But getting enough and good client was difficult, and operating independently without any protection was risky.

A hairdresser friend suggested that I find a well-paying job outside the country that also took care of my food and accommodation. She said that there were plenty of Thai women who worked in Japan and returned rich. She said that if I didn't know how to go about things, she would introduce me to an agent who would help me secure work in Japan. I was willing and an appointment was fixed. I was told that I would be working as a waitress in a bar earning approximately US\$200 per month, and that I was not bound to go out with clients, but could if I chose to earn more. Agent's fees and other expenses were to be paid after I received my first wage.

The time from when the agent began working on my travel documents to the time of my departure was a little over two weeks. I was escorted from Bangkok airport by a Thai family and instructed to pretend that they were my parents. At Narita airport in Japan, my 'father' took care of the immigration procedures and kept my passport. After we collected our baggage, the woman went her own way with the boy and girl, and my 'father' led me away where we were met by a Japanese man with three young Thai women in his charge. My father took the 30,000 yen given to me by the agent for expenses, left me with the Japanese and disappeared. I learnt later that I travelled to Japan on a tourist visa and someone else's passport affixed with my photograph.

I was brought by taxi to a karaoke bar in Shinjuku. The owner was a Japanese, married to a Thai mamasan. The bar owner said that he did not accept girls with big tattoos and body marks and asked us to go one at a time into a cubicle at the back of the bar and asked to undress. The owner examined me vaginally and even slept with me before hiring me. I felt like a piece of flesh being inspected. I had to take a blood test for HIV/AIDS. I was the only one of the four women bought by the bar. I later learnt that if women tested HIV positive or were found physically unpleasing, they were bought only by lower grade bars where earnings are less and conditions much worse.

As soon as the others left, the mamasan told me that I had to pay off a debt of over one million yen. My food, rent and other expenses would be added to this amount. Clients paid the mamasan directly for taking the women out during the debt repayment period. The mamasan warned me not to try to run away as she would be very tough, and that all girls who tried escaping were brought back by the Yakuza (Japanese gangsters) and severely beaten or sold to other bars, accumulating double the debt. I was shocked and realized that the only way for me to pay off my debt was to go out with as many clients as possible. Tips from clients were the only liquid cash we earned.

Our living quarters housed thirty girls between the ages 14-30. Most were already in prostitution in Thailand before they came to Japan, but like me did not know they would have to go out with clients, pay off a huge debt, and live in total confinement. A few however had no idea at all they were being sold into prostitution and had a much harder time. We were packed into a small room above the mamasan's house, far off from the bar. We were warned not to peep out of the window, as we would be arrested by the police who came on their daily rounds. It was very cold, but there was no heater or warm water. I was provided with a sheet, a blanket, a pillow, a pair of socks and had to sleep on the ground. We showered in batches to save time and water. We cooked and ate a routine meal of rice with raw, boiled, fried eggs or omelettes mixed with fish sauce and chillies and sometimes fried vegetable. We were never allowed direct communication with the restaurant workers or anyone else. Even our letters were censored.

On an average, I entertained about three or four clients a night. Our clients were all Japanese and the majority were over forty. We could never refuse a client. Most of my young clients were very insensitive and rough, and many thought that we had come to Japan because Thai women love sex. Often they would beat us before intercourse with sticks, belts or chains, till we bled. If girls came back traumatized after going out with a sadistic client, and reacted hysterically or had nightmares, they would be beaten by the mamasan and told that they must have provoked the client to be violent. If we cried on the job or resisted a client we were beaten even more. We routinely used drugs before sex so that we didn't feel so much pain. We had to work even when we were ill or menstruating. The mamasan instructed us to tell our clients to use condoms.

Some men would, but most not. If clients refused to use condoms, we had to give in. The mamasan never asked them to use one. We used to have a pill a day supplied to avoid pregnancy. Generally, abortions were self-induced and facilitated by the girls in the bar. Letting the mamasan know that we were pregnant would get her angry, and seeking her help or going to a doctor would add to our debts. We didn't know much about STDS/AIDS, except the names of these ailments. We were only taken to the doctor when we were unable to stand. Those who were taken to doctors had stiff fees added to their debts. Other health problems were stomach aches, fevers, injuries, nervousness, hysteria, emotional disturbance, mental breakdowns, including suicide. We were under constant pressure and we often fought, screamed and punched one another. There was also a lot of peer bonding as we had only one another to depend on.

One of the girls who was depressed and drunk slashed her wrists with a broken bottle, but fortunately did not cut herself deeply. She went crazy in controlled conditions, got few clients, and felt she would have to work in the bar forever to pay off her debts. A girl in the next building jumped out of the window and died instantly. The mamasan and the girls left the premises and we don't know what happened after that.

Sometimes the police would come in to check if there were over-stayers of visas. The owner was mostly warned in advance by informants. Over-stayers would be concealed, or heaped into a bus and hidden in a hotel close by till the police left. At other times, only those with valid visas were produced before the police, and the police bribed.

Of the thirty women in the bar, four tried to escape, two successfully with the help of clients. The other two were caught and returned to the bar by the police only to be mercilessly beaten up by the owner. The mamasan told us that the girls who escaped would be tracked down and killed. Every single one of us dreamed about escaping. Several of us made plans but were too afraid to act on them.

Other girls wanted to go to the Thai embassy, but were afraid because they were told that the embassy officials would cut their hair and throw them into jail as they were illegal residents. Many girls who dared to leave the bar to work independently after repaying their debts, were arrested by the police, fined, imprisoned, forced to provide sexual favours to the police before eventually being deported. We are punished for no fault of our own, but the bar owners, the corrupt police and even clients who abuse us badly are never punished.

One day I happened to walk into a Thai restaurant and found a pamphlet that said, 'If you need a Thai friend to talk to, contact this number... I rang the number and found myself talking to a Japanese nun. I told her my story and requested her to help me get back to Thailand. She made the necessary arrangements and sent me to an NGO in Thailand. I returned with a saving of 30,000 baht after five years of struggle.

Women need education and decently paying jobs for women so they won't get into prostitution, and the same for women in prostitution so that they can get out. We also need drop-in centres like the one I'm in now; and for police to penalize the recruiters and mamasans not us.

In Japan I hated to be so controlled. I feel ashamed about being in prostitution, but I can't change my past. I feel embarrassed when people look at me. I think they do so because they know I was a prostitute. It is very difficult to get off night life, when you have been in it for so long. We get used to a non-domestic routine. Society does not accept us. Only women in prostitution won't look down on me, and can understand me.

Source: A Comparative Study of Women Trafficked in the Migration Process; Coalition Against Trafficking in Women (CATW), 2002

Nu's experience fits the definition of trafficking in the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, that supplements the UN Convention on Transnational Crime. Her story is also typical of that experienced by many women who are trafficked. She does not fit the stereotype of the "naïve and innocent, virgin girl" kidnapped for prostitution. Rather, her experience is a cumulative one that began in childhood and persisted through her adulthood, and increased her vulnerability. Lack of education, financial and other resources and community and familial support, in addition to the early-age experience of violence and violation induced her to migrate, under risky circumstances and with little consideration to her own safety.

Nu's *decisions*, and those of other women circumscribed by these structural factors are final straw *survival strategies* - not *real* choices - taken in the face of severe constraints and a lack or absence of alternatives. This reality must be characterized as such.

# Introduction

*In 1997, the UN estimated that procurers, smugglers, and corrupt public officials engaged in international trafficking in persons extracted USD \$7 billion in profits from their activities. If these calculations are accurate, trafficking in human beings is now more lucrative than the international trade in illicit weapons.*

## THE ISSUE

USAID: Gender Matters Quarterly No.1 February 1999

Trafficking in persons, especially in women and in children is not new. However it appears to be increasing and acquiring grave new dimensions in the recent context of globalization.

To date interventions on trafficking have addressed prevention, protection and assistance (including return and resettlement) to trafficked persons. Despite these efforts, significant inroads into the problem do not appear to have been made. Furthermore, initiatives have been largely:

- gender unresponsive, even though primarily focused on women and girls;
- lacking in a rights-based development perspective;
- reactive in their approach i.e. focused mostly on immediate post-trafficking assistance and less on prevention;
- unresponsive to factors creating a demand for trafficked persons;
- micro projects, unlinked to macro processes and hence unsustainable; and
- lacking in an integrated multi-sectoral approach.

## TRENDS IN TRAFFICKING

Growing scope and magnitude

Newer source and destination sites

Diverse and sophisticated mechanisms

Varied purposes

Changes in the profile of trafficked persons

Extended linkages between trafficking networks and sectors of the crime industry and business

Strong connections between trafficking networks and political networks

Increasing profits with little or no risk

Gross human rights violations for capital accumulation

*Accurate data is difficult to obtain, however anecdotal evidence, discussions with practitioners, and agreed estimations suggest that trafficking, particularly in women and in children, has increased in scope and magnitude, especially for prostitution and other forms of sexual exploitation.*

# What is Trafficking?

The first internationally agreed upon definition of trafficking is embodied in the *UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000)*, as follows:

*“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

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

*The consent of a victim of trafficking in persons to the intended exploitation...shall be irrelevant where any of the...[fore-mentioned] means...have been used.*

*The recruitment, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons,’ even if it does not involve ...[any of the above listed means].*

*“Child” shall mean any person under eighteen years of age (Art. 3).”*

Key features of the Protocol:

- Defines trafficking as a crime against humanity, marked by the intent to deceive and exploit;
- Expands the range of actions considered part of the trafficking process – recruitment, transportation, transfer, harbouring, and receipt of persons in end-institutions;
- Addresses a wide range of means used, from blatant force to subtle inducements that capitalize on vulnerability, to achieve ‘consent’;
- Makes consent to the intended exploitation irrelevant, where any of the means outlined in the definition are used;
- Acknowledges men are also trafficked, though it emphasizes trafficking in women and children;
- Recognizes a range of purposes of trafficking, in addition to sexual exploitation;
- Contains rights-based and protective social, economic, political and legal measures to prevent trafficking, protect, assist, return and reintegrate trafficked persons, and to penalize trafficking and related conduct; and
- Calls for international cooperation to prevent and combat trafficking.

While its human rights provisions could be expanded, enriched and made obligatory on States, the Protocol is nonetheless an important step towards locating trafficking within a rights framework.

## Magnitude of the problem

There are **no universally agreed estimates** available which accurately reflect the magnitude of the numbers of trafficked persons in Southeast Asia.

Statistics are very difficult to collect. To date, governments, international agencies and NGOs have at best been able to give very broad estimates.

Reasons for this include:

- ◆ Sensitivity and illegality of the trafficking business
- ◆ Lack of a precise definition of trafficking

Here are a few commonly-quoted statistics which highlight the magnitude of the problem:

- ◆ The U.S. State Department estimates that a minimum of 700,000 people are trafficked each year, and that the number may exceed 2 million. They state that the majority of victims are women and children.
- ◆ According to the U.S State Department, there are an estimated 225,000 women and children who have been trafficked in Southeast Asia.
- ◆ ILO-IPEC estimate that 80,000 women and children have been trafficked to Thailand for the sex trade since 1990. The highest numbers are from Myanmar, followed by the Yunnan Province of China, and Laos.
- ◆ According to ILO-IPEC, an estimated 500-1000 Cambodian children work as child beggars in Thailand.

# Trafficking mechanisms and techniques

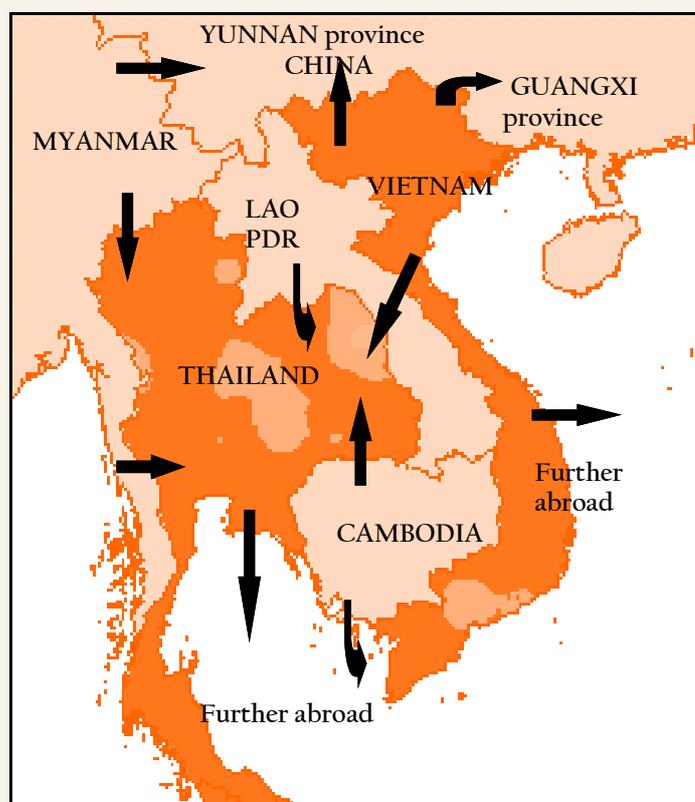
## Main trafficking routes

### TRAFFICKING NETWORKS IN SOUTHEAST ASIA

- are widespread
- range from the small and informal to highly organized crime syndicates
- are primarily of Asian origin, though there are growing links with organized networks in countries of Eastern Europe and the former Soviet Republics, and countries of South America
- operate transnationally, either by living in or establishing local partnerships in source countries
- often follow migration routes and patterns
- use blatant force such as kidnapping or rape, but also less obvious inducements and deception that exploit an individual's vulnerability to achieve consent
- are often closely linked to other sectors of the national or international crime industry, such as loan sharking, gambling, illicit trade in narcotics and arms and corporate extortion
- operate underground and are often out of the reach of the legal system or closely connected to power centres
- are adept at avoiding detection and arrest by control and manipulation of those trafficked and complicity of public officials
- are facilitated by advances in transport, information and communications technologies, particularly the internet

Countries of origin	Transit countries	Countries of destination
<ul style="list-style-type: none"> <li>• Cambodia</li> <li>• China</li> <li>• Lao PDR</li> <li>• Myanmar</li> <li>• Thailand</li> <li>• Vietnam</li> </ul>	<ul style="list-style-type: none"> <li>• Cambodia</li> <li>• Myanmar</li> <li>• Thailand</li> </ul>	<ul style="list-style-type: none"> <li>• Cambodia</li> <li>• China</li> <li>• Thailand</li> <li>• Singapore</li> <li>• Taiwan</li> <li>• Malaysia</li> <li>• Hong Kong</li> <li>• Japan</li> </ul>

NB. Trafficking also takes place internally



# What is a gender perspective

A gender perspective:

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

Interventions addressing women exclusively are not necessarily gender-sensitive. They often view differences between men and women as natural and unchangeable, reinforce discriminatory stereotypes, and ultimately further disadvantage women. For example a common tendency is to ban or restrict women’s mobility on the assumption that women who don’t move are protected from being trafficked. This amounts to controlling women, rather than empowering them by changing discriminatory laws and attitudes, and helping women to deal with oppressive environments.

## ADDRESSING TRAFFICKING FROM A GENDER PERSPECTIVE

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

A gender perspective on trafficking achieves change by:

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

Women and girls are **more vulnerable to being trafficked** because of:

## *Factors contributing to demand*

**women's perceived suitability** for work in labour-intensive production and the growing informal sector which is characterized by low wages, casual employment, hazardous work conditions and the absence of collective bargaining mechanisms;

the **increasing demand for foreign workers** for domestic and care-giving roles, and lack of adequate regulatory frameworks to support this;

the **growth of the billion-dollar sex and entertainment industry**, tolerated as a 'necessary evil' while women in prostitution are criminalized and discriminated against;

the **low risk-high profit nature** of trafficking encouraged by a lack of will on the part of enforcement agencies to prosecute traffickers (which includes owners/managers of institutions into which persons are trafficked);

the **ease in controlling** and manipulating vulnerable women;

**lack of access to legal redress** or remedies, for victims of traffickers; and

**devaluation** of women and children's human rights.

## *Factors contributing to supply*

**unequal access to education** that limits women's opportunities to increase their earnings in more skilled occupations;

**lack of legitimate and fulfilling employment opportunities** particularly in rural communities;

**sex-selective migration policies** and restrictive emigration policies/laws, instituted often as a "protective" measure, limit women's legitimate migration. Most legal channels of migration offer opportunities in typically male-dominated sectors (construction and agriculture work);

**less access to information** on migration/job opportunities, recruitment channels, and a greater lack of awareness of the risks of migration compared to men;

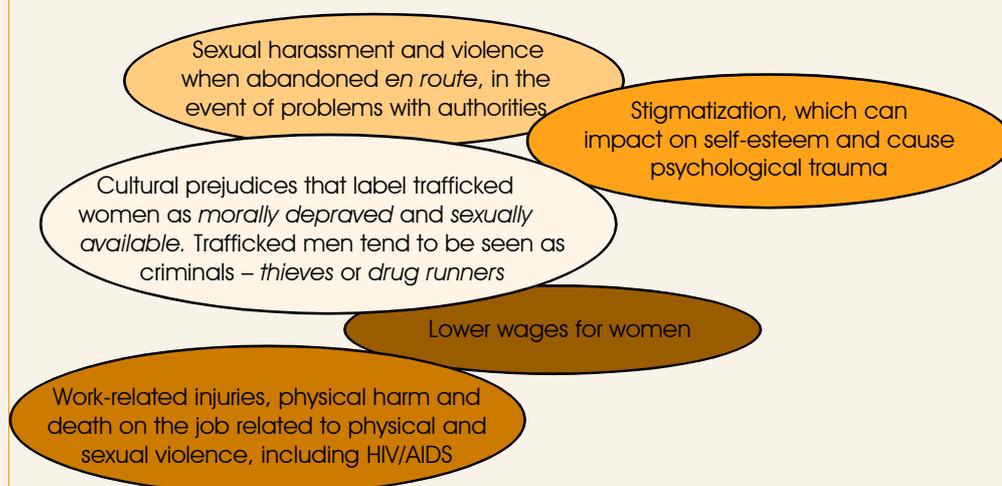
**disruption of support systems** due to natural and human created catastrophes; and

**traditional community attitudes** and practices, which tolerate violence against women.

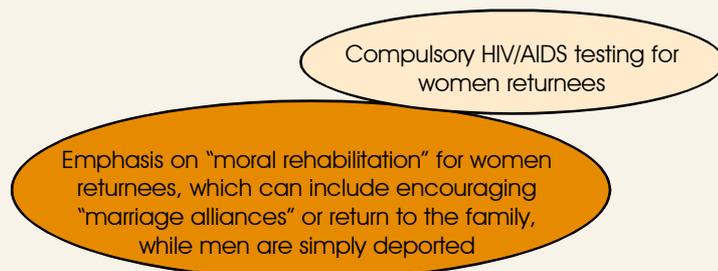
## Abuses and consequences

There are many abuses peculiar to and more commonly perpetrated against women in the trafficking process. These abuses, coupled with women's limited access to support/redress mechanisms generally make long-term recovery more difficult.

### During transfer and in end institutions:



### During return and reintegration:



**Feminized earning opportunities** of a more private, personal or intimate nature which women are trafficked into, such as domestic service or prostitution, intrude into and violate a woman's person and privacy in ways different to men working in manufacturing or on a construction site.

In addition, isolation, overlaps in living and working space, community disapproval and criminal linkages (particularly in the case of prostitution), characterize domestic work and prostitution and exacerbate control and exploitation, making access to external support and assistance more difficult.

Furthermore, the **personal and social costs of trafficking** tend to be higher for trafficked women and female dependents of trafficked men, with the potential for further abuse:

- Increased workload and stress for women when their husbands are trafficked.
- When the mother is trafficked, the impact on the children tends to be more severe, and can result in emotional problems, schooling difficulties or relatives discharging their responsibilities for girl children by marrying them off early.
- Marital problems when the woman returns home after a long period of separation.
- Inability or unwillingness of families to understand the experience of trafficked women.
- Greater stigmatization of women returnees.
- Lack of control over their earnings—remittances tend to be sent to male relatives, most often the husband.
- Lack of services assisting the reintegration of trafficked persons and their families.

## Gender-responsive is rights-based

A rights-based approach is an approach to development that ensures fundamental human entitlements – social, economic and political – in ways that increase choices, and enhance human dignity, freedom and empowerment.

A rights-based approach is necessarily also gender-responsive. Gender discrimination against women and girls is a fundamental denial of human rights. Recognition of women's human rights must lie at the core of any anti-trafficking strategy. A gender-responsive, rights-based approach to trafficking is responsive to gender differences and disparities, and focused on realizing human rights equitably and hence equally for women and men.



## Elements of a rights perspective

*Trafficked women and children need to define their experience in terms of rights violations and exploitation, rather than see themselves as 'criminals'*

Rights operate at two distinct levels:

- **Individual dimension**—this level refers to individual socio-economic, political, sexual rights and an individual's ability to access remedies and claim rights.
- **Structural dimension**—this level refers to the economic, gender, and ethnic inequalities underlining socio-economic, political structures and processes that impact on individual rights.

Anti-trafficking strategies should address violations at both an individual level and at the policy and institutional level to effectively ensure individual rights.

### *Universality, inalienability, indivisibility and interdependence of rights*

Women have the same social, economic, civil and political rights as men, that cannot be taken away or denied, whatever the circumstances. All rights are equally important and interdependent.

### *Non-discrimination, equality and equity*

Rights should be enjoyed by all on the basis of equality and non-discrimination. This does not necessarily mean equal treatment in all instances. Equity may therefore, include special provisions to compensate long-term discrimination, because equal treatment can sometimes reinforce and perpetuate inequalities.

### *Attention to vulnerable groups*

Human rights are universal, but priority should be accorded to those such as the poor, women, ethnic minorities and others, who may not be able to exercise their rights.

### *Recognizing and guaranteeing woman and child-specific rights*

Specific rights, such as reproductive rights and the right to freedom from violence, which were not originally recognized in the mainstream human rights discourse, must form an important element of anti-trafficking strategies.

### *Gender and Rights-Promoting Protection*

Protections for trafficked women and children must be gender responsive and rights oriented. Approaches that reproduce gender stereotypes and reinforce discrimination against women should be challenged.

## Rights as empowering



### RIGHTS AS EMPOWERING

Rights must be actively claimed by those who hold them. Women's individual and collective empowerment is essential for a rights-based approach. This involves:

- (a) understanding by women of themselves as full human beings with full human rights that enhance their potential and well-being;
- (b) an ability to assess when and what rights are violated, and a conviction of the need to actively claim rights;
- (c) a knowledge and understanding of how to use legal instruments and institutional machinery to seek redress;
- (d) self-representation and participation by trafficked women and those at risk in formulating responses to trafficking; and
- (e) holding states to account.

#### The legal or institutional element:

This involves defining rights through standard setting; codifying rights in law and policy; developing appropriate mechanisms to give legal effect to these rights; and guaranteeing judicial independence.

#### An enabling environment: generating a gender and rights-based culture:

A gender and rights perspective must be integrated into policy and institutional environments, so as to enable individuals and groups to effectively claim their rights.

#### State and civil society responsibility:

Under international law States, in particular, have a duty to respect and ensure respect for human rights law. All States individually and collectively must cooperate to realize human rights.

# Strategic Interventions

## Framework for Interventions

Trafficking cannot be adequately addressed through short-term and micro projects. It is a national development issue, linked to larger regional and global development processes.

Responses must:

- Treat trafficking as a development concern and place it on national, regional, international agendas;
- Seek a balance between interventions providing immediate post-trafficking assistance and more long-term preventive interventions, including opportunities for safe migration and changes in discriminatory attitudes to men's and women's roles, bodies and sexuality;
- Integrate a gender perspective into all trafficking interventions;
- Integrate rights-based principles and standards into trafficking interventions in accordance with international human rights instruments, principles and standards; and
- Mainstream trafficking interventions into national policies, plans and programmes in an integrated multi-sectoral manner, with coordinated actions at regional and international levels, involving a range of stakeholders.

## Prevention

- Increase literacy, access to education and life skills training for sustainable livelihoods
- Enhance economic opportunities that are market responsive, innovative and sustainable
- Ensure access to information on risks of migration and avenues for assistance
- Ensure appropriate legal documentation for birth, citizenship and marriage
- Change community attitudes through targeted consciousness-raising and advocacy activities
- Create awareness of the links between violence against women and trafficking
- Incorporate gender sensitivity and human rights concerns into the school curriculum
- Facilitate community-based committees to catalyze local responses to combat trafficking
- Provide training to officials to respond sensitively to needs of vulnerable women and communities

## Legal strategies

- Amend and/or adopt national legislation in accordance with the UN Trafficking Protocol and other international standards
- Strengthen transnational cooperation to prosecute violators
- Make legislative provision for confiscation of assets of traffickers to support and compensate trafficked persons
- Establish mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions
- Adopt labour migration agreements in accordance with international standards
- Decriminalize trafficked persons, regardless of immigration status, recognizing them as victims and survivors
- Criminalize traffickers, and penalize public officials involved in trafficking and related activities
- Consult with trafficked persons in the formulation, implementation and monitoring of laws

# Strategic Interventions

## Protection

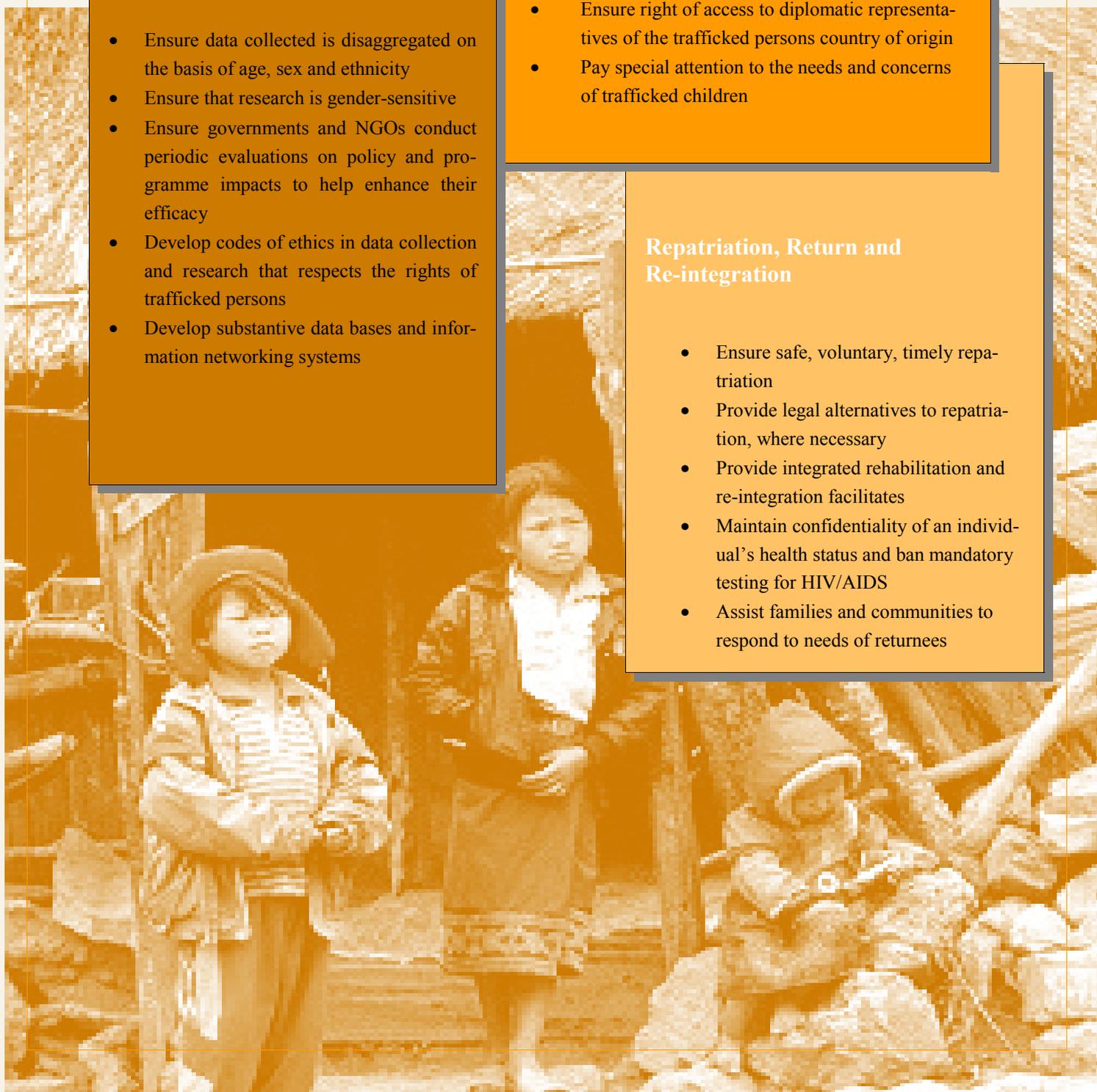
- Develop guidelines to facilitate the rapid identification of illegal migrants who are victims of trafficking
- Provide appropriate health care, shelter and counselling facilities
- Ensure legal and other assistance during criminal proceedings against traffickers
- Protect the identity and ensure safety of trafficked persons and witnesses in legal proceedings
- Ensure right of access to diplomatic representatives of the trafficked persons country of origin
- Pay special attention to the needs and concerns of trafficked children

## Data Collection, Research, Advocacy

- Ensure data collected is disaggregated on the basis of age, sex and ethnicity
- Ensure that research is gender-sensitive
- Ensure governments and NGOs conduct periodic evaluations on policy and programme impacts to help enhance their efficacy
- Develop codes of ethics in data collection and research that respects the rights of trafficked persons
- Develop substantive data bases and information networking systems

## Repatriation, Return and Re-integration

- Ensure safe, voluntary, timely repatriation
- Provide legal alternatives to repatriation, where necessary
- Provide integrated rehabilitation and re-integration facilitates
- Maintain confidentiality of an individual's health status and ban mandatory testing for HIV/AIDS
- Assist families and communities to respond to needs of returnees



*Interventions addressing trafficking in Southeast Asia include preventive activities, protection and assistance, return and resettlement, and research and advocacy. They involve independent actions and partnerships between governments, NGOs, UN organizations, donors, research institutions, community-based groups and concerned individuals. Here are some examples:*

### Preventive

- The Daughters Education Programme for Daughters and Communities (DEPDC) a community-based initiative in Chiang Mai aims to prevent girls from being trafficked into the sex industry. It provides education, vocational training and employment opportunities to girls at risk. Since its inception in 1989, it has assisted 400 girls and their families.
- The Coalition Against Trafficking in Women-Philippines has supported the production of a video, written and directed by a young male student, entitled "First Time." This video illustrates young men going through the so-called *rite-of-passage* by using women in prostitution, to make a 'real man' out of a boy. The central message is that "Women are not commodities to be bought and abused. Real men don't buy and violate women."

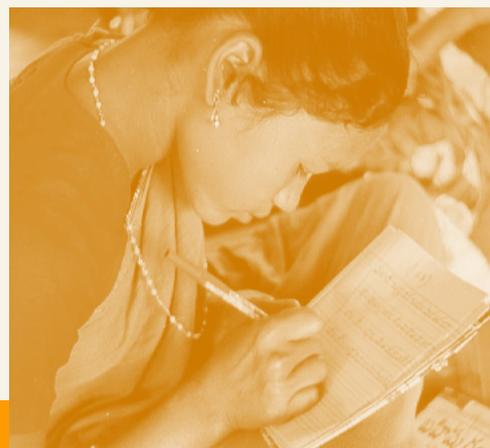
### Advocacy

- ILO-IPEC has brought together policy makers from around the Mekong sub-region to encourage development of more legal labour migration channels to reduce the chance of potential migrants resorting to possible traffickers.
- In April 2000, the "Survivors' Networks of Filipino Women", supported by the Coalition Against Trafficking in Women-Philippines, coordinated the first ever self-organized National Consultation to discuss their needs. The networks involved included Buklod, NKAC, Bukal, Magdalena, TWMAEW, Tisaka, Talikala and Lawig Bubai. Among the women's expressed needs at the Consultation were: the improvement of the socio-economic conditions of their families, personal empowerment, and the convening of a National Conference involving survivors.

### Protection

- In Cambodia, UNICEF and several NGOs have developed "community level networks against trafficking", comprising village-level volunteers and aimed at raising awareness on trafficking and the mechanisms used by traffickers, and intervening when community members (usually children) face trafficking situations.

## Good practice



### Minimum human rights standards

- In Thailand, a Memorandum of Understanding (MoU) on common guidelines of practice for agencies concerned with trafficked women and children was signed by the Office of the Prime Minister of Thailand, the Department of Social Welfare, the National Police Force, and NGOs in June 1999. The guidelines, developed by GAATW, define the trafficked person as a victim, with human rights standards for the protection and promotion of the rights of such persons. The MoU also accords foreign women and children the same rights as Thai nationals. Training courses on the provisions of the MoU and how to use them are being conducted in border provinces for police and hospital staff, social workers from public welfare offices, and attorney generals.

### Repatriation

- Save the Children UK (SC-UK), working with local NGOs, World Vision, International Organization for Migration (IOM) and the UN Inter-Agency Project (UN-IAP) on Human Trafficking has recruited and trained returned trafficked victims to work as volunteer peer educators in Myanmar. In collaboration and coordination with IOM, UN-IAP in Myanmar, the Thai Department of Public Welfare, World Vision-Myanmar and local partners in Kayin and Mon State, many women and children have already been safely repatriated to their homes.

### Resettlement and Reintegration

- The Centre for Protection of Children's Rights Foundation (CPCR) in Bangkok, has established three multi-disciplinary teams – doctors, lawyers, psychiatrists, counselors and lawyers – to deal with cases of child abuse. They meet regularly to discuss cases, share information and expertise, and it is intended that such collaboration will be institutionalized in state-run programmes nation-wide. Social workers from the CPCR visit families of children and girls rescued from oppressive circumstances to prepare families to understand and accept their children and assist their reintegration. Families are also provided with welfare assistance. In cases where returning home is impossible arrangements are made through NGOs and government networks for foster care, institutional placement and for formal and informal education and training in vocational skills.

## INTERNATIONAL STANDARDS AND PROTOCOLS

Conventions on human trafficking contain international standards to address the issue, while international conferences underscore the need for action. Although many countries in the region are signatories to various International Conventions and national legislation has been accordingly enacted, implementation needs to be strengthened.

The following are relevant to trafficking in women and in children:

**The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000).**

**The Convention on the Elimination of All Forms of Discrimination Against Women (1979).** CEDAW obliges States to enact legislation to suppress all forms of traffic in women. The Convention has been ratified by 170 countries (June 2002).

**The United Nations Convention on the Rights of the Child (1989).** 189 states are party to the Convention and it has near universal ratification. Articles 34, 35 and 39 of the Convention are most relevant.

The following ILO Conventions provide useful guidelines in the context of trafficking:

**The Worst Forms of Child Labour No. 182 (2000)**

**The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)**

**The Migrant Workers (Supplementary Provisions) Convention No. 143 (1975)**

**The Minimum Age Convention No. 138, (1973), and its accompanying recommendation No. 146**

**The Migrant for Employment Convention (Revised), No. 97 (1949)**

**Forced Labour Convention No. 29 (1930)**

**DECLARATIONS OF INTERNATIONAL CONFERENCES**

**The Stockholm Congress Against Commercial Sexual Exploitation of Children (1996)** adopted a Declaration and Agenda for Action to “*assist in protecting child rights, particularly the implementation of the Convention of the Rights of the Child...to put an end to the commercial sexual exploitation of children worldwide.*”

**The Beijing Declaration and the Platform for Action of the Fourth World Conference on Women (Beijing, 1995)** in its Strategic Objective D3, aims to “*eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.*” It proposes specific actions to achieve this objective.

**The International Conference on Population and Development (Cairo, 1994)** urges, “*countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children...(4.9).*”

**The World Conference on Human Rights (Vienna, 1993)**, stresses the importance of working towards the elimination of violence against women in public and private life, “*the elimination of all forms of sexual harassment, exploitation and trafficking in women...(II. B.38).*”

**World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001)**, recommends, “*...efforts to address gender discrimination should incorporate approaches to eliminate all forms of discrimination including racial discrimination.*”

**The Association of Southeast Asian Nations (ASEAN)** has addressed the issue of trafficking mainly within the context of transnational crime. The ASEAN Declaration on Transnational Crime (1997), calls for joint efforts to combat transnational crime - including trafficking in women and children - in the region. In 1999, member states developed the ASEAN Plan of Action to Combat Transnational Crime calling for greater cooperation and assistance in prosecution of cross-border crimes.

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