

Collateral Damage

The Impact of Anti-Trafficking Measures
on Human Rights around the World

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Global Alliance Against Traffic in Women

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Bandana Pattanaik
International Coordinator, GAATW-IS
Bangkok, Thailand 2007

Preface

Lessons From the Poetry of Departures*

The Global Alliance Against Traffic in Women (GAATW) dedicates this anthology to all those women who journey from their homes to find a future, with dreams in their eyes, fear and excitement in their minds at what awaits, and pain in their hearts at leaving loved ones behind, often very young loved ones. Many of them, indeed many of us, reach our destinations with relatively few mishaps, hurdles or detours. For many others, unfortunately, the journey leads to destinations and landscapes unsafe, unimagined and undesired. For some, the journey is arduously endless and the terrain consistently hostile.

It is especially to these migrant women,** who are in harm's way, that GAATW dedicates this anthology, as a tribute to their courage and endurance, and to their indefatigable spirit to prevail against all odds, in quest of a better future. Some may call these women trafficked, and sometimes we do too. But often the *poetry of departures*, rendered through notes of optimism, joy and pain, leads us to the traveller whose journey has not yet ended, has not yet led her to the destination she sought. Then the only enlightenment that can dawn on any well-meaning entity is: what can we do to remove hurdles and ease the way for this person, this trafficked migrant woman, in order for her to reach her destination and goal, safely?

There is nothing complicated or problematic about this simple wish to assist and prevent further harm. Nor should the response to it on the part of well-intentioned and honourable 'assistors' be complex and convoluted. And yet, sadly, it may turn out that the treacherous journey which the trafficked woman has endured so far due to the devious designs and greed of a trafficker may not end easily or quickly.

This anthology demonstrates in a small but compelling way that the road to hell may be paved with the best of intentions, and the trafficked woman may find herself literally 'from the frying pan into the fire'. She discovers that in trying to remove her from harm, her well-meaning advocate, be it the government, an NGO or an individual, who has come forward to assist and protect her, has actually done further harm and removed her even farther away from her desired destination. She discovers that in the name of protection she can be confined to a shelter under conditions which are no different from detention, or packed off 'home', back into the very same environment that she wished to leave behind, with its joblessness, poverty, conflict, abuse, or even a not-so-dire middling situation, which to her offered neither promise nor possibility of realising her life's full potential. She may find that some conditions have been attached to the assistance she is being offered. She is told that if she cooperates with the law to provide evidence against her trafficker, then she might be assisted and even allowed to stay on in the host country for a few weeks longer before being sent off home. She gets the clear message that 'home' is where she needs to be for her own good and that she is incapable of deciding what is best for her, even though she may be well past the age of majority. At any event, it is clear to this trafficked woman that if she identifies herself as a

* The travel writer Paul Theroux uses this term. According to him, enlightenment as a writer comes with the poetry of departures.

** GAATW strongly acknowledges that all migrants including men, women and children, often have their rights flagrantly violated or disregarded, and trafficking is a harm that affects all persons regardless of gender and age. However, in its work GAATW has centred the lived realities of migrant and trafficked women workers while understanding that gender as a category cannot be severed from other multiple identities which define women. Since the principal protagonists of GAATW's engagements have been migrant and trafficked women, they are especially profiled in this preface and collection.

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‘victim of trafficking’, she will eventually be sent home to be reunited with her misery once again. So she chooses not to identify herself as a ‘victim of trafficking’ – *in order not to become a victim of anti-trafficking*. GAATW dedicates this anthology to this woman as well, who knows what is in her best interest, and so continues to struggle in the hope that she will soon see light at the end of the tunnel.

This collection is being published as GAATW enters its teen years. The organisation is many years away from reaching the age of majority, yet there is one thing it has learnt even in its adolescence: the best interest of the women who are trafficked or vulnerable to trafficking, and indeed of all migrant women, can only be fully known and decided by the women themselves. And this principle is undoubtedly in the best interest of GAATW as well. We have come upon this realisation in its entirety and depth through a long and arduous journey as well. For GAATW, this small yet critical ‘enlightenment’ dawned through the finely textured ‘poetry of departures’ of migrant women.

GAATW’s own engagement with the issue of trafficking as well as with migrant women and the risks faced by them, have taught us over the years how to ‘centre’ the rights of the very women we advocate for and with whom many of our network members work directly. This is a learning which is ongoing; it is a journey with no end for time, as it passes, changes the conditions under which departures and journeys are undertaken by migrant women. We have learnt enormously from the anti-trafficking work of a number of actors, including governments and NGOs, who prescribed remedies to trafficked persons and migrant women, and imposed them with a rigour that allows no space for intervention, disagreement or alternatives. Paradoxically, this prescriptive strategy is also unleashed in the name of human rights. Most importantly, we have learnt from our own mistakes and from the experiments of GAATW members. This collection is a sample of our learnings.

The trajectories of migrant women’s lives compel us to reflect on certain issues that have informed our work for some time now. How is it that the project of globalisation and development appropriated migrant women’s labour and bodies on which the lofty goal of world progress could be brutally inscribed and a memory for the future etched? Did their joy and pain, their dreaming, struggling, finding and losing, have a place in the industrial and military projects of powerful nations and corporate regimes? And what is an audit for migrancy in these registers other than vagrancy? We ask these questions as they are vital to ‘centring’ the rights of trafficked and migrant women in our work. Even when the women narrate their experience of victimisation, they speak as vibrant actors and agents who, through their experiences, reinvent themselves and their strategies. Recognising the multilinguality of their narratives and their agential voice contributed to GAATW’s understanding that none other than the women themselves must spell out what is in their best interest and our task is to hear and amplify their voices.

A plethora of actors on the anti-trafficking terrain do their work from the perspective of human rights including those who bundle off the trafficked and migrant women back to where they came from in the name of protection. If diametrically conflicting approaches are garbed in the language of human rights, how then does a new player on the field address trafficking in the frame of human rights? This anthology provides an evidence base to a skeletal response to the above question – a response which we intuitively and experientially voiced but could only articulate with some authority after engaging in research. The research undertaken for this collection is a small step which augments the small steps taken by others. On the whole, a far stronger evidence base needs to be created. However, it does reinforce GAATW’s confidence to reassert that a human rights approach to trafficking is empty and meaningless if it does not place at the very core the voice and agency of trafficked and migrant women. This in effect implies, at the very least, acknowledging that women are the architects of their own future and know best what kind of a structure they would like to live in. We understand that this fundamental acknowledgment is the foundation block to centring the rights of trafficked and migrant women.

As researchers and activists, so long as we persist in denying migrant and trafficked women agency, intelligence and decision-making abilities, they will be routinely imaged and used as mute victims similar to the cut-out paper

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doll image which serves as the “ventriloquist’s dummy” through which others can assert their moral and political agendas.* Such a move to create a dummy might imply that collective histories of migrants have been colonised, and perceptions have been distorted by historical and contemporary narratives written by researchers who have sojourned among migrant women, be they sex workers, domestic workers or others, but who have displayed little insight into their realities and subjectivities.

If the migrant women’s voices are to be heard and heeded, then a sharper analytical perspective needs to be employed which goes beyond the template prescribed by the UN standards and even the human rights discourse. Through this research, an attempt has been made to frame analysis through the postcolonial lens to examine how subjects are constructed in legal and anti-trafficking discourses including the human rights discourse. In part, the tendency to readily assign an unequivocal victim identity to trafficked women could be seen to stem from the human rights discourse, which sees trafficked women as victims of gross human rights violations. For some, redress in narrow human rights terms might mean providing protection and assistance to the victims of the crime.

Migrant women, who might also be trafficked, combine multiple identities. They experience victimisation during the moment of their trafficking, but as migrants they continue to be agents, devising resistive strategies individually or collectively as subaltern subjects. Factored into their consciousness and identities is the global divide along lines of nationality, citizenship, religion, class, caste and race. Evicted from their own landscape due to a host of reasons, the transnational migrant subjects are constant visitors to a vanished geography but there is no break in their memories or experiences, and more importantly, in their perceptions. These transnational global citizens and resistive subjects carrying with them their postcolonial angst are anything but victims. Hence, tools of the postcolonial analytical framework which better encapsulates the multi-tiered realities, subjectivities and identities of this migrant subject, need to be actively brought and employed to the anti-trafficking terrain in order to fully ‘centre’ the migrant and trafficked woman in all her complexity. Further research at the regional level would reveal the complexities of competing discourses and agendas, and would better inform initiatives at the level of advocacy and programmes for GAATW and its network members.

A key question confronting us at the larger level is: how might we challenge the dominant agenda of globalisation and the disempowering role it ascribes to marginalised women, workers and communities? There is somehow a tacit acceptance across a broad spectrum of political opinion that there is no alternative to the dominant script of globalisation which ruthlessly fosters forces of market economy and undermines the power of states, communities and individuals. This larger question is not merely an intellectual one. It sits right at the core of any anti-trafficking, pro-migrants’ rights agenda. The empowerment of migrant women to move and work safely and with dignity entails grappling with this bigger question. And yet, could it be that a key factor that obliges many to conclude that there is no alternative to the imperatives of the market is the *a priori* assumption that existing social and economic relations and the political structures sustained by these relations cannot be dislodged and are therefore, sacrosanct? To further our understanding and practical engagement in the context of migration and labour frameworks, GAATW has initiated the move to forge stronger partnerships with migrants and labour rights advocates. These partnerships need to be strengthened. We do believe that our work on trafficking can also enrich the analysis and engagement of these groups.

GAATW has had a fairly substantial history of active engagement with various dimensions of anti-trafficking work, globally. The very genesis of GAATW lay in the acknowledgment of the need to engage politically with the issue of human trafficking by stepping into the trafficking debate with new tools – *the language of human rights*. In

* The term “ventriloquist’s dummy” is used by Anne McClintock to describe the politics around sex work in the introduction to a special section on sex trade in *Social Text*, no. 37, 1993.

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1984 when GAATW was launched, the dominant discourse on trafficking centred a ‘charity and welfare’ approach which emerged largely from a moralistic-protectionist agenda towards women and girls in the sex industry. Trafficking was equated singularly with prostitution, and the only strategy to stop trafficking was to abolish prostitution and ‘send the women and girls home’ or to enhance their skills by teaching them to sew or make jams and pickles.

GAATW entered the anti-trafficking discourse as a critical player and contributed to shifting the terms of anti-trafficking engagement as well as the anti-trafficking paradigm by introducing the tools of the human rights framework. Over the years, the organisation and its members have advocated: de-linking trafficking from prostitution by introducing the notion of forced prostitution as one of the purposes of trafficking; distinguishing trafficking from migration, irregular migration, and smuggling, while underscoring that trafficking cannot be seen outside of the migration context; expanding the definition of trafficking by representing it as a process and a cycle; expanding the outcomes of trafficking to include in addition to sexual exploitation, labour exploitation, forced labour, slavery-like practices and forced marriage; acknowledging that marginalised groups such as sex workers and undocumented migrants have suffered particular harms as a result of the deployment of the dominant anti-trafficking framework which has been routinely used to control and criminalise sex workers and irregular migrants; and acknowledging that anti-trafficking groups need to make strategic linkages with networks and organisations that represent migrants, sex workers, labour unions, and groups that challenge the dominant frameworks of globalisation and trade liberalisation. The Palermo Protocol or the UN Trafficking Protocol, which came into force in January 2004, carries a definition of trafficking which owes much of its complexities to the advocacy led and steered by GAATW at the global level. This advocacy was based upon the Global Report prepared by GAATW in conjunction with STV (Foundation Against Trafficking in Women) on precisely analysing and expanding the definition of trafficking.

GAATW’s journey has been long, sometimes difficult, but always meaningful. The lessons we have learnt have been invaluable. Our contribution to the struggle for the rights of migrant women by addressing the harm of trafficking has been based on these learnings. With this publication we are honoured to share once again our research findings with our allies and readers.

Dr Jyoti Sanghera

GAATW Board Member