

*Andrea Marie Bertone*

## ***Sexual Trafficking in Women: International Political Economy and the Politics of Sex***

A recent manifestation of the North/South, East/West political-economic divide is the international sex trade in women, of which trafficking in women for purposes of sexual employment is a large subset. Trafficking in humans in general, and women in particular, has taken center stage in many nation-states as an issue of a threat to national security and societal cohesion. This article explores some of the basic facts about trafficking and spotlights it as a truly global phenomenon, with its contemporary origins in the international capitalist market system. Furthermore, it argues that the international political economy of sex not only includes the supply side—the women of the third world, the poor states, or exotic Asian women—but it cannot maintain itself without the demand from the organizers of the trade—the men from industrialized and developing countries. The patriarchal world system hungers for and sustains the international subculture of docile women from underdeveloped nations.

### **Trafficking in Humans**

In 1999, the international trafficking of individuals—men, women, and children—has become a major focus of academics, policymakers, human rights groups, and non-governmental organizations, as well as international governmental organizations. For example, Associated Press and Reuters closely followed events unfolding during the summer of 1999 on the west coast of Canada where, after making a grueling several-week long trip in the cargo holds of two different ships, hundreds of illegal Chinese were abandoned by their traffickers. When asked, the migrants all tell a similar story: they paid someone else to provide passage to a destination, or worse, they established an IOU with the trafficker and then they entered into a situation of debt bondage in the new country. The transaction is often exploitative, but many times “voluntary.”

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Desperate economic refugees will often pay anywhere from five thousand to thirty thousand dollars for transportation, many times in inhumane conditions and in unsafe vessels. This is the business of trafficking in humans and it is proliferating world wide at a phenomenal rate. The United Nations estimates that as many as 4 million people are smuggled into foreign countries each year, generating up to \$7 billion annually in illicit profits for criminal syndicates (Caldwell, 1997). There is no guarantee for people who have given their life savings to a trafficker that they will arrive at their destination without being caught, and they may even lose their lives. Governments feel obligated to tighten their external borders. They are not only faced with problems of how to handle the migrants, but they also have to try to prosecute the traffickers as well. It appears that the tighter the borders become, the greater number of people take the risk trying to enter them. It is a difficult situation for both migrants and the receiving countries.

One of the major reasons why men and women choose, or are persuaded by others, to leave their country of origin and migrate is economic. The majority of the thousands who are making the trip across the Mediterranean from Africa and the Middle East, and from the Pacific to the west coast of North America, are in search of a better life for themselves and their families, and are considered economic migrants. Disparities in the wealth of countries and the growing trend of globalization throughout the world is part of the explanation for people's desire to work in a country where they can earn many times more than they could have earned if they had stayed home. However, one of the most insidious and exploitative aspects of the trafficking in humans is the trafficking and buying of women to work in sexualized employment in other countries.

### **International Trafficking in Girls and Women**

A recent manifestation of the North/South, East/West political-economic divide is the international sex trade in women. Sex tourism, mail order brides, prostitution in brothels, pornography, and militarized sexual services are examples of this market. Trafficking in women is a large subset of the business in which women are coerced, enslaved, kidnapped, tortured, or raped in order to sexually service men for the profit of others (Raghu, 1997, p. 145). Trafficking in girls and women is one form of migrant trafficking, but one that has special characteristics. Trafficking in women for purposes of sexual employment can involve situations in which the woman is aware of the circumstances before she travels. However, it also involves situations in which a girl and/or woman is kidnapped for purposes of trafficking, or sold into prostitution or forced marriage, and therefore it is not considered voluntary.

The definition of trafficking and the exploitation and prostitution of others is set out in articles 1 and 2 of the 1949 Convention for the Suppression on the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Convention refers to actions at both the national and international levels. Since 1949, the concept of trafficking has been extended to include trafficking for the purpose of other forms of exploitation of women. The wider view of trafficking is reflected in the Beijing Declaration and Platform for Action, which also includes forced marriages and forced labor ([www.unifem.undp.org](http://www.unifem.undp.org)). The International Organization for Migration (IOM), a Geneva-based Inter-governmental organization, states that trafficking occurs when: "a migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national or across international borders; [or when] intermediaries (traffickers) during any part of this process obtain economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate the fundamental human rights of migrants" (IOM, 1999). It also includes those cases where the woman is aware of the nature of the work at the point of leaving but on arrival finds herself in a situation where her fundamental human rights and freedoms are violated (Qweb Sweden, 1999).

Another compelling definition of the international traffic in women "includes any situation where women or girls cannot change the immediate conditions of their existence; where, regardless of how they got into those conditions; they cannot get out (without grave consequence); and where they are subject to sexual violence and exploitation. The prime conditions for trafficking arise when developing nations commence the transformation of their economies (Raghu, 1997, p. 145)." Rapid economic industrialization in formerly undeveloped countries and regions, coupled with historical structures at the societal level which support the demoralization and subordination of women, are the primary facilitators of the sex trade in Southeast Asia, especially Thailand and Malaysia.

### **An International Political Economy of Sex**

The study of international political economy attempts to clarify the complexity of relations throughout the world. Industrial capitalism has emerged as the most favored economic system, though the ways in which it is manifested through political bodies, such as the nation-state, differs greatly throughout the world. Any theory of politics or economics separately cannot hope to explain or understand the interstices of human interaction. The trafficking in women is a perversion of the interaction of politics and economics and it proves globalization to be a process by which humans may be commodified in the most base and demoralizing ways. It is widely agreed that the contemporary, international sex trade has its roots in the international political economy of

the capitalist, world market (Enloe, 1989; Pettman, 1996; Raghu, 1997; Skrobanek et al., 1997). The international political economy of sex not only includes the supply side—the women of the third world, the poor states, or exotic Asian women—but it cannot maintain itself without the demand from the organizers of the trade—the men from industrialized and developing countries. The patriarchal world system hungers for and sustains the international subculture of docile women from underdeveloped nations. The women themselves, who are forced or lured into the trade, believe that providing international sexual services and sex tourism outfits is the acceptable order of things. The men accept this world order as well, regardless of their background.

## **The Politics and Consequences of Trafficking in Women**

### *Networks*

Although trafficking in women for the purposes of sexual services is not a new global phenomenon, the networks of international prostitution rings have proliferated enormously in the last ten years. The Geneva-based International Organization for Migration (IOM) has stated that as many as 500,000 women are annually trafficked into Western Europe alone. The primary reasons for this are the international spread of capitalism, the growing gap between rich and poor countries, the increasing demand for it in industrialized countries, and the changing roles of the woman as independent from her family and/or as the primary, family breadwinner. Sex trafficking is a large scale, highly organized and profitable international business venture transcending state borders and nationalities of women who supply the commodity of sex and of men who demand it. Through networks of traffickers, women are transported from Asia, Southeast Asia, the former Soviet Union, Latin America, and Africa to Western Europe, North America, Australia, and Japan.

There are three different kinds of networks of trafficking in women which Mr. Marco Gramagna, an official of the IOM, has identified. The large-scale network has political and economic international contacts in both the countries of origin and destination. Women are recruited in a variety of seemingly legal ways as au pairs or language students. The medium scale networks specialize in trafficking women from one specific country. The small-scale network traffics one or two women at a time, whenever a club or brothel owner places an order through contacts. The contacts recruit the woman, accompany her to the country of destination, and deliver her to the club owner. It is apparent that the route and mode of transport used will depend on the location of the sending country (IOM, 1998).

Most often, little information gets back to the small villages from where these women have come. Either they come back and do not talk about their experiences

because they are afraid of being ostracized in their family, or they do not return because they are kept in situations of bondage. Therefore, those who are committed to taking concrete action to put an end to trafficking cannot reliably depend upon women to warn other women. The whole allure of traveling abroad will often win out to any rumors that women may have heard about other women overseas. Sometimes women will simply hear that there is much money to be made overseas.

Not only has international labor migration expanded dramatically in recent decades, but there are clear patterns of migration and avenues where people from certain states or regions send most of their migrants to other states or areas. It is a commonly recognized phenomenon in the study of international migration. There are many implications for this kind of migration. Unless we are referring to traditional countries of immigration (United States, Australia, Canada), many times when a pattern of labor migration grows between two places, the country of destination will operate under the assumption that the workers will return home after a certain amount of time. This political and social position is naive on the part of host countries. National policies have not reflected the growing number of migrant laborers who may decide to stay in the host country, thereby possibly encouraging the delayed rights of certain peoples. This is most notable in countries of Western Europe where the "guest worker" programs of the 1960s and 1970s resulted in the permanent settlement of millions of men and women from North Africa and the Middle East, much to the chagrin of the political and social establishments.

Because of the illegal nature of sex trafficking, girls and women may or may not be sending home remittances to family. If they are not, it is difficult for them to return home because of the social stigma that prostitutes have. If they have contracted HIV or other sexually transmitted diseases, they will no longer be able to work due to the illness and may be sterile from their disease. Nevertheless, certain regions are more dependent than others on those remittances.

Prostitution has existed for thousands of years in many different societies. However, South and Southeast Asia are one of the original areas of the world where sexualized work and sex trafficking developed. For example, Thailand's sex tourism can be traced back through local forms of prostitution and concubinage, and colonial sex trading. Its scope and numbers dramatically changed in the face of another international process, militarization, linked especially to the use of Bangkok for rest and relaxation during the Vietnam War (Pettman, 1996a, p. 200; Lim, 1998).

Militarized prostitution developed around the huge foreign military bases like those which were until recently in the Philippines. Militarized prostitution is seen as providing for the sexual needs of the soldier, rationalized in different ways as "boys will be boys," maintaining morale and rewarding long, overseas service. There has

been a well-documented history of international politics surrounding military prostitution, with colonial authorities and more recently commanders from the foreign military negotiating with local governments to procure sex for the soldiers while at the same time attempting to cause the least political impact and disruption (Enloe, 1993). Managing a military base is a foreign policy issue, a community relations issue, and a law and order issue. It is also a public health issue (Pettman, 1996a, p. 201). Asian governments have done little in the way of formalized actions to discourage the trafficking of its women. Historically they have looked the other way as more and more girls and women are being lured to the cities and abroad for sexualized employment.

There is also a growing traffic in "exotic" women from sex destination states to rich states, mainly Western but including Japan. The term "entertainers" is often a transit category or euphemism for prostitution. Some 286,000 Filipinas and some 50,000 Thai women entered Japan as entertainers between 1988 and 1992. They are particularly vulnerable as young women, in jobs that are sex related, who frequently become overstayers, in a country that is both largely unknown to them and where they are subjected to gendered, racialized stereotyping and treatment (David, 1992). This in turn affects labor migrants in more respectable jobs. For example, Filipino maids avoid the company of "entertainers" (David 1992 as quoted in Pettman, 1996b, p. 207).

According to Pettman, there are an estimated 200,000 Thai women in Western European brothels, and many more in other states. Often they are on temporary on tourist visas or they are overstayers, caught in the familiar binds of debt, poverty, violence, and control. These forms of traffic make the international/internal state distinction even more problematic.

After Asia, Eastern Europe and the former Soviet Union are extremely fast growing markets for young women. In fact, trafficking of women out of this area began so recently that almost no academic research has been conducted on it. Stories which surface about unfortunate women in uncompromising situations show up in newspaper articles in Western Europe and Canada and reports placed on the Internet by the IOM. Little is known about exactly how many women from Eastern Europe and the former Soviet Union are involved in this trade. Since the fall of Communism, criminal networks have flourished both in the trading of illegal drugs and weapons, and also in the trafficking of women to the Middle East and Western Europe. Economic desperation has superseded hope that conditions will improve because capitalism has been introduced.

Centered in Moscow and the Ukrainian capital, Kiev, the networks trafficking women run east to Japan and Thailand, where it is estimated that thousands of young

Slavic women now work against their will as prostitutes, and west to the Adriatic coast and beyond. The routes are controlled by Russian crime gangs based in Moscow. Even when they do not specifically move the women overseas, they provide security, logistical support, liaison with brothel owners in many countries, and false documents. Women often start their journey by choice. Seeking a better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home. The travel networks are often complicated. Women will respond to ads in the newspapers and are lured to Italy, Germany, Turkey, and Israel where promises are made of good jobs which simply do not exist. A study done by the Washington-based nonprofit group Global Survival Network found that police officials in many sending countries simply disregard evidence that the trafficking is taking place (Specter, 1998).

Israel is a common destination for the hundreds of thousands of women who leave Ukraine. Prostitution is not illegal and there is a great demand for sexual services. In Milan, Italy, the police broke up a ring that was holding auctions in which women abducted from the countries of the former Soviet Union were put on blocks, partially naked, and sold at an average price of just under \$1,000. Michael Platzer, head of operations for the UN's Center for Crime Prevention, Vienna, Austria, stated, "The Mafia is not stupid. There is less law enforcement since the Soviet Union fell apart and more freedom of movement. The earnings are incredible. The overhead is low—you do not have to buy cars or guns. Drugs you sell once and they are gone. Women can earn money for a long time. Laws help the gangsters." Prostitution is semi-legal in many places and that makes enforcement tricky. In most cases punishment is very light (Specter, 1998).

### *Consequences*

What are the consequences of trafficking in women? There is no doubt that the consequences of trafficking are grave for the women and countries involved. Mr. Gramegna of the IOM identified a number of consequences including a threat to orderly, legal migration and a growth in clandestine immigration. These can have serious implications for national sovereignty and relations between states, as well as internal political and economic consequences. Socially, trafficking can feed popular fear of uncontrolled borders and xenophobic sentiments. Security is put at risk by the growth in criminality that trafficking in women involves. Powerful networks are controlling the trade as the activity becomes ever more lucrative.

The gravity of the consequences for the individual cannot be overstated. These women face sexual abuse, with all the dangers of injury and severe health risks it entails. The women may be deprived of their documents and forced into a situation

of severe dependence, comparable to being a hostage (or a slave). They are often subject to violence by traffickers and clients alike, deprived of basic human rights and forced to live in unendurable conditions. Some women die as a direct result of abuse and exploitation by traffickers. The mental and emotional consequences for the victims can be as severe as and longer lasting than physical scars. For many, it is difficult to talk about the ordeal and impossible to return to normal life. In some countries, a woman may be ostracized from the community if it becomes known she has worked as a prostitute. Few trafficked women receive any counseling or rehabilitation assistance ([www.iom.ch/doc/trafficking](http://www.iom.ch/doc/trafficking)).

The lethal combination of poverty, powerlessness, and poor health is evident in the figures. Many prostitutes know little or nothing of AIDS, but even if they did they would be in no position to demand that their clients use condoms. The clients' fears of AIDS have had the apparent effect of sending them in search of younger and younger boys and girls. AIDS itself is very much a part of the international political economy of sex, demonstrating how permeable state borders and people's bodies are to certain kinds of international traffic. A different reading of AIDS as a threat to national security is made by Filipina feminist members of GABRIELA, who see American military men and foreign sex tourists as infecting the Philippines body politic, and invading national sovereignty. The impact of a politics of unequal trade and debt, World Bank conditionality, restructuring, and the government's search for hard currency is linked with a feminist analysis of patriarchy and the eroticization of women's bodies (Enloe, 1990a, p. 38; Pettman, 1996a, pp. 200-202).

### *Government Support*

The governments and the immigration services know that these kinds of categories exist, yet many look the other way when these women enter with forged documents. Until very recently, it could be said that Japan and other countries were de facto condoning the trade (Struck, 2000). For example, Japanese authorities have been aware that many Filipina women who enter Japan by Japanese airports will become part of the prostitution rings in the large cities and the officials do not question the women or deny their entry. They are inadvertently supporting the trade. However, there is a problem with the way that immigration officials "question" women who come through border crossings. Their human rights may be violated if officials are not trained to deal with such cases. The United States has been in cooperation with European Union officials, as well as officials in Eastern European countries, as to how to handle cases of women who they suspect are being trafficked. Interestingly, Canada in 1997 passed a new law which makes women who seek to enter the country as "entertainers" prove their profession in order to prevent women



from being trafficked into the country as prostitutes. This is one of the only laws of its kind and has been highly criticized by businesses in Canada.

If illegal migrants are discovered by the authorities, it is likely that the migrants will be treated as criminals and violations against their personal security are inevitable. The violations against women migrants who are trafficked from one country to another are even more egregious. Attempts made at the bilateral level to prevent the criminalization of trafficked women have not always been successful.

Unfortunately, the system fails those who testify. If a brothel gets raided in Israel, women without good false documents are taken to prison. If they are deported, the charges against them are dropped. But if a woman wants to file a complaint, she must stay in prison until a trial is held. Such punitive treatment of victims is the rule rather than the exception. In Italy, where the police say killings of women forced into prostitution average one a month, the Italian parliament tried to create a type of witness protection program. It only allowed women to stay in the country for one year and did nothing to hide their identities.

### **Arguments Against Sex Trafficking**

An important argument against the international trafficking of women is that placing women in bondage, and more specifically in sexual bondage in another country, is analogous to erasing one's identity and blurs the lines of where slavery begins and economics ends. At the beginning of this century the international recognition of the end of the slave trade ushered in a new era of economic and political structures and development. This slave trade has emerged again in the name of development and we must be very careful not to get seduced by its innocence. Because it is not being done on the massive scale that it once was, it is a practice that many choose to ignore. However, countries must learn that the enslavement of women in this way is not, in the long run, going to help their economies because it has been proven that educating women and integrating them into the mainstream work force can greatly increase a country's chances of economic, political, and social success.

Even though this trade is economically profitable on a short-term basis, I argue that this trade will have grave consequences for the future economy, social structure, and political advancements of the countries that rely heavily upon the remittances from this sex trade. It has grave consequences economically because it is a form of slavery and slavery was deemed an ineffective means of economic service. Eventually it does not provide the gain one would hope because nothing is being produced. Women's bodies are nonrenewable resources in the world market. It is detrimental to the social structure because it keeps women in economic and social bondage. Uneducated, psychologically and physically battered women have

little to contribute to the future of a family or a country. Politically, a country will be affected because there are stigmas in the international community for countries that are involved in this trade. Despite the ineffectiveness of the international conventions in combating the problem of trafficking in women, the fact that they exist shows at least a political concern for this problem. The use of large numbers of women for a sex-based economy deprives the nation of vital human resources for more mainstream venues of economic development. This should be a particular concern in a country such as Thailand that has an adult population with comparatively low levels of education but a rapidly increasing demand for an educated and skilled labor force (United Nations Development Fund for Women).

The trafficking in women can be likened to a modern day slave trade where the search for cheap immigrant undocumented workers never ends in large industrialized nations. Sasha Lewis in her book, *Slave Trade Today*, identifies the modern day slave trade to be the herding of illegal immigrants to places where work is needed in mass amounts and where natives of the country are not willing to do the work. Although Lewis focuses on the immigrant movement from Mexico to the United States, it is possible to recognize similarities between the trafficking of men and women as cheap labor and trafficking in women as prostitutes. In both categories, these people are smuggled illegally to a place where they are promised a job and when they arrive they find that the situation is almost always not what they expected. They are forced to work and when they ask for food, they are told that it is paid for from their salary. They are placed in indentured servitude and told that they must pay off the debt from their transportation before they can be paid. Since they are undocumented, they have little recourse with authorities against their enslaver. They most likely cannot speak the language of the country. Fear of being found can be the worst kind of prison.

### **Measures Being Taken at the International Level to Combat the Sex Trade**

The existence of a growing number of international conventions and treaties is proof that the international community has recognized this as a major impediment for the future of women's economic, political, and social development, as well as on development. Probably the largest misconception by industrializing countries whose sex trade is large is that the persistence of such a trade is actually helping the economy.

UNIFEM has prepared a list of strategies used by government agencies and NGOs, and the international community, to combat trafficking in women.

(1) The prevention of trafficking through the legal and criminal system, training of law enforcement officers; (2) The control and suppression of prostitution

through the legal system; (3) The rescue and rehabilitation for women and girl victims of trafficking; (4) The protection for and awareness-raising among women and girls to prevent trafficking; (5) The demand reduction through advocacy to raise public awareness, particularly in relation to forced and child prostitution and other measures; (6) The supply reduction by advocacy and awareness-raising among parents and guardians; (7) The supply reduction through the provision of alternative employment and income-earning opportunities for women and girls; and (8) The supply reduction through campaigns targeting parents on the long-term advantages of girls' education (United Nations Development Fund for Women).

An historic agreement to combat trafficking in women was signed between the governments of the Philippines and Belgium on September 15, 1994. Prompted by an expose of the massive sexual exploitation of women from developing countries to Europe, this first bilateral agreement opposing the global sex trade in women commits significant government resources to legal initiatives and programs of research, education, and social services on the trafficking and prostitution of women. The accord is also a result of years of feminist organizing—especially by women's groups in the Philippines—against sexual exploitation and trafficking ([www.uri.edu](http://www.uri.edu)).

The International Organization for Migration has also identified a number of measures that could be taken to eliminate the trafficking of women: (1) The attitude when formulating policy and programs to combat this problem must be one of truly international cooperation. Sending countries do not always have the same interest in preventing trafficking in women as the destination countries. Remittances sent home by trafficked women and financial gains from "sex tourism" could be the reasons for this. (2) Initiation of development assistance targeted at women in sending countries is surely the most effective way to eradicate the problem of trafficking in women for sexual exploitation. (3) Information campaigns to warn potential victims, the general public and involved officials of the hazards and consequences of trafficking should be promoted at all levels. (4) Tighter entry controls and tougher legislation against trafficking need to be considered. Entry controls may only have a limited effect, given the many "legal" ways to bring women into a country. However, a country should seriously rethink the existence of such visa categories as "entertainers" or "dancers." Trafficking laws and penalties need to be toughened to deter traffickers; presently they are almost trivial compared to drug trafficking laws. (5) Increased police action by establishing special units to deal with human trafficking. (6) Extending care and assistance to trafficked women who have been sexually exploited. These women have been physically and mentally abused and they should be treated as victims and not as criminals. This may involve the granting of temporary residence permits and providing medical care and housing. An effective system

of support for these women should be considered by European Union countries, which will involve return assistance and counseling. NGOs can play a leading role in these endeavors (IOM, 1999).

On October 4-5, 1996, a conference took place in Budapest, Hungary to discuss the problems of trafficking in women, specifically to, from, and through Hungary. Representatives from women's groups, government offices, NGOs, universities, human rights groups, immigration organizations, embassies, and trade unions throughout Eastern, Central, and Western Europe came together to address a previously undiscussed issue in Hungary. Since 1989, the number of cases of trafficking in women reported in Western European countries has grown at an alarming rate and an increasing proportion of the victims of this trade are women from Central and Eastern Europe. At the same time, the Central European countries have become target countries for women trafficked from countries further east, such as those of the former Soviet Union. The Central European Countries are used as transit countries by traffickers who transport women from the CIS countries to Western Europe (IOM, 1999).

The International Workshop on Trafficking in Women To and From Central and Eastern Europe was sponsored by the International Organization for Migration and the Global Alliance Against Trafficking in Women, GAATW, an NGO based in Thailand. By broadcasting the findings and the discussions of the Workshop on the main Hungarian TV channel, BBC World Service, Romanian radio, Ukrainian radio, Russian radio, Slovak radio, and Hungarian radio, and publishing them in several Hungarian daily newspapers, the workshop achieved one of its objectives which was to raise public awareness in the region about the rise in trafficking in women (IOM, 1999).

Hungary is a destination country, sending country, and transit country in regards to trafficking in women. Apparently minors, ages 14 to 18 are trafficked from neighboring eastern countries to Hungary. The Ministry of Justice and the Ministry of the Interior in Hungary are discussing whether to introduce a new law which would more precisely define the crime of trafficking in persons, since at present it is very difficult to bring a case of trafficking in women to the courts. An example of how Hungarian authorities have tried to cooperate with their neighbors in preventing trafficking is the collaboration of the Hungarian police with the Ukrainian police. However, the women were victimized as a result of this collaboration. On one occasion in agreement with Ukrainian police, the Hungarians raided several sex clubs and arrested the Ukrainian women. These women were expelled and taken to the frontier where some were beaten by the border guards on arrival in the Ukraine. Lenke Feher of the Hungarian Academy of Sciences expressed some skepticism

about the proposed new changes in prostitution policy in Hungary, and argued that the new policy is mainly aimed at protecting the community by reducing the visibility of prostitution by restricting it to designated areas, and is completely ignoring the problem of migrant women trafficked for prostitution.

Proof that the international community recognizes these situations and will not tolerate them, at least formally, is the existence of international conventions which outlaw trafficking in women; recognize that it is a violation of human rights treaties; outlaws prostitution; and outlaws slavery or servitude. However, Toepfer and Wells argue that international treaty law which addresses global trafficking in women lacks legal force. Like much of international law legal instruments are difficult to enforce because they are qualified by reservations that eliminate the binding effects of these treaties and they are left to be implemented by obscure committees in the UN bureaucracy (Toepfer and Wells, 1997, p. 91). One of the problems in regard to trafficking is that alien smuggling is not a crime in many countries. Moreover, in countries where it is a crime, it is often a minor offense without sufficient penalties to serve as a deterrent. Even where fines and prison terms are imposed, the substantial profits to be made frequently override the potential risks.

A number of countries have recently increased the penalties for trafficking. In Canada, for example, in February 1993, the fine of Can \$10,000 for a conviction for trafficking was increased to Can \$100,000, or a term of imprisonment not exceeding 5 years, or both. For persons organizing or attempting to organize the illegal entry of groups of 10 or more undocumented migrants, Canada established a penalty of up to Can \$500,000 or a term of imprisonment not exceeding 10 years, or both. In the United States, the 1996 crime bill made the smuggling of aliens into the country punishable by a term of 10 years in prison, doubling the previous sentence; if anyone is injured during the act of smuggling, the penalty is increased to 20 years; if an incidence of smuggling results in death, the penalty is death or life imprisonment. In the United Kingdom, facilitation of illegal entry carries a penalty of up to 7 years imprisonment and a fine. In Italy, a group of three or more persons who for profit bring illegal aliens into Italian territory is liable for imprisonment for up to 6 years (article 3, paragraph 8, of the Martelli Law of 1991; United Nations, 1998, p. 220).

A problem regarding alien smuggling is that in most countries of the European Union it is a criminal offense to smuggle a person into the country, but not to smuggle a person out of the country into a third country. A smuggler can be prosecuted if he is found on the actual territory of a country where smuggling is illegal, but if the smuggler does not leave his or her home country, he or she cannot be prosecuted by another country. Given the fact that the fight against immigration crime is no longer a national, but rather an international task, there is growing awareness that there is a

need for the international application and harmonization of penal measures (United Nations, 1998, p. 220).

In 1988, the Dutch government adopted a unique practice that granted temporary residence permits for victims of trafficking. The Dutch Aliens Law states that the mere suspicion of trafficking is sufficient for a woman to be granted a stay of deportation while she determines whether or not to testify against the criminal networks that brought her into the country, or forced her into abusive and illegal working conditions. Her deportation proceedings will be postponed for the duration of the judicial proceedings and during the period of the trial, she is also entitled to social security benefits, safe shelters, legal, medical, and psychological assistance. The Dutch Attorney General has expanded the criminal definition of prostitution to facilitate prosecution of traffickers. The definition now covers the use of violence, or the threat of violence to coerce a woman into prostitution (Caldwell, 1997).

Many legal codes around the world, as well as the 1949 Convention for the Suppression of the Traffic in Persons, neglect the critical element of force, violence, or coercion when defining the crimes surrounding prostitution and trafficking. By formulating a new crime which specifically criminalizes the violence or coercion used by individuals to force women into prostitution, the Dutch law fills an important gap.

Early international conventions distinguished between prostitution as a personal choice and slavery-like prostitution due to coercion or traffic in persons. They banned the international traffic in persons but regarded prostitution as a human rights violation only if it involved overt coercion or exploitation. Successive international instruments which embodied this approach, such as the United Nations International Convention for the Suppression of the White Slave Traffic (1910), and the International Convention for the Suppression of the Traffic of Women and Children (1921), were increasingly criticized for failing to acknowledge and confront the less visible forms of coercion—economic, cultural, social, or psychological—which have pushed women into prostitution. There have since been moves for the international instrument, prostitution as a human rights violation. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others declared, for the first time in an international instrument, prostitution and the traffic in persons to be “incompatible with the dignity and worth of the human person and [to] endanger the welfare of the individual, family and the community” and made no distinction between forced and voluntary prostitution. The Convention views a prostitute as victim; it does not recognize the right of an individual to choose to work as a prostitute (Lim, 1998, p. 15).

Other more recent international instruments also emphasize the human rights dimension. The 1979 Convention on the Elimination of All Forms of Discrimina-

tion Against Women directs states parties to "take all appropriate measure, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." The 1989 Convention on the rights of the Child has several provisions against the commercial sexual exploitation of children. The Platform for Action adopted by the Fourth World Conference on Women in 1995 calls specifically for action to "strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism" (United Nations, 1996, paragraph 230).

## **Conclusion**

The OECD published a study in 1994 that outlined the patterns of labor market participation of women in the OECD countries. Although the study does not specifically address the trafficking of women in the international labor market, it does make recommendations for the general improvement of the situation of women in both national and international employment opportunities. The women on which they focus are those in industrialized countries, but the recommendations could apply to women in underdeveloped countries as well. The study argues that the smooth functioning of OECD societies and their supporting economies in the 1990s and beyond depends on recognizing women as principle economic actors and enabling them to realize their untapped potential. It challenges the traditional assumption that equity and efficiency are mutually exclusive outcomes that have to be traded off against each other. Women are not a problem for the economy. On the contrary, the solution to economic problems depends on enhancing women's economic role. Women are the key resource that is currently under-utilized, both quantitatively and qualitatively. The report stresses that meeting the twin goals of equity and efficiency requires significant changes to the "system." Those changes represent a major structural adjustment challenge (OECD, 1994, p. 17).

Structural change, according to the report, is a global and dynamic process that profoundly modifies economies and societies. The outcomes of the interactions among economic, technical, social, and political changes is what defines structural change. Social transformation is as important as economic management in the adjustment process. Women's opportunities to influence the adjustment process have so far been minimal and their share in the benefits brought by structural change has been limited. Empowering women to become active agents shaping structural change requires a redefinition of the inter-relationships between the social, economic, and

political factors that currently inhibit women's participation and life choices. It means applying a new perspective to the causes of inequality (OECD, 1994, p. 18).

The world is undeniably shaped by a patriarchal structure. The combination of persistent patriarchy and rapid economic expansion places women in great disadvantage to their male counterparts in endeavors of labor migration. If industrialized countries have a problem with inequality, the problem is magnified in underdeveloped countries where poverty is the norm, education levels are low, and people are driven to find ways to better their economic situation. Allowing women equal access to education will reduce their tendency to choose gendered employment because as skilled laborers, they can contribute to a stronger national economy and improve the ability of the country to compete on a more equal footing with industrialized countries. Even if women, once educated, decide to migrate for economic reasons, their personal security will increase and they will contribute to bettering the perception of women, in general, and the country from which they came, in particular. However, all of these positive changes are contingent on changing the patriarchal structure in underdeveloped countries. This does not necessarily mean that the structure should or will become matriarchal, but that the men will understand the import of women's education and will not encourage women to be farmed into dangerous work situations where they will be at risk of their life and well-being.

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