

# **International Efforts Against Sex Trafficking:**

**Human Rights Treaties, the  
UN Trafficking Protocol, and  
the Focus on Demand**

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# **Coalition Against Trafficking in Women**



**The Coalition  
Against  
Trafficking in  
Women is an  
international NGO,  
with consultative  
status to the UN's  
ECOSOC.**



Women and girls rescued from a brothel

**Since 1988, the Coalition has worked against trafficking and related forms of commercial sexual exploitation of women and girls as practices of violence against women and as severe violations of human rights.**



Anti-trafficking poster from Eastern Europe. It reads, "They are not toys."

**The Coalition conducts research into trafficking; advocates for legislation on the local, national, regional, and international levels; and supports education and victim services projects in Asia, Africa, Latin America, and Europe.**



**The Coalition includes the Coalition Asia-Pacific, based in Manila, the Philippines; the Coalition Africa, based in Bamako, Mali; the Coalition Latin America, based in Mexico City, and the Coalition Europe, based in Paris.**

**Olesea went to Turkey to become a bartender. Instead, she was forced into prostitution. Photo by Mimi Chakarova, special to the Chronicle**



# Trafficking Overview

- Each year 4 million people are trafficked; 2 million girls between age 5 and 15 brought into the sex industry (UN).
- Each year 17,500 trafficked into the U.S.
- Trafficking generates \$19 billion annually (Interpol).
- These statistics do not include practices of “disguised trafficking,” like the internet bride trade.
- Between 9,500 to 14,500 internet brides are brought into the U.S. each year

## Trafficking Overview (cont'd)

- Sex tourism: Reverse of sex trafficking.
- The demand travels to poor countries, primarily in the South and East.
- Facilitated by the Internet.
- \$1 billion-dollar a year business.

## Trafficking is a Gender-Based Violation of Human Rights

- The vast majority of trafficking victims, as many as 80%, are women and girls.
- Of these, the majority (the State Dept. estimates 70%), are trafficked for purposes of sexual exploitation.
- Women and girls trafficked for labor exploitation frequently encounter and endure sexual violence.
- Trafficking is facilitated by, manifests, and promotes, gender-based discrimination.



# Experiencing trafficking: Four women's stories

- Raya from South Asia
- Katerina from Eastern Europe
- Belen from South America
- Rosa from the Caribbean

## International Human Rights Treaties that Address Human Trafficking

- Trafficking is not a recent phenomenon.
- Abolitionists in the last two centuries challenged both race-based and sex slavery.
- Decades of organizing and activism bore fruit in five UN Human Rights Conventions: from the Convention Against Slavery (1926) to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others ("the 1949 Convention").

# The 1949 Convention

- Requires States Parties to penalize all those who traffic in persons or exploit the prostitution of persons.
- Prohibits countries from regulating prostitution or subjecting prostituted people to registration or any other administrative controls.
- Includes measures to prevent trafficking and prostitution and to protect and assist victims.
- Requires States Parties to eliminate all penalties against trafficked and prostituted people.

# The 1949 Convention

- Has been ratified by 73 countries.
- Establishes important human rights norm but has weak enforcement mechanisms.
- Understands trafficking and prostitution as severe violations of human rights:  
“Prostitution and the accompanying evil of the traffic in persons are incompatible with the dignity and worth of the human person. . . .”
- Serves as a model for state and regional legislation.

# **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

- Seeks to eradicate gender-based discrimination by setting basic international standards for the treatment of women.
- Adopted by the United Nations in December 1979.
- Ratified by 169 countries.

# The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- Conceptualizes trafficking in women and exploitation of the prostitution of women as practices of severe gender inequality.
- Article 6 of the CEDAW Convention directs States Parties to: “take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women.”



# **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

- Monitored, implemented, and enforced by the CEDAW Committee.
- The Committee criticizes governments that fail to prevent trafficking and prostitution of women, to prosecute traffickers and exploiters, and to protect victims of trafficking and prostitution.

# The Convention on the Rights of the Child

Its Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography requires States Parties to ensure that their criminal laws prohibit and punish:

- Offering, delivering or accepting, by whatever means, a child for the purpose of . . . engagement of the child in forced labor;
- Offering, obtaining, procuring or providing a child for child prostitution; or
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing . . . child pornography.

# Trafficking Defined: What is Trafficking?



**The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, contains the first internationally agreed upon definition of human trafficking.**

# Trafficking Defined



After a failed attempt to escape to Brazil, Dilaver Bojku, the suspected leader of a sex-trafficking ring in Macedonia is escorted by special police officers in Macedonia.

“Trafficking in persons” is 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,

# Trafficking Defined



**...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...**

# Trafficking Defined



This Vietnamese woman was sentenced to 15 years for sex trafficking of underage girls in Cambodia.

**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**



# Trafficking Defined



Women rescued in brothels in Indian cities line up to identify an alleged trafficker at a shelter in Nepal.

**The consent of a victim of trafficking to the intended exploitation ... shall be irrelevant where any of the means set forth in [above] have been used.**

# Trafficking Defined



A victim of child trafficking breaks into tears upon arriving at Manila's port from the central Philippines. Youngsters continue to be recruited for child labor and abused because their parents need money.

**The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set [above]. "Child" shall mean any person under eighteen years of age.**

## **The Trafficking Protocol to the UN Convention Against Transnational Organized Crime (the "Palermo Protocol")**

- **Prioritizes trafficking in women and children.**
- **Criminalizes trafficking.**
- **Provides assistance & protection to victims.**
- **Seeks to prevent trafficking through international cooperation and information sharing.**

## **The Trafficking Protocol to the UN Convention Against Transnational Organized Crime (the “Palermo Protocol”)**

- The Protocol’s definition of trafficking does not require movement of the victim across borders, international or otherwise.
- “Trafficking is just as much trafficking when it occurs in the victim’s own home village, town, or city.. . . Domestic trafficking is as serious a human rights violation as international trafficking” (Dr. Sigma Huda).

# Debate over the Definition

- The original draft definition limited trafficking to situations involving force, fraud, or coercion. Consent to trafficking was a defense.
- This definition was advocated for by the U.S., the Netherlands, and Germany.
- It mirrored the definition of “severe forms of trafficking” in the U.S. Trafficking Victims Protection Act (TVPA).
- Many countries in the global South and East and feminist human rights NGOs, including CATW, Equality Now, and the European Women’s Lobby, objected to this limited definition.

## **Position of CATW and other feminist and abolitionist NGOs**

- The requirements of the draft definition would be difficult to establish, unduly burdening prosecutors.
- They would create a loophole by which traffickers could escape prosecution.
- They would leave women and girls driven into sexual and/or labor exploitation by poverty and other social forces with no remedies against pimps and other exploiters.



# Resolution of the Debate

- The outcome was a compromise that added “abuse of power or of a position of vulnerability” to requirements of coercion, abduction, fraud, and deception.
- Consent to trafficking, when any of these means are used, is not a defense.

# The Trafficking Protocol: Time Line

- November 2000: adopted by the United Nations General Assembly
- December 2000: signed by 125 countries, including the U.S.
- December 2003: the Trafficking Protocol entered into force
- October 2005: the U.S. became the 90<sup>th</sup> country to ratify both the UN Convention and the Trafficking Protocol
- End of October 2005: 94 governments had ratified the Trafficking Protocol.

# Sex Trafficking and Demand

- The demand of prostitution buyers for commercial sex with “exotic,” unconditionally available young women and girls provides the economic incentive for international sex trafficking.
- There is growing consensus that addressing demand is key to the prevention of trafficking.

# Sex Trafficking and Demand

- Article 9.5 of the Trafficking Protocol calls upon States Parties to take or strengthen legislative or other measures to discourage demand.
- In its most recent session (2/06), the CEDAW Committee urged States Parties to develop “strategies to discourage the demand for prostitution and prevent women and girls from entering prostitution.”

# Sex Trafficking and Demand

- In October 2004 the UN Commission on Human Rights created the new position of Special Rapporteur on Trafficking in Persons.
- Sigma Huda, a Bangladeshi human rights lawyer and women's rights advocate, was appointed on October 2004.
- In her first report, she called for action against the buyers of sexual services "since it is the demand for sexual exploitation that promotes trafficking."

# Sex Trafficking and Demand

- In her most recent report (2/06), “Integration of the Human Rights of Women and a Gender Perspective,” the Special Rapporteur expands her analysis of trafficking and demand.
- Her first key point is that most prostituted women and girls are victims of sex trafficking.

# Sex Trafficking and Demand

- “For the most part, prostitution . . . usually does satisfy the elements of [the Protocol’s definition of] trafficking. It is rare that one finds a case in which the path to prostitution . . . [does] not involve, at the very least, an abuse of power and or an abuse of vulnerability.
- Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity, and poverty.”

# Sex Trafficking and Demand

- The Special Rapporteur questions whether “states parties with legalized prostitution industries . . . are not simply perpetuating widespread and systematic trafficking:
- As current conditions throughout the world attest, states parties that maintain legalized prostitution are far from satisfying this obligation.”



# Sex Trafficking, Gender Violence, and Demand

- “The prostitute user is simultaneously both the demand creator and . . . part of the trafficking chain.”
- The prostitute user is . . . inflicting an additional and substantial harm to the trafficking victim, tantamount to rape.”

# Sex trafficking, Racism, and Demand

- “Some prostitute-users actively seek prostituted women and children of different [races and ethnicities] for the purpose of exploiting these power disparities, engaging in a ‘highly sexualised form of racism.’
- . . . Women and girls oppressed on the basis of race, nationality, caste and/or colour are especially vulnerable to sexual exploitation.
- Prostitute users often abuse this vulnerability and, in so doing, abuse their own position of relative social power over trafficked persons.”

# Sex Trafficking and Demand

“Demand is both a local and a global problem. It is global in the sense that it drives international sex trafficking and violates fundamental human rights. . . . Yet it is local in the sense that it is happening everywhere—in our own villages, towns, cities—mostly carried out by men who are part of the core fabric of our local communities.”

# **Demand and Legalization: the “Dutch Approach”**

- Directs criminal sanctions against traffickers using force and coercion.
- Legalizes prostitution and regulates it as work.
- Based on the belief that legalization will curtail trafficking, child prostitution, and organized crime.

# Demand and Legalization: The Dutch Reality

- Since legalization in 2000, only 4% of prostituted people in the Netherlands have registered as “sex workers.”
- Whereas in 1960, 95% of prostituted people in Holland were Dutch, currently 80% are immigrants.
- 70% of prostituted people in the Netherlands are undocumented.

# Demand and Legalization: The Dutch Reality

- ChildRight reports that the number of prostituted children in Holland has increased from 4,000 children in 1996 to 15,000 in 2001, 5,000 of whom are immigrants.
- The Dutch gov't reaps more than \$1 billion annually in tax revenue from prostitution.
- Over the last decade, the Dutch sex industry has grown by 25%.

# Demand and Legalization

- Germany legalized its sex industry in 2002.
- An estimated 3 million fans will attend the World Cup in Germany this summer.
- To meet their demand for prostitution, a 3,000 meter mega brothel has been built next to the soccer stadium in Berlin to accommodate 650 male buyers.
- Wooden “sex huts” have been built in football field-sized fenced in areas.
- An estimated 40,000 women and girls, mostly from Central and Eastern Europe, will be trafficked into Germany to meet the demand.

# Sweden's Approach

- In the mid 1990's, the government of Sweden faced a challenge.
- Bordering Eastern Europe, Sweden had become a major destination point for young women and girls who, in rapidly escalating numbers, were being trafficked across its borders and into its local brothels and strip clubs.



# Sweden's Approach

- Sweden realized that supply was only part of the problem.
- Of equal importance was demand--created by Swedish men whose buying of women's and children's bodies made trafficking into Sweden profitable for traffickers.
- Sweden concluded that along with the traffickers, buyers should be held accountable and sanctioned.

# Sweden's Approach

- In 1999 Sweden enacted laws against violence against women to combat trafficking.
- The laws eliminated criminal penalties against prostituted people and funded services; directed strong penalties against pimps, brothel owners, and traffickers; and required the arrest and prosecution of buyers.
- At the same time, Sweden initiated an intensive public education campaign against demand for trafficking.

# Sweden's Approach

- The result was a decline in sex trafficking into Sweden.
- The danger of prosecution coupled with diminished demand made Sweden unfriendly territory for traffickers.
- The Swedish model has influenced other jurisdictions.
- In 2003 the Philippines passed legislation against “any person who buys or engages the services of a trafficked person.”

# Sweden's Approach

Deputy Prime Minister Margareta Winberg:

“Sweden recognizes that full gender equality . . . cannot be brought about as long as a subclass of women and children are victims of prostitution and trafficking.

To do otherwise is to allow for the exclusion of a separate class of women, especially those who are economically and racially marginalized, from the universal protection of human dignity enshrined in international human rights instruments.”

# For more information about the Coalition and human trafficking

International:

[www.catwinternational.org](http://www.catwinternational.org)

Asia-Pacific:

[www.catw-ap.org](http://www.catw-ap.org)

Australia:

[www.catwa.com](http://www.catwa.com)