



CANADA'S PERIODICAL ON REFUGEES REFUGE

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NEW CARGO: THE GLOBAL BUSINESS OF TRAFFICKING IN WOMEN

Introduction

Marilou McPhedran

By the time you read the current issue of *Refuge*, much of the effort implicit in the reams of email, Internet searches, international courier deliveries, and good old-fashioned editing will have disappeared within these pages. It has been a privilege and a pleasure to work on this issue. I have been immeasurably supported by many, but special appreciation must go to those who volunteered so much time and expertise to see this project through: Stefanie Gude, my assistant editor, and Kelly Mannix, Emma Rhodes, Ayesha Shamim, and Peter Madaka. We have learned so much from our contributors—they have been generous with their knowledge and tenacious in their commitment to justice.

I first had the idea of doing this special issue of *Refuge* while attending an excellent international workshop, co-sponsored by the Office of the United Nations High Commissioner for Refugees Resettlement Section with Citizenship and Immigration Canada, entitled "Evolving Approaches to the Protection of Women at Risk." Several participants from various countries articulated concerns about the limited nature of exist-

ing definitions of the terms "refugee" and "women at risk." As the discussion developed, it seemed to me that economic forces were being cited, more often than the forces of war, as being responsible for the production of refu-

gees. Indeed, the fledgling "women at risk" refugee programs, originating in Canada and now operating in Australia, New Zealand and the United States, were designed to save women in danger, and yet are failing to protect

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many of the women refugees who are "at risk," primarily due to gender.

The discussion of how "genuine" refugees are created underscored for me the ways in which attribution to "forces of war" can obfuscate an understanding of how larger, deeper forces impel the desperate quest for economic and social rights. It is this quest which sustains trafficking in persons as a sophisticated multinational trading enterprise.

As the UN Working Group on Contemporary Forms of Slavery has observed,

the same families and groups of people are often victims of several kinds of modern slavery—for example, bonded labour, forced labour, child labour or prostitution—with extreme poverty as a common linking factor.¹

Slavery is predicated on the commodification of human beings; hence, "New Cargo" as the title of this issue. Sadly, the title reflects an age-old practice, currently abetted by modern technology, transportation, and the global economy.

In the lead article, anthropologist/filmmaker David Feingold analyzes the economic and social forces that cause women to live at risk of being trafficked, and the systems that sustain the industry of trafficking. Many of the ensuing articles in this issue do not read like typical academic essays, because they have not been written by academics. Much meaningful work on trafficking is being done by people linked with universities, who are also connected to "on the ground" organizations and the individuals involved with the daily reality of those being trafficked. These are the voices—from Bangladesh, Canada, Ghana, Guatemala, Israel, Japan, Nepal, Thailand, and Ukraine—that we have tried to bring to this issue. For example, the article from Nepal illustrates some of the direct action strategies being implemented at the local level to counter trafficking, and notes the concern that, as their living conditions worsen, young Bhutanese refugee women living in Nepal are "next" as targets for trafficking profiteers. Around the world,

the majority of refugees are female and the majority of those trafficked are female.

I hope that you will be moved by some of what you read here, and I hope that you will be enraged. Since the majority of *Refuge* readers are located in North America, I also hope that you will use this issue of *Refuge* as a resource guide for action. Please note the excellent online bibliography prepared by Kelly Mannix and Ayesha Ahamim, my associates at the International Women's Rights Project of the York University Centre for Feminist Research. You can have access from your home to support work being done in other countries, as well as your own.

Influenced by my legal training, I found myself asking how trafficking fits within the context of the United Nations treaty system, and whether or not international law is of any use in countering the contemporary form of this lucrative trade, in which the majority of those trafficked are female. The Fourth World Conference on Women in Beijing in 1995 ended two decades of United Nations conferences aimed at developing strategic priorities in the quest for women's equality. Obligations to stop trafficking have been part of the earliest United Nations precedents in international human rights law. Many of the leaders in this field, well represented herein by the thoughtful points of Ali Miller, advocate for more effective use of the laws we already have. When combined and given effect, these laws can serve as a "comprehensive bill of rights of women and girls."²

Although the Geneva Conventions³ did address trafficking some fifty years ago, more recent conventions and treaties have been better informed by gender analysis. With appreciation to Donna Sullivan, UNIFEM and UNICEF, here are some examples of the links between strategic objectives in the Beijing Platform for Action adopted by the Fourth World Conference on Women in 1995 (which is *not* a legal instrument) and related United Nations legislation:⁴

The ratification and enforcement of international conventions on trafficking in persons and on slavery is a

key aspect of the strategic objective in the Beijing Platform for Action,⁵ to "promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination Against Women."⁶

The 1993 World Conference on Human Rights generated the Vienna Declaration, which

appeals to states that have not already done so to accede to the Geneva Conventions of 12 August 1949 and the Protocols thereto, and to take all appropriate national measures, including legislative ones, for their full implementation.⁷

Participants at the Vienna conference also urged the Commission on the Status of Women and the Committee on the Elimination of All Forms of Discrimination Against Women to "quickly examine the possibility of introducing the rights of petition through the preparation of an optional protocol" to the Women's Convention, CEDAW.⁸ The value of an optional protocol as a key strategy in the struggle against trafficking is explained in more detail in my concluding interview with Ali Miller.

Article 6 of CEDAW, the "Women's Convention," calls for "all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution in women," while Article 35 of the Convention on the Rights of the Child requires the commitment of States Parties "to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form."

There is ample evidence to demonstrate that preventive measures taken by governments are less than comprehensive. As a result, assistance to the victims of trafficking is a necessary response. Article 19 of the 1949 Convention obligates States Parties to make suitable provisions for the "temporary care and maintenance" of trafficking victims "so far as possible," to repatriate them "only after agreement... with the State of destination," and to bear the

costs of repatriation for victims without the means, "as far as the nearest frontier or port of embarkation or airport..."

The Vienna Declaration and Program for Action calls on States Parties 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, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children.⁹

The Declaration on the Elimination of Violence Against Women¹⁰ identifies trafficking as a manifestation of violence, calling on states to take preventive and rehabilitative action. Similar statements exist in the Programs and Plans of Action from the International Conference on Population and Development,¹¹ the Fourth World Conference on Women,¹² the World Summit for Social Development,¹³ and Habitat-Istanbul.¹⁴

As an international community, we are not lacking in laws that address the global business of trafficking and the resulting damage to human beings. As the articles in this issue will illustrate, there is no further need for "head office" diplomacy or drafting of new legal instruments. It is time for an implementation of the human rights principles that abound in the United Nations treaty system, for protection of those who have been trafficked, and for punishment of the traffickers and the purchasers. ■

Notes

1. UN Working Group on Contemporary Forms of Slavery, "Contemporary Forms of Slavery," *Human Rights Fact Sheet*, no. 14 (Geneva: United Nations Centre for Human Rights, 1991), 2.
2. Introduction, *Commitments to Rights: A Cross-Reference Guide to the Human Rights of Women* (1998, UNIFEM and UNICEF) distributed by Women, Ink. 777 United Nations Plaza, 3d Floor, NY, NY 10017 USA.

3. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others requires States Parties to punish any person who: "[p]rocures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person" (Article 1(1)); "[e]xploits the prostitution of another person, even with the consent of that person" Art. 1(2); "who [k]eeps or manages, or [k]nowingly finances or takes part in the financing of a brothel" (Article 2(1)).
4. Sullivan, Donna, *Commitments to Rights: A Cross-Reference Guide to the Human Rights of Women* (1998, UNIFEM and UNICEF) distributed by Women, Ink. 777 United Nations Plaza, 3d Floor, NY, NY 10017 USA.
5. Paragraph 130 (a) Beijing Platform for Action adopted by the Fourth World Conference on Women, Beijing, 1995.
6. Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW) entered into force 3 September, 1981, ratified by 162 States as of November, 1998.
7. Section IIE, paragraph 93 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, Vienna, 1993.
8. Part IIB, paragraph 40, *ibid*.
9. Part IIB, paragraph 40 (n), *ibid*.
10. Article 4 (c, d, f, g).
11. Programme of Action adopted by the International Conference on Population and Development, Cairo, 1994.
12. FWCW-Beijing 1995, Paragraphs 107 (q), 125 (b, c) 126 (d) 130 (b, c, d).
13. Program of Action adopted by the World Summit for Social Development, Copenhagen, 1995, Chapter 1, 17 (b), Chapter 3, 63 (c, d), Chapter 4, 78 (a), 79 (k).
14. Second UN Conference on Human Settlements, Istanbul, 1996, Paragraph 123 (j). □

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Sex, Drugs and the IMF: Some Implications of “Structural Readjustment” for the Trade in Heroin, Girls and Women in the Upper Mekong Region

David A. Feingold

Abstract

A highly informed and detailed analysis of the intimate relationship between structural adjustment programs and the thriving drug and sex trade in the Upper Mekong Region of Thailand, providing additional perspective on illicit trafficking and trade in the larger Southeast Asian context. Attention is specifically drawn to the harsh and disproportional impact of IMF economic policies upon women and girls, also acknowledging the great importance of a wider understanding of international traffic in persons, in terms of migration problems and labour exploitation, rather than solely in relation to sex.

Précis

Une analyse très fouillée de la relation intime qui s'établit entre les programmes d'ajustement structureux et le florissant commerce de la drogue et des faveurs sexuelles dans la région du Haut Mékong en Thaïlande; ce commerce ayant comme principale caractéristique de fournir un aperçu complémentaire sur toutes les for-

mes de trafics illicite dans le contexte plus large de l'Asie du Sud-Est. Le caractère cru et disproportionné de l'impact des politiques économiques du F.M.I. sur la vie des femmes et des jeunes filles de la région est examiné avec une attention particulière. Il est aussi tenu compte de l'importance que revêt une compréhension plus large de la traite des blanches, nommément de par la description de la situation en termes de problèmes migratoires et d'exploitation de la force de travail, plutôt que strictement en termes de questions de nature sexuelle.

Introduction

The financial crisis, which began in Thailand, has tumbled economies throughout Asia. The strong (e.g., Japan) have been hurt; the weak (e.g., Indonesia, Burma/Myanmar) have been devastated. The prescription of the international community has been the “strong medicine” of “reforms” which have raised the prices of necessities, squeezed the agricultural sector, crunched credit, and slashed employment in countries with few social safety nets. Thailand—the travel brochures’ “Land of Smiles”—worries about its rising suicide rate. Television pictures of food riots and farm lootings in Indonesia and tearful Korean families leaving the children they can no longer feed in orphanages make manifest the deadly side-effects of the prescription. They tend to undermine the bland assurances of IMF bureaucrats, immune to criticism, that all will be well, if only democracy does not prevent leaders from “staying the course.” Even *Business Week* reported an Asian “social backlash,” and worried: “Economies are on the brink of depression—and the resulting popular rage could force leaders to pull back from reform.”¹

The irony of gray-suited Westerners jetting business class (at least) to Asia to

preach the virtues of belt-tightening, austerity and hard work to peasant farmers and displaced workers is hard to miss. Even before the Asian Crisis, the British economist Paul Ormerod noted:

Austerity and discipline are the hallmarks of the favoured policies of the IMF throughout the world, yet its own salary bill has risen by 38 percent in the last two years, and is budgeted to rise by a further 22 percent in 1994.²

In the face of the realities of Asia, other economists are coming to question the efficacy the “one for a man, two for a horse” patent medicine policy prescriptions of the IMF.³ Moreover, women and girls have been disproportionately impacted by these policies, raising questions both of equity and long-term social stability.

However, two important S.E. Asian industries are well-placed to benefit from the present economic policies. This paper will begin to explore the effects of these policies on the two industries which have shown themselves best able to respond to the changing conditions of the free market—commercial sex and illicit drugs. It will also explore the broader questions of the impact of development policies on the trade in women—particularly, minority women—in the Upper Mekong Region.⁴

The Upper Mekong Region

The Upper Mekong region has formed a coherent cultural, ecological and economic zone for centuries. Historical trade and migration networks have continued into the present. The opening of borders to tourism and trade in the region has increased the flow of populations across borders for trade (licit and illicit) and labour, with major implications for both the sex and drug industries and the epidemiology of HIV/AIDS. It is an area characterized

David A. Feingold, Ph.D., is a research anthropologist and filmmaker associated with the Ophidian Research Institute. He has recently completed a three-film project on land mines in Mozambique for UNICEF, and serves as a consultant on Culture and Communication for UNESCO/PROAP. He is also a consultant for the UNESCO research project on cultural factors in the transmission and prevention of HIV/AIDS, and serves on the UN Working Group on Trafficking.

This paper is part of a larger research study of the trade in minority girls and women from Yunnan, Burma (Myanmar) and Laos into Thailand. Research for this project is being conducted under grants from the John D. and Catherine T. MacArthur Foundation, the Else Sackler Foundation (two grants), and the Spunk Fund Inc. The project has received additional support from the United Nations Educational, Scientific and Cultural Organization (UNESCO).



by ethnic diversity, cultural pluralism and linguistic complexity. In Yunnan alone, with a population of 40 million people, there are 13 million minority people belonging to 26 ethnic groups. The lowland Lao are barely a majority in the Lao PDR. These minorities cross-cut political boundaries. For example, the Akha, a traditionally highland people, speaking a Tibeto-Burman language, are found in China, Burma, the Lao PDR, and Thailand. An Akha from Luang Namtha in Laos will communicate more easily and have more in common with another Akha from Chiangrai, Thailand than with a Lao two hours walk down the mountain.

There are a vast number of distinct languages from different language families. Many of these are unwritten languages with no indigenous scripts. While some have transcriptions developed by Western missionaries, these are frequently based on the Roman alphabet and not widely used. The Chinese have also developed transcriptions, but these are also not widespread. While there is considerable multilingualism even (or especially) among the non-literate people of the region, minority women are notably less likely to command either the national language or other minority languages. This means that they are less likely to be adapted to non-traditional employment, and less likely to have access to accurate information about the wider world. Therefore, highland women are particularly vulnerable to trafficked or non-trafficked sex work and to the related threat of HIV/AIDS.

The Upper Mekong region contains zones of high HIV infection and transmission, and areas vulnerable to explosive expansion of HIV/AIDS.⁵ At present, HIV/AIDS is a major threat to the economic and social viability of the region. In particular, it is a threat to the physical and cultural survival of the highland minorities. In Thailand, the HIV/AIDS epidemic first matured in the North. Of the cumulative AIDS cases, the largest proportion (36%) are in the provinces of the upper North, compared to 9.5 percent for Bangkok.⁶ In China, the Ministry of Health reports that the

first HIV/AIDS cases appeared in Yunnan in 1985 and that as of 1997, only Yunnan province has reported more than 1000 cases, mostly among minorities.⁷ In the Lao PDR, data are limited. It is clear, however, that the increase in tourism, the expansion of road networks connecting China, Vietnam and Thailand through Laos, poverty and proximity to high HIV/AIDS areas pose clear risks for an epidemic that the country is ill-equipped to combat. Just as the HIV/AIDS epidemic in Thailand moved from being an "IV Drug Use Epidemic" to being a "Sexual Epidemic," China is starting to experience a transition in primary mode of transmission from IV drug use to heterosexual intercourse. Political and social policies in Burma are working to guarantee an HIV/AIDS epidemic nearly without parallel in Southeast Asia.⁸

Women as Commodities: Traffic and Trade

To understand the structural underpinnings and implications of the flow of women into the Thai sex industry, it may be useful to distinguish conceptually between "traffic" and "trade." While there is no universally accepted definition of trafficking, the Global Alliance against Trafficking in Women (GAATW) has developed a pragmatic and effective one:

Trafficking in women: All acts involved in the recruitment and/or transportation of women within and across national borders for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion.

Under this definition, "trafficking" involves discrete and overt acts against women, which could, in theory, be identified and sanctioned. "Trade," on the other hand, is merely descriptive of the exchange involved in the entry into sex work, and makes no judgement about the cause or process of that entry. All trafficking is trade, but not all trade is trafficking. Economic, political, and social policies may promote or hinder either or both.

By any measures—and it must be recognized that those measures are woefully imprecise—the international traffick in persons is continuing a process of expansion, specialization, and differentiation that has grown exponentially over the last decade. Increasingly sophisticated networks have developed which rival illicit drug trafficking organizations in global reach, profits, and efficiency.⁹ In any smuggling operation, the size of the product determines the methods of transport. Unlike drugs, which are easily concealed, human beings are a fragile cargo that calls attention to itself. Therefore, from the point of view of the smuggler, corruption is nearly always less costly than concealment. Most trafficked persons are moved across international boundaries in more or less plain view. This means that corruption is an essential, rather than merely facilitative, part of the process. It may also mean that given the world-wide trend toward tighter immigration criteria and the drive to cut labour costs in the global market, the corruptive influences of the traffick in persons will exceed even that of the trade in illicit drugs.

While sexual trafficking certainly constitutes an important and profitable sub-sector of the international traffick in persons, it should be emphasized that most trafficking is for non-sexual forms of labour. Similarly, although the majority of those trafficked for sex are women and girls, the majority of trafficked women and girls are not trafficked for sex. Recently, more and more international attention, if little effective policy, has focused on the traffick in women.¹⁰ However, while specialized international organizations, such as the International Migration Organization (IMO) and the International Labor Organization (ILO), see trafficking in the larger context of migration problems or labour exploitation, most of the attention has focused on sex. This is understandable. As headline-grabbers, girls sold into sexual slavery in brothels are—topically—sexier than girls (and boys) working as near-slaves on tapioca plantations.

In a similar vein, the sexual trafficking of women and of children are often conflated as if they were the same phenomenon, to be addressed with the same remedies.¹¹ While such approaches may appear to provide useful rhetorical weapons for public mobilization, they often obscure more than they clarify. In the end, this helps neither the women, nor the children. For the international community, the linkage of trafficking to prostitution, sexual exploitation and coercion is more comfortable in the case of children because they are deemed innocent. Children (generally, those under eighteen) are defined by international treaty and much national law to be incapable of giving consent to engage in commercial sex;¹² hence, complex and disquieting (to most adults) questions of choice, agency, options and volition are subsumed.¹³ In contrast, while some women are coerced or deceived into sexual labour, many adult women choose sex work as a rational (not necessarily desirable) strategy for economic survival for themselves and their families.

Sex work is more highly rewarded than any occupation available to uneducated (and—in present conditions—even many educated) women. Even before the present crash, sex work was far better rewarded than alternative sectors. Fifteen years ago, earnings for what was called the “special service” sector in Thailand averaged 5,000 baht per month, while most female migrants in other occupations were earning less than 840 baht per month.¹⁴ In 1996, Kritiya and Phornsuk studied a sample of thirty-three women sex workers from Burma and China. The average monthly income was 5,008 baht, of which they were able to send home 1,283 baht. In contrast, other occupations (domestics, etc.) earned 1,957 baht per month and were able to remit 563 baht.¹⁵

The Current Crisis: Burst Bubbles and Faded Hopes

The period since July 1997 has been a time of major economic upheaval in Southeast Asia. The Thai baht—which was twenty to the dollar from 1961 until the early eighties and twenty-five to the

dollar until June of this year—fell as low as the mid-fifties to the dollar, before recovering to around thirty-seven to the dollar at present. Because of the large outstanding dollar denominated loans, it is unlikely that the present rate can be maintained. The demand for U.S. dollars to pay these loans will likely drive the baht still lower in the future, despite economic “reforms” imposed on Thailand by the IMF.

The fall in the currency, the collapse (or government closure) of shaky financial institutions, high interest rates and increased taxation imposed under the IMF agreement, as well as the higher cost of any imported goods have caused massive layoffs in a country that has only seen growth for more than a decade. The stories in newspapers have featured those called “The Formerly Rich” having garage sales for BMWs and Mercedes-Benz (Thailand was formerly the eighth largest market in the world for Mercedes-Benz), and the former investment banker who has started a sandwich street vending venture. However, while these stories sell newspapers and attract CNN, the more significant long-term dangers are the precipitous rise in gasoline prices and, even more telling, the increased cost of rice. As with the start of many economic crises, the distress of the rich in the capital is noticed, while the pain of the poor in the countryside is ignored.

It should be noted, however, that for the hill peoples of Thailand, the “boom” of the past decade has been something of a bust. For the highland minorities, the years of dramatic economic growth in Thailand were years of shrinking economic opportunities and increasing social dislocation. Without citizenship and without land tenure, the majority of the tribal population of Thailand was sinking, while much of the rest of the country prospered.¹⁶

The crash has affected Laos and Burma (Myanmar) as well as Thailand, but for quite different reasons and with quite different results. Half of Lao PDR (Peoples Democratic Republic) reserves are held in baht. Over the past year, the Lao kip has fallen from around 1,000 to the dollar before the crash, to 1,700 to the

dollar in April, to 2,600 to the dollar in August. At present, the rate stands at about 4,600 kip to the dollar. In addition, Thai investment in Laos has come to a virtual standstill. Yet, the Lao economy does not appear to have fallen as much as the Thai, at least partially, some suggest, because it did not have far to fall. Much of the countryside remains partially isolated from many of the market forces, which have penetrated even the most remote regions of Thailand. Many of the consumer imports, particularly in the North, come from China, and have not increased in price commensurate with the drop in value of the kip *vis-à-vis* the dollar. However, civil servants, the business sector, and the urban population in general are certainly being squeezed. In addition, many within the government are becoming less enchanted with the free market and the opening of Lao society in general. Many of the older, more conservative Party officials have always been suspicious of the expansion of economic, social and—most of all—political liberalization. As long as the trajectory of the economy was up, they were constrained by the apparent success of new, more open policies. The collapse of the “Asian Miracle,” however, has given new impetus to forces of repression that were always present.

If economic insularity and authoritarian rule were truly protective, Burma would be better off than any nation of the Southeast Asian mainland. In fact, what little national economic activity existed in Burma has virtually ground to a halt. One year ago last June, one dollar equalled about 100 Burmese kyat. By the end of June 1997, a dollar equalled around 200 kyat. In the middle of July, the price jumped from 200 to 340 in one day, and trading stopped. The rate recovered to about 280, where it remained until recently. (The present rate is well over 300.)

The reasons for the collapse and partial recovery of the kyat are complex and very different from that of the baht. Burma maintains a dual monetary system; printing both kyat—the national currency—and FEC (Foreign Exchange Certificates), denominated in dollars.

This gave the regime an effective license to print U.S. dollars, as long as people believed the myth. FECs were not backed by anything. To some extent, however, Burma's currency problems (if not her economy as a whole) have been helped by the collapse of much of the cross-border trade with Thailand. This has meant a lower demand for dollars to purchase trade goods.

Our most recent research along the China-Burma border shows a complete collapse of legitimate trade in the previously booming area of Ruili. What had formerly been a region of thriving cross-border exchange of raw materials from Burma for manufactured goods from China is now limited to narcotics and girls to supply this Chinese gambling centre. (Ruili is one of the few places in China where gambling is legal.) Some of the most important heroin factories in the world can be seen from China just across the border in Burma. Not surprisingly, drugs are easily available in this region of China, despite harsh penalties and great concern on the part of the national government. This is particularly significant in that, like Thailand, the HIV/AIDS epidemic in China started as an I.V. drug epidemic and is now turning into a sexual epidemic. Unaccompanied men are now coming from all over China to gamble in Ruili, using the sexual services of cross-border recruits, and returning home. Moreover, condom use is very low.

In human terms, the inflation of the Burmese kyat has turned a bad economy into an impossible one. A low-level civil servant is paid 700 kyat per month; a 10 kg bag of rice costs 1,100 kyat. This situation guarantees corruption and places impossible burdens on families, making daughters more vulnerable to migration to Thailand and China for sex work. The cost of girls in Ruili gives some measure of the economic desperation across the border: 10 rmb for a "low class" girl up to 50 rmb for a "high class" one. This is equivalent to about \$1.25 to \$6.25, respectively.

In addition, the collapse of much of the economic activity in Northern Thailand has severely restricted the alternative opportunities for migrant labour

fleeing the conditions in Burma. A case in point are the Shan girls and women who came to Chiang Mai seeking work on the many construction projects that flourished in that city. Today, these projects have come to a standstill—there is no construction work in Chiang Mai, for migrants or anybody else. A large number of Shans remain stranded, unable to find legitimate work, unable or unwilling to return home. These young women are particularly susceptible to recruitment into the sex industry, and their undocumented status makes them especially vulnerable to the worst types of exploitation.

The Sex Industry—Adaptation to Change

The long-term effects of the Asian economic collapse on the net consumption of sexual services are, as yet, unclear. At the top end of the market, a number of so-called "member clubs" have closed in Bangkok. These are expensive, more or less exclusive clubs, providing entertainment and indirect sexual services in "luxurious" surroundings. The women who work in them are chosen both for their beauty and for their ability to charm customers. They are extremely well paid, and few trafficked women ever work in these establishments. The member clubs, night clubs and bars that catered exclusively to Japanese have been particularly hard hit by the withdrawal by Japanese companies of many representatives working in Thailand. Moreover, those who have remained are entertaining less extravagantly than in the past. Club memberships were often paid for by companies as a job benefit for hard-working salary men abroad and as a place to entertain customers and government officials. In moves to trim costs, member clubs and golf clubs have all suffered.

However, less lavish entertainment complexes seem to be flourishing, and the most recent survey of sex workers by the STD Control Division of the Ministry of Public Health found no decrease in the number of CSWs since the start of the crisis (but no significant increase either).

The crash of the Thai baht, the hyperinflation of the Burmese kyat and the drop in the Lao kip are having profound effects on the regional economies of the Upper Mekong. It is not yet clear, however, what will be the effect on the economics of the regional sex industry in general, and on the participation of minority girls and women in particular? In the recent past, factories in Thailand have absorbed women (particularly from Northeast Thailand) who, in former times, supplied the sex trade. The recent economic meltdown and, more particularly, the policies designed to cope with it have resulted in widespread layoffs. These layoffs have disproportionately impacted women—not because the industries have been directly discriminatory, but because they are capital dependent during a credit crunch. If these Thai women are forced to take up sex work, it is unclear whether they will displace foreign and minority women, or bring down the price of services. Many will choose to follow earlier migrants to higher paying sex work in Switzerland, Germany, Canada, or Japan.¹⁷

Moreover, the increase in fighting along the Thai—Burma border has resulted in still greater population displacement and cross-border migration at precisely the time when Thailand sees itself as most threatened by migrant labour. Workers come from as far away as Myitkyina in Kachin State in the hopes of day labour in the fields, or, with luck, some more permanent job. Even though the work is hard and the pay low, a couple of days work will cover their travel costs and reap a profit greater than is available in Burma. Many of the women who come for agricultural or household work end up in sex work because the pay is far better and they are desperate to help their families.

I believe it is essential to investigate the impact of these and other economic changes on the structure and dynamics of the sex industry. In simple terms, is commercial sex a luxury or a commodity? Will people with less disposable income choose to continue their level of sexual consumption (it being one of the

few pleasures that they can still afford), cut down their consumption level, or move "down market" (i.e., frequent lower priced establishments)? Does commercial sex operate according some version of Say's Law of Markets; i.e., that supply generates its own demand? Given the importance of the sex industry to the Thai economy, these are not trivial questions. Any policy formulation which attempts to encompass the reality of the sex trade must address the underlying economic structure of that trade, as well as the dynamics of its adjustment to changing economic and social conditions.

Our research has found that the entry of girls into sex work involves a complex of interlocking networks—both formal and informal, commercial and non-commercial—criss-crossing borders throughout the Upper Mekong region. There is a flow of females moving north in one area; south in another. Tai Neu girls go into China, while Dai girls from the Sip Song Panna (Xishuangbanna) region of China travel down through Burma to Thailand. Some are actually kidnapped and/or sold; that is, "trafficked", in the traditional sense of the term. Others are victims of deception—promised restaurant, household or factory jobs, only to be lured or forced into sex work. Most, however, make "voluntary" choices to start their journeys, though these choices are often predicated upon harsh economic conditions at home and scant knowledge of the outside world. Research indicates that most are not so much fleeing abject poverty and political oppression (as in Burma), but chasing a better, more exciting life. Much of the impetus can be described as the lure of "bright lights, big city." Many of the girls believe that the streets of Thailand are "paved with gold;" that life is more exciting than in their villages; and that they will be part of a dominant population, instead of a minority as they are in China. Part of the "push factor" is the "to get rich is glorious" attitude that pervades China, in which rural people see themselves as shut out of the opportunities for material advancement. However they start out, in the course of their journey to

Thailand, the women frequently come to depend on one or more of these networks.

We have located the Luk Moo (Piglet) Network, who are responsible for about 50 percent of the girls and women smuggled into Thailand from Shan States, China and Laos to work in brothels. There are also other networks, such as the *Kabuankarn Loy Fah* ("Floating in the sky" Network) specializing in girls for restaurants and Karaoke bars. Much like illicit drug networks, each of these networks depends on financing and political protection to operate. Standard bribes must be paid to move girls across borders and through police checkpoints. Profit maximization dictates transporting girls through the fewest numbers of checkpoints. This is the great appeal of using the Mekong River.

The Piglet network has tried a variety of means to smuggle girls to supply to the brothels. Although the Mekong River transport has been halted, the Piglets have turned to overland trafficking routes through Tachilek (Burma) to Mae Sai (Thailand). From there, girls can be moved around the country, some are traded all the way to Malaysia. The Piglet financier never involves himself directly in trafficking. He assigns agents to work on his behalf, but if an agent is arrested by the police, the financier will intervene—using his political power to secure the agent's release.

Over the past eighteen months, changes have taken place, which have resulted in a movement from so-called direct sex work (brothels) to indirect sex work. This has resulted in better working conditions for the women in the North, but created more of a public health problem because of less control. Thailand is the only country in the region to bring its HIV infection rate under control. In Burma, Laos, and China, HIV infection rates are climbing, but in Thailand new infections have fallen dramatically in the last five years. (Of course, the number of AIDS cases is still increasing at a horrifying rate due to past HIV infections.) Even in Thailand, however, new threats are emerging because of the economic crisis. One cornerstone of the Thai public health success

has been the distribution of free condoms by the Ministry of Public Health. This program is now at risk because of budget cuts, and medical officials fear that it will not survive the year.

Illicit Investment: Growth and Survival through Sex and Drugs

In many parts of the world, illicit activities provide capital, both directly and indirectly, for legitimate investment. This becomes more significant in communities or countries lacking sufficient capital and credit mechanisms. It is most important, however, either in times of rapid economic expansion, where capital resources do not keep pace with perceived investment opportunities; or in times of severe contraction, when a credit crunch can cut off other sources of investment.

During the 1970s, the development of Northern Thailand was fuelled, not surprisingly, by the most important regional industry—opium production. Not only did most of Burma's massive production of opium (much of it converted to morphine base or heroin) pass through Thailand to the rest of the world, but also Thailand provided a safe, relatively stable environment for both direct and indirect investment of the profits derived from the trade.

For example, in Chiang Mai, some sixteen new hotels were built between 1977 and 1981. This is not to say that each and every hotel was financed and built by a local "opium warlord," handing over bags of cash in his shadowy incense-smoked lair. Rather, it is that the proceeds of the trade provided the necessary investment capital that was otherwise absent from the local economy. The banking systems—the modern, formal system as well as the traditional, informal ones—accumulated capital from the deposits of those involved directly or indirectly with the drug trade.¹⁸ To cite a case in point, General Li Wen Huan, the KMT general who arguably controlled more opium than anyone else in this century, was a valued customer of the Chiangmai branch of the Bangkok Bank of Commerce. Before a recent and scandalous collapse (not involving drug money),

the BBC was considered a quite respectable institution. Other "respectable" banks in Thailand—including some well-known international ones—have benefited from similar depositors.

At present, to the extent that one can speak of local investment in Burma, that investment derives from the opium trade and (more recently) the trade in amphetamines. Lo Hsing-han was a major opium trafficker who, in the early 1970s, joined a coalition of Shan revolutionary groups that offered to sell a third of the world's illicit opiates to the United States or the UN for about \$12 million. He was betrayed by his high-ranking contact within the Thai government of the time, who was afraid that Lo would reveal the details of a corrupt relationship that was vastly profitable to both sides. Arrested and returned to Burma to stand trial for a variety of political (but not narcotics) offences, most observers believed that it was unlikely Lo would see the light of day again. Today, he reportedly owns transport lines, the Traders Hotel in Rangoon (Yangon), as well as having numerous other hotel and banking investments. The U.S. State Department reported that 15 percent of all foreign investment in Burma goes through a company owned by Lo's relatives.¹⁹ The hotel business seems to have an appeal to many at the upper levels of the opium trade.²⁰

The major consequence of the capture of Lo Hsing-han was to allow the now well-known Khun Sa to capture control of much of the trade. The so-called "King of Opium" of the "Golden Triangle" combined revolutionary politics and business acumen to control and tax—but not own—a major portion of the opium production of Burma and to frustrate the flailing efforts of the U.S. government to capture him. Two decades of large rewards for his capture, support for his enemies and a Brooklyn indictment left Khun Sa quite unscathed, and demonstrated (yet again) the impotence of moral puffery as a substitute for effective socio-economic policy. Having negotiated a "surrender" to the Burmese army in January 1996, Khun Sa now lives in secluded

luxury in Rangoon under the protection of the military. Despite fervid protests and calls for extradition by the United States, Khun Sa has a variety of investments including transportation, hotels, and banking. It has also been alleged by some familiar with narcotics in the region that he continues his old interests in the drug trade through intermediaries—although in a diminished capacity. Such allegations have been firmly denied by the government of Myanmar. However, Burmese denials carry little credibility with Western governments such as Great Britain, which has accused the Myanmar regime of profiting directly from the drug trade.²¹

Mandalay in Burma shows the heavy investment of Chinese from the traditional opium region of Kokang, and the gambling centre of Ruili across the border in China has also profited from Kokang Chinese investment. This investment has attracted minority women from Burma to provide sexual services to Chinese men visiting Ruili for gambling, and these women, in turn, repatriate money to their families in Burma.

A study for the United Nations International Drug Control Program (UNDCP) concluded—no doubt with some embarrassment—that "the effects of the illicit drug industry on both the balance of trade and the balance of payments of the producer country ... tend to be positive."²² The study goes on to note that "under conditions of structural adjustment ...", "... foreign exchange from drug exports may have ... beneficial effects on the economies concerned, mitigating some of the hardship associated with structural adjustment programmes."²³ Much the same can be said for the sex industry.

It is estimated that sex is a \$22.5 to \$27 billion business in Thailand, or between 10 and 14 percent of GDP.²⁴ Just as sex and drugs can mitigate the hardships of structural adjustment, so structural adjustment can improve the comparative advantage of the sex and drug industries. It might be well to consider such unintended consequences when preaching development strategies to the rest of the world. ■

Notes

1. "Asia: Social Backlash," *Business Week*, 17 August 1998, 19.
2. P. Omerod, *The Death of Economics* (London: Faber & Faber, 1994), 3.
3. M. Feldstein, "Refocusing the IMF," *Foreign Affairs* (March/April 1998): 20–33.
4. For the purposes of this paper, the Upper Mekong region includes Thailand, Burma (Myanmar), the Lao PDR, and Yunnan, China. It should be noted, however, that many of the cross-border issues discussed apply equally to Vietnam and Cambodia, as well. There is a steady flow of girls and women for sex work from Vietnam into Cambodia, from Cambodia into Thailand, from Vietnam into China, and from China into Vietnam. In one border town, Chinese men prefer Vietnamese girls, while Vietnamese men prefer Chinese girls.
5. J. Gray, "HIV/AIDS in The Hills: A Crisis Just Waiting to Happen," paper delivered to the 5th International Thai Studies Conference, SOAS, University of London, 1993.
6. Material on HIV/AIDS is derived from interviews with health officials and researchers in China, Thailand, Burma, and Laos, as well as UNAIDS.
7. China Ministry of Health and UN Theme Group on HIV/AIDS in China, *China Responds to AIDS: HIV/AIDS Situation Report and Needs Assessment*, Beijing, 1997.
8. C. Beyrer, *War in the Blood: Sex, Politics and AIDS in Southeast Asia* (Bangkok: White Lotus, 1998).
9. See, for example, recent television reports that the U.S. Justice Department cracked a ring that had smuggled over 12,000 people into the United States, who were forced to work in conditions of virtual servitude.
10. For a recent example, the Economic and Social Commission for Asia and the Pacific (ESCAP) hosted a Regional Conference on Trafficking in Women. Similar conferences have been convened over the last eighteen months by the Mekong Regional Law Centre, the ILO, and organizations in the Philippines, not to mention several major conferences and workshops in South Asia and Europe.
11. United Nations Children's Fund (UNICEF), *Children and Women in Myanmar: A Situation Analysis*, Rome (New York: UNICEF, 1995).
For example, in discussing the estimated 20,000 to 30,000 "girls" from Burma working in Thai brothels, this report states that "the majority are between 12 and 25 years old." (39, my emphasis)—a rather broad range when considering issues related to

- sex, and one that obscures more than it clarifies.
12. The *United Nations Convention on the Rights of the Child*, signed by every country except Somalia and the United States, defines "child" in Article 1 as "every human being below the age of 18 years unless under law applicable to the child, majority is attained earlier."

This seems quite straightforward. However, as Lim emphasizes in her survey of child prostitution, "There are various complications when applying this age criterion at the national and local level." (171) For examples from Indonesia and Malaysia, see:
L. L. Lim, "Child Prostitution," in *The Sex Sector: The economic and Social Bases of Prostitution in Southeast Asia*, edited by L. L. Lim (Geneva: ILO, 1998), 170–205.
 13. H. Montgomery, "Children, Prostitution, and Identity: A Case Study from a Tourist Resort in Thailand," in *Global Sex Workers: Rights, Resistance, and Redefinition*, edited by K. Kempadoo and J. Doezema (London: Routledge, 1998), 139–50.

Montgomery presents an important, empirically-based actor-centred critique of standard international discourse on child prostitution. As she states, "... despite the passion that child prostitution arouses, the children themselves have been largely silent. Many people are speaking in their name but very few people have listened to them and know who they are or how they perceive what they do" (p. 150).
 14. P. Tongudai, "Women, Migration and Employment—A Study of Migrant Workers in Bangkok" (Ph.D. dissertation, New York University, New York, 1982).
 15. P. Pongpaichit et al., *Guns, Girls, Gambling and Ganja: Thailand's Illegal Economy and Public Policy* (Chiangmai: Silkworm Books, 1998), 214 n. 5.
 16. For the relationship of the decline of the upland economy to the entry of highland women into the sex industry, see:
D. A. Feingold, "The Hell of Good Intentions: Some Preliminary Thoughts on Opium in the Political Ecology of the Trade in Girls and Women," in *South China and Mainland S.E. Asia: Cross Border Relations in the Post-Socialist Age*, edited by G. Evans (In press, 1997).
 17. S. Watanabe, "From Thailand to Japan: Migrant Sex Workers as Autonomous Subjects," in *Global Sex Workers: Rights, Resistance, and Redefinition*, edited by K. Kempadoo and J. Doezema (London: Routledge, 1998), 114–23.
 18. Both the overseas Chinese and the overseas Indian communities have maintained complex traditional banking systems for centuries, which have allowed the efficient transfer of funds and credit over long distances and across borders. These informal systems are virtually impenetrable to outsiders. However, it is known that the Chinese systems play an important role in drug trafficking and, it now appears, in the trade in women as well.
 19. *Bangkok Post*, 5 June 1997.
 20. During one of my interviews with Khun Sa, before he was expelled from his headquarters at Hin Tek in the mountains of Chiangrai Province in Northern Thailand some years ago, one of his men invited me to come and see "the lake." I pointed out that nearest lake was in Payao, a considerable distance away. He laughed, and explained that they were making a lake for the resort hotel they were going to build. Khun Sa later said that he wanted to stock the lake with fish—he had read that foreigners liked to go fishing—and wondered what he should call the hotel. We joked about "The Kingpin Hilton."
 21. British Foreign Secretary Robin Cook condemned Myanmar as "... one of the few governments in the world whose members are prepared to profit out of the drugs trade rather than seek to suppress the drugs trade," (*The Nation*, 3 September 1997).
 22. UNDCP, *Economic and Social Consequences of Drug Abuse and Illicit Trafficking*, UNDCP Technical Series #6, Vienna, 1997, 25.
 23. *Ibid.*, 26.
 24. L. L. Lim, "The Economic and Social Bases of Prostitution in Southeast Asia," in *The Sex Sector: The economic and Social Bases of Prostitution in Southeast Asia*, edited by L. L. Lim (Geneva: ILO, 1998), 10. □

Asylum: A Moral Dilemma

By W. Gunther Plaut

Toronto: York Lanes Press, ISBN 1-55014-239-9; 192 pages, indexed; \$19.90.

Every year the refugee landscape changes, but only in that more problems are added, fewer are solved, and all become constantly more urgent. Fuelled by the explosion of the world's population, the quest for asylum is one of the most pressing problems of our age. Refugee-receiving nations—located frequently, but by no means exclusively, in the Western world—have to respond to masses of humanity searching for new livable homes. Human compassion for these refugees can be found everywhere, but so can xenophobia and the desire to preserve one's nation, economic well being, and cultural integrity. The clash between these impulses represents one of the great dilemmas of our time and is the subject of Plaut's study. In exploring it, he provides a far-ranging inquiry into the human condition.

The book presents political, ethnic, philosophical, religious, and sociological arguments, and deals with some of the most troublesome and heartbreaking conflicts in the news.

Contents: *The Issues;* Questions Without Answers; Definitions; Religion, Natural Law, and Hospitality; A Look at History; Some Ethical Questions; Through the Lens of Sociobiology; Community and Individual; Contended Rights: To Leave, Return, Remain; *The Practice;* Refugees in Africa; Four Asian Lands; Glimpses of Europe and Central America; The North American Experience; The Sanctuary Movement; A Final Look; Bibliography; Index.

Asylum—A Moral Dilemma is simultaneously published in the United States by Praeger Publishers, and in Canada by York Lanes Press.

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Local Action to End Trafficking in Women in Nepal

An interview with Shanti Adhikari conducted by Stefanie Gude

Born in Nepal in 1961, Mrs. Shanti Adhikari has completed her B.A. in Economics and a graduate degree in Women's Studies at Kathmandu's Tribhuvan University. Currently, she acts as president of CWISH, Children and Women in Social Service and Human Rights, in addition to co-ordinating the Women's Section of the NGO Federation of Nepal. Mrs. Adhikari also represents her organization as an active member of AATWIN (the Alliance Against Trafficking in Women and Girls in Nepal).

Refuge asked Stefanie Gude, who recently returned to Canada from working in Kathmandu, Nepal, to interview Mrs. Adhikari, to provide important insight into the current state of trafficking in Nepal.

Stefanie Gude for Refuge: How would you describe the work of your organization?

Shanti Adhikari: CWISH strives to empower and improve the conditions of children and women who, due to forces of poverty, ignorance, and exploitation, are deprived of economic opportunities and social status—indeed, of their human rights. As well as working to stamp out trafficking, CWISH is teaching young children, many of whom work in tea shops and at other menial jobs, to read and write the Nepali language and script. This is for the purpose of enabling them to provide their families with assistance, by earning money outside of the home. CWISH has also been provided with a teacher and looms, to teach girls to weave. It is common practice for Kathmandu households to search the villages for young girls to work without wages in city homes. These girls are often badly housed, given few clothes and no opportunity for education. CWISH is training and educating such girls, as

Stefanie Gude has completed an honours degree in literature at McGill University and recently returned from living and working in Kathmandu, Nepal.

well as looking to open a hostel to make it possible for them to leave such homes. **Refuge:** How does AATWIN approach the struggle to end trafficking? What is its role as a lobby group in relation to SAARC (the South Asian Association for Regional Co-operation)?

Shanti Adhikari: AATWIN is a network of 17 organizations fighting against trafficking. It has carried out many advocacy, protest, and training programs. On the last Friday of each month, members of AATWIN wear black dresses or saris as one form of protest. Thousands of pamphlets have also been distributed, in a massive effort to educate the public about trafficking. AATWIN hopes to continue harnessing the energies of committed people and organizations dedicated to solving the problem of trafficking.

AATWIN is currently co-ordinating a concerted effort to inform the public in those regions where trafficking takes place. The communities in such regions are visited frequently, and women and girls receive information about methods of operation used by the traffickers, in the hopes of preventing contact altogether. Returnees from Indian brothels are questioned about their recruitment, and efforts are made to arrest and punish their abductors.

A campaign has been instituted throughout Nepal, orchestrating the sending of 200,000 letters to each SAARC head of state. The letters express the views of concerned Nepalese people about the trafficking of Nepalese citizens, and the lack of action by SAARC countries to prevent its occurrence. In 1996, a SAARC conference held in the Maldives addressed the subject, but none of the activities upon which that conference agreed have since been implemented. AATWIN presented its concerns again in June of this year, prompting an agreement by leaders to abolish trafficking in the region. The letter campaign has succeeded in drawing the attention of all SAARC heads of state to this major issue.

Refuge: Which socio-economic factors do you believe contribute to the trafficking of women and children in Nepal?

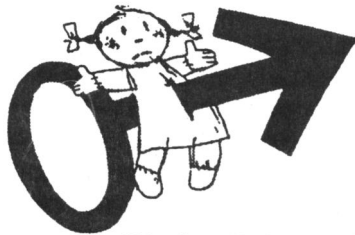
Shanti Adhikari: A lack of education on the part of villagers, lack of employment opportunities, and the lack of social status held by women and children. Many families are conscious of the decision to send their girls to Bombay, stepmothers and uncles often playing a significant role in sending the girls away. Some girls are lured by the chance to receive money. While few actually make money, many are beaten and abused.

**CWIN
(Child Workers in Nepal
Concerned Centre)**



Contact: Rabi Bhawan, P.O. Box 4374, Kathmandu, Nepal
Fax: (00 977 1) 278 016 **Email:** cwin@mos.com.np • cwin@voice.mos.com.np
Established in 1987, CWIN works to protect the rights of the child and to end exploitative child labour in Nepal. The main areas of concern include child labour, prostitution, and marriage, the trafficking of children, and children on the streets. Besides lobbying governments, and promoting public awareness and increased social consciousness, CWIN works directly with children, running programmes for the rescue and rehabilitation of children at risk. It has implemented street and community-based actions to provide shelter, food, health care, education, and skills training for such children.

In Kathmandu alone, there are over 200 brothels, crowded with minors. About 5,000 children under 16 years of age are involved in the sex business in Nepal. As far as the trafficking is concerned, the number of Nepalese girls forced into sex slavery in Indian brothels has reached nearly 200,000. Every year about 5,000 to 7,000 children are trafficked to Indian cities to be forced to work as prostitutes.



"She is called a prostitute. But that's not her name."

Large numbers of uneducated rural girls in Nepal are migrating to bigger cities in order to seek employment. Lured into urban areas by the promise of prosperity, a good job and a bright future, lots of them end up in the street where they easily fall into the sex industry. Some girls end up in carpet and garment factories, sometimes used as conduit points for trafficking girls to India. The girls are also themselves prone to drift into commercial sex as a means of surviving.

Reprinted with permission of CWIN.

For the most part, lower caste and casteless people are targeted, as they lack the close protection existing within higher caste families. There are some areas of Nepal in which prostitution is a woman's only means of earning money, and even the community accepts this.

Refuge: When and if trafficked women are returned to Nepal, what is life like for them? Is there any assistance available?

Shanti Adhikari: There are four organisations who travel to India and bring back the girls—Maiti Nepal, ABC, WOREC (The Women's Rehabilitation Centre), and CEWIN (Child Workers in Nepal). When the girls return, they are housed together and provided with

medical assistance, training, and rehabilitation. If possible, they return to their own homes and families. These girls would otherwise be left homeless, as the community does not normally accept them again. They are given skills training, such as weaving, sewing, woodcarving, and bamboo crafting. Some are able to attend literacy programs and awareness classes. Some have actually attained quite high levels of education prior to being taken and can return to high school to continue their studies. Those with individual talents are encouraged to pursue them.

Refuge: What kind of action do the region's leaders propose to take?

Shanti Adhikari: The Foreign Ministers in attendance at the latest SAARC summit have met again since then. At the SAARC summit to be held in Nepal next year, the host country plans to have all leaders sign a convention abolishing the trafficking of women and girls. AATWIN believes this convention will be signed, but may not be implemented by each country. AATWIN will be working to lobby and pressure governments, as well as individual parliamentarians.

Refuge: What are the consequences of trafficking in terms of HIV/AIDS?

Shanti Adhikari: The majority of girls tested are HIV positive. Very few have developed full-blown AIDS as yet, but hospices or hospitals will be a need in the future.

Refuge: What is most important to CWISH? to AATWIN?

Shanti Adhikari: The top priority of CWISH is to stop all girl trafficking, and to empower women and girls, to close the gap between the status of men and women in Nepalese society.

AATWIN's top priority is to abolish girl trafficking in Nepal by working closely with the SAARC countries, which have an effect on Nepal.

Refuge: What are the largest obstacles you face in trying to meet your goals?

Shanti Adhikari: With regards to trafficking, the main obstacle is Nepal's open border with India. We have 17 border crossings. Also, there are no strict punishments given to people involved in trafficking. There are minor laws in

place, but AATWIN is lobbying for stronger penalties.

Nepal's poverty is also an obstacle. Some of these girls actually return to India as they consider their chances of rehabilitation to be hopeless, and they prefer life in the brothel.

About 200,000 Nepali women and girls have been taken to India in the last 20 years. Twenty percent have been less than 16 years old.

Interviewer's note: Pratima Khadka, President of the Bhutan Women and Children Organization, in exile in Kathmandu, has expressed great concern regarding the tenuous situation of young Bhutanese women living in Nepal. Crowded by the hundreds into refugee camps, these girls lack adequate income and job opportunities. Demanding immediate repatriation of the thousands of Bhutanese forced into exile on the basis of their ethnicity, Mrs. Khadka points out that it is their vulnerability, living the precarious existence of refugees, that makes these girls likely targets for traffickers. ■

Good Tourism ...

**Respects the culture of the host nation*

**Operates in harmony with the environment*

**Defends the rights of children*

**Gives equal respect and recognition to all people, regardless of gender, race, physical handicap, religion or age*

**Portrays and promotes itself in a way which does not demean persons nor places*

**Ensures that the economic benefits of its activity reach to all sectors of society*

**Promotes positive values of peace and justice, harmony and understanding between peoples*

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The Internet and the Debasement of Women in Ghana

Kwabena Opere Akurang-Parry

Abstract

In the spring of 1998, a radio station in Ghana announced that sixteen Ghanaian women had appeared in the nude on the Internet. Widely discussed in the Ghanaian media, the public reaction to this event seemed to be largely one of shock and moral outrage. The article addresses both the responses to and possible causes of this phenomenon, drawing attention to the role of foreign influence and harsh economic conditions in Ghana. The patriarchal nature of the national debate is questioned, raising an alternative perspective on the reality currently faced by Ghanaian women.

Précis

Au printemps 1998, une station de radio du Ghana annonçait que seize ghanéennes avaient posé nues pour un site Internet. Amplement discutée dans les médias ghanéens, la réaction du public à cet événement semble avoir été le choc et l'outrage moral. L'article porte à la fois sur les causes de ce phénomène et sur la réponse dont il a fait l'objet. Il attire l'attention sur le rôle de l'influence étrangère et la dureté des conditions économiques au Ghana. Le ton très patriarcal du débat national sur cette question est pris en considération et suscite une mise en perspective nouvelle des réalités auxquelles font face les femmes ghanéennes.

On the morning of April 14, 1998, *Joy FM*, a popular morning radio talk show in Accra, the capital city of Ghana, announced that Ghanaian women had posed in the nude on the internet. This led to intense public discussions and commentary in both the independent and government-operated media. The

Kwabena Opere Akurang-Parry, a Post-Doctoral Research Fellow at the York University/ UNESCO Nigerian Hinterland Project in Toronto, is a Ghanaian historian and poet, specializing in colonial and contemporary Africa.

widespread discussion drew attention to local economic conditions, and to international tourism and "Westernism" as agencies of moral decline in contemporary Ghanaian society. The state of the Ghanaian women's movement was also called into question, as were concerns about how to best curb endemic gender inequalities and the sexual exploitation of women, at both national and international levels (Abu 1998, 11; Sam 1998, 1 and 6-7; Wereko 1998, 7).

The Phenomenon: Ghanaian Women Appearing in the Nude on the Internet

The women who appeared on the Internet included Africans and Asians, with Ghanaian women constituting sixty percent of the African presence. (*Free Press*, 22 April-28 April 1998, 1 and 12; Wereko 1998, 7). The media revealed that out of "300 girls of different nationalities ... only the Ghanaian girls posed naked" (Wereko 1998, 7), and that there were an additional 300 pictures of Ghanaian women on the Internet (Sam 1998, 6). The nude photos and corresponding names of the women were splashed on the front pages of the April 16th issue of *Graphic Showbiz*. Despite their criticism of *Graphic Showbiz*, other newspapers followed suit in publishing the nude pictures and corresponding names (*The Statesman*, 26 April 1998, 7). Indicative of the scale of the scandal was the fact that, in addition to detailed discussions in the newspapers and on the radio, the Ghanaian public was able to actually see the nude pictures (Wereko 1998, 7).

The Ghanaian women ranged in age from 16 to 30 years. Some of them were "highly educated ... having acquired university education, while the majority were either in school or had just completed secondary school" (Sam 1998, 6). The women stated on the Internet that they were "seeking men for good times,

long term relationships and even marriage" (ibid.). Responsible for the appearance of the Ghanaian women on the Internet was a syndicate operating out of Agona Swedru, a relatively remote area in the Central Region of Ghana, a location which may have facilitated the clandestine activities.

Response to the Phenomenon

The subject was publicly discussed, nation-wide (*The Statesman*, 26 April 1998, 7). People telephoned radio talk shows to register their "disgust" with the incident and its implications for Ghanaian women. Apart from the discussions in the media, involving both professors and politicians (Buor 1998, 3), Ghanaians freely discussed and debated the problem in public places—at the office, in the markets, on the bus. The general consensus seemed to be that contemporary Ghanaian society "is heading towards a stupendous moral crisis, which normally precedes the collapse of civilizations" (ibid.; see also Abu 1998, 11; and Wereko 1998, 7). Public opinion concluded that the Ghanaian women had gone beyond the boundaries of common decency and communal morality.

From the standpoint of the average Ghanaian, the appearance of the women on the Internet was a "scandal" of unimaginable proportions. The opinion of the moral majority was that the nudity of the Ghanaian women on the Internet had debased Ghanaian womanhood and disgraced the integrity of all Ghanaians (Buor 1998, 3; Abu 1998, 11; *The Statesman*, 26 April 1998, 7). Some observers and social commentators argued that Ghana was experiencing a crisis of morality, further exemplified by a spate of reports in the newspapers about the moral turpitude of Ghanaian youth, as well as observations that prostitution, rape and child molestation were on the increase (Wereko 1998, 7; Sam 1998, 1; and Buor 1998, 3). Others



attributed the scandal to a perceived crusading zeal, displayed by Ghanaians, to copy "Western" ways of life. The popular view was that the women's appearance in the nude was "un-Ghanaian." Many observers opined that the unbridled efforts of Ghanaians to abandon their culture and normative ways of life was responsible for the moral decay (Abu 1998, 11; Wereko 1998, 7).

In addition, popular opinion called for punitive measures to be instituted against the Ghanaian women and all others involved in the scandal, to act as deterrents. One commentator wrote that "all efforts should be made to apprehend and prosecute all those involved. If this is treated lightly, worse things will follow" (Abu 1998, 11). Another suggested the syndicate which had "lured" the women "should bear the brunt of the on-going investigation into the matter" (Wereko 1998, 7). While some observers believed that the Ghanaian women were unsuspecting (*ibid.*), others raised the issue of nudity as evidence of the low morality of the Ghanaian women involved (Abu 1998, 11; and Buor 1998, 3).

The appearance of the Ghanaian women on the Internet was also used to castigate women's groups in Ghana. In the opinion of political commentators, such groups are being used to serve the political needs of the ruling government, instead of working to implement meaningful policies geared towards alleviating the harsh conditions which affect Ghanaian women. Indeed, the effectiveness of the women's movement has been constrained by the control of male patriarchal political structures. Although Nana Konadu Agyeman Rawlings, the First Lady of Ghana, has been instrumental in organizing the women's movement (Novicki 1995, 52-54), in using the movement to amass support for her husband's political ambitions, she displays incontestable political motivation (Buor 1998, 3). Thus, it was her organization, the 31st December Women's Movement, which bore the brunt of the criticism. Political pundits jeered, suggesting women's groups had remained silent when their

voices were needed the most (Abu 1998, 11). The conclusion reached was that "apart from politically motivated demonstrations, women are a bit stale in organizing demonstrations to pressure for authorities to accede to their demands" (Buor 1998, 3).

The Causes

Although many theories were forwarded, foreign sexual predators and the international sex industry were pinpointed in the press commentaries and discourses as the most significant forces behind the emergence of trafficking in women on the Internet. Blame was attributed to "a syndicate based in Europe [that] has employed the enormous power of the internet to recruit children to promote sex tourism in some countries" (Wereko 1998, 7), raising concerns "related to the impetus the Internet is giving to sex tourism, particularly the incidence of child sex" (*ibid.*). The public discussions and social commentaries of the moral majority of Ghanaians delineated several major reasons for this conclusion.

Firstly, it was noted that Western currencies possess powerful buying power in Africa, enabling sexual predators from the West to flaunt their wealth, in a quest to attract women and children for sexual purposes. Secondly, the relatively lax administration of laws in Africa acts as a magnetic lure to foreign sexual predators (*Free Press*, 22 April-28 April 1998, 4). Sexual predators prefer to operate in foreign countries, where a cloud of anonymity facilitates their clandestine craft. Lastly, bureaucracies and social institutions in Africa are circumscribed by the cumbersome weight of a patriarchy which blames victims, mainly women and children, instead of the male perpetrators. Media discussion strongly suggests that women in the so-called Third World are vulnerable not only to local sexual exploitation and abuse, but are also left increasingly unprotected against global sex tourism and sexual exploitation via the internet (Sam 1998, 1 and 6-7; Wereko 1998, 7).

Furthermore, the public discussions and media commentaries proposed that

marriage was a crucial motivation for the Ghanaian women appearing on the Internet. Proof seemed to lie in the fact that the respective addresses of the Ghanaian women were "provided for a fee" (Sam 1998, 6-7; Wereko 1998, 7; and *Free Press*, 22 April-28 April 1998, 1 and 12). Also, ninety percent of the Ghanaian women stated that they were available for marriage or wanted to travel overseas. This raised the issue of a marriage of convenience, or the desire to "get rich quick." The contention exists that, in order to make money, "women who could be of dignity present their bodies nude on the Internet" (Buor 1998, 3). A government-run newspaper, *The Daily Graphic*, wrote that some foreigners armed with such knowledge "deliberately befriend" Ghanaian women in order to plunder them sexually (Wereko 1998, 7). Marriage of convenience is seen by some Ghanaian women as a means of gaining social mobility and of improving their lives in a foreign country. Arguably, "Aburokyere," or "the West," has an attractive gleam which transcends gender, class, ethnicity, and age. Many in the so-called Third World believe that migration to and life in the West offers renewed hope and an end to deprivation in their lives. While the Ghanaian women in question may not have understood the import of the Internet, they undoubtedly understood the link between that medium and the West.

Apart from social hardships and material deprivation, the "Hollywood" image created by the West to maintain cultural and economic hegemony has a powerful influence. It is this gleam which attracts people from the so-called Third World countries to the West, those who see this constructed paradise as a place where they will feel at home (Abu 1998, 11). Foreigners, as well as Ghanaian men living abroad, are seen as splendid means by which to access travel abroad, or as a way of making quick money at home. Although scientific data is lacking, a spate of stories abound about Ghanaian women who have been deceived and emotionally deflated by foreigners and by Ghanaian men living in the West, men taking advantage of

marginalized women who believe them to be capable ensuring a good life (Wereko 1998, 7).

Implicit in these myths, and also seen as contributing factors to the scandal, are local economic problems, which have been attributed to the IMF-sponsored Structural Adjustment Program (SAP). In popular discourse, the SAP is seen to have exacerbated pre-existing economic hardships and engineered social dislocation (Adams 1995, 34–37).

Such trends have their historical setting. They were unheard of some two decades ago. It cannot be disputed that these evil acts are contemporaneous with economic hardships. Without doubt the introduction of the SAP ... [has] brought in its wake abnormal behaviours as a means of survival. (Buor 1998, 3)

According to Buor, the SAP has led to labour lay-offs, devaluation of the Ghanaian currency, and an increased cost of living, as well as facilitating endemic nepotism and government corruption. Furthermore, unemployment has skyrocketed and school-leavers cannot find jobs. He argued that "if there is no improvement in the economy to correct such socio-economic malaise, social behaviour worse than this would surface (Buor 1998, 3). In the port cities of Ghana, where holders of foreign currency disembark, female prostitution is growing. Foreigners with Ghanaian agents profit from the effects of the SAP by capitalizing on the scarcity of jobs, luring unsuspecting females with offers of employment overseas. This may well explain the increasing number of African women engaged in prostitution in Europe (Stranberg 1998, 16–17; and Goodwill 1998, 36–38).

The Role of Society in Curbing the Exploitation of Women

The nudity of the Ghanaian women on the Internet led to numerous calls for action, for the rectification of social problems. One commentator called on

serious men and women with integrity and respect, through word and deed, to ameliorate and eventually put an end to such moral pandemic [sic], and to put the dignity of wom-

anhood back on our socio-cultural landscape. (Buor 1998, 3)

In response to the women's appearance on the Internet, the Ghanaian government proposed measures to combat what it considered a "shameful act." A member of the Council of State, Dr. Mrs. Mary Grant, "condemned the Act and stated that the Council [of State] and the National Council on Women and Development (NCWD) are going to take action about (sic) this disgraceful act by some Ghanaian women" (*Free Press*, 22 April–28 April 1998, 1 and 12). Furthermore, the Ghanaian Ministry of Communications responsible for regulating the usage and development of the internet "is collating views of major stakeholders for the formulation of a National Communications Policy", to monitor the use of the internet "with the view to protecting the good image of the country" (Wereko 1998, 7).

The government was advised to stop the erosion of Ghanaian culture and the encroachment of foreign ways of life, to implement a national effort to cease the portrayal of "Western standards and behaviour as the epitome of modernism and civilization." Some feared if nothing was done to arrest the tides of "Westernism," the "moral fibre and sense of decency" of Ghanaians would "continue to wear down into irretrievable shreds and threads" (Abu 1998, 11). Ghanaian security forces were told to be more vigilant in policing foreigners. One commentator noted that foreigners ostensibly "befriend our girls to capture their lovemaking scenes on video for the production of pornographic films" (Wereko 1998, 7).

Commentators suggested that the empowerment of women should be given concrete expression (Wereko 1998, 7; and Buor 1998, 3; and *The Statesman*, 26 April 1998). For example, women should have access to vocational skills and credit facilities, thereby enabling them to cope with prevailing economic hardships. In addition, the Department of Community Development and the Non-Formal Education Department "should be actively supported in their mandate to improve the lot of women through the teaching of

employable skills, especially in rural communities" (Wereko 1998, 7). Furthermore, the 31st December Women's Movement and the NCWD were called upon to "intensify their efforts", not only to "step up the enrolment of women at all tiers of the educational system", but also to urge women "to acquire qualifications that will position them favourably in the job market" (Wereko 1998, 7).

Conclusion

Despite its significant import in illustrating gender inequalities and other problems plaguing Ghanaian society, as well as revealing the use of the Internet as an agency of sexual exploitation and abuse, the discourse that informed media commentary was patriarchal. It was Ghanaian women who were called upon to demonstrate, the decline in moral values was seen solely as a female problem, and the conclusion was drawn that women's groups should deal with it alone. It was suggested that a "strong moral fibre of the woman [would] ensure the purification of the moral fibre of society" (Buor 1998, 3). Schools and churches had the responsibility to "inculcate ... moral education ... healthy lifestyles and behavioural patterns, especially in the girls" (Wereko 1998, 7). The spurious argument was presented that the women had disgraced both themselves and men at large, and that it was women who had to rectify the situation. Despite a discernible transformation in social awareness, it is worth noting that wife abuse and sexual harassment in the workplace are not critically covered by the Ghanaian media, further proof of the existence of patriarchal leanings acting as barriers to meaningful discussions of gender issues.

Within the circles of debate concerned with apportioning blame, the question of innocence was raised. It was suggested that the women were exercising their inalienable rights by appearing in the nude on the internet. It was noted that in "passing moral judgments we must also keep each individual's rights and liberties in mind" (*The Statesman*, 26 April 1998, 7). A criticism

was directed at the newspaper responsible for the mainstream distribution of the pictures, suggesting that *Graphic Showbiz* "owed the young ladies a duty not to accept the sales from the edition that showed their nude bodies to the Ghanaian public—at least that way the paper's moral indignation will seem justified" (ibid.). One commentator opined that the "excessive" media attention "would only serve to alienate these girls and force them to live as social outcasts", concluding that "under the circumstance, they could be compelled to resort to prostitution for subsistence" (Wereko 1998, 7). One commentator decried the moral judgement being passed on the Ghanaian women, asking several important questions: had the women had been coerced? were they were unsuspecting victims of

an international scam? had they acted out of desperation to earn a livelihood or rather, were they expressing their individual liberty? did "the ethos of Ghana's contemporary socio-economic development" play a role? (*The Statesman*, 26 April 1998, 7). ■

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Refugee Rights: Report on a Comparative Survey

By James C. Hathaway and John A. Dent

Toronto: York Lanes Press, 1995; ISBN 1-55014-266-6; 82 pages; \$11.95

Are visa controls intended to keep refugees from reaching an asylum country legal? Can asylum-seekers legitimately contest conditions of detention? At what point do refugees have the right to work, or to claim social assistance?

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Casa Alianza and Children on the Streets of Latin America

An interview with Bruce Harris conducted by Kelly Mannix

Bruce Harris is a renowned human rights activist and tireless advocate for Latin American street children. He is the executive director of Casa Alianza, affiliated with Covenant House, which provides counseling, education, rehabilitation, legal intervention, and a safe, loving environment to Latin American street children. Currently, Mr. Harris is embroiled in a legal battle concerning his role in exposing a baby trafficking ring in Guatemala. Mr. Harris asserted in the investigation report of the Procurator-General's Office that one of the country's powerful lawyers, married to a former President of the Supreme Court of Justice, used her "influence" to facilitate illegal adoptions. She responded by suing Mr. Harris for perjury, defamation and slander. If convicted, Mr. Harris could face up to five years in one of Guatemala's most notorious prisons. In addition, Casa Alianza is currently bringing a case against the Guatemalan state before the Inter-American Commission on Human Rights, concerning the brutal torture and murder of five street children.

We took a few minutes of Mr. Harris's time to ask him about the work of Casa Alianza.

Kelly Mannix for Refuge: Describe the mandate of Casa Alianza.

Bruce Harris: Casa Alianza works to assist the street children of Latin America, whose numbers have been estimated at 40 million (for all of Latin America). Last year, we assisted some 4,000 children. Our mandate involves helping them, through a four-tier program, to leave the streets and get back on the road to a meaningful and productive life. We try to offer them stability and restore hope. Children trying to leave

the streets are fearful, mistrusting everything and everyone. Casa Alianza gives them the protection and love that they could never find on the streets. Children of any social environment can only grow and mature when they feel secure and protected, and street children are no exception.

Refuge: In the context of Casa Alianza's work, how do you define "refugees"?

Bruce Harris: Many of our children have been internally displaced by civil wars but we don't identify them as "refugees."

Refuge: Which factors contribute to the trafficking of women and children in Latin America?

Bruce Harris: As with many poor countries under economic pressure to develop a tourist industry, Latin American governments tolerate sex tourism, seeing it as an unwanted but unavoidable part of such an industry. That's one factor. Of course for the children and women involved it means that they continue to be seen and treated as commodities. There are also personal factors such as poverty, driving women and girls to prostitution, and parents who will exploit their own children and put them to work as prostitutes.

Refuge: What are the highest priorities of Casa Alianza?

Bruce Harris: One top priority of Casa Alianza is to provide street children with a secure environment in which they can learn to leave life on the streets behind. We teach the kids the value of interpersonal relationships, based on love, trust, respect and honesty. We have to meet their needs, in order to give them a space in which they can focus on their hopes for the future. Our success lies in offering the children the option to leave the streets of their own free will, to reshape their futures.

Our other top priority is to change public opinion about street children, both within their countries and around the world. While uniformed police offic-

ers are often the murderers of street children, they are not solely responsible for their deaths. The biggest killer of these neglected children is indifference.

Refuge: What do you perceive as the most formidable obstacle to Casa Alianza's goals?

Bruce Harris: Indifference! As I said, while it maybe an individual or a group of individuals who carry out an act resulting in the death of a child, if as societies we do nothing, we all have our finger on the trigger. We have to fight attitudes that define these children as vermin and use them as scapegoats for all of society's ills.

Refuge: Which Casa Alianza programs have had the most positive impact? To what do you attribute their success?

Bruce Harris: I think all of our programs have had an impact, in that for every child who leaves the streets, their life has been changed forever. Maybe you could look at Guatemala and say we've had more impact there, in terms of time, as it was the first country in which we opened a program (in 1981). When I speak about impact, it's not only the work done within our programs, but also in out-reach work which our teams of educators do on a daily basis. Walking the streets of Guatemala and the other capitals where we have programs, these educators provide the children with emergency medical care, counseling and informal education. To be more specific about concrete achievements, I would have to mention two. First, in the first eight months of this year, no children have been killed by uniformed officers in Guatemala City. Second, in Honduras, as of two years ago, there are no longer children being detained illegally with adults in prisons, a practise which we fought very hard to bring to an end.

Refuge: In addition to an update on the case against you, what are the current legal initiatives of Casa Alianza?

Kelly Mannix holds a Master of Information Studies from the University of Toronto and is responsible for electronic communication and research for the International Women's Rights Project of the Centre for Feminist Research, York University, Toronto.



Bruce Harris: If you would like a detailed update of the case directed at me, please visit our home page at <www.casa-alianza.org> to find an overview of the case. We would appreciate support letters by email to the Guatemalan Embassy at <embaguat@sysnet.net>.

The first case against a state on behalf of children who were the victims of dreadful violations of their human rights by a state will be brought before the Inter-American Court on Human Rights in Costa Rica in January 1999. The case, against the State of Guatemala, clearly documents with horrific photographs, the tortured and murdered bodies of five street children and youths in Guatemala City in 1990.

After four arduous years of fighting to resolve the case within Guatemala's judicial system, and after death threats and the murder of two key witnesses,

Casa Alianza worked with the Centre for Justice and International Law (CEJIL), to bring this case to the Inter-American Commission on Human Rights, which forms part of the Organization of American States. The Commission concluded that Guatemala had violated articles of the American Convention on Human Rights. Guatemala rejected the possibility of a settlement with the co-petitioners and the Commission sent the case to the Inter-American Court of Human Rights, where it was accepted last year.

When speaking of torture, normally one thinks of the victims as being adults. But many cases of torture involve street children in Guatemala and Honduras, and there are at least two cases of torture of street children in Costa Rica. With this case, we set a historic precedent that children are also the victims of barbaric acts. It is really shameful that these type

of acts take place and that instead of trying to come to an agreement the State of Guatemala wants to fight.

Since 1977, Casa Alianza has been raising a red flag of concern regarding the growing sexual exploitation of Central American street children by the millions of tourists in the region.

During the past year, sex tourists from the United States, Australia, Germany, Switzerland, and Chile have been arrested in Central America and accused of the sexual abuse or corruption of the region's children. Casa Alianza has legal aid offices in Mexico, Guatemala, Honduras and Nicaragua, where the perpetrators of violence, in any form, against street children are investigated. Where sufficient evidence exists, formal criminal accusations are placed. We have more than 550 criminal cases to date in the region. ■

Finalist in the 1997 Thomas & Znaniiecki Prize competition awarded by the International Migration Section of the American Sociological Association

PATHS TO EQUITY

Cultural, Linguistic, and Racial Diversity in Canadian Early Childhood Education

By Judith K. Bernhard, Marie Louise Lefebvre, Gyda Chud, and Rika Lange

Toronto: York Lanes Press; ISBN 1-55014-277-1; 112 pages, size 8.5x11; \$18.95

Paths to Equity is based on an extensive nationwide study of 77 childcare centres in Montreal, Toronto, and Vancouver on the cultural, linguistic, and racial diversity in Canadian Early Childhood Education (ECE). The report presents the results this study on how the ECE system is responding to the increasing diversity of contemporary Canadian society.

A fully one third of teachers interviewed in this study responded, at the time of graduation from ECE programs, did not feel that they were well prepared to work effectively with children and parents from diverse backgrounds. In this ground-breaking study, the authors have addressed teachers' views on diversity in the education programs; parents' difficulties in collaborating within the current education system; teachers' difficulties in understanding many "ethnic" parents; desire of many parents for better communication with staff, preferably in their own languages, and for more information about their individual children, and chances for effective input; and the evidence of some continuing problems with racism, irrespective of the good intentions of centre staff.

Paths to Equity will be of interest to ECE faculty, policymakers, centre supervisors and staff and others interested in the inclusion of diversity content in professional education programs.

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A Historical Perspective on the Japanese Sex Trade

Seiko Hanochi

Abstract

Providing a brief historical perspective on the evolution of international trafficking in Japan, the article emphasizes the importance of the state in establishing the sex trade as an entrenched social institution. Drawing attention to the crucial influence of American military presence in Japan and other Asian countries, the article hints at the crucial role played by the sex trade in an "orderly and efficient" industrialized nation.

Précis

En fournissant une brève mise en perspective historique de l'évolution de la traite internationale des blanches au Japon, l'article met en relief l'importance de l'état japonais dans la transformation du commerce des faveurs sexuelles en une indéracinable institution sociale. Attirant l'attention sur l'influence cruciale de la présence militaire américaine au Japon et dans les autres pays asiatiques sur toutes ces questions, l'article fait comprendre le rôle prépondérant inévitablement joué par le commerce des faveurs sexuelles dans une nation industrielle «ordonnée et efficace».

The state must maintain order in society. Therefore, it requires a mechanism to guarantee that no one—especially no male subject of a patriarchal state—becomes rebellious. The provision of "leisure" has long existed, from the time of the Roman Empire, which provided *panem et circences* to its citizens, until that of the American military's RAA (Recreation and Amusement Association).

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Such institutions are founded upon sex and violence and, in view of the role they play in supporting the agenda of the state, privatized sex industries and the state regulated brothel system must be considered part of the state. The clandestine institution of sex industry and brothels serves the purpose of satisfying male sexual desires in a setting of violence against women. This "safety-valve" guarantees a certain form of gender division of labour, a maintenance of patriarchal supremacy, and an assurance of effective, systemic male production, as well as a prolific system of female reproduction by the people of the polity.

The institution must be supported by the material conditions of the time. Commercial prostitution and military prostitution are the two forms of sex trade existing in modernizing and modern states, whose own main functions are industrial and military ones. The sex industry has to be maintained and transformed in a way which satisfies all parties concerned, in terms of co-operation among class and political groups, as well as between gender groups, and especially in the interests of state and business.

Thus, it is interesting to trace the development of the sex industry in Japan, which came to exist as an integral part of the modernizing process of the Japanese state and society. A tacit acceptance of this institution by many Japanese women, made possible a transformation of the traditional Kuruwa into the Meiji state-regulated, "public" brothels, which were then abolished following Japanese military defeat in 1945. Most recently, the internationalization of the 1970s has caused the modern sex industry to flourish on a global scale. In making a transition from the public brothel to the global sex industry, the institutional setting of modernizing Japan experienced a process of great change.

The "Public Brothel" System

Enclosed by high walls, the "Kuruwa" facilitated prostitution practised under regulation by the Tokugawa Shogunate. Women were kept in bondage and trained to behave in accordance with strict ritual, while customers were served in accordance with their ability to pay. Thus, the Kuruwa became a salon for rich bourgeoisie men, who felt themselves treated en par with samurai and feudal lords. The formal abolition of the traditional Kuruwa facilities saw the state combining a domestic system with the exportation of commodified women and children (Hanochi 1998, a). The dismantling of the Kuruwa was a removal of cultural obstacles, which resulted in the growth of a modern sex industry capable of exploiting foreign women, those who could not have been successfully integrated into the Kuruwa culture. The modern brothels were profitable institutions, safety-valves providing "leisure" activities for the military and working male subjects of a Japanese state engaged in military expansion, as well as import-substitution and export-oriented production.¹

Japanese military preparation and economic growth required male subjects to concentrate their productive activities on strengthening the state's military and economic capabilities. At the same time, Japan had to guarantee an enlargement of its population. The female members of the family were to concentrate on activities geared towards reproducing a Japanese male population prepared to serve the state, through military efforts and industrial production. The public brothel served to satisfy male "leisure" demands, while minimizing any disturbance of the family's reproductive activities. (Okoshi 1997, 139–50).

An important element of the global sex industry in Japan was its international character. In 1885, the "Karayuki-



Chart 1: Historical Structure of Sex Industry in Japan

	<i>1868-1945 Meiji State Construction and Military Defeat of Japan, WWII</i>	<i>1945-1975 Military Defeat of Japan, Defeat of the United States in the Vietnam War</i>	<i>1975-1995 Military Defeat of the United States, UN Women's Conference</i>
<i>Salient Features of the Sex Trade</i>	Karayuki-san--Comfort Women	Kiseng-Tourism	Japa-yuki-san
<i>Material Existence</i>	Militarization of export- oriented Japanese prostitution (a)	U.S. military-base prostitution and sex tourism (b)	Emergence of global economy, globalization of sex industry (c)
<i>Function</i>	Prostitution as a safety- valve, ensuring industrial production and family reproduction	Development of modernized sex industry for consumption by male society	Increasing national competitiveness in global sex industry
<i>The Feminist Movement</i>	Abolitionism	Abolitionism, anti-sex tourism	Anti-sex industry, post- colonial feminism
<i>Underlying Values</i>	Despotic, familial state (d)	Consumerism in military and civil society (e)	Competition on a global scale (f)
<i>Institution</i>	Regulated sexual slavery (including state-run military sex slavery)	Legally approved national sex industry	Legalized and/or legally approved global sex industry
<i>National Level</i>	Kuruwa system	Baisyun Bousihou system	Baisyun Bousihou system
<i>International Level</i>	1921 Abolitionist Convention (g)	1949 Abolitionist Convention (h)	UN Conference on Women (Mexico-Beijing) (i)

san"² trade began and gave an international dimension to the Southeast Asian sex industries, which had, until then, been largely domestic. The colonial male from the West needed an RAA-like system, acting as an incentive, to convince him to stay in the colonies. Such a system could only function if supplied with women from poorer countries, of which Japan was still one. Thus, the Japanese rural regions which provided the work-force for nascent industry also provided the "Karayuki-san." Although the sweatshops were filled with over-exploited young girls, the income earned by being sold to those brothels serving the colonial male population, in comparison to that earned through cheap labour employment, was irresistible. Also, the traffickers appealed to the economic interests of the girls' fathers. In turn, the "Karayuki-san" contributed to the national income by way of their remittances. In 1904, some even made donations to the state of more than \$5,000, thereby supporting the Japanese military efforts in a war with Russia (Yamazaki 1995, 23-40).

The military dimension of the Japanese state had been developing prior to World War II, a period in which increased invasion, colonization, and expansion of territories were accompanied by the development of brothel-like institutions of sexual slavery for the military (Kin 1997). Growing military forces made possible and "necessary" the development of such institutions, which became known as "comfort stations" (correctly translated as "leisure-providing stations.") The infamous case of the "Comfort Women" was the last phase of the state-regulated military brothel system, in which the state ran stations directly and used police and military forces to mobilize women and girls as sexual slaves. State power was employed to create these institutions of international sexual slavery (Ishikawa 1993).³

From Military to Commercial Sex Industry

The defeat of Japan in 1945 led to a dismantling of the "comfort stations," a shutting down of the brothel system

which had existed specifically to serve the military and was run by the Japanese state. In preparing for the arrival of occupying forces, one of the first steps taken by Japanese government authorities was to instruct the owners of government-regulated public brothels to form an association of "comfort institutions," ostensibly to protect women from potential sexual assault at the hands of occupying forces' personnel. In this way, the Japanese government replaced state-run, military sexual slavery with state-regulated, private military sexual slavery. The occupying forces took the initiative and regulated sex industry in the vicinity of the military bases, by establishing on- and off-limits institutions and guidelines concerning periodical health tests, as well as other measures, to protect personnel from venereal diseases (Women Eros Committee 1977).

All military sexual industry created in South Korea and the Southeast Asian countries where American bases were established had similar regulatory systems. The sexual slavery implemented by the state, dependent upon abductions and forced labour, was not imitated by U.S. forces. Instead, a regulated system of slavery facilitated by local sex industry emerged. When the Vietnam War triggered an expansion of American military presence in Asia, increasing demands led to the development of international trafficking. Military base sex industry emerged as an important foundation of the sex industry's globalization (Yamada 1996).⁴

Particularly in Japan, the 1950s and 1960s bore witness to a period of industrial recovery and rapid growth. The modernization of Japanese society encompassed all sectors of the Japanese economy, including the leisure industry. In 1956, the abolition of traditional public brothels facilitated the growth of modern sex industries. In addition to illegal brothels, a variety of industries including cabarets, clubs, love hotels, Turkish baths, and massage parlours developed. The latter were technically tolerated as part of the leisure industry, whereas prostitution was formally forbidden. It was practised under the aus-

pices of a "free love" shared by the woman employee and her customers. According to government policy, the sex industry was considered part of the service industry, classified as a service provided to individual customers. It was partially financed under a 1963 law, which awarded "financing and other support measures to small and middle industries." This government support, intended for industrial development, funded the modernization of the Japanese sex industry.

Another consequence of economic growth and the development of leisure industries was a rapid growth in tourism. Following the liberalization of tourism, the Japan-Korean Treaty of Friendship was signed in 1965, laying the ground for Japanese sex tourism in South Korea. This expansion extended to various Southeast Asian countries, especially the Philippines and Thailand. Whereas the military-run brothels had facilitated a globalization of civilian and military customers, it was only at this later stage of economic development that the massive international trafficking of women and children as sex workers into Japan began. Similarly, after the Vietnam War, the defeat of United States forces caused the military sex industry to turn its attention to sex tourists. The shift to reliance upon Japanese sex tourists began in Thailand, and later spread to the Philippines, with the closing of American military bases in Southeast Asia at the end of the Cold War. This development of international ties to the sex industries of the Philippines and Thailand also facilitated the countermovement of bodies, in the form of trafficking into Japan.

The Global Sex Industry

The emergence of a strong yen was another consequence of the American defeat in Vietnam and, by the 1980s, the currency's strength had affected the structure of Japanese international trade. The growing service industry relied not only on tourism, but also on the import of foreign commodities, including women and children. The globalization of the sex trade expanded the national scope of the Japanese sex in-

dustry. Trafficking networks mainly involved the Philippines and Thailand, but expanded according to trends in the global economy. For example, the Mexican Financial crisis of 1994 caused an expansion of this network into Latin American countries, with women and children from Mexico, Colombia, and Argentina being trafficked into the Japanese sex market. The end of the Cold War and an economic crisis in the former Communist countries provided occasion for women and children from Russia and Eastern European countries to be traded as well.

According to statistics from the year 1991, the Japanese sex industry had an income comparable to the military budget, amounting to 1 percent of the nation's GNP. The annual earnings of the industry can be broken down as follows:

Cabarets and clubs:	2,200 billion yen
Soap-land baths:	190 billion yen
Adult video rental:	130 billion yen
Telephone sex:	100 billion yen
Date clubs:	80 billion yen
Love hotels:	13.3 billion yen ⁵

Illegal prostitution is not included in these official statistics, but is estimated to have an income of 500 billion yen.⁶

At present, the global sex industry is an integral part of the global leisure service industry. Commonly considered to be illegal, the sex industry can in fact be regarded as an industry which deals in commodities, i.e. persons. In fact, the criminal nature of the commodification of women's bodies is so serious exactly because it is conducted as a legitimate industrial activity. As the aforementioned statistics indicate, the officially recorded components of the sex industry constitute a considerable part of the Japanese national income.

However, a much larger component is hidden from the public eye. Through prostitution, the illegal global sex industry exploits women who are trafficked into Japan, ensnaring them in a system of slavery. The victims of this sexual slave system face numerous problems,

depending upon their origin, as well as the local reality. However, reports of their slavelike conditions show that both the civil society and the state contribute to their enslavement. Civil society classifies foreign, trafficked women at the lowest level of a hierarchy of sex workers employed in the Japanese sex industry. The women receiving the highest most social standing and earnings are the Japanese girls, often university or high school students who practice occasional prostitution by way of "telephone clubs." Next are the women entertainers of "deluxe" bars and cabarets, who are also mainly of Japanese origin. Lowest are the trafficked, "illegitimate" women working in lower class cabarets, "soap-land bath" and clandestine brothels. Most are of Asian background, but the globalization of sex trading also provides for the presence of women from Latin America and Eastern Europe. Since it is the more vulnerable part of the migrant work force which is excluded from the formal economy, a racist stratification characterizes the division of labour within the sex industry.

The initial influx of Filipina and Thai women trafficked into Japan were considered "artists," and could legally remain in the country. The majority of women from the Philippines, however, have entered Japan on tourist visas, and work in sex industry establishments as illegal "over-stayers," completely lacking in the protection and social benefits guaranteed for legal employees. Not only are they overworked and forced to shoulder huge debts, including exorbitant travel and living expenses, but they work under threats of denunciation and repatriation. As for the Thai women, they lack the English skills of the Filipina women, and are without common meeting places, i.e. the Catholic churches where Filipina women can exchange information and seek support. Thus, the traffickers and sex institution owners prefer the more vulnerable Thai women, which explains an increase in the number of Thai trafficked into the country during the eighties, and a decrease in the Filipina presence. A recent increase has been

reported in women trafficked from South Korea, a country gravely affected by the economic crisis of 1997 and by the consequent IMF policies.

The worldwide feminization of poverty is accompanied by a feminization of migrant labour forces, especially evident in industrialized regions, of which Japan is one. This process, combined with the shrinking of demand for manual labour in such regions, has resulted in an increase in the number of women working in the informal and black sectors of the global economy.

Conclusion

The Japanese state has been sensitive to international criticism, ratifying international conventions and abolishing the state-regulated brothel system. It has also, however, supported the modernization of a sex industry which has replaced the brothels, and has only paid lip-service to the feminist movements. An introduction of the concepts behind the right to prostitution has only further divided these movements and the emphasis on the commodification of women's bodies has created clandestine conditions ideal for the sustenance of the sex industry's great black market profits. The internationalization of the Japanese leisure industry has led to an expansion of sex tourism, in turn encouraging an influx of trafficked women and children from nations where the Japanese are already known as tourists, and where the networks feeding sex tourism had established structures ideal for trafficking.⁷ ■

Notes

1. See (a) in Chart 1.
2. *Kara* generally means 'Southeast Asia' and *Yuki* means 'going.' In the Meiji era, women who were trafficked to these areas were called *kara-yuki-san*.
3. See (b) in Chart 1.
4. See (b) in Chart 1.
5. See (c) in Chart 1.
6. cf. "Baibaisyun to torikumu kai news" (The News of the Committee Opposed to Prostitution) no. 93, Tokyo: 1991. On the Public Brothel Institution and prostitution in modern Japan: cf. Yuki Fujime, "Kindai Nihon no Koushou-Sei to Baishun" (The Public Brothel System and Prostitution in

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7. See (h) in Chart 1.

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Licensed to Traffic: The Sex Trade in Bangladesh

Seetharam Mukkavilli

Abstract

An overview of the conditions underlying the flourishing Bangladeshi trafficking trade. Cross-border sales of women and girls are common, and prostitution is said to function on a scale comparable to other domestic industry. However, gaining an accurate understanding of the magnitude of trafficking is made very difficult by a lack of proper documentation. Despite legal provisions prohibiting the flesh trade, the abuse of well-intentioned laws results in a successful evasion of penalization by the many who benefit from the trafficking of women and girls.

Précis

Un aperçu des conditions sous-jacentes à la traite des blanches au Bangladesh, où le commerce inter-frontalier de femmes et de jeunes filles est courant et passe pour fonctionner sur une échelle comparable à celle de toute autre industrie domestique. Pourtant, l'acquisition d'une meilleure compréhension de l'ampleur et de la sophistication de la traite des blanches est rendue fort difficile par un manque chronique de documentation adéquate. Malgré les dispositions légales prohibant le commerce de la chair, les lacunes de ces lois bien intentionnées permettent toujours aux nombreux profiteurs de ce trafic des femmes et des jeunes filles de se préserver une fructueuse impunité juridique.

Bangladesh was born in 1991, following a liberation war. Previously, it had been known as East Bengal, and formed

part of Pakistan. Women constitute nearly half of the total population, which is estimated at 120 million. Trafficking in women is not a new problem in Bangladesh.

The Etiology

In Bangladesh, the root causes of trafficking in women are primarily economic and social. Pervasive poverty and unemployment leads women and underaged girls to engage in flesh trade for survival. The extensive network of trafficking agents facilitates the luring of gullible women and girls to big cities with promises of good jobs. Most often, the profession is taken up involuntarily. Underaged girls are beaten and raped by men, in order to break down their social defences. This is a clear violation of human rights.

In addition, the following social factors are among those which influence women: discrimination, a subordinate social position, large families lacking basic food, inhumane treatment by stepmothers, divorce, social ostracization, the urban "pull."

The Magnitude

There are two categories of prostitutes: "stationary" prostitutes, operating from brothels; and "floating" prostitutes, or call girls, who are mobile. Floating prostitutes roam in the commercial and residential areas of major urban centres, while the shop keepers acting as pimps retain much of the prostitutes' earnings. Some of the girls' parents receive a daily allowance from the pimps.

According to one government figure, there are 9,017 prostitutes in Bangladesh, 3,578 of whom are considered floating prostitutes. However, unofficial reports place the total number of prostitutes at more than 100,000, and half of them are teenagers (Maudud 1992, 80–81). As quoted in a publication issued by the non-governmental organization Bangladesh Mahila Parishad, a

1998 report by the Coalition Against the Trafficking of Women states that 500 Bangladeshi women are illegally transported into Pakistan every day, indicating the staggering number of women who are trafficked daily across national borders.

A Profile of Sex-Workers

According to the aforementioned publication, a study of 32 girls rescued from brothels helps to illustrate the socio-economic factors affecting the lives of women in Bangladesh. The girls, aged 10 to 16 years, left home after experiencing oppression at the hands of their own families, facing such difficulties as orphanhood, abandonment, remarriage of their natural fathers and the ensuing torture inflicted by stepmothers. Many left their abodes in the hope of finding jobs as housemaids and a better life in Dhaka, the country's capital.

For the most part, the girls were illiterate and came from the poorer strata of society. They were enticed into the flesh trade by rickshaw pullers, elderly domestic servants, and other women. The brothel-keepers, older women known as "sardarnis," tortured the girls for money and punished them if they tried to escape from the brothels.

Legal Provisions

In Article No. 18(2) of the *Constitution of the People's Republic of Bangladesh*, it is written that the state shall adopt effective measures to prevent prostitution and gambling. The Penal Code (Act. XLV of 1860) deals with the issue of trafficking in women. Article 366 demands severe punishment of those forcing women into the sex trade. Article 366A and Article 372 prohibit the prostitution of women below the age of 18 years. However, as in many situations, loopholes in well-meaning laws are being abused by those in the flesh trade wishing to protect their own interests.

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The practice of prostitution is legal if one can obtain an affidavit. In accordance with the law, anyone aged 18 and above can volunteer to become a prostitute of her own volition, by applying to a notary public for an affidavit. This document has thus amounted to the equivalent of a license, effectively encouraging the practice of prostitution. Simultaneously, it shields the perpetrators of the crime.

According to Bangladesh Mahila Parishad, a study in 1992 found illiterate prostitutes were being forced to sign these affidavits with a left-handed thumbprint, long after they had started practising prostitution. The affidavits legalise the illegitimate deeds of brothel managers, protecting them from the police and judiciary. The unavailability of birth registration data in the countryside allows minors to be registered as adults, facilitating relatively easy access to the legalising affidavits.

The government of Bangladesh adopted the 12 priority concerns enunciated at the Beijing Conference in 1995, including one regarding sexual exploitation. The government is also trying to implement the UN Child Rights Act. However, law and public opinion do not coincide, rendering the legislation largely ineffective.

Rescue and Rehabilitation

Bangladesh Mahila Parishad, the NGO which rescued the aforementioned 32 young girls from Kandupatty, a red-light district of Dhaka, acknowledges that a major hurdle for the rehabilitation of those rescued was the desire of girls to go back to the brothels (Maudud 1992), where they receive the good food and clothing their families cannot afford. In attempting to resume a normal life, the girls also face the stigma of social ostracization.

Advocacy

Prostitution in Bangladesh occurs on a scale comparable in size to other major domestic industries which contribute to the economy. Resourceful and powerful, prostitution managers operate through an elaborate network, and command a variety of resources. In comparison, NGOs and activists have much less access to material resources, lawyers and political clout, with which to fight the menace. However, they are making sincere efforts to advocate the cause of needy women.

In Bangladesh, considerable work has been done with respect to the Convention on the Elimination of All Forms of Discrimination Against

Women (CEDAW), Article 6 of which explicates that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." The government, aid agencies, and local voluntary organizations are working to promote awareness and generate public debate. A federal ministry responsible for Women's Affairs, as well as specialized NGOs, focus their efforts on gender-related matters, which have begun to attract wider attention in Bangladesh.

Conclusion

The trafficking of Bangladeshi women within the country and overseas is a systematic abuse of women's rights. Thus, it is a serious human rights issue, calling for the attention of the state, as well as social activists. The issue of licensing needs closer scrutiny, in order to examine how far the law goes in upholding the basic rights of women. ■

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Legitimate and Illegitimate Discrimination: New Issues in Migration

Edited by Howard Adelman

Toronto: York Lanes Press, 1995; ISBN 1-55014-238-0; 287 pages, indexed; \$22.95

Freedom of movement: If the members of a state are forced to flee, the legitimacy of that government is questionable. On the other hand, if members cannot or must leave, again the government is not democratically legitimate.

Immigration control: While limiting access and determining who may or may not become members of a sovereign state remains a legitimate prerogative of the state, the criteria, rules and processes for doing so must be compatible with its character as a democratic state.

Legitimate and Illegitimate Discrimination: New Issues in Migration, edited by Professor Howard Adelman, deals with the question of legitimacy with cases studies from the Developing World, Europe, Australia, the United States, and Canada.

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Trafficking in Women to Israel and Forced Prostitution

Israel Women's Network

Abstract

The following excerpts have been extracted from a report of the Israel Women's Network. The Israel Women's Network is a non partisan organization of women, representing a wide range of political opinions and religious outlooks, who seek to improve the status of women in Israel. The interviews and research for the report were done by Martina Vandenberg and Noga Applebaum, conducted between June 1997 and October 1997, throughout Israel. This report is the product of more than 50 interviews with Israeli law enforcement officials, government officials, academics, sex workers, crisis centre workers, Russian consular officials, and local experts.

Précis

Les extraits suivants proviennent d'un rapport rédigé par Réseau des Femmes d'Israël (Israel Women's Network). Le Réseau des Femmes d'Israël est une organisation non partisane de femmes, représentant un large éventail d'opinions politique et d'allégeances religieuses, et visant à l'amélioration du statut de la femme en Israël. La recherche et les entrevues pour ce rapport ont été menées en Israël entre juin et octobre 1997, par Martina Vandenberg et Noga Applebaum. Le rapport final est le résultat de plus de cinquante entrevues avec des officiers de la force constabulaire israélienne, des officiers gouvernementaux, des universitaires, des travailleu-

Martina Vandenberg is currently studying law at Columbia University, in addition to working for Human Rights Watch. Before working in Israel with the Israel Women's Network for six months in 1997, the author worked for the Global Survival Network in the former Soviet Union.

Noga Applebaum is the Resource Centre Coordinator of the Israel Women's Network in Jerusalem, Israel.

ses «sexuelles», des travailleuses et travailleurs des centres de crise (crisis centres), des officiers du consulat de Russie, et des experts locaux israéliens.

Introduction

In the words of Judge Hanan Efrati, who has presided over trafficking cases in Israel, "We are talking about an industry and a sophisticated business operation."¹ This sophisticated operation has employees in both the former Soviet Union and Israel. Most of the women are recruited through want ads in newspapers. The advertisements promise lucrative opportunities to work abroad as waitresses, dancers, masseuses, nannies, or escorts. The women's trips and documents (often false) are arranged by local gangs in the country of origin. Partners of these gangs usually meet the women at the port of entry, immediately seize their passports, and brutally take complete control of their lives.

Some women come knowing that they will work as prostitutes. Others believe that they will work as waitresses or nannies and discover that they have been tricked only when they are dropped off at brothels or introduced to their first clients. There have even been a few documented cases of women abducted while visiting Israel and forced to work in prostitution.

Some observers argue that the majority of the women work voluntarily as prostitutes. But the debate over volition obscures the fact that behind these women is an enormous network of smugglers and mafia groups deliberately importing women into Israel and controlling their activity in the country. These groups almost invariably mistreat the women and violate their human rights. Many of the women are raped, beaten, robbed, bought and sold, and held in debt bondage. Trafficking into Israel is not simply a story of eco-

nomie migration; it is a modern slave trade.

The Extent of Trafficking to Israel

The Israeli government has publicly acknowledged the growth of trafficking. According to the official Israeli government report submitted at the Stockholm Conference in 1996,

... in the wake of the waves of immigration to Israel from Eastern Europe in recent years, the subject of illicit commerce in women, not necessarily minors, has taken its place on the police blotter. Young women are brought to Israel by criminal elements. They are ostensibly new immigrants and make use of forged identity papers. These young women are employed in "massage parlors" and brothels. There is a particular difficulty in identifying these young wom[e]n because of their forged papers ... The central units of the Israel Police (the units that deal with serious crime) carry out intelligence work with the objective of unveiling those involved in this trade and the places of their activity. These units conduct raids on massage parlors and brothels in order to put an end to their activities by putting those involved on trial or deporting them.²

There are no official numbers regarding the extent of prostitution in Israel.³ Esther Eilam, a sociologist and expert on prostitution, estimates that the total number of prostitutes in Israel is between 8,000 and 10,000.⁴ Conservative estimates put the number of imported women in the sex industry at one quarter of the total,⁵ or more than 2,000. The actual figure may be far higher. Professor Menachem Amir of Hebrew University, an expert on organized crime in Israel, estimates that 70 percent of the women working in prostitution in Tel Aviv are from Russia and other former Soviet republics. He believes that approximately 1,000 women are brought

into the country illegally each year.⁶ Only a fraction are deported.

The Ministry of the Interior, which is responsible for deportations, did not supply researchers from the Israel Women's Network with nationwide deportation figures, despite promising to do so. But figures are available for some major cities. According to police, approximately 800 to 1,000 prostitutes work in Tel Aviv.⁷ In 1996, 360 foreign women were deported from Tel Aviv for working illegally in prostitution.⁸ In the northern city of Haifa, police are aware of 58 apartments used as small brothels, each with four or five prostitutes, and another six or seven large brothels, each employing 12 to 15 women. But in 1996, only 50 foreign women were arrested for working illegally as prostitutes in Haifa. In 1997, the statistics through August indicated an increase of 58 percent, with 79 foreign women arrested for prostitution in Haifa.⁹

Dozens of women are held in the Neve-Tirza Prison or Abu-Kabir Detention Center for months because of bureaucratic delays in processing their deportations. So many in fact were arrested in 1995 that the prisons became overcrowded. Abu-Kabir, which has a capacity of 48 women, hold some fifty, of whom thirty-nine were awaiting deportation.¹⁰ Another 50 women accused of prostitution were transferred to Neve-Tirza Prison due to lack of space.¹¹ The average length of time in prison for these women is 50 days.¹²

The women are trafficked most frequently from Russia, Ukraine, the Baltic states, South Africa and the Dominican Republic. According to Israel's CEDAW report, more than 95 percent of the women deported from Israel for illegal prostitution are repatriated to the former Soviet Union.¹³

The Money

Profits to Pimps

The sums at stake are enormous. Estimates vary, but some experts believe that the prostitution mafia in Israel generates a turnover of \$450 million annually.¹⁴ A woman can earn from \$50,000 to \$100,000 a year for her pimp, accord-

ing to Chief Inspector Molli Cohen of the Hayarkon precinct in Tel Aviv.¹⁵ Yitzak Tyler of the Haifa police explained:

If we are to talk about money, take for example a girl with 20 clients each day who pay 150 shekels [about \$40] each. The girls earn 3,000 shekels [about \$850] per day if they do not work very hard. There are places here with 10 girls. Twenty five days? work with five girls is 375,000 shekels [over \$100,000]? that is what the pimp makes each month. He gives the girls 300 shekels [\$85] a day under the best of conditions.¹⁶

The Israeli importers often split the women's earnings with the brothel owners fifty-fifty.¹⁷ This can mean earnings for traffickers of over \$60,000 per year for each woman brought to Israel to work in prostitution.

When tax officials raided brothels in Tel Aviv, owners admitted holding earnings around 600,000 NIS [about \$170,000]. One brothel madam confessed to undeclared earnings exceeding 200,000 NIS [about \$57,000].¹⁸ The women see little of these proceeds. In Tel Aviv, "The girls earn 170 shekels [about \$50] per man. Seventy shekels goes to the brothel, and of the 100 NIS left [\$30], 10 to 20 NIS [\$3-\$6] goes to the woman and the rest to the pimps."¹⁹

According to a newsletter published by a group of Israeli sex workers,

Some Russian girls that work in a certain massage parlor on Ben Yehuda Street in Tel Aviv complained to us about their conditions. The set price for a massage is 160 NIS [\$45], but the girls only get to take home 50 NIS [\$14]. Is this robbery or what?²⁰

The author's life was threatened after this piece was published; the report clearly angered someone.²¹

Other sources indicate that the women keep even less of their earnings. According to accounts in Israel's Russian language press, the women "take about 150 NIS [\$40] from a client, but only 20-30 NIS [\$6-\$9] are left for them by their bosses."²² And the Tel Aviv Vice Squad has documented cases where women kept only 10 to 20 NIS [\$3-\$6] of the money per client.²³

The women are generally deported with nothing, according to sources at the Russian Consulate in Tel Aviv. The Russian Vice Consul, Igor Alekseev, interviews all women prior to deportation to confirm their identities and process new documents if none exist. He noted that the women who end up in prison do not have any money whatsoever. He believes that the pimps tip off the police to arrest women in order to avoid paying them at the end of their contract. The women depart penniless.²⁴ In this way, the pimps can also avoid the \$500+ cost of the return ticket to the FSU. If a woman does manage to smuggle any money out during the police brothel raid, the money is confiscated to pay for her return flight home.²⁵

While state deportation often adds to the pimps' profits, "sometimes the pimps want her to stay when she is a very successful prostitute," says Ministry of the Interior official Karmon. "The pimps are sometimes trying to keep the girl here and using all kinds of tricks. They sometimes bring a woman back with another identity."²⁶ In some cases women are sent back by their pimps as they have not "finished paying off their debt."²⁷

Mafia Involvement

The mafia controls the sex industry throughout Israel. According to Israeli sources, the highest figures on the totem pole are immigrant Israeli bosses who make over \$1,000 per day.²⁸ One sex worker interviewed reported that the bosses make closer to \$3,000 or \$4,000 per day and that the bosses were generally immigrants from the former Soviet Union.²⁹ One step below are the parlour managers. Then come the bouncers and guards who earn as little as 4,000 NIS [about \$1100] per month.³⁰

According to Ehrlich of the Tel Aviv Vice Squad, "This is a whole industry—recruiting them, bringing them [to Israel], and distributing them to all of the parlours."³¹ According to a sex worker who voluntarily moved to Israel to work for a company called "Escort Firm" and gave an interview to a Western journalist, there are about nine or ten Russian prostitution rings operating in Israel.

They have divided the territory and a truce now reigns among them.³² The truce is occasionally broken by brutal violence. In 1994, massage parlour owner Evgeny Dan was stabbed to death in Tel Aviv. A new immigrant from Georgia was arrested in connection with the death.³³ Apparently, Dan had sought to recruit women from another parlour to work at his brothel, a major breach of mafia code.³⁴

The mafia has found operation in Israel simplified by the mass migration of Jews from the former Soviet Union in the 1980s. According to one pimp interviewed in Moscow,

Two years ago, it was still difficult for us Russians to operate in Israel, because we didn't have a structure in place there. Now, though, we have plenty of Jewish immigrants working for us. Today there's hardly a brothel in Tel Aviv or Jerusalem where you can't find Russian girls.³⁵

The mafia does have a very strong base in Israel. According to Karmon of the Ministry of the Interior, the Russian mafia has become very active over the past few years. Karmon told interviewers from the Israel Women's Network:

In 1994 many Russian mafia figures got citizenship and in February 1994 they had a conference at the Tel Aviv Hilton. Someone who was accepting bribes at a Ministry of the Interior regional office gave citizenship to the mafia bosses.³⁶

A protection racket has also grown up around the trafficking and prostitution business in Israel. In Haifa a criminal gang demanded protection money from a brothel owner. When the owner did not come up with the money, the gang demanded one of the brothel's call girls. A guard at the brothel was kidnapped and beaten severely by four members of the gang; the call girl was not released by the gang leader. Police arrested two suspects after setting up a sting operation.³⁷

Testimony by Trafficked Women

Among police, there is a tendency to blame the women for not testifying and for the scarcity of convictions. In the words of Ehrlich of the Tel Aviv Vice

Squad, "If the women will not be witnesses, then there is no case."³⁸ The Russian-speaking Israeli police officers have as one of their goals trying to get the woman to testify. "But the police have almost nothing to offer her to get her to testify."³⁹ Sometimes the women do speak to the police, but are so afraid afterwards that they will not repeat the story. Tyler says that the testimony given in the police station is admissible, "but the police must prove that she is scared. She knows that groups will be waiting [when she gets home]."⁴⁰

Karmon of the Ministry of the Interior disputes the police position that the only evidence is the women's testimony:

I am arguing with the police all the time about this. There were only a few times when cases ever made it to court. Most of the time the women are just deported. The testimony must be made in the court—of course. But I tell the police that they can do their own investigation. They themselves can bring evidence. Police can document the men forging documents, they can tap their phones.⁴¹

But the police claim that, despite the lack of criminal sanctions, the pimps are punished by the loss of their "property"—the prostitutes themselves. "Even if the girls don't talk, at least [the pimps] suffer some financial damages. The pimp paid \$10,000 for each girl. The pimp wants to kill himself—it is even worse than the punishment he might get in court."⁴² When the women are deported, the pimp must find another source of income, or so the story goes.

In the words of one critic,

... the police are used by the pimps for their own purposes ... the pimps call the police to visit their establishments when they are finished with the girls; the women are sent back from Israel as they came and the pimps are enriched twice. First, they need not pay the final instalment of the women's salaries. Second, the cost of returning the women to Russia is handled by the national budget. Meanwhile, the pimp is able to get a new shipment of fresh meat.⁴³

This allegation was confirmed by an Israeli sex worker, "Gilda":

The Russian women are contracted to work for one year and they are supposed to get \$1,000 per month. In the eleventh month, the pimps make sure that the brothels are raided and the girls sent home. But the girls are forced to keep their money at the place [because of the inability to open bank accounts as a result of illegal status]. When they are busted, they can't take any of the money. The pimps simply take back all of the money that the women have hidden.⁴⁴

Further confirmation comes from Karmon of the Ministry of the Interior:

Some of the consuls have said that the bosses give information to the police because they want the girls deported. The girls come and work and all their money is at this place of work. At some point they may want to work less, or they may want to go outside, they want to go home. The bosses don't want to pay them so they tell the police to raid a certain place.⁴⁵

Police Complicity

Relations between the women from the FSU working illegally in Israel and the police are strained because of the perception that police fail to protect the women or punish the pimps. Police explain this as part of the legacy left from the Russian system. "In Russia there is distrust between the authorities and the people. The people are much more afraid of the criminals than of the police," says Yitzak Tyler, Commander of the Central Unit of the Haifa Police.⁴⁶

Police corruption also plays a role in the relationship. Investigators recently discovered that one of the members of the Tel Aviv Vice Squad regularly warned brothel owners of raids in exchange for bribes and free sexual services. The officer's activities continued for ten months before he was suspended from the force.⁴⁷

There is clearly a symbiotic relationship between the police and pimps. The pimps and brothel owners are well known to police and criminal intelligence officers. Ehrlich sees his role as

"supervision," that is, he tries to "supervise and check to see if there are any violent pimps."⁴⁸ The pimps themselves have no difficulty coming to police for assistance. In Haifa, when a guard was beaten and one of the sex workers of the brothel kidnapped, the brothel owner brought police in to set up a sting operation.⁴⁹ The police's central unit, under the command of Tyler, interviewed for this report, arrested the suspects after a "violent battle with police."⁵⁰ And police in Haifa assisted when a brothel owner reported a kidnapping of two women employed at his establishment. The owner presented police with the women's passports.⁵¹

As described above, pimps provide useful intelligence to police on criminal activity in Israel. For that reason, they are very valuable sources, and police actively work to turn them into collaborators. According to Ehrlich,

The policy in raiding the brothels is not to arrest the pimps or the girls unless they break the rules and violate the guidelines of the state attorney. Everyone knows that prostitution exists and will always exist.⁵²

As a result, the raids are de facto immigration service sweeps. The police check documents and arrest only those women without papers or with false identification. The raids clear the brothels of illegal women immigrants from Russia and the former Soviet Union, but do not result in arrests of brothel owners or pimps.

Very few women seek out the police. In one unique case, a woman trafficked from one of the Baltic countries and forced to work as a prostitute escaped from the brothel where she worked. Given money by a pimp to go out and buy a sandwich, she instead took a taxi to the police station. Knowing that she would be deported, she simply wanted the abuse to stop. The police called the Tel Aviv Rape Crisis Center and one of the volunteers sheltered the woman for several months until she could identify and testify against the pimps.⁵³ She has since relocated to a third country for security reasons.

Arrest and Deportation

According to police in Haifa, every woman deported costs the government over \$500. If the women have money, then they must pay for their own deportation.⁵⁴ The Ministry of the Interior pays for the flight home if the woman does not have any money. In some cases, the Ministry of Labour can force the employer to pay for the deportation. As Karmon says, "Most of the time it is better for the employer to pay to get rid of the girl so that she won't open her mouth. The tickets only cost \$500."⁵⁵

The process of deportation can take months. According to Ehrlich, "If the girl is caught with a fake I.D., then it is very easy to prove. But if the women have married or have borrowed identity papers, then the Ministry of Internal Affairs must do a long investigation."⁵⁶ The police are critical of the slow process of deportation. "There are not enough people at Internal Affairs. Two people in the whole country do this processing and it is too much work."⁵⁷ According to Karmon, the amount of time in jail depends on several factors:

Women sometimes spend months in jail when there is no proof of identity. Sometimes the documents have been thrown away ... If her identity is unknown, then there are no documents for her to leave. The consul must come and speak to the woman. No one wants the girl in their country if she is not really Ukrainian or Lithuanian.⁵⁸

International Cooperation

Consuls of various exporting countries do cooperate for the most part with Israeli authorities. However, even the diplomats are frightened by the power of the mafia. According to Karmon, "Some consuls are cooperating but even the consuls are afraid of the mafia. They have to go back to their countries and they have families in those countries."⁵⁹

Consular officers are required to interview all of the women before deportation to check the validity of their documents. In many cases the Russian vice consul also calls friends and families for the women to try to find funding

for their trips home. Often he calls the women's pimps (who do not identify themselves as such) to request money to pay for return tickets to the Russian Federation. According to the vice consul, "It is better for [the pimps] to pay for the ticket and get rid of the woman. No person, no problem."⁶⁰

By and large, the consular officials feel helpless to deal with the problem. As Alekseev told investigators,

The information on trafficking of women here does not come to us ... We have the impression that the police are not very interested in this. They do not bother to find out how the women got here—they just want to deport them as quickly as possible.⁶¹

Embassy officials admit that they are not satisfied with the situation, "but the Consulate cannot do anything about it. We only meet with the girls who have already been arrested ... Russian law cannot reach rape and violence committed on Israeli territory."⁶²

Conclusion

The sex worker who co-founded the NGO "We Are Worthy" stated in an interview, "It may be impossible to stop prostitution, but the rights of women must be protected. We do not believe in the slave trade."⁶³ The violations of the human rights of trafficked women in Israel are not prosecuted, discussed or even debated. The only remedy pursued by the Israeli government currently is quick deportation. The overall policy might be dubbed malicious neglect. The neglect allows the slave trade and the abuse to continue. And because of the Israeli government's failure to enforce its own laws, trafficking and pimping continue to be enormously profitable. As Karmon of the Ministry of the Interior has noted, "The main problem is one of money. There is so much money that people are losing their heads. The employers prefer people to be illegal because then the salaries are much lower. This is a magic circle and it is getting worse."⁶⁴ Esther Eillam, an Israeli sociologist, stated in an interview:

Unfortunately, the Israeli police are ignoring this. No one is interested in

women prostitutes because the authorities seem to think some prostitutes are good for a healthy society. It is unbelievable that we should tolerate this trade in human beings in a modern, democratic society.⁶⁵

IWN received permission to interview women awaiting deportation at Neve Tirza women's prison shortly after this report was concluded. Due to the importance of these interviews, several are being added as an appendix.

Appendix 1

Interview with "Masha," age 19, November 13, 1997, Neve Tirza Prison

I worked here as a prostitute. There is no work in Ukraine. I worked for three months and have already spent one month in jail. I am from a middle-sized town. When I was eighteen I worked as a prostitute in Yugoslavia and danced in a bar. Then I went home with some money. But I was in an accident and all the money disappeared on medical expenses. The money flew away. I hated living in Ukraine. I love to live abroad.

A friend helped me to get here. He did my visa and he paid for my ticket. I came here as a tourist. He did not demand any money from me—he is a friend from my town. When I got here I was not paid every month. We had an oral contract with the owner—he was supposed to pay us after our contract expired in one year. The girls are allowed to send money home, but the owner would not give us any of the money we earned. He took our documents away. We worked in a call-girl brothel—men would call and we would go to places to meet them. A guard went along if there was no phone number. I had 10 to 11 clients each day, but on my busiest day I had 24 clients. Some of them were Americans and some were foreigners from other countries. Some would pay for an hour. The clients paid me—it was over 150 shekels per client. The pimps earned a lot of money. They promised me \$12,000 after one year of work. I wanted to be a journalist.

I lived with the other women together in an apartment. I won't say how many

women work there. It is dangerous for me to talk about this. Why publish it anyway?

Working in prostitution is the hardest work in the world. We only do this because there is nothing in Ukraine. I want to move some place else and just live there. I never thought I would work as a prostitute. I thought that it was very humiliating work. No one in Ukraine knows I do this except for one friend. I want to have my own salary and my own independence. Now I know the value of money. My mother cannot support me. I do not have anything to take home with me. The police gave me my stuff, but I don't have any money.

Everyone knew that the apartment I worked in was full of girls. When we were raided I was in the shower. One of the girls called the police and told on us. She wanted to go home and so she turned us all in. They keep her separately because otherwise we would kill her.

The owner was a great guy and I don't want to hurt him. Everything was great at the brothel we worked in—we went swimming, we had days off. He kept all our money though. No one got paid at all for the first three months. I am not sure that I will ever be paid and he still has my passport. I think he will bring me a plane ticket though.

I will try to get the money back from him. It is my money. I earned it. But someone has to buy me a ticket home to Ukraine. I will go home when there is a flight. It would be better if he just brought me the money. The consul gave me permission to leave.

Terrible things happened to my family because there was no money to pay for the apartment. I am afraid to go back to Ukraine—everyone wants money. Why is there no money in Ukraine?

Interview with "Alina," November 20, 1997, Neve Tirza Prison

The Russians here have a much worse relationship with the police and the guards than the Israeli women do. Our only violation is an administrative one—we overstayed our visas. We are normal, regular women.

We have no legal rights. A girl comes to Israel and becomes a slave. There are so many tricks they play on you. So many Russian girls have been killed here. I know of four cases. The girls go to the pimp and ask for their money. They say, "I have worked, now pay me." The pimps refuse. There are so many cases like that ... I worked here one and a half years and I am going home with nothing.

Some of the girls go totally crazy. I worked in Tel Aviv for a pimp who was from Tashkent. I worked for two months and he paid me for my work. But he told me not to bring my money to work with me. He said that there might be a raid and that the police could take it. He said to leave it at home. He also threatened to fine me \$5,000 if I gave the money to anyone else to save for me.

One day I came home and \$4,000 had been stolen from my apartment. I had to start all over again. My pimp admitted that he had stolen the money. He knew that I wanted to take the money home and leave, so he stole my money. Then he fined me for complaining to him. He would fine us 1,000 shekels or 500 shekels for infractions. I told him I had a child to take care of. He said he didn't care at all for my child. I threatened to run away from the *makhon*. He demanded that I give him money to pay the fines. When I complained again he fined me 150 shekels per word. My complaint cost me 1,500 shekels in fines. He refused to give me any money back. He fined me for telling him the truth.

My pimp knew that we were here as tourists. He knew that we were in a strange country and that we had no rights. All the girls had to pay the fines. He did not beat anyone in front of me, but we all knew that there was a criminal case against him for assaulting and beating a woman and stealing her money. He was out working during the investigation and before the trial. The case kept being postponed and he continued working.

He also fined the Israeli girls—not just us. They came to him and split the money they earned with him 50–50. Before I worked for him I worked for another owner.

That owner bought me and then sold me to someone else for \$10,000. The owner told me I had to work off the \$10,000 that he paid for me. He said that it was my debt. He paid me 20 shekels for a massage and kept all of the money the clients paid. I had a huge debt to him. He closed all the doors on me.

They humiliated me and stole my money.

I flew here to Israel. A girl approached me in the Ukraine and told me about working here. Someone I knew—an acquaintance—did all of my documents and bought my plane ticket. When I arrived, they picked me up and took me somewhere. There they showed me to a pimp as if I were a table or a piece of furniture. The man bought me.

I was working in the massage parlour when one day five men in masks came in with guns. They had pistols and they all spoke Russian. They pointed a gun at the cashier and took all of the girls from the makhon. They put us in a car and took us to another owner and sold us to him. All my possessions were also left in that first massage parlour. I lost everything.

We had all almost just paid off the first pimp. But now we all had a new debt to pay. We had to eat, sleep, and do everything in the massage parlour. We were never allowed to go out.

When I was arrested the police did not interview me. They did ask if I wanted to do a criminal case, but then they immediately told me it would be better not to. The pimp would have all of the protection—they told me that the pimp always wins. He has the money, he has a lawyer and he has all of the documents. And he is a citizen. Besides, they told me if I brought charges, I would have to stay in jail until the end of the case.

So the pimp wins and the girls end up suffering physically and morally. We don't have any money for a lawyer and besides the pimps threaten that if you say anything they will kill your family when you get home.

My owner told me that if I talked, he knew my phone number at home and he said he would find me at home. He said that he would make my family suffer.

This is all such an emotional trauma for us. You have the mafia of pimps that controls you and then you are totally controlled by the prison and the state.

I thought about doing a case. But my pimp told me that he had money for a lawsuit. He said he had already set aside \$20,000 for his own defence. He also assured me that he would spend any amount of money to make problems for me and my family. He said that even \$5,000 was not too much to pay to hurt me.

I have an eight year old child. I wanted to earn money to pay for all my child's expenses. Now in Ukraine you must pay for school, you must pay for their lunch at school, everything has to be paid for.

My third pimp took all my money and even borrowed money from me. I told him that I wanted to leave. He told me that I was offensive to him and that he was going to keep all of my money—even the money he had borrowed.

I had between 15 and 20 clients every day. I earned good money but the pimp stole it all through fines, threats, tricks. One day he threatened to throw me out into the street with nothing when he was mad at me. Another time he threatened my family and said that he could use all of his contacts back in Ukraine to hurt my family.

These pimps are so greedy. They will sell their souls for nothing.

I went through hell in this country. It would not be so horrible if I could at least take something home. The most awful part is that I am leaving with nothing. This was hell. It was a moral and physical hell. And no one will pay for it—no one is responsible. We are exported from the Ukraine because we are the cheapest product. We are an export. ■

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3. State of Israel, *Report to the Committee on the Elimination of All Forms of Discrimination Against Women*, 1997, 62.
4. Interview with Esther Eilam, co-founder of "We Are Worthy," Tel Aviv, October 27, 1997. Eilam cautions that these numbers are very difficult to determine and include women who only work part-time in prostitution.
5. Tom Sawicki, "Slaves in a Strange Land," *The Jerusalem Report*, 24 August 1995.
6. Interview with Professor Menachem Amir, Hebrew University, Jerusalem, 23 June 1997.
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33. Evgeniya Kravchik, "Murder in Tel Aviv: New Immigrant Evgeny Dan, 28," *Vesti*, 11 December 1994.
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37. "Alleged: A Guard at a Brothel Did Not Pay Protection Money and Was Kidnapped and Beaten Severely," *Ma'ariv*, 28 September 1997.
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From Being Uprooted to Surviving: Resettlement of Vietnamese-Chinese "Boat People" in Montreal, 1980–1990

By Lawrence Lam

Toronto: York Lanes Press; ISBN 1-55014-296-8, 200 pages, indexed; \$18.95

The saga of the "boat people" is a dramatic story, a story of one of the largest refugee movements in recent years. Canada played a significant role in the resettlement of these refugees in bringing them to Canada where they could start anew. *From Being Uprooted to Surviving* by Professor Lam, is based on ethnographic data of a sample of Vietnamese-Chinese accepted for resettlement in Montreal in 1979 and 1980, who were interviewed again in 1984–85 and in 1990–91, this book provides a longitudinal account of their experience of resettlement in Canada. This experience has been marked by successive stages of their struggle to overcome structural barriers and to negotiate a meaningful niche in Canada.

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Ali Miller on Key Strategies

An Interview with Alice Miller conducted by Marilou McPhedran

Alice (Ali) Miller, is currently a Rockefeller Fellow at the Program for the Study of Sexuality, Gender, Health and Human Rights, at Columbia University's School of Public Health. She is on sabbatical from her position as the Director of the Women's Rights Advocacy Program (WRAP) of the International Human Rights Law Group. Founded in 1978, this Washington-based advocacy organization seeks to mobilize the skills of legal professionals, to work in partnerships transcending national borders, in order to actualize the progressive development and implementation of a complete protection of human rights—civil, cultural, economic, political and social—for women and men. Goals include ensuring locally realized government accountability, including that of the United States, to international human rights standards, as well as a full understanding of the impact of gender and race on people's ability to enjoy their rights.

In December of 1998, Marilou McPhedran interviewed Ms. Miller, exploring with her several key action strategies for both academics and advocates. On January 29, 1998, Ms. Miller had chaired a NGO Roundtable on "The Meaning of Trafficking in Persons," discussing trends and solutions to forced human labour, a summary of which will be published in *Rutgers University Women's Rights Law Reporter*, Volume 20, Number 1, Fall/Winter 1998. Appendix 1 contains excerpts from the roundtable summary, printed here courtesy of the *Rapporteur*, Alison Stewart, a staff attorney at the International Human Rights Law Group, and the *Women's Rights Law Reporter*. Appendix 2 contains the recommendations from the June 1998 Transnational Training Seminar on Trafficking in Women in Budapest, Hungary. Provided by GAATW-Canada, Appendix 3 contains updated revised Standards of Minimum

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Rules for humanitarian treatment of trafficked persons.

[Excerpts from the Roundtable summary included in the text of this interview are indicated by square brackets.]

Marilou McPhedran for Refuge: Ali, the term "trafficking" seems to mean different things and include different activities, when appearing in policies and laws. Which definition of trafficking do you consider most helpful at this time?

Ali Miller: We are looking to define the word "trafficking" in such a way that it captures what is abusive in actual, existing practices. "Trafficking" is a word that vibrates with no edges—it has immediate popular power, but that popular understanding tends to reduce diverse and complicated economic, labour, gender, and power issues, to talking nervously about sex. Constructive work to end trafficking in humans is thus hampered by how societies respond to sex. Many of us working on the problem at a global level have begun to reach certain understandings. Although trafficking is a highly gendered construction, it is important to remember that, internationally, there is a problem in trafficking in persons, not just in women. Simply, "trafficking" denotes a set of practices which coercively moves people into work in which they did not intend to be, which treats them like commodities. Because of the local and international nature of gendered hierarchies of power, the reality of what the market offers women is often different than what it offers men and, in many cases, but not all, results in sexual activity for money.

Internationally, a formal defining of trafficking is still in progress, with many different interests, including NGOs, women's groups, and governments, assessing which definition captures the problem they want to eliminate. Not all of these entities are interested in protecting the human

rights of those being trafficked, however.

[Roundtable excerpt on the definition of trafficking:

It is important to remember that the historical understanding of trafficking in international law has been focused primarily on the movement of persons, mostly women, across borders for the purpose of prostitution. For example, see the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others ("the Trafficking Convention").

The Roundtable participants identified problems with and ultimately rejected each key element of the "classic" definitions—namely the borders requirement, the exclusive focus on prostitution, and the "with or without" consent aspects.

1. Rejecting the crossing of borders requirement.

The Roundtable participants concluded that there are some factors associated with border crossing that have made it a central element of traditional definitions of trafficking. Those factors include movement to a foreign or unfamiliar milieu; victims having illegal or non-national status; language, cultural or other barriers; and separation from family and community.

The group agreed that many of these conditions were satisfied without crossing borders. However, a "constructive" or "substitute" border crossing of some geographical or political boundary, would seem to suffice. For instance, moving from a rural to metropolitan area or to a region where a different language is spoken, such as moving Hill Tribe women into the city.

The critical issues underlying the "traffic" element are that the victims are "moved" to an unfamiliar milieu, are disconnected from family, community and friends, are given only limited access to the usual support systems and services, are isolated physically, emo-

tionally or by language or other cultural barriers, are denied legal identity or access to justice, and are, therefore, at greater risk of abuse, violence, exploitation, domination and discrimination.

For practical, legal and remedial purposes, international or intra-national border crossing is highly relevant—such as deportation and denial of services on the grounds of alienage.

2. Rejecting the requirement of trafficking for the purpose of prostitution: It was uniformly agreed that people can be and are traded for a wide variety of purposes including, but not limited to prostitution or other sex-work (whether legal or illegal) domestic, manual or industrial labour (whether in the formal or informal sector) and marriage, adoptive or other intimate relationships (whether real or sham).

Prostitution per se as the exclusive purpose of trafficking is an untenable definition as not all trafficking victims are prostitutes nor have all prostitutes been trafficked.

Those who are tricked into working under abusive or exploitative labour conditions would be considered trafficking victims as they agreed to work in the sex industry but not to the grave psychological, emotional or physical abuse or violence.

3. Rejecting the notion that one could be trafficked, even with one's consent:

It was agreed that respect for the agency of persons, especially women, should be a fundamental aspect of any new definition. Priority attention must be paid to what conditions are necessary for persons, especially women, to make decisions—rights of information, freedom from coercion, discrimination etc.

Distinctions should be clearly drawn between trafficking and the separate criminal offences of illegal migration and alien smuggling, i.e., willingly and knowingly attempting to enter the country illegally. Distinguishing alien smuggling from trafficking may be problematic as those third parties are often linked to a larger "pipeline" of suppliers, guides, facilitators, transporters and receivers—all of whom usually have actual or constructive knowledge

of the conditions awaiting the smuggled persons.

It was agreed that movement must be truly consensual and voluntary in order not to be considered trafficking. Thus, the consent given must be a full and informed consent as to both the movement and the end-conditions.]

Refuge: Ali, you started to advocate for counter measures to trafficking—especially for using a human rights approach—long before this issue was "discovered". What are your observations on recent shifts in attitude and action, on an international scale, with regards to trafficking?

Ali Miller: Well, although "trafficking" as an issue has appeared suddenly to hit the top of the international agenda (speeches by heads of state, world conferences on commercial sexual exploitation of children, IGO interest in new standards), those of us working in this field—and I must say that activists in Southeast and Southern Asia, and in Western Europe, particularly in the Netherlands and Belgium, have led the way toward responding progressively—are concerned with what the government response has actually been. Governments have tended to take those steps which are easiest to carry out without having to change fundamental structures of inequality or economic oppression—punitive law enforcement, rather than any protection of the human rights of those men, women, and children who are forced to labour without fair pay. Underlying these responses is the subtext that governments, in line with historical attitudes, tend to recognize only the most innocent of the innocent as worthy of protection—i.e., the woman kidnapped into sex work. Yet the reality for girls and women in many countries is that there is little choice as far as marriage or sex work is concerned—in few cases do women have the economic security, personal integrity, or support to make a choice not to exchange sex for some form of survival.

Examples of bad government response are legion. For example, when international concern first peaked, in 1993 and 1994, NGOs in Thailand were

concerned about a policy of denying visas to young Thai women existing as a form of protection against the moving of Thai women into Europe for purposes of forced prostitution. The Philippines, which has based much of its economy on the export of labour, has episodically halted and reinstated practices concerning the granting of visas to women seeking work abroad—targeting the women, rather than attempting to improve the treatment of their own citizens in other countries through bilateral negotiations. In Canada and the United States, governments have shown their main response to be the prosecution of women brought into the country for sex work, meanwhile charging the brothel owners with "trafficking," or deporting women with no regard for the conditions to which they are returned. Few resources are put into protecting these women or effectively countering the well-organized forces bringing women into the country to service the lucrative sex market. In bilateral initiatives between the United States, Russia and the Ukraine, the rhetoric has emphasized rights, but the bulk of the money has been spent on government systems, ostensibly for prosecutions, not for protection of rights. Few countries have invested in support systems for trafficked people. And the reality of most government action is that it rarely addresses the corrupt practices enabling the traffickers to thrive. Governments do not address the economic conditions and discrimination putting women at risk, focusing instead on the conspiracies. So much so that they fail to prosecute the abuses carried out as constituent elements of trafficking, such as kidnapping and forced labour, rape and debt bondage.

Refuge: Can you give an example of a model for more constructive responses?

Ali Miller: In Belgium, there is an NGO called "Payoke," which has organized two related programs. Payoke says that both programs are necessary, as they provide support and advocate for the rights of both those women who say they wish to remain in prostitution and those that wish to leave. Over the years, the organization has been increasingly

contacted by women who have been trafficked and need assistance. Payoke has worked with the government of Belgium to provide services (legal, economic assistance, medical care and counselling) to trafficked persons, and extended stays (through withholding of deportation) to persons who agree to participate in the prosecution of traffickers.

Refuge: Ali, this Belgian example prompts me to ask for your assessment of the current challenges faced by the advocacy movement.

Ali Miller: The questions surrounding the legitimacy of sex work are a source of tension within and between many of the advocacy organizations now. After years of defining the problem as "sex trafficking in women and children," many advocates in different countries are shifting their analysis, to situate trafficking in the context of broader migration trends, social, and economic development. At the same time, it's essential to expand the gender analysis of these trends (See Appendix 1).

Recent meetings in Budapest, Victoria and Washington have reinforced the need re-conceptualize trafficking in the larger economic context (See Appendix 2). In Budapest, Mary Robinson, the UN High Commissioner for Human Rights, called for the decriminalization of prostitution. In addition, we need to step back from the headline-grabbing sex trade emphasis and deal with the fact that advocacy and support work in this area can be dangerous work. Local organizations face limitations and risks that are not always appreciated by the international advocates, or acknowledged by diplomats. We need to develop long-term strategies about how to act safely, because trafficking is so often part of ruthless business conducted by violent, efficient, criminal organizations who act and retaliate with impunity. Local advocates located in both the sending and the receiving countries may be those best situated to gather information; the voices of the women who have been trafficked need to be listened to, but they are also vulnerable to intimidation and retaliation, or silenced by their caretakers, who claim to "know

what's best." Local groups need the protection of revised local laws, including those affecting communication and information flow, so they can network to provide services across country borders. Trafficking is inter-regional. So, effective change requires complementary international laws and co-operation standards.

Refuge: Ali, what are your recommendations for three key strategies for constructive action at this time?

Ali Miller: There are many initiatives underway that address the central goal of rights protection. Current international law conflates all of trafficking. It is insufficient, and not responsive to the current realities of trafficked people. The agency, or autonomy, of trafficking victims is not acknowledged, and this is a primary fault of current legal instruments. There can be no effective rights protection without recognition of personal autonomy and the rights essential for giving effect to the desires and needs of those trafficked. It's now widely understood that prosecuting sex trade workers is a bad and ineffective strategy.

Constructive action flows from sound principles. Reconceptualization and gender analysis of trafficking are now informing advocacy, which is focused on utilizing international conventions and treaties more effectively (see Appendices). Although we know that the international legal instruments are in many respects outdated, it's clear that our energies are best directed to upgrading what we have available now, instead of trying to bring in whole new legal instruments or treaty bodies. On the other hand, there are indications that various governmental and IGO bodies want new instruments to strengthen their hand in fighting international crime—we are picking our way through the strategy choices, weighing the likelihood that new instruments will be rights protective, assessing the best use for our current limited resources, and the immediate need for action.

Three key strategies for 1999 are to:

1. Continue the work underway, to reach agreement among national

NGOs on rights protective strategies, through research, dialogue and consultation. Strategies should reflect the broad range of human needs enveloped within the term "trafficking." Develop and implement fundamental principles of autonomy and conditions needed to allow individuals to make choices. Guide development of a human rights framework and resulting strategies to end trafficking utilizing a gender analysis of power and economic conditions. The Global Alliance Against Trafficking in Women (GAATW) is attempting to co-ordinate advocacy concerned with minimum standards for the treatment of trafficked persons (See Appendix 3). NGOs are bringing these human rights concerns to all the relevant human rights treaty bodies, as well as participating in the development of instruments, such as the proposed Optional Protocol for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to ensure that a broad range of trafficking cases can be brought before such treaty bodies.

2. Further the understanding of the constituent elements of trafficking, identifying which ones already exist as crimes, in order to develop countermeasures which vindicate the rights of abused persons and do not recriminalize the victims of trafficking. Working with women who have been trafficked, as well as establishing a network of services across and within national borders, will be essential to this understanding.
3. Monitor and utilise the responsibilities and resources available through those IGO structures capable of speaking to multiple governments, including the Office of the UN High Commissioner for Human Rights, the Council of Europe, the Vienna Commission on Crime Prevention and Control, and other regional bodies, including the EU, ASEAN and SAARC. This requires networks of advocates briefed on existing human rights obligations to guide new initiatives by governments, such as

ending the limiting of women's freedom of movement, by applying international legal standards to local and national situations, in the manner of the Standards for the Humanitarian Treatment of Trafficked Persons developed by GAATW.

Appendix 1

Additional excerpts from the Roundtable discussion chaired by Alice Miller reveal the complexities faced by those working to address, define, target, and eliminate the trafficking of persons around the world:

The Issues

The historical linkage of "women and children" is problematic for women's rights in three ways. It has often figuratively or factually encompassed treatment of women as if women had the same rights as children. Indeed, in all countries, at one time women were legal minors and in many countries women still lack full adult legal capacity. Secondly, the linkage serves to emphasize the role of women solely as caretakers of children. While it is true that women predominantly function as family caretakers in all parts of the world, women also have concerns and rights outside of that role. Finally, if the pairing of women and children is meant to signify the linkage of gender discrimination for females throughout their life cycle (infancy, childhood, adolescence, adulthood, old age), the phrase should be "women and girls" so as not to eclipse the separate conditions and concerns of male children.

The adult/child distinction is further complicated by the fact that trafficking can and often does affect girl-children and boy-children differently. For example, girl-children are often placed in trafficking situations for different reasons, trafficked into different kinds of work or relationships, face different types of violations or abuse, and are afforded different remedies and social opportunities than boy-children. Girl-children are most often trafficked for their virginity (real or imagined) into marriage or the sex industry, while boy-children are most often trafficked into

sweatshop or other similar labour. Thus, it is not entirely useful to collapse girl-children and boy-children into one category of trafficking victims. Due to the gendered nature of trafficking, the situation of girl-children is often more similar to that of trafficked women than trafficked boy-children. Women and girls are primarily trafficked for sex and reproduction, as well as labour deemed to be "women's work," while boy-children are trafficked primarily as a source of cheap factory or similar labour. Certainly girls are trafficked into sweatshops and boys are trafficked into the sex industry; however, girls represent the overwhelming majority of all children trafficked into the sex industry.

In regard to the question of initiatives focusing on trafficking in women or on trafficking in persons, the participants considered the model of the Violence Against Women Act (VAWA). Its title clearly delineates a woman focused initiative, and its chapeau and legislative history demonstrate overwhelming concern that the application of the new laws and policies benefit women, but the terms of the actual legislation are gender neutral. In general, the Roundtable favoured this approach to legislative initiatives.

General Conclusions of the Roundtable

An optimum women's rights and human rights-protective approach would be directed at crimes against the trafficked and other vulnerable alien persons which would capitalize on the "currency" of trafficking while reaching a wider group of unprotected women and migrant workers.

In general, the consensus of the Roundtable participants was that people should be empowered to make autonomous decisions and that their decisions, freely made, should be respected and accepted. Voluntary activities that liberate people or result in actual improvements in the conditions of their lives—regardless of whether we "approve" of or desire such conditions for ourselves—should not be criminalized or actively prevented. Trafficking as a criminal offence and an interna-

tional human rights violation should be defined so as to (1) maximize the protection of those who would find themselves transported to unfamiliar places and in abusive situations, and (2) minimize the ability of traffickers to lure them away in the first place and continue to abuse them after they have been trapped.

In the public meeting with government officials and others following the Roundtable, participants (as part of the working group in contact with each other as well as with the U.S. government) identified the root factors that make women particularly vulnerable to trafficking and trafficking abuses, including: the unequal status of women and girl-children in families and societies around the world; unequal access of women to employment, social benefits and educational opportunities; harmful stereotypes of women as property, commodities, servants and sexual objects; criminal justice systems that ignore and even perpetuate violence and discrimination against women; the world-wide feminization of poverty; export of labour and remittance policies in some countries that encourage women to work abroad and grant them few protections; promotion of sex tourism in some countries; and the demand for cheap, unprotected labour, including sexual services.

Participants also identified the following additional root factors that make poor people, and racial, ethnic, national and religious minorities and other disadvantaged people vulnerable to trafficking and trafficking abuses: protectionist and restrictive economic and migration policies which allow exploiters to prey on others' illegal or invisible or underground status; economic instability, poverty and the unequal distribution of wealth in sending countries and locales; the lucrative and relatively low-risk nature of trafficking networks as opposed to other criminal enterprises and syndicates; and high levels of government and police complicity and corruption in sending, transit and receiving countries and locales; and the rise in anti-foreigner and anti-immigrant sentiment in many countries leading to increasing restrictions on le-

gal entry and residency coupled with reduction of public services, including legal services, which prevent aliens from pursuing their fundamental rights and freedoms.

Appendix 2

Transnational Training Seminar on Trafficking in Women, An International Conference in Budapest, June 20–24, 1998

Co-Sponsors: Network Women's Program, Open Society Institute (Budapest-New York), Global Survival Network (Washington, D.C.)

The Transnational Training Seminar on Trafficking in Women was attended by representatives from more than 100 non-governmental organizations from 36 countries throughout Central and Eastern Europe (CEE), the Newly Independent States (NIS), Western Europe, Asia, the Middle East and North America, as well as the United Nations High Commissioner for Human Rights.

Seminar participants affirmed that:

- 1) Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, slavery-like practices, battering and extreme cruelty, sweatshop labour or exploitative domestic servitude;
- 2) Trafficking may also involve kidnapping, false imprisonment, rape, battering, forced labour and slavery-like practices or other actions which violate fundamental human rights;
- 3) The worldwide trafficking of persons, which is condemned by the international community as a violation of fundamental human rights, has a disproportionate impact on women and girls;
- 4) The recent emergence of post-socialist countries in transition as countries of destination, transit and origin for trafficking in women demands an immediate response;
- 5) The fundamental cause for the traffic in women is the economic inequality

between and within countries, including the growing schism between urban and rural areas, and the socioeconomic inequality between women and men, especially in countries of origin. Governments must allocate sufficient resources to ensure the access of women to diverse forms of education and employment.

Seminar participants recommend that:

- 1) All government programs and international efforts related to trafficking should be developed in cooperation with non-governmental organizations. Further, governmental organizations and international donor institutions should provide financial support to non-governmental organizations working on the issue of trafficking;
- 2) Governmental measures and international efforts to address trafficking must focus on the human rights abuses and labour rights abuses of the women involved, rather than treating trafficking victims as criminals or as illegal migrants;
- 3) Governments must fulfill their obligations to combat trafficking and the abuses inherent in trafficking by enforcing and/or ratifying relevant treaties and conventions, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labour Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labour, and the Convention on the Protection of the Rights of All Migrant Workers and their Families;
- 4) Government measures to address trafficking must focus on the promotion of the human rights of the women concerned and must not further marginalize, criminalize, stigmatize or isolate them, thus making them more vulnerable for violence and abuse;

- 5) States have a positive obligation to protect the human rights of women, including sex workers;
- 6) Relevant governmental bodies must collect and publish data on:
 - a) government efforts to address instances of trafficking into, out of, and within their countries;
 - b) the successes or difficulties experienced in promoting interagency co-operation, co-operation between local and national authorities and cooperation with non-governmental organizations;
 - c) the treatment and services provided to trafficking victims;
 - d) the disposition of trafficking cases in the criminal justice system; and
 - e) the effects of governmental legal and administrative measures on the victims of trafficking, as defined in this resolution, and on the reduction of trafficking;
- 7) Trafficking victims must be guaranteed:
 - a) freedom from persecution or harassment by those in positions of authority;
 - b) adequate, confidential and affordable medical and psychological care by the State or, if no adequate State agency exists, by a private agency funded by the State;
 - c) strictly confidential HIV testing service must be provided only if requested by the person concerned. Additionally, any and all HIV testing must be accompanied by appropriate pre and post-test counselling. The Standard provided in the United Nations Centre for Human Rights and World Health Organisation Report of an International Consultation on AIDS and Human Rights, (Geneva, July 1989) must be adopted;
 - d) access to a competent, qualified translator during all proceedings, and provision of all documents and records pursuant to having been a victim of trafficking and/or forced labour or slavery practices;
 - e) free legal assistance;
 - f) legal possibilities of compensation and redress for economic, and physical and psychological damage

- caused to them by trafficking and related offences;
- 8) The personal history, the alleged "character" or the current or previous occupation of the victim must not be used against the victim, nor serve as a reason to disqualify the victim's complaint or to decide not to prosecute the offenders. The offenders must be prohibited from using as a defence the fact that the person is or was at any time, a sex worker or a domestic worker, for example;
 - 9) The victim's history of being trafficked and/or being subjected to forced labour and slavery-like practices must not be a matter of public or private record and must not be used against the victim, her family or friends in any way whatsoever, particularly with regard to the right to freedom of travel, marriage, and search for gainful employment;
 - 10) The State in the territory under whose jurisdiction the trafficking and/or forced labour and slavery-like practices took place must take all necessary steps to ensure that the victim may press criminal charges and/or take civil action for compensation against the perpetrators, if they choose to do so;
 - 11) Governments must:
 - a) implement stays of deportation and an opportunity to apply for permanent residency, witness protection, relocation assistance for trafficking victims;
 - b) implement asset forfeiture from criminal operations that profit from trafficking with funds set aside to provide compensation due to victims of trafficking;
 - 12) In consultation with relevant non-governmental organizations, relevant governmental bodies must:
 - a) develop curricula and conduct training for relevant government authorities, including officials from immigration and consular affairs offices, customs services, border guard and migration services, and representatives of the Ministry of Foreign Affairs, regarding the prevalence and risks of being trafficked, and the rights of victims. The train-

ing for such officials must not result in the creation of "profiles" which prevent women from receiving visas to go abroad;

b) develop awareness and education campaigns regarding trafficking to be conducted through mass media and community education programs;

c) distribute materials describing the potential risks of being trafficked, including:

i) information as to the rights of victims in foreign countries, including legal and civil rights in labour, marriage, and for crime victims; and

ii) the names of support and advocacy organizations in the origin, destination and transit countries.

Appendix 3

Established in 1994 at the International Workshop on Migration and Traffic in Women at the University of Chiang Mai, Thailand, GAATW International (Global Alliance Against Trafficking in Women) is an alliance of more than 200 women's organizations from around the world. GAATW Canada, which was formed two years later, is one of the few organizations in North America which specifically focuses on and addresses the issues of trafficked women, migrant women workers in the sex industry, domestic work, and the marriage market.

While strongly committed to combating the trafficking of women and the various abuses to which trafficked women are often subjected, the aim of GAATW Canada is not to stop the migration of women. Rather it is to safeguard and promote the human rights of a growing number of women who migrate and who are trafficked. Tenets held by GAATW emphasize the following rights of women: the right to paid work; to migrate; to safe, just and equitable working and living conditions; to just compensation; to organize, form unions, and bargain collectively; and to human dignity.

In order to protect and ensure the basic human rights of trafficked per-

sons, GAATW, in conjunction with the Foundation Against Trafficking in Women, and the International Human Rights Law Group, has, as of January 1999, revised its existing Standards of Minimum Rules, outlined in the summary below. The prime objective of this revision process is to set international, regional and national standards for the treatment of victims of trafficking by:

1. developing a model guideline in the form of Standards for the Humanitarian Treatment of Trafficked Persons, which can be used as a lobbying instrument by NGOs at the international, regional and national levels;
2. initiating and coordinating a campaign at the UN level for the setting of standards for the humanitarian treatment of victims of trafficking, seeking to ensure inclusion of the Standards in the UN Commission on Crime Prevention and Criminal Justice Protocol on Trafficking in Persons to the new Organised Crime Convention;
3. providing national level NGOs with a lobbying instrument to be used in advocating or standard setting at the national level.

Standards For The Humanitarian Treatment of Trafficked Persons, January 1999

These Standards aim to protect and promote respect for the human rights of individuals who have been victims of trafficking, including those who been subjected to forced labour and slavery-like practices. In particular, the Standards establish the right of trafficked persons to an effective remedy, protection, humanitarian treatment, and restitution, compensation and rehabilitation.

Under international law, States have a duty to respect and ensure respect for human rights and humanitarian law, including the duty to prevent violations, to investigate violations, to take appropriate action against the violators and to afford remedies and reparation to those who have been injured as a consequence of such violations.

The following is an excerpt from the complete Standards, and further illustrates the ongoing efforts of organizations such as GAATW to best utilize existing laws and policies in their fight against trafficking:

Definitions

States shall review, evaluate and revise their laws, codes and procedures to ensure that they reflect the following definitions:

Trafficking: All acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, harbouring or receipt of a person involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage for the purpose of placing or maintaining such person in a situation of abuse or exploitation, whether for pay or not, such as forced labour in the garment, agricultural, fisheries, begging, sex or other labour sectors, forced domestic, sexual or reproductive services (including forced or servile marriages), forced extraction of body parts, or any other form of public or private forced labour, forced servitude or slavery-like practices.

Commentary: Trafficking can involve an individual or a chain of individuals starting with the recruiter and ending with the last person who buys or receives the victim (such as the owner of the sweatshop) or the person who holds a person in conditions of slavery or subjects the person to slavery-like practices, forced labour or other servitude.

The core elements of the act of trafficking are the presence of deception, coercion or debt bondage and the exploitative or abusive purpose for which the deception, coercion or debt bondage is employed. Typically the deception involves the working conditions or the nature of the work to be done. For example, the victim may have agreed to work in the sex industry but not to be held in slavery-like conditions or to work in a factory but not in a brothel.

The nature of the labour or services provided, including those in the sex industry, are irrelevant to the question

of whether or not the victim's human rights are violated. The focus of the definition is the trafficker's use of deceit, coercion, or debt bondage to force the victim to work in exploitative or abusive situations. These actions deprive the victim of her or his free will and ability to control her or his body, which constitutes serious violation of the fundamental rights of the trafficked person.

The definition reiterates existing international human rights standards prohibiting such acts. The Slavery Convention, article 1(1), defines slavery as: "the status or condition of a person over whom any or all of the power attaching to the right of ownership are exercised." The Supplementary Convention to the Slavery Convention, article 1, calls for the elimination of the slavery-like conditions in which many trafficked persons find themselves. It calls for "the complete abolition or abandonment ... [of] [d]ebt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined," forced marriages, the transfer of a woman "for value received or otherwise", and delivery of a child "to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour." Article 6.2 prohibits the act of "induc[ing] another person to place himself or a person dependent upon him into the servile status resulting from any of the institutions or practices mentioned in article 1 ..."

The International Labour Organization also condemns such slavery-like practices. Article 2 of ILO No. 29 prohibits the use of forced or compulsory labour, defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Also, article 4 holds that "[t]he competent authority shall not impose or permit the imposition of

forced or compulsory labour for the benefit of private individuals, companies or associations."

Trafficked person: A person who is recruited, transported, purchased, sold, transferred, harboured or received as described in "Trafficking" above, including a child, as defined by and consistent with the principles in the Convention on the Rights of the Child, whether the child has consented or not.

Commentary: The definition distinguishes between adults who freely give their fully-formed consent to migrate for work or other services (even if the conditions are known by the adult to be abusive or exploitative compared to the conditions under which other persons (particularly citizens) perform the same type of work) and adults who do not consent at all or whose apparent, implied or express consent is vitiated by the use of deception, coercion or debt bondage. It respects the right of adults to make decisions about their lives, including the decision that such work is preferable to other available options. However, the existence of consent does not excuse the abuser or exploiter from being subjected to the full force of other laws, such as laws of assault, unlawful detention, labour abuses and other criminal, administrative and civil offences. Lastly, the definition recognizes that children need special protection and that "consent" can never be a defence to a charge of trafficking in children.

Trafficker: A person who, or an entity that, intends to commit, is complicitous with, or acquiesces to, any of the acts described in "Trafficking" above.

Commentary: The definition is intended to punish only those persons or entities that have the requisite mental element, including persons and entities that intentionally remain ignorant of the manner in which their acts contribute to the trafficking chain. It excludes persons and entities that unwittingly (and without any reason to suspect the existence of trafficking) become a link in the trafficking chain, such as an innocent taxi driver or hotel owner.

Summary of the Standards

Accordingly, the Standards adopt the [preceding] definition of trafficking and mandate the following State obligations towards trafficked persons:

Non-Discrimination: States shall not discriminate against trafficked persons in substantive or procedural law, policy or practice.

Protective Measures: States shall recognize that trafficked persons are victims of horrific crimes, protect their rights notwithstanding any irregular immigration status, and protect them from reprisal and harm.

Investigation and Prosecution: The police, prosecutors and court shall ensure that traffickers are punished and the rights of the victims to privacy, dignity and safety are safeguarded.

Civil Actions and Reparations: States must ensure that trafficked persons have a legal right to seek reparations from traffickers as well as assistance in bringing such actions, if necessary.

Resident Status: States shall provide trafficked persons with temporary residence visas (including the right to work) during the pendency of any criminal, civil or other legal actions and shall provide trafficked persons with the right to seek asylum and have the risk of retaliation considered in any deportation proceedings.

Health and Other Services: States shall provide trafficked persons with adequate health and other social services during the period of temporary residence.

Repatriation and Reintegration: States shall ensure that trafficked persons are able to return home safely. ■

For the complete Standards for the Humanitarian Treatment of Trafficked Persons, please contact the following:

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Victoria, BC V8T 3M5
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Email: gaatwcan@islandnet.com

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Annotated Guide to Internet Resources on Trafficking in Women

Kelly Mannix and Ayesha Shamim

Abstract

A carefully selected introduction to current research available on the Internet about trafficking in women, this annotated list contains international responses to the global scope of the flesh trade. Articles contain vivid accounts of the violence, degradation and poverty inherent in sexual exploitation, and provide analysis and possible courses of action. Hundreds of websites offering research and promoting activism to combat global prostitution and trafficking already exist and more are being created. Some of the resources are located on "gateway sites," which contain valuable links to related sites.

Précis

Une introduction prudemment sélective des recherches détaillées sur la traite des blanches présentement disponibles sur Internet. Cette liste annotée de sources démontre clairement l'ampleur du rayonnement au plan global du commerce de la chair. Les articles contiennent des descriptions saisissantes de la pauvreté, de la violence et de la dégradation inhérentes à l'exploitation sexuelle, et fournissent des analyses ainsi qu'un aperçu des solutions envisageables. Des centaines de sites présentent des résultats de recherches et font la promotion de l'activisme contre la globalisation de la prostitution, et leur nombre ne cesse de croître. Certaines de ces ressources sont localisées sur des «sites d'entrée» (gateway sites)

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qui contiennent d'utiles liens vers des sites complémentaires.

Adams, Barbara. 1997. "How Long Must We Wait?" *People's Review*.

<http://www.bena.com/nepaltrek/adams/ad70227.html>
[August 14, 1998]

A description of trafficking and sexual exploitation in Nepal, the article also explains in vivid detail the impact of sexual slavery on India and cites statistics charting a frightening increase of trafficking on the Subcontinent. In conclusion, a strong call for action is sounded.

Caldwell, Gillian, Steven Galster, and Nadia Steinzor. 1997. *Crime and Servitude: An Expose of Traffic in Women for Prostitution from the Newly Independent States*. Global Survival Network.

<http://www.globalsurvival.net/femaletrade/9711russia.htm>
[August 5, 1998]

Declaring trafficking a problem which transcends national borders, the report explores various factors which allow global trafficking to thrive, despite current prohibitions. According to Anastasia Posadskaya-Vanderbeck, the Founding Director of the Moscow Centre for Gender Studies, this report represents a "critical first step toward developing co-operative and transnational relationships to address this massive violation of human rights."

Coalition against Trafficking in Women—Asia Pacific. *Sex: from intimacy to "sexual labour" or is it a human right to prostitute?*

<http://www.uri.edu/artsci/wms/hughes/catw/sexhtm>
[September 8, 1998]

A focus on the controversial debate about the "human right to prostitute." The economic side of selling sex is explored, including the claim that the in-

dustry does produce huge profits. Various viewpoints are discussed, including the pro-prostitution stance, which argues for the right to self-determination, the right to work, and the right to freedom of expression.

The Commission on the Status of Women 42nd session, UN Headquarters, 2–13 March 1998.

<http://www.un.org/womenwatch/daw/csw/42sess.htm#official>
[September 20, 1998]

A report on a recent session held to assess areas of concern critical to the Beijing Platform for Action: the Girl-child, Women and Armed Conflict, Violence against Women, and the Human Rights of Women, as well as continued work on an optional Protocol for CEDAW.

Communication of trafficking in women for the purpose of sexual exploitation.

<http://europa.eu.int/en/record/other/womsum.htm#c1>
[September 10, 1998]

An exploration of the increasing trend of trafficking in women in Europe, the article discusses the idea of trafficking for the purpose of sexual exploitation. The discussion addresses the increase in European trafficking, as well as naming countries involved in global trafficking, and pinpointing the prime targets of the industry.

Derks, Annuska. 1997. *Trafficking of Cambodian women and children to Thailand*. International Organization of Migration.

<http://www.iom.int> (click on Publications; go to Books, Surveys, and Studies; click on Trafficking in Migrants and Other Forms of Irregular Migration)
[September 11, 1998]

A study focusing on the recruitment process of Cambodian women and children being trafficked to Thailand, this piece attempts to provide greater insight



into an industry which exists not only for the purpose of prostitution, but also to supply labour for construction, fishing, and domestic work. Other aspects of the trafficking phenomenon are explored, including transportation, employment, arrest, and the possibility of return to Cambodia.

Foundation of Women's Forum/Stiftelsen Kvinnoforum, Stockholm. August 1998. *Trafficking in Women for the Purpose of Sexual Exploitation: Mapping the Situation and Existing Organizations Working in Belarus, Russia, the Baltic and Nordic States.*

<http://www.qweb.kvinnoforum.se/papers/traffickingreport.html>
[September 28, 1998]

This report by the Foundation of Women's Forum is a thorough documentation of research concerning trafficking in women. Having surveyed two hundred NGOs, government institutes, and research agencies in the region, the forum concludes that lack of action to end trafficking is a problem which plagues European alliances. The forum identifies possible strategies to combat trafficking, and reports on current programs, including links to the study's official website (questionnaires are available).

Hughes, Donna M. 1997. "Trafficking and sexual exploitation on the Internet." *Feminista! (Online Journal of Feminist Construction)* 1 no. 8.

<http://www.feminista.com/v1n8/hughes.html>
[August 30, 1998]

The article explores the dangerous avenues for trafficking and sexual exploitation opened up by the Internet, including bride trafficking, sex tours, promotion, exchange of information, and live conferencing. It acts as an illustration of the ways in which new technology can be to promote global trafficking and the sexual exploitation of women.

The International Organization for Migration. 1995. *Trafficking and prostitution: the growing exploitation of migrant women from Central and Eastern Europe.*

Brussels: The International Organization for Migration.

http://www.iom.int/www/iom/publications/books_studies_surveys/mip_traff_women_eng.htm
[September 15, 1998]

An examination of the increase in the number of migrant women being trafficked from Central and Eastern Europe, the article begins with a description of several women's experiences, followed by a discussion of the differences between trafficking from Central and Eastern Europe to trafficking from other developing countries. The study concludes with suggestions for steps to be taken, in order to fight trafficking in Central and Eastern Europe.

The International Organization for Migration. 1996. *Trafficking in women from the Dominican Republic for sexual exploitation.*

<http://www.iom.int> (click on Publications; go to Books, Surveys, and Studies; click on Trafficking in Migrants and Other Forms of Irregular Migration)
[September 10, 1998]

This article explores the growing phenomenon of women migrating for prostitution. A discussion of the problem is undertaken through a presentation of interviews with trafficked women, representatives of a major NGO, social workers, and several government authorities. The causes underlying an increase in trafficking are explored, as are the ways in which women become involved in this industry, the countries commonly "chosen" as destinations, and the consequences faced by women upon a return to their home country. The article concludes with a discussion of several policy recommendations forwarded recently in the Dominican Republic, as part of an effort to fight the wave of migration.

The International Organization for Migration. 1996. *Trafficking in women to Italy for sexual exploitation.*

<http://www.iom.int> (click on Publications; go to Books, Surveys, and Studies; click on Trafficking in Migrants and Other Forms of Irregular Migration)
[September 10, 1998]

A description of trafficking in women to Italy, the article explores various ways in which women are recruited and transported, controlled and exploited. Integral to this discussion is an examination of the role of traffickers.

The International Organization for Migration. 1996. *Trafficking in women to Austria for sexual exploitation. Brussels: International Organization for Migration.*

<http://www.iom.int> (click on Publications; go to Books, Surveys, and Studies; click on Trafficking in Migrants and Other Forms of Irregular Migration)
[September 20, 1998]

An analysis of trafficking in women to Austria, the article explores the socio-economic context of prostitution in this European country. Interviews with prostitutes shed light on the realities of trafficked women, including the ways in which women are contacted in foreign countries and how they come to be involved in prostitution in Austria. Prostitution is discussed within a legal framework, as is the significance of a recently established, ministerial group committed to confronting the problem of trafficking in Austria.

Leidholdt, Dorchen. 1998. *Prostitution: A Contemporary Form of Slavery. UN Working Group on Contemporary Forms of Slavery.*

<http://www.uri.edu/artsci/wms/hughes/catw/slavery.htm>
[September 8, 1998]

Offering a working definition of sexual exploitation, the author establishes prostitution as a form of slavery and makes a clear, significant distinction between "forced" and "voluntary" prostitution. The work of the Coalition is also discussed.

McGirk, Tim. 1997. "Nepal's Lost Daughters: India's Soiled Goods." *Time* 149, no. 4, 27 January 1997.

http://cgi.pathfinder.com/time/magazine/1997/int/970127/asia.nepals_lost.html
[September 20, 1998]

A discussion of trafficking in the Indian subcontinent, this article describes the difficult reality faced by young Nepa-

lese village girls sold into prostitution in India. Upon contracting the AIDS virus or the "Bombay disease," many girls return home to die, and find themselves ostracized by the people of their villages. The plight of such girls is detailed, in the hopes of illustrating what the Nepalese law is lacking, as well as highlighting necessary changes.

Menon, Meena. 1997. "Victims of the Dark." *The Hindu Online*, 29 September 1997.

<http://decaf.javanet.com/nepal/victims-dark.html>
[August 31, 1998]

Describing the conditions in which the prostitutes of Bombay live, the author discusses the sexual exploitation and trafficking rampant in this Indian city. Included is a brief summary of the strategies being employed at present to fight trafficking. Throughout the article, the author reinforces her belief in a long-term rehabilitation strategy.

Nimalka, Fernando. 1998. *Trafficking in Asia—an overview*.

http://www.imadr.org/eng/forum.html#top_doc
[September 9, 1998]

In this overview of trafficking in women in Asia, the author describes the conditions which allow the trafficking industry to flourish. A discussion of the very concept of "trafficking" is included, as is an excerpt from the Platform of Action in the Beijing Declaration.

Specter, Michael. 1998. "Trafficker's New Cargo: Naive Slavic Women." *New York Times*, Sunday, 11 January 1998.

<http://www.brama.com/issues/nytart.html>

[September 10, 1998]

Offering a description of the global trafficking of poor Slavic women, the article explores reasons for the growth in trafficking in this part of the world. The argument is made that the Ukraine and its Slavic neighbours have replaced Thailand and the Philippines as centres of global trafficking.

Yayori, Matsui. 1998. *Eliminating Trafficking in Asian Women*.

<http://www.alternatives.com/crime/ASIAWOM.html>

[September 10, 1998]

A discussion of changes in the trafficking of women which have occurred in

Japan during the last decade, including the transition from foreign "sex tours" frequented by Japanese men to an influx of Asian women into the domestic sex industry. Illustrating the plight of various women trafficked to Japan, the author also explores the underlying reasons for an increase in trafficking of women in Asia by examining other countries, including Thailand and the Philippines. In conclusion, the author discusses the emergence of relief organizations created to tackle the problem in Japan.

Youngyik, Yoon. 1998. *International Sexual Slavery*.

<http://www.alternatives.com/crime/part7.html>

[September 10, 1998]

A focus on the international aspects of trafficking in women, the article discusses various methods employed to recruit women for prostitution and the possible reasons for favouring foreign women. The domestic laws of such countries as China, Brazil and the United States, which prohibit trafficking and prostitution, are explored, as are international prohibitions. ■

Breaking Ground:

The 1956 Hungarian Immigration to Canada

Edited by Robert H. Keyserlingk

Toronto: York Lanes Press, 1993; ISBN 1-55014-232-1; 117 pages, \$6.99

This book is a collection of personal and archival-based memories on the selection, transport and settlement of about 40,000 Hungarian refugees in Canada in one year. It is a source of primary record as well as scholarly reflection on one of the most significant refugee movements to Canada after World War II—the 1956 Hungarian refugee movement.

Based on papers that were presented at a 1990 conference, the authors touch on the unique political, administrative and settlement features of this movement. The resulting work, edited by Professor Keyserlingk, is a unique mix of personal reminiscences and academic scholarship.

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