

# Reflections on initiatives to address human trafficking

by Bandana Pattanaik

*Many organisations, politicians and celebrities have joined the fight against human trafficking but have they stopped to consider the causes of the phenomenon and the human rights of those affected by it and/or by ill-judged actions to suppress it?*

For many, including authors of some of the articles which follow in this issue of FMR, anti-trafficking activities should prioritise strengthening the criminal justice response and enabling those affected to testify against those who have exploited them. Some in the anti-trafficking community focus only on trafficking for purposes of sexual exploitation and naively believe that criminalisation of prostitution would end trafficking. Those who focus on repatriation of trafficked persons or who 'rescue' them from brothels or other workplaces often fail to ask 'victims' whether they want to be stopped from working and sent home - or would prefer to remain if they could find legal, paid employment.

It has recently become fashionable for researchers and activists to address the 'demand' side of trafficking. However, once again, a conflation between 'demand for paid sex' and 'demand for the labour/services of a trafficked person' is seen in many of these studies. If it is not clearly conceptualised, 'demand' can be an extremely problematic term. The pioneering work of Bridget Anderson and Julia O'Connell-Davidson, and the recent work of the International

Labour Organisation on demand, are valuable resources for anyone conducting research or developing programmes on demand.<sup>1</sup>

Current international law on trafficking in human beings is shaped by the UN Convention against Transnational Organized Crime and a supplementary Protocol (the Palermo Protocol) to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.<sup>2</sup> The protocol was adopted by a resolution of the UN General Assembly in November 2000 and came into force in December 2003. It has now been ratified by 97 states. Many major nations - including the US and UK - have only recently ratified the Palermo Protocol. India, Germany, Japan, Indonesia and France are among the major states which have signed, but not ratified. China and Pakistan have done neither.<sup>3</sup>

The UN Convention on the Rights of the Child (CRC)<sup>4</sup> - which is almost universally ratified though not by the US - provides the main reference for the situation of trafficked children. The CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography<sup>5</sup> draws attention to these serious violations of chil-

dren's rights and emphasises the importance of fostering increased public awareness and international cooperation in efforts to combat them.

For many of us who have worked on human trafficking for several years this is a critical time. We have talked a lot about what we are against; perhaps it is time to state clearly what we are for. Migration is a reality of today's world but it is still unsafe for many people. Paid work is a necessity for everyone and yet many people do not receive fair wages for their work or, even worse, are exploited at their workplaces. Even if we had an ultra-efficient identification system to determine who is trafficked, they would constitute a much smaller number than the migrant workers who also need protection. So if we envision a world where all migrating people can work in fair and safe workplaces, then we must shift our focus to migration and labour and address the crime of trafficking within that context.

In the last two years important initiatives have come from the international community and civil society to understand migration and labour from a human rights perspective.<sup>6</sup> Migrant rights groups are better organised now and even workers in informal economies are forming collectives. Traditional trade unions are willing to take up the issue of undocumented workers. These are positive signs which must be built on.

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1. Anderson, B and O'Connell-Davidson, J, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, International Organiza-

tion for Migration, [www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs\\_15\\_2003.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs_15_2003.pdf)  
 2. [www.ohchr.org/english/law/protocoltraff.htm](http://www.ohchr.org/english/law/protocoltraff.htm)  
 3. [www.unodc.org/unodc/en/crime\\_cicp\\_signatures\\_trafficking.html](http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html)  
 4. [www.unicef.org/crc](http://www.unicef.org/crc)  
 5. [www.ohchr.org/english/law/crc-sale.htm](http://www.ohchr.org/english/law/crc-sale.htm)  
 6. *Report of the Global Commission on International Migration*, [www.gcim.org/en/2005](http://www.gcim.org/en/2005);  
*A Global Alliance Against Forced Labour International Labor Organization* [www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=5059](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059)



The Global Alliance Against Traffic on Women (GAATW) is a network of NGOs who share a deep concern for the women, children and men whose human rights have been violated by the criminal practice of trafficking in persons. GAATW is committed to work for changes in the political, economic, social and legal systems and structures which contribute to the persistence of trafficking in persons and other human rights violations in the context of migratory movements for diverse purposes, including security of labour and livelihood. GAATW promotes and defends the rights and safety of all migrants and their families against the threats of an increasingly globalised and informalised labour market.

GAATW's human-rights based approach to addressing trafficking issues entails:

- putting the human rights of trafficked persons and those in vulnerable situations at the centre of all anti-trafficking activities
- acknowledging the equality of all persons to exercise, defend and promote their inherent, universal and indivisible human rights
- non-discrimination on any grounds, including ethnic descent, age, sexual orientation or preference, religion, gender, age, nationality and occupation (including work in the informal sectors such as domestic work and sex work)
- asserting the primacy of

principles of accountability, participation and inclusivity/non-discrimination in working methodologies, and organisational structures and procedures

- encouraging self-representation and organisation of those directly affected by trafficking.

GAATW promotes women migrant workers' rights and believes that ensuring safe migration and protecting rights of migrant workers should be at the core of all anti-trafficking efforts. We advocate for living and working conditions that provide women with more alternatives in their countries of origin, and to develop and disseminate information to women about migration, working conditions and their rights. GAATW supports sharing of knowledge, working experiences and working methodologies amongst its members in order to enhance the effectiveness of collective anti-trafficking activities.

We advocate for the incorporation of human rights standards in all anti-trafficking initiatives, including in the implementation of the Palermo Protocol. GAATW strives to promote and share good practices of anti-trafficking initiatives but also to critique and stop bad practices and challenge anti-trafficking paradigms and programmes which ignore human rights.

GAATW is a Bangkok-based collective. Together with other campaigning organisations, we seek to remind states which have acceded

to or ratified the Palermo Protocol that their responsibilities extend far beyond the identification, apprehension and punishment of those guilty of trafficking in persons. Many have overlooked their legal obligations set out in Articles 6 and 7 to:

- protect the privacy and identity of victims of trafficking in persons
- ensure that legal proceedings relating to trafficking are confidential
- provide victims of trafficking in persons information on relevant court and administrative proceedings and assistance to enable their views and concerns to be presented
- work with NGOs and civil society to provide for the physical, psychological and social recovery of victims of trafficking by provision of appropriate housing, counselling, legal information in a language they can understand, medical, psychological and material assistance employment, educational and training opportunities
- ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

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